

In February of 1965 the President sent to Congress his now famous message on Natural Beauty. In it was included an assignment to me, to take the leadership in devising a clean-up program for the Potomac River. His language was blunt and clear: "Clean up the river and keep it clean, so it can be used for boating, swimming, and fishing."

Eight months later, at a ceremony at the White House, the President elaborated on his clean-up order. In equally blunt and clear terms, he deplored the use of rivers as pipelines for toxic wastes. And then he said: "This sort of carelessness and selfishness simply ought to be stopped; and more, it must be reversed. And we are going to reverse it. We are going to begin right here in Washington with the Potomac River . . . with the signing of the Water Quality Act of 1965 this morning, I pledge you that we are going to reopen the Potomac for swimming in 1975. And within the next 25 years we are going to repeat this effort in lakes and streams and other rivers across this country."

In February of this year, the President announced a reorganization plan to transfer to the Department of the Interior the Federal Water Pollution Control Administration, which was then under the Department of Health, Education, and Welfare. Last May 10 this transfer became effective. It was, as I said at the time, a "red-letter" day in my five and a half years as Secretary. The legislative authority and the administrative structure are now available for an effective attack upon the formidable problems of water pollution at a truly national level.

As a result of the Water Quality Act, we of the Federal establishment find ourselves in a new role. The water quality standards afford us an opportunity to extend our nationwide effort beyond mere correction and into the area of prevention. The battle for better environment thus moves from a rear-guard action to a forward attack. The task is no longer just to clean up yesterday's mess, but to prevent tomorrow's from occurring at all.

The guidelines to the States have been established pursuant to the authority contained in the Act, and the response has been uniformly satisfactory. I have even detected a note of relief that the troublesome task of insuring equitable application of water quality standards is to be shouldered by the Federal government.

These standards will take into consideration several factors. One of particular interest to refiners and petrochemical manufacturers is your competitive position with relation to plants in other regions. In recognition of this problem, the Federal position is a reasonable one. It takes account of the economic feasibility of water quality requirements and sets up hearing procedures by which affected industries may state their cases for modification of proposed standards. We want to have full knowledge beforehand of what the likely effects of our contemplated

actions will be. We do not intend for our enforcement practices to be hasty or ill-advised. We do intend for them to be effective.

In this national water clean-up effort we need—we welcome—your help. Water and oil may not mix, but they certainly have a lot to do with one another. I was amazed to learn recently of the tremendous volumes of water—most of it saline—that oil producers must dispose of in the course of their operations: 24 million barrels of it a day; a million barrels every hour; 3 barrels of water for every barrel of crude oil produced. I was also gratified by the manner in which your industry, working with State conservation authorities, is dealing with the problem: the protection of fresh groundwater strata by drilling, casing, completion and abandonment procedures which insure that no brines or other contaminants are allowed to leak into fresh water aquifers; the reinjection of saline water into oil reservoirs to stimulate recovery—a double dividend for conservation; and the steady reduction of the amount of salt water being disposed of in surface pits. The oil industry's record of brine disposal is one of encouraging progress. But in 1963, over 2½ million barrels a day of salt water was still going into unlined pits and another million was going into streams and rivers. You still have a way to go, but your willingness and ability to progress in this area have been demonstrated, and you need only to press to a conclusion the excellent programs you now have under way.

Oil processing operations also use huge amounts of water, with the possibility that the water returned to the streamflow may be contaminated by oil droplets, or by chemical wastes, even though in minuscule concentrations. The oil industry has done much in the past to reduce the frequency and extent of such occurrences, and the very large sums of money the refining segment has spent, and is spending, for the abatement of air and water pollution is a testament to the importance you attach to this effort. The cooperation of the refiners in the Chicago area in working with Federal, State and local officials in the effort to save Lake Michigan is another example of responsible civic action. Your initiative is appreciated. Your continued active support of and participation in pollution abatement actions is solicited.

Nobody expects the clean-up program to be cheap. Last year the people of New York State voted four to one for a billion dollar bond issue to clean up their rivers. And many more billions must be paid by other citizens in other parts of the country before we can begin to see the kind of results we are aiming for. What makes the programs appear so costly to us now is the fact that for a hundred years we have been skimping on the essential and legitimate costs of our material abundance. We have not been paying full fare. We have failed to face up to the fact that the cost of clean-up, the cost

of restoring the landscape for other uses, the cost of properly disposing of waste on a current basis, are all properly chargeable items in the price we should have been paying for our goods and services for many years gone by.

From now on we shall not only have to pay the current costs of these items, but we shall have to amortize the deferred charges of the past several decades as well. It is quite a load. But there is no reason for the most prosperous nation in the world to give off the look and smell of the shabbiest. We can surely create an environment worthy of our wealth, our talents, and our technical skill. We can have again the clean air, the clear streams, the sparkling lakes, the white unblemished beaches that have been so largely lost to us through generations of shortsightedness and neglect.

We meet on the common ground of concern for our environment. From each of our sectors of society must come a sincere effort to improve the quality of that environment. Working together in a spirit of cooperation and understanding, I know we can succeed.

PRESENTED BY THE MEMBERS OF THE NATIONAL PETROLEUM COUNCIL TO JAKE L. HAMON ON THE OCCASION OF ITS 20TH ANNIVERSARY

In grateful appreciation for his outstanding leadership as Chairman of the National Petroleum Council, 1964-1966.

As a charter member of the Council, he has continued to serve this organization for 18 years. He has actively participated in over 20 major study committees of this Council, and has been a member of its Agenda Committee since 1961.

Through his abiding belief in the value of the National Petroleum Council, together with his complete dedication to its purposes, Jake L. Hamon exemplifies the principle that the American oil and gas industries can and should cooperate at all times with the Government of the United States in the interest of this Nation and its people.

Throughout his life Jake L. Hamon has worked diligently to serve the petroleum industry, of which he is a most vibrant part, through positions of utmost responsibility which he has so faithfully fulfilled. Yet he has not confined his energies solely to the oil industry, but has also given of himself unstintingly toward the betterment of his community, state and country.

The Members of the National Petroleum Council, by this Citation, wish to express to their associate, Jake L. Hamon, their deep appreciation for his warm friendship, for his devotion to those sound principles in which he believes, and love of his fellow man. Let it be known, therefore, that we, the Members of the National Petroleum Council, regard Jake Hamon as a good friend, and respect him as a true gentleman, an industry statesman, and a great American.

Presented this 18th day of July, 1966, in the City of Washington in the District of Columbia.

HOUSE OF REPRESENTATIVES

MONDAY, JULY 25, 1966

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Blessed is the nation whose God is the Lord.—Psalm 33: 12.

O God, our Father, who art the creator and the sustainer of all mankind, without whose blessing all our labor is in vain, we pray that our lives may be built not upon the shifting sands of superficial and shallow living but upon the rock of

eternal truth and enduring love—so we come to offer unto Thee once again the devotion of our hearts, the dedication of our minds, and the discipline of our lives. May this moment of devotion at the beginning of this week be the open door to an increasing fellowship with Thee and with one another.

We are mindful of the experiences and the events which bind us together as a nation. By a common devotion to a common cause—the welfare of our beloved land—may we close ranks and by understanding and sympathy and good will bring together our different classes, heal

the rift between races and make us a nation united in spirit, eager to do Thy will and to keep Thy commandments.

We remember with honor and affection those who are giving their lives for our country. May their devotion become our devotion, their dedication our dedication that in an unselfish spirit we may serve our Nation well this day. Amen.

THE JOURNAL

The Journal of the proceedings of Thursday, July 21, 1966, was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Arrington, one of its clerks, announced that the Senate agrees to the amendments of the House to a bill of the Senate of the following title:

S. 2822. An act to amend various provisions of the laws administered by the Farm Credit Administration to improve operations thereunder, and for other purposes.

The message also announced that the Senate had passed a bill of the following title, in which the concurrence of the House is requested:

S. 1681. An act to provide for uniform, fair, and equitable treatment of persons, businesses, or farms displaced by Federal and federally assisted programs.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14324) entitled "An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes."

CIVIL RIGHTS ACT OF 1966

Mr. CELLER. Mr. Speaker, pursuant to the provisions of clause 23, rule XI, I call up House Resolution 910, providing for the consideration of H.R. 14765, which has been pending before the Committee on Rules for more than 21 calendar days, without being reported by the said committee.

The Clerk read the resolution, as follows:

H. RES. 910

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14765), to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed ten hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on the Judiciary now in the bill and such amendment shall be considered under the five-minute rule as an original bill and read by title instead of by section. At the conclusion of such consideration the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any of the amendments adopted in the Committee of the Whole to the bill or the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 174]

Ashley	Green, Oreg.	Morse
Aspinall	Hall	Murray
Baring	Hamilton	O'Konski
Blatnik	Hardy	Olsen, Mont.
Bow	Hébert	Ottinger
Broyhill, Va.	Henderson	Patman
Callaway	Hull	Pepper
Clark	Huot	Pool
Clevenger	Kee	Powell
Curtis	Keogh	Redlin
de la Garza	King, N.Y.	Rees
Dent	King, Utah	Resnick
Dulski	Kluczynski	Roudebush
Edwards, La.	Leggett	Scott
Ellsworth	McCarthy	Sickles
Fino	McDade	Skubitz
Frelinghuysen	McEwen	Smith, N.Y.
Fulton, Pa.	Martin, Mass.	Sweeney
Fulton, Tenn.	Miller	Toil
Gathings	Mills	Trimble
Gilligan	Morrison	Wilson, Bob

The SPEAKER. On this rollcall 367 Members have answered to their names, a quorum.

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

CIVIL RIGHTS ACT OF 1966

The SPEAKER. The gentleman from New York [Mr. CELLER] is recognized for 1 hour.

Mr. CELLER. Mr. Speaker, I regret indeed the necessity to make use of this procedure open to us to bring before this representative body H.R. 14765, to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

In understanding the exigencies of the circumstances which did not lend themselves to the granting of a rule by the Rules Committee, I must perforce take all necessary and proper steps to insure the consideration of this vital and essential legislation, legislation which our President has urgently called for.

I call this legislation essential and vital because Congress is the proving ground, wherein time and time again we assert that this is a government of law.

The rule calls for general debate which shall be confined to the bill and shall continue not to exceed 10 hours, to be equally divided and controlled by the chairman of the Judiciary Committee, myself, and the ranking minority member of the Committee on the Judiciary, the distinguished Member from Ohio [Mr. McCULLOCH]. The bill then shall be read for amendment under the 5-minute rule. It shall be in order to consider the amendment in the nature of a substi-

tute recommended by the Committee on the Judiciary, now in the bill, and such amendment shall be considered under the 5-minute rule as an original bill and read by title instead of by section. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House of any of the amendments adopted in the Committee of the Whole to the bill or the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the the bill and amendments thereto to final passage, without intervening motion except one motion to recommit, with or without instructions.

I ask the adoption of this rule so that we can move along rapidly to the business at hand. That is insuring, through law, the guarantee of constitutional rights to all inhabitants of this mighty and beloved land of ours.

By guaranteeing and insuring equality of opportunity to all people, regardless of race, color, religion, or national origin, we are not, like the lords of the manor, conferring a favor; we are dispensing justice.

We must not permit justice and law to be separated. We cannot afford to allow the disadvantaged and the deprived to seek justice through violence. This is the contradiction which only we, through concerted action of the executive and legislative and judicial branches of the Government, can prevent.

We have acted to insure voting rights, to insure equality of opportunity in employment, to guarantee equality of opportunity to receive an education, equality of opportunity to use public facilities and accommodations, but for a man to achieve his fullest potential, he cannot separate or compartmentalize his opportunities. They are inextricably interwoven. His educational opportunities are dependent upon where he lives. His success in a job depends on his preparation for such a job. Where he works will determine where he can afford to live. And back again we go to where he lives will determine his accessibility to opportunity.

If we talked to a man from outer space, could you hear yourself say that here in the United States a man's life and way of life is determined by the color of his skin?

Mr. Speaker, at this point I would like to give a brief description of the titles of H.R. 14765.

Title I of the proposed act would reform the present Federal jury system to assure that all qualified persons have an opportunity to serve on Federal juries without discrimination on account of race, color, religion, sex, national origin, or economic status. It provides for specific procedures for the selection of prospective and actual jurors to assure that Federal grand and petit juries are composed of a broad cross section of the community.

Title II deals with discrimination in State court juries. It prohibits denial of the right to serve on State grand and petit juries on grounds of race, color, re-

igion, sex, national origin, or economic status and establishes judicial procedures to make this prohibition effective.

Title III of the bill as amended would authorize the Attorney General and private parties to sue for injunctive relief from the denial of or the interference with civil rights. This is the old part 3 that was originally passed by this Congress in 1957 but was rejected by the Senate.

Title IV seeks to end discrimination in residential housing. It prohibits discrimination on grounds of race, color, religion, or national origin by real estate brokers and agents and other persons dealing in the business of building, developing, buying, or selling of residential housing. This title provides for judicial and administrative relief and civil, not criminal, remedies in the event of violation of those prohibitions.

Title V deals with racial violence and would make it a Federal crime to use force or threats of force to interfere with the exercise of specific rights.

Title VI, originally title III of the administration's bill, is designed to remedy certain defects in the provisions of the Civil Rights Act of 1964 authorizing the Attorney General to bring suit against segregated public facilities and public schools. The title eliminates the requirement of a written complaint as a prerequisite to suit by the Attorney General. It also provides for desegregation suits in cases of official or private interference with the constitutional right to equal protection of the laws with respect to public schools and other public facilities.

Title VII of the bill as amended would authorize the Attorney General on petition to waive the requirement of title III of the Civil Rights Act of 1960 that State and local officials retain all voting records for 22 months after any Federal election.

Title VIII authorizes the necessary appropriations for the implementation of the act and contains the customary severability clause.

Finally—and I say this without any flag waving—the purpose of this bill echoes the preamble to the Constitution:

We the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.

Mr. Speaker, I say this reluctantly, and ladies and gentlemen of the House: A vote against this resolution will be tantamount to a vote against the civil rights bill.

Mr. Speaker, a bill cannot come before this House without the affirmative vote of the members of a committee thereof, and let that sink in to those who have any idea of voting against this rule.

If you are opposed, try as hard as you will, the guilt of obstruction will not wash out the defeat of this resolution, defeat will do irreparable harm, and will encourage violence by various Negro groups and organizations—something which you abhor and which I abhor and

of which we are seeing entirely too much in our cities lately.

Mr. Speaker, the trouble in the ghetto areas is in part in response to a revolutionary spirit.

That revolution is following a pattern, and that pattern existed in connection with the industrial workers of this Nation. It was not unlike the revolution of the farmers of this country. They likewise rebelled and they fought off the chains that bound them, and there was violence on the farms.

Mr. Speaker, it is not unlike the fight for the vote for women in the last century, that was a revolutionary mission. The vote had been withheld from the women for centuries, and they fought. You recall the terms of force which was used. Women threw themselves across the path of traffic, not only in this country, but in England, and there was violence—much violence—on the part of these ladies.

Mr. Speaker, I did not then, you do not now, condone violence, and I am sure you did not, and I do not condone it now, but I am just giving you some of the history of this country where we have had these waves of revolution. We are having them now.

And, Mr. Speaker, just because we pass something here in Washington may not completely satisfy the militant voices. But what we do in Washington is quite different from what has happened in the localities where we have had this violence, where Washington has no control of the local police force or the local conditions that exist. These eruptions are most unfortunate, and it is hoped that temperate voices will prevail.

However, if we do not pass this bill or we vote against this rule, we would be encouraging those militant voices.

I hope this resolution will pass with a thumping majority.

The SPEAKER pro tempore (Mr. Boggs). The gentleman from New York has consumed 15 minutes.

Mr. CELLER. Mr. Speaker, I yield to the gentleman from California [Mr. SMITH] 5 minutes for the purpose of debate only.

Mr. SMITH of California. Mr. Speaker, I do not wish to appear to be a sore-head because I do not think I am a sore-head, but in all truthfulness, Mr. Speaker, as far as I am concerned I do not think the Committee on Rules was treated fairly in connection with the resolution before us today.

The distinguished gentleman from New York has stated he regrets the necessity of bringing it up in this manner. Very frankly, I do not think there is any necessity of bringing it up in this manner.

Let me give you a little history on how this actually worked.

Let us take the last civil rights bill. The rule was granted on that on July 1, 1965, by a vote of 11 to 4 after hearings in the Committee on Rules. I voted for that rule and I voted against the bill. I intend to vote against the bill today or when the final vote comes. But I would in all honesty and sincerity support a rule on this bill out of the Committee on Rules because this is an important sub-

ject and the House should have an opportunity to work its will.

We also reported out the common situs picketing bill some time ago. It is on the calendar. It has not been scheduled yet. After considerable hearings back and forth last week and the week before on the poverty bill, we ended up last Tuesday changing the rule again and it was supposed to be heard Wednesday but it was taken off the schedule.

Let me tell you what happened on this particular bill. The Committee on the Judiciary held extensive hearings. We were going to take a recess starting on Thursday, June 30. We completed our business the night before so we did not have any business for consideration on June 30. Many of the members went home. But on that day the House met and was in session for 1 hour and 6 minutes at which time H.R. 14765 was introduced on June 30, 1966, the first time anybody had had a chance to see it. At the same time during that 1 hour and 6 minutes, the report accompanying the bill or a partial report at least was introduced on that date, June 30, 1966.

At the same time during the same hour and 6 minutes, House Resolution 910, dated June 30, 1966, which we are considering now, calling for debate taking away the situation from the Committee on Rules, was filed.

Now just what happened? On the same day, June 30, around 4 o'clock, the Committee on Rules received a telephone call that the documents would be over shortly with a request for a hearing. They were received about 4:30 o'clock of the same day, June 30. We started an 11-day vacation on adjournment June 30. We came back on Monday, July 11. The final report covering 18 members of additional and minority views under unanimous consent to file, was not filed until July 14. So there would not have been any possibility of the Committee on Rules to have had the necessary information for hearings until after July 14. We always wait at least 1 day for hearings so we have a chance to read the report.

We could not have even started on this matter until July 15 which was just a matter of a little over a week ago.

Let me read rule 732 which is the 21-day rule. It says:

If the Committee on Rules shall adversely report, or fail to report within twenty-one calendar days after reference—

And so forth. I submit to the Members of the House that we never had a chance to hear this bill in the Committee on Rules. And in fact 21 days has not now expired during which time we adversely reported or failed to report.

I wish to say from my side of the aisle that if a request sincerely had been made to hold hearings in the Committee on Rules, we would have held hearings and I think we would have brought the bill to the floor of the House in ample time for it to be duly considered. To rush it through under this so-called necessity, in my opinion, is not correct and I do not think to rush this week in the passage of this legislation—if it is passed—will hurry it up

1 minute in the Senate so far as the passage is concerned.

As I say, Mr. Speaker, I do not want to be a sorehead but I do think that in a situation like this before they jump all over us in the Committee on Rules, I think we ought to have at least had a chance to hear the bill and been given the opportunity to report a rule, without climbing all over us even before we received information upon which we could have actually sat down and held fair hearings.

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

Mr. SMITH of California. I yield to the gentleman from Indiana.

Mr. HALLECK. I think I have demonstrated here in my time a thoroughgoing and sincere effort in behalf of civil rights legislation. I well recall that in 1964 there was a great deal of debate as to what the Rules Committee would do. There was a definite intent, apparently, to create the impression that the five Republican members of the Rules Committee would not vote to report the rule. I was put to the necessity of announcing that they would vote for it, and the rules have been granted. It would have been granted on this bill.

It seems to me that this is an unjustified abuse of the 21-day rule that was not necessary at all. It would have been much better to have had the matter considered by the Rules Committee and reported in the proper way, as the Rules Committee has reported these bills time and again.

I for one resent the statement that all at once, because of this situation, we are to be put on the blacklist in respect to civil rights. I do not believe that should or will follow.

Mr. SMITH of California. Mr. Speaker, I intend to vote against the resolution for the reasons stated. I would not have voted against the rule if it had been brought out of the committee.

Mr. CELLER. Mr. Speaker, I yield, for the purpose of debate, to the gentleman from Virginia [Mr. POFF], 3 minutes.

Mr. POFF. Mr. Speaker, I did not ask for the time and shall not use the 3 minutes. However, I do think it might be appropriate at this time to underscore the points just made by the gentleman from California. The reason this is an unhappy occurrence is not because of some particular fetish about the propriety of adherence to the rules. The reason is that at least two major parts of this bill have never—and I repeat, never—been exposed to public hearings. I have particular reference to title III and to the Fair Housing Board provision under title IV. Had the matter proceeded as all who had anything to do with the amendment to the rules intended that it should proceed, these two sections of the bill would have had an opportunity for some degree of public hearing before the Rules Committee. That is why I say it is unfortunate, and I suggest that it will be a precedent which will haunt this House in years to come.

I yield back the balance of my time.

The SPEAKER pro tempore. The gentleman from Virginia has yielded back 1 minute.

Mr. CELLER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. SISK] for the purposes of debate.

Mr. SISK. Mr. Speaker, I take the floor to announce that I expect to vote against this rule. I think my colleague from California [Mr. SMITH] has very clearly outlined the procedure with which we are faced. I was one of those who voted for the 21-day rule when it was adopted. This action, to me, is a complete misuse and abuse of what the intent of Congress was when we voted and passed the 21-day rule.

That rule was passed for the purpose of handling an obstreperous committee, a committee that arbitrarily refused to hear or consider legislation. I think, as I have said, my colleague from California has very clearly outlined the situation. He has stated the procedure whereby this bill was introduced and a resolution under the 21-day procedure was filed. At no time did anyone ever even mention to me—and I have conferred with members of the Rules Committee and they have told me the same thing—that there was no request made even for consideration or for time to sit to consider this matter before the committee.

As my colleague further indicated, the reports were not filed—the final reports certainly—until the 14th of July. So I simply want to say that if this is the type and kind of use that is to be made of the 21-day rule, then certainly, in my opinion, the next step should be the total elimination of the Committee on Rules.

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

Mr. SISK. I am glad to yield to the gentleman from Oklahoma.

Mr. EDMONDSON. I want to say to my friend from California that I will be voting with him against this resolution, not because I oppose civil rights legislation—I have voted for every civil rights bill that has come to the floor of the House since I have been in the House—but I believe the situation regarding title IV is such that this House will act wisely if it returns this bill to the committee. The committee can then straighten out the ambiguities and uncertainties that exist with regard to this title or take it out entirely before the House votes on the measure.

Mr. SISK. Mr. Speaker, in conclusion, I too have supported every civil rights bill that has been brought before this House. I voted for the rules on the last few civil rights bills that came up. The question arose, as illustrated by the gentleman from California [Mr. SMITH], when a request was made in 1964 for the last civil rights bill. It came before the Rules Committee, and the members of the committee, by a substantial vote, granted the rule after due consideration.

All I am saying today is, if we have rules of the House and if we have procedures, then I believe we should follow those procedures. I hope this resolution will be defeated.

Mr. CELLER. Mr. Speaker, I yield to the distinguished gentleman from Vir-

ginia, Judge SMITH, 5 minutes for the purpose of debate.

Mr. SMITH of Virginia. Mr. Speaker, I concur with everything that has been said about the irregularity in the way this matter is brought before the House today. We received the formal letter that usually comes to us, but we never proceed until we get some further communication from the chairman of the committee that he does want a hearing and an indication as to when he wants it. Evidently it was intended to bypass the Rules Committee.

Everything we have been told about the circumstances is correct. If we defeat this rule today—as we should defeat it if we believe in the 21-day rule being used for its proper function—I as chairman of the Rules Committee will call a meeting of the Rules Committee to hold a hearing on this bill and perhaps do as we have done in the past, that is straighten out some of the uncertainties and irregularities that exist on this. I will call that meeting promptly, and we will hold the hearings and see what we see.

I hope we will defeat this rule, because it is a violation of the spirit and the intent of the 21-day rule.

As to the rule itself, we already have notice from the other side of the Capitol that there will be a filibuster on it. This bill will not be passed by the Congress as such. Why put all the burden of consideration of this bill on the busy Congress and consume a week of time in the futile thing of putting everybody on the spot as to whether they are going to surrender further to the so-called revolution of the Negro race?

I was deeply distressed to hear the speech of my old friend from New York, the chairman of the Judiciary Committee, when he argued with the House that, instead of standing up and voting for what we believe in and doing what our oath of office requires us to do, we tremble in our seats and yield to the fear of the Negro revolution.

If that is the kind of spirit that has come to this country and we are going to operate in the Congress on the theory of fear, on the theory of violence, on the theory of mobs, and so forth, then this is not the place to which I was first elected.

I was distressed to hear all this talk about operating not on the righteousness of causes, but operating on the fear of this revolution that has been encouraged from high places, until it has reached the point that unless somebody shows some courage in this Congress and elsewhere, we are going to have a situation where we operate under the threat of political reprisals and revolutionary emotions.

I was distressed when I saw the President address a joint session of this Congress and I heard him adopt the war cry of a Negro revolution—"We shall overcome; we shall overcome"—repeated time and time again, when we were about to consider a civil rights law.

And I was deeply distressed to see members of the Supreme Court sitting on those front seats, hearing discussed and advocated a piece of legislation the constitutionality of which they would

soon be called upon to pass upon, applauding—applauding the revolutionary call that “we shall overcome.”

I was distressed a few days ago to see in the press, and not refuted, the statement by the Vice President of the United States that if he lived in a tenement, in the ghettos of the cities, on the second floor, he would have the spirit to “lead a revolt.”

What are we going to have next?

My friends, the political fates have decreed that when this Congress adjourns I will leave you. I have few personal regrets about that, but I do hate to leave you with the spirit that seems to prevail and about which you are exhorted daily—“Do this or the Communists will get mad at you. Send millions of dollars to other countries or somebody is going to get mad at you. Give away your substance. Forget the American people's needs and wants and the great tax burden that is upon them and give to this and give to that and give to the other.” Out of fear; a tribute, if you please, to other areas of the world in order to placate them, in order to try to purchase their friendship.

Now we come here with mobs in the streets, with further mob violence threatened, and no word is spoken of courage to defend the American way of Government.

Mr. CELLER. Mr. Speaker, I yield, for the purpose of debate, 5 minutes to the gentleman from Ohio [Mr. LATTI].

Mr. LATTI. My colleagues, it is always extremely difficult for any one to follow the gentleman from Virginia, especially after he has given one of his eloquent statements. It goes without saying that every Member of this House who has had the pleasure of serving with the gentleman from Virginia will miss him when he completes his congressional service this year. All succeeding Congresses will miss him and his talents. His memory will always be with us, however, as this great man has written a legislative record in this Congress which will be unmatched in our time. The Nation and his district are in his debt for the 38 years he has so ably served in this Congress.

I come to you as a member of the Committee on Rules and a person who has voted for every single civil rights bill since he has been in the Congress. However, I come to you today as a person asking you to vote against this rule, as I think that it is not only affront to the Committee on Rules but to the rules of this House and to the individuals who supported the enlargement of the Committee on Rules as well.

A couple of years ago, when this question of enlargement of the Rules Committee was before the House, it was maintained by the proponents that we needed to enlarge the committee so that the House could get legislation from the Committee on Rules; that the leadership needed the change in the rules so that it could get the legislation it wanted from the Committee on Rules; and so that the executive branch could get its legislation passed. Since I have been a

member of the Committee on Rules, the leadership of this House has been getting the legislation it wanted from the Committee on Rules. No one can deny this fact. Now let me cite just a couple of examples where this House needed the Committee on Rules so that it could properly act on two important pieces of legislation this session. I call your attention to the Sales Participation Act, an all-important piece of legislation to this administration. This legislation came before the Committee on Rules without proper consideration and hearings. It then became the duty of the Committee on Rules to delve into the intricacies of this piece of legislation. The Committee on Rules performs its duty to the House and to the American people. As a result of the Committee on Rules hearings, proper amendments were eventually proposed by the committee itself and adopted by this House. I hate to think what type of legislation this Congress would have passed if we had not had these extensive hearings before the Committee on Rules.

Second, I have reference to the poverty bill. Insufficient hearings were held before the Committee on Education and Labor on this bill and this was admitted before the Committee on Rules by proponents and opponents alike. Our committee followed with extensive hearings and opened up a lot of doors and windows, if you please, to the people of this Nation so that they could peer into this important piece of legislation to see what was on the inside.

Now let us come down to the piece of legislation which is now before the House under the 21-day rule. I am told by members of the Committee on the Judiciary that after certain language was agreed upon concerning the Housing section, not one single day of open hearings were held. Get that. Not one single day of open hearings were held on this important section after the language was agreed upon. As a consequence, after it was reported out, even the proponents of this legislation disagreed on who was covered by it. I ask my colleagues, Is this the way to bring legislation before the Congress of the United States? Even the Attorney General of the United States went over to the other body and testified that the language that was agreed upon in committee did not exclude the persons that the committee thought it was excluding. Certainly the Congress should know what it is doing on this subject. The American people should know, since they are all affected. We have a way of finding out what is in this bill and a way of letting the American people know what is actually in the bill and what it does to them and their rights. This bill can be heard before the Rules Committee in open session. Certainly the American people are entitled to such a hearing as their property rights are involved. The Committee on Rules then can delve into these amendments, call expert witnesses, and give the American people an opportunity to learn what is in this bill before it passes. I think that we owe them no less

than that. For that reason I shall vote against the rule.

Mr. CELLER. Mr. Speaker, I yield 5 minutes to the gentleman from Indiana [Mr. MADDEN], for the purpose of debate only.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks and include extraneous matter.

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

There was no objection.

Mr. MADDEN. Mr. Speaker, the pending civil rights legislation, H.R. 14765, comes to the floor of the House under the extraordinary proceedings of the 21-day rule. This bill provides for further Federal protection against unlawful discrimination toward groups of our citizens who have suffered discrimination and lack of protection under the citizenship rights guaranteed by the Constitution of the United States.

This Congress has in the past several sessions enacted a number of civil rights bills which have been effective and have aided millions in minority groups to make remarkable progress in the enjoyment of a number of citizenship rights which have been denied for generations. These prejudices on account of color, race, religion, or nationality existed in some localities more than other areas of our Nation.

During the last quarter of a century we have made more progress toward eliminating and outlawing injustices and denial of legal rights to portions of our citizenry than has been accomplished during the last 200 years. I firmly believe that the leadership in the civil rights problem and those of us who have been active in the battle for civil rights over the years, fully realize that injustices which have been permitted and allowed to exist against minority groups cannot disappear and be completely outlawed in the matter of a few years. The unjust practices, bigotry, and racial hatreds that have existed among certain segments of our population for generations cannot be changed by law overnight. All of our older citizens who have been familiar with conditions of segregation and prejudice will unanimously admit that progress through education and Federal legislation during the last quarter of a century has been phenomenal. Sensible leaders on both sides of the legislative process in civil rights are to be commended on the remarkable progress and change that has taken place on all angles pertaining to equality in citizenship to all citizens beginning with the Supreme Court decision of 1954 and followed by four major civil rights bills during the last 10 years.

The legislation which we are now considering has been the result of many days and weeks of work in hearing testimony by the House Judiciary Committee from many organizations, public officials, and other witnesses, with the hope that the provisions set out in this bill will be a great advancement and progress toward our ultimate goal of complete civil rights and protection of all citizens. This bill will foreclose against discrimination

caused by ignorant prejudices and, if enacted, will be a great step toward reaching the ultimate goal of full citizenship for all American citizens.

This pending legislation will aid in outlawing segregation in public education, public facilities, schools, and will eliminate defects in the present Federal and State jury selection system. If enacted, it will also provide just relief against discriminatory housing practices and prescribe penalties for acts of violence or intimidation against legitimate law-abiding and conscientious persons who are devoting their time toward establishing civil rights practices among all our citizens in various communities throughout the Nation.

This legislation has some excellent provisions, clarifications and protections that possibly should have been provided in previous civil rights bills. In a complicated program as nationwide and complex as civil rights legislation, new problems arise and improvements can always be made in the legislation and practical application on problems of this magnitude.

In my district we have been practicing civil rights for over 30 years. We have a large population of all nationalities, races, and religion. Our schools, public facilities, and residential areas are not segregated. We have not had any racial riots or disturbances. One of our large cities has over 60 percent Negro population. We have made great civil rights progress in the last 25 years.

Mr. Speaker, I do object to the statement which the gentleman of Virginia [Mr. SMITH] made that we are voting in fear.

We are not voting in fear of anything today when we are voting for constitutional recognition of all our American citizens. If this rule is enacted we will be voting to give all our citizens civil rights which our Government guarantees all American citizens.

This bill, H.R. 14765, calls for a debate not to exceed 10 hours and to be equally divided between the majority and the minority leadership. The Judiciary Committee has made some changes in the original concept of the bill, especially on section 4, known as the housing provision, in order to get the legislation reported out of committee and for consideration on the floor of the House. I am informed that the Attorney General advises that this change will aid enforcement and eliminate numerous lawsuits from individual and small house ownership units.

I do hope that in the 2 or 3 days of debate and consideration of this legislation no major amendments will be offered that will weaken its major provisions and necessitate further legislation on this great national problem at some future session of Congress.

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

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

There was no objection.

Mr. ALBERT. Mr. Speaker, with reference to the method by which this bill

has been called up, I think that a few observations are in order.

No one denies that the rule under which we are proceeding is provided for by the rules of the House. We are proceeding under a rule which the membership of this House made in order by a majority vote. Now, of course, the normal procedure in legislation is by a rule granted by the Committee on Rules. I think, however, that a review of the situation in the present case would indicate that the chairman of the Committee on the Judiciary has been justified in the action which he has taken. The chairman of the Committee on the Judiciary on June 30 wrote a letter to the Committee on Rules requesting a hearing and a rule on this legislation.

Since then I have been advised by the distinguished chairman of the Committee on the Judiciary that he has had no response either orally or in writing to his request.

No one, Mr. Speaker, respects and loves the distinguished chairman of the Committee on Rules more than I. He is a great Member of the House. He is a great American. But the gentleman from Virginia has not generally been very anxious in my time to conduct hearings on rules making in order civil rights bills.

This procedure is orderly procedure. It brings to the House today in good order a bill that we must pass soon if it is to be passed at all in this session of the Congress.

I urge the adoption of the rule.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. McCULLOCH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. McCULLOCH. What is the total amount of time remaining for debate on the question before the House?

The SPEAKER. The gentleman from New York has 16 minutes remaining.

Mr. McCULLOCH. Mr. Speaker, if I might make a further inquiry, was not my understanding correct that 30 minutes would be yielded to the minority of the House on this resolution, and as of this time we have used only 13 minutes on this side of the aisle? Is that understanding not correct, Mr. Speaker?

Mr. CELLER. That is correct. I have been trying to allot the time equally and I will continue to do so. Practically all the rest of the time will be allotted to the gentleman from Ohio.

Mr. McCULLOCH. Mr. Speaker, I again inquire, what is the total number of minutes available on this resolution for debate?

The SPEAKER. As previously stated, there are 16 minutes remaining.

Mr. McCULLOCH. Mr. Speaker, in view of the fact that the commitment has been made to the minority—

The SPEAKER. The Chair will state that time is now running.

Mr. McCULLOCH. Mr. Speaker, this is a parliamentary inquiry.

The SPEAKER. The Chair will state that while it is a parliamentary inquiry, the time necessary for the inquiry comes out of the time of the gentleman from

New York. Does the gentleman from New York yield further for a parliamentary inquiry?

Mr. CELLER. I yield 3 minutes to the gentleman from Illinois [Mr. ANDERSON] for the purpose of debate.

Mr. ANDERSON of Illinois. Mr. Speaker, in his opening remarks the distinguished chairman of the Judiciary Committee referred to certain unspecified or undefined exigencies that prevented or foreclosed consideration of this bill under normal procedures. I should like to make it abundantly clear that, as a member of the minority, I have no responsibility for any of those exigencies, whatever they may be.

I see on the floor the gentleman from Virginia [Mr. SMITH], the chairman of the committee, and he can contradict me at this point if I am wrong. But I have a very strong feeling, after listening to his remarks, that should this resolution be defeated here today, he would not object to the holding—and the prompt holding—of hearings on this very important bill.

Mr. SMITH of Virginia. Mr. Speaker, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Virginia.

Mr. SMITH of Virginia. I made a definite statement that if this resolution is defeated, I will immediately call a meeting of the Rules Committee for consideration of the proper rule.

Mr. ANDERSON of Illinois. I thank the gentleman from Virginia for making that statement. I think it adds to the case we have already made against trying to, in effect, short-circuit the legislative process by using the 21-day rule in this particular case. We are not merely concerned with the prestige of the Rules Committee. There is nothing sacrosanct about that committee or any of its members. I think that the Rules Committee ought to be not a bottleneck but it ought to be a channel through which we can, in an orderly manner, see the flow and the processing of legislation before it comes to the floor of this House.

My dissatisfaction with the procedure of bringing the bill to the floor of the House in this way stems entirely from the fact that the bill is today coming to the floor under a vast cloud of misunderstanding as to what it would really do and what it provides. Some Members think that under title IV an individual homeowner and the broker or the real estate agent that he may engage is exempt from the provisions. We have, on the other hand, the word of the chief law-enforcement officer of the United States, the Attorney General, spoken before a committee of the other body, to the effect that this is not so, that only the individual homeowner is exempted, and if he engages a broker or salesman, he would still not be exempt from the fair housing provisions of title IV of this bill.

I would suggest that if we should have had an opportunity to conduct hearings in a decent and orderly fashion on this bill, under the questioning of Members of the Rules Committee it could have been brought out and made clear just exactly what this bill does or does not do, because we are in—mark you well—a

field here which is fraught with the very gravest constitutional principles.

Should we not, gentlemen, under those circumstances, rather than adopting a short-circuit procedure, rather than jettisoning the normal legislative procedures, that govern our deliberations, make even more clear under those circumstances just exactly what it is we are about to do?

Mr. CELLER. Mr. Speaker, I yield to the gentleman from Michigan, the distinguished minority leader, 10 minutes for the purpose of debate.

Mr. GERALD R. FORD. Mr. Speaker, I strongly believe that the House should disapprove of this resolution. I believe we should vote against this resolution. I believe that because this is a misuse of the 21-day rule. It is a highly irregular manner for the consideration of this important legislation. Third, I do not believe that the Committee on Rules in the 89th Congress deserves this kind of treatment, bearing in mind the record made in 1965 at the time the voting rights legislation was before the committee.

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

Mr. GERALD R. FORD. I yield to the gentleman from Ohio [Mr. AYRES].

Mr. AYRES. Mr. Speaker, speaking as one who voted to expand the Rules Committee, I must say that I cannot support this rule today, because when I voted to expand the Rules Committee I never conceived that such an operation would be going on as is going on here today.

I believe the 21-day rule has a place in the Congress if the Rules Committee does not act, but in this particular case it was not given the opportunity to do so. Anything as important as this, it seems to me, deserves more careful consideration.

Mr. GERALD R. FORD. Mr. Speaker, I thank the gentleman from Ohio.

I think it appropriate for me to say in 1957, in 1960, in 1964, and in 1965, I voted for civil rights legislation.

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

Mr. GERALD R. FORD. I yield to my friend from Oklahoma.

Mr. ALBERT. Mr. Speaker, I appreciate the gentleman yielding. I hate to take the gentleman's time, but the statement of my distinguished and beloved friend from Ohio just is not consistent with the facts. The Committee on Rules has had more than 21 days. It has had 2 weeks since we returned from the July 4 recess.

Mr. GERALD R. FORD. Mr. Speaker, I will say to my friend from Oklahoma, the distinguished majority leader, that I believe I will answer the question that has been raised.

I strongly feel that this resolution before us today is a misuse of that parliamentary procedure. On January 4, 1965, the first day that this body came together following the elections of 1964, the Speaker of the House, in discussing the 21-day rule, said the following in reference to this procedure:

It is a strengthening of the rules of the House in the direction of the individual Member having an opportunity to pass upon legislation that is being reported out of a

standing committee and which has been pending before the Committee on Rules for 21 days or more.

In my judgment, Mr. Speaker, this bill from the Committee on the Judiciary and its report, in effect, have not been pending before the Committee on Rules for 21 days. The crucial word is "pending." Let me explain.

In my hand I have H.R. 14765, which was reported on June 30, along with the 62-page report. This was submitted to the Committee on Rules on that day, and a request was made of the Committee on Rules for a rule.

But it took 15 more days before the additional and minority views of 18 members of the House Committee on the Judiciary—this 53-page report—were made available to the Committee on Rules. In effect, only half of the work of the Committee on the Judiciary was before the Committee on Rules until the 14th or 15th of July.

I believe it is fair to say that this vital material, a 53-page part of the report never got to the Committee on Rules for 14 or 15 days, and under those circumstances how can one argue that this matter was pending before the Committee on Rules for a 21-day period? At the most it was before the Committee on Rules for 5 days.

Therefore, Mr. Speaker, I believe the House ought to vote against this resolution. We should not condone a misuse, or irregular use of the 21-day rule.

May I also say that the Committee on Rules in the 89th Congress has a record that should not be condemned, but it is one that should be approved of, in the consideration of civil rights legislation.

Let me cite the record in 1965, when we had before us the voting rights legislation. On June 1, 1965, the Committee on the Judiciary reported the voting rights bill. On June 2 the distinguished chairman of the Committee on the Judiciary asked for a hearing before the Committee on Rules. Hearings were held on June 24, 29, 30, and July 1. And on July 1 a rule was granted. It came to the floor of the House July 6.

But also, let us look at what happened between the day that the rule was requested by the gentleman from New York [Mr. CELLER] and the date that the rule was granted. In this 30-day period the Committee on Rules approved 14 rules, including rules on military construction, on the debt limit, on the omnibus housing bill, on the poverty bill, on the Department of Housing and Urban Development, on the Cigarette Labeling Act, and on the Coinage Act. I do not believe we can honestly say that the Committee on Rules failed in its responsibility. It acted promptly in granting a rule to the Committee on Judiciary on the voting rights proposal.

I am proud to say that the Republican members acted responsibly in the consideration of and the approval of that rule in 1965, and I am certain that the Republican members of the Committee on Rules in 1966 will also act responsibly on this legislation.

Certainly this legislation, which has 18 minority or additional views, needs to be exposed for public examination. The

hearings conducted by the Committee on Rules can and will result in a better understanding of this crucial and critical legislation.

Let me say I am pleased to hear that the distinguished chairman of the Committee on Rules has promised every Member in this body on both sides of the aisle that if this rule is defeated today—and I hope it will be—immediately, promptly, hearings will be held before the Committee on Rules on this legislation. This means that the Committee on Rules can have before it both the original committee report and the 53-page additional and minority views.

That is the orderly, proper way for us to proceed on this difficult controversial legislation.

Mr. Speaker, I hope and trust that this resolution will be defeated. It is obviously a misuse of the 21-day rule. It is an irregular procedure. Third, I do not believe the Committee on Rules in 1966, bearing in mind the good record it made in 1965, deserves to be bypassed—deserves the abuse, either indirectly or directly, that will result from an approval of this resolution.

Mr. Speaker, I urge as strongly as I can, from one who has consistently supported civil rights legislation, that we vote down this resolution and hold those hearings before the Committee on Rules. In that way all of us will be better informed on the content of legislation that is extremely controversial and vital to all Americans.

The SPEAKER. The Chair will advise the persons in the gallery that they are guests of the House and no manifestations one way or another under the rules of the House can be evidenced by anyone who is a guest of the House.

Mr. CELLER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. CELLER. Mr. Speaker, how much time remains?

The SPEAKER. The gentleman from New York [Mr. CELLER] has 3 minutes remaining.

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. KUPFERMAN] may extend his remarks at this point in the Record.

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

There was no objection.

Mr. KUPFERMAN. Mr. Speaker, on Monday, June 27—CONGRESSIONAL RECORD, page 14278—just several weeks ago, we voted a rule (H. Res. 875) by 222 to 148 to bring up under the 21-day rule (rule XI) a bill "revising postal rates on certain fourth-class mail," although it was pointed out—page 14281—by Mr. DERWINSKI that it involved no great social legislation.

Here we have one of the most important pieces of legislation to come before us this year. Can we do less in bringing it to the floor of this House? I shall vote "aye."

Mr. RYAN. Mr. Speaker, the achievement of equal rights for all our citizens is the major unfinished business before

all of us. Legislation intended to further the goal of equality should not be delayed. House Resolution 910 should be supported, for it is under the circumstances the most expeditious way of bringing before us the Civil Rights Act of 1966.

However, the issue involved in the present resolution is not whether or not we shall ban discrimination in housing. It is not whether or not we shall eliminate discrimination in the selection of juries. It is not whether or not we shall deal at last with crimes of racial violence.

The present resolution deals only with the question of whether we shall consider these issues. It does not deal with the merits of H.R. 14765; rather it allows us to consider that bill, with adequate debate, before the full House. I would urge my colleagues to keep this in mind in considering House Resolution 910.

Mr. Speaker, the fight over the 21-day rule has been a long and noteworthy battle, and the victory we gained last year must not be allowed to fade away. I have fought for the 21-day rule since my election to Congress.

I was fully aware of its adoption by the 81st Congress and of the record it enabled that Congress to make. By use of the 21-day rule, an anti-poll-tax bill was brought to the floor for a successful vote. It forced action on housing and minimum wage bills. In fact, seven of the eight measures brought to the floor by use of the 21-day rule passed the House.

Unfortunately, in the 82d Congress, the 21-day rule was not readopted. Indeed, this House labored at the mercy of the Rules Committee all the way through the 88th Congress. However, at the beginning of the 89th Congress our strong Democratic majority allowed us to reenact it.

I was pleased to see the House use the 21-day rule six times during 1965. On July 26, we tried the bill to repeal section 14(b) of the Taft-Hartley Act from the Rules Committee, which had refused to even hold hearings on the measure. The bill subsequently passed the House. So did the school construction in disaster areas bill, which came to the floor under the 21-day rule a month later. On September 13, as the session drew to a close, the House in its wisdom saw fit to take four bills from the Rules Committee, among them the equal employment opportunities bill.

Mr. Speaker, today we consider use of the 21-day rule for only the second time in 1966. It is appropriate that we should do so with regard to the civil rights bill of 1966, for just as Negroes throughout this land have been the victims of arbitrary and capricious discrimination, so has this House often been the victim of arbitrary and capricious refusals to act upon major legislation on the part of the Rules Committee. And civil rights legislation has been the principal target of this obstructionism.

In 1963 President Kennedy's civil rights program was frustrated by the Rules Committee. Only when it appeared that the rising number of signatures on the discharge petition would bring the bill to the floor in any event, did the Rules Committee finally act in the winter of 1964.

History and experience show that there is good reason to bypass the Rules Committee.

The debate shows that there is still a basic disagreement about the function of the Rules Committee. I believe that its function should be procedural—to direct legislation to the floor for action, to set the terms of debate, and so forth. It should not pass judgment on the substance of legislation, a function it has assumed in the past and obviously would like to assume here. The merits of legislation is for the House as a whole to determine. Then it is clear that the purpose of the Rules Committee is involved in this debate.

Mr. Speaker, I should like to comment briefly on the comments of the chairman of the Committee on Rules. I do not believe that the distinguished chairman of the Judiciary Committee ever suggested that the House should adopt either this resolution or H.R. 14765 out of fear of violence. Of course, he did not.

H.R. 14765 should be adopted because it is right and just. It reaches areas of discrimination which either were not treated or were inadequately treated by the civil rights legislation of 1957, 1960, 1964, and 1965. However, let us not ignore the fact that, if Congress had acted forthrightly long ago to eliminate segregation and discrimination, we would not now be witnessing the misery and frustration and sense of hopelessness which has produced the social dynamite in our cities. And incidentally, apropos of the remarks of the gentleman from Virginia [Mr. SMITH] regarding Vice President HUMPHREY's observation, I wonder how long the gentleman from Virginia would tolerate living in a slum. Perhaps he as well as others should try the experience.

Mr. Speaker, every Member of this House knows of my desire to pass a strong and meaningful civil rights bill. This, however, is not the issue involved in this debate. I urge my colleagues, whatever their views on H.R. 14765, to join me in allowing this House to work its will.

Mr. TENZER. Mr. Speaker, during the course of the debate on the proposed Civil Rights Act of 1966, many questions were raised in connection with title IV, to prohibit discrimination in residential housing transactions by persons in the housing business. Because of these questions I requested statistics and research material relating to fair housing laws in the various States and territories in order to evaluate the impact of title IV on my own State of New York and on the Nation.

The statistics are interesting and revealing and I believe my colleagues will find them helpful in formulating a position with respect to title IV of the bill H.R. 14765.

The State of New York has a more comprehensive law against discrimination than the bill before the House this week. The New York State law prohibits discrimination in the sale, leasing, or rental of all housing except owner-occupied two family dwellings and the rental of a room in an owner-occupied house. Of particular significance is the fact that real estate brokers and lending institu-

tions are specifically covered by the New York State law.

Seventeen States and the District of Columbia, Puerto Rico, and the Virgin Islands have fair housing laws which go beyond title IV of the proposed Civil Rights Act of 1966. These 17 States represent more than 50 percent of the total population of the United States.

The laws of these 17 States cover public housing or publicly assisted housing and all cover private housing. Eight of these States cover single family homes and only two—Michigan and Indiana—exempt realtors. Four States and one territory exclude lending institutions.

The 17 States are Alaska, California, Colorado, Connecticut, Indiana, Maine, Massachusetts, Michigan, Minnesota, New Hampshire, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, and Wisconsin.

More than half of all U.S. citizens live under fair housing laws which go beyond the coverage of the legislation now under consideration by this Chamber. The other citizens of the United States are entitled to the same protection for so long as we diminish the rights of a single American, the rights of all Americans are in danger. Freedom and democracy can make no distinctions with respect to equal treatment of our citizens and I urge my colleagues to formulate their decision upon this principle and to support the proposed Civil Rights Act of 1966.

Mr. CELLER. Mr. Speaker, we hear much about so-called injured innocence expressed by some members of the Committee on Rules. It has been said by the distinguished minority leader that the Committee on Rules had only 5 days in which to consider this bill. That is quite contrary to the fact. I repeat what the distinguished majority leader said, that the request was made for a rule in writing on June 30. No response was received by me on that request. Congress went into recess from June 30 to July 11. Today is July 25. The Committee on Rules, without counting the period of recess, had 14 days in which to act on this bill. There was no action on the bill. There was no indicia or sign of action on this bill. Knowing the proclivities of the gentleman from Virginia, the very distinguished chairman of the Committee on Rules, for whom I have an abiding affection and have had that abiding affection for many years—he is not inclined to grant a rule on this bill. It was essential that we take this route so that the bill could be brought before the House and the House could work its will. Now we are told that the performance of the chairman of the Committee on the Judiciary is quite irregular. How can it be irregular when the chairman of the Committee on the Judiciary follows a rule? I defy anybody to tell me that I have departed from the 21-day rule. That is part of the rules of the House. It is proper procedure for me to avail myself as a chairman—and any Member can—of the 21-day rule. How can it be charged that that is improper. I would say that these excuses we hear now are inane and that they are utterly insincere. These excuses are given so that you will

not be able to vote on the civil rights bill. The distinguished minority leader makes a statement about irregularities. His purpose is to prevent a vote on the civil rights bill, and the country should know that. The minority leader, of the Republican side—

Mr. GERALD R. FORD. Mr. Speaker—

Mr. CELLER. I refuse to yield.

Mr. GERALD R. FORD. Mr. Speaker—

Mr. CELLER. I refuse to yield, Mr. Speaker.

The SPEAKER. The gentleman declines to yield.

Mr. GERALD R. FORD. Mr. Speaker, as I believe that the gentleman—

Mr. CELLER. I refuse to yield, Mr. Speaker.

Mr. GERALD R. FORD. Used my name, I think it is a matter of courtesy for the gentleman to yield.

Mr. CELLER. Mr. Speaker, I refuse to yield.

The SPEAKER. Does the gentleman from New York yield to the gentleman from Michigan?

Mr. CELLER. I refuse to yield.

The SPEAKER. The gentleman declines to yield.

Mr. CELLER. Mr. Speaker, the distinguished minority leader uses an excuse about so-called irregularities. I regret that this is used as a facade behind which to hide his real purpose.

Mr. Speaker, the gentleman's real purpose is not to vote on the civil rights bill. His opposition to this rule is equivalent to a vote against the civil rights bill.

The SPEAKER. The time of the gentleman from New York has expired.

Mr. McCULLOCH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. Does the gentleman from New York [Mr. CELLER] yield for the purpose of the gentleman from Ohio making a parliamentary inquiry?

Mr. McCULLOCH. Mr. Speaker, I have already been recognized. Mr. Speaker, have I not been recognized?

The SPEAKER. The Chair did not recognize the gentleman from Ohio. The Chair stated or asked if the gentleman from New York yielded for the purpose of the gentleman from Ohio making a parliamentary inquiry.

Mr. CELLER. Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the resolution.

The question was taken, and the Speaker announced that the ayes appeared to have it.

Mr. CELLER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 200, nays 180, answered "present" 3, not voting 49, as follows:

[Roll No. 175]

YEAS—200

Adams	Bandstra	Bolling
Addabbo	Barrett	Brademas
Albert	Bates	Brooks
Anderson,	Bell	Brown, Calif.
Tenn.	Bingham	Burke
Annunzio	Boggs	Burton, Calif.
Ashley	Boland	Byrne, Pa.

Callan	Hechler	Pike
Carey	Helstoski	Price
Celler	Hicks	Pucinski
Clark	Hollifield	Rees
Cleveland	Holland	Reid, N.Y.
Cohelan	Horton	Resnick
Conte	Howard	Reuss
Conyers	Irwin	Rhodes, Pa.
Corbett	Jacobs	Rivers, Alaska
Corman	Joelson	Rodino
Craley	Johnson, Calif.	Rogers, Colo.
Culver	Johnson, Okla.	Ronan
Daddario	Karsten	Roncallo
Daniels	Karth	Rooney, N.Y.
Dawson	Kastenmeier	Rooney, Pa.
Denton	Kelly	Rosenthal
Diggs	King, Calif.	Rostenkowski
Dingell	Kirwan	Roush
Donohue	Krebs	Roybal
Dow	Kunkel	Ryan
Dulski	Kupferman	St Germain
Duncan, Oreg.	Long, Md.	St. Onge
Dyal	Love	Scheuer
Edwards, Calif.	McCarthy	Schmidhauser
Evans, Colo.	McDowell	Schweiker
Evins, Tenn.	McFall	Secrest
Fallon	McGrath	Senner
Farbstein	McVicker	Shiple
Farnsley	Macdonald	Sickles
Farnum	MacGregor	Slack
Fascell	Mackie	Smith, Iowa
Feighan	Madden	Stafford
Flood	Mailliard	Staggers
Fogarty	Mathias	Stalbaum
Foley	Matsunaga	Steed
Ford,	Meeds	Stratton
William D.	Minish	Stubblefield
Fraser	Mink	Sullivan
Friedel	Moeller	Tenzer
Fulton, Tenn.	Monagan	Thomas
Gallagher	Moorhead	Thompson, N.J.
Garmatz	Morgan	Thompson, Tex.
Glaimo	Morse	Todd
Gibbons	Moss	Tunney
Gilbert	Multer	Tupper
Gonzalez	Murphy, Ill.	Udall
Grabowski	Murphy, N.Y.	Ullman
Green, Pa.	Natcher	Van Deerlin
Greigg	Nedzi	Vanik
Grider	Nix	Vigorito
Griffiths	O'Brien	Vivian
Grover	O'Hara, Ill.	Waldie
Halpern	O'Hara, Mich.	Weltner
Hamilton	Olson, Minn.	White, Idaho
Hanley	O'Neill, Mass.	Wilson,
Hanna	Ottinger	Charles H.
Hansen, Iowa	Patman	Wolf
Hansen, Wash.	Patten	Wyder
Harvey, Mich.	Perkins	Yates
Hathaway	Philbin	Young
Hawkins	Pickle	

NAYS—180

Abbott	Clausen,	Harsha
Abernethy	Don H.	Harvey, Ind.
Adair	Clawson, Del	Hays
Anderson, Ill.	Collier	Herlong
Andrews,	Colmer	Hosmer
George W.	Conable	Hungate
Andrews,	Cooley	Hutchinson
Glenn	Cramer	Ichord
Andrews,	Cunningham	Jarman
N. Dak.	Curtin	Jennings
Arends	Dague	Johnson, Pa.
Ashbrook	Davis, Ga.	Jonas
Ashmore	Davis, Wis.	Jones, Ala.
Ayres	Derwinski	Jones, Mo.
Battin	Devine	Jones, N.C.
Beckworth	Dickinson	Keith
Belcher	Dole	Kornegay
Bennett	Dorn	Laird
Berry	Dowdy	Landrum
Betts	Downing	Langen
Bolton	Duncan, Tenn.	Latta
Bray	Dwyer	Lennon
Brock	Edmondson	Lipscomb
Broomfield	Edwards, Ala.	Long, La.
Brown, Clar-	Erlenborn	McClary
ence J., Jr.	Everett	McCulloch
Broyhill, N.C.	Findley	McDade
Broyhill, Va.	Fisher	McMillan
Buchanan	Flynt	Machen
Burleson	Ford, Gerald R.	Mackay
Burton, Utah	Fountain	Mahon
Byrnes, Wis.	Fuqua	Marsh
Cabell	Gettys	Martin, Ala.
Cahill	Goodell	Martin, Nebr.
Callaway	Gross	Matthews
Cameron	Gubser	May
Carter	Gurney	Michel
Casey	Hagan, Ga.	Minshall
Cederberg	Hagen, Calif.	Mize
Chamberlain	Haley	Moore
Chelf	Halleck	Morris
Clancy	Hansen, Idaho	Morton

Mosher	Robison	Teague, Calif.
Nelsen	Rogers, Fla.	Teague, Tex.
O'Neal, Ga.	Rogers, Tex.	Thomson, Wis.
Passman	Roudebush	Tuck
Pelly	Rumsfeld	Tuten
Pirnie	Satterfield	Utt
Poage	Saylor	Waggoner
Poff	Schisler	Walker, Miss.
Pool	Schneebell	Walker, N. Mex.
Purcell	Seiden	Watkins
Quie	Shriver	Watson
Quillen	Sikes	Whalley
Race	Sisk	White, Tex.
Randall	Smith, Calif.	Whitener
Reid, Ill.	Smith, Va.	Whitten
Reifel	Springer	Whidall
Reinecke	Stanton	Williams
Rhodes, Ariz.	Stephens	Wyatt
Rivers, S.C.	Talcott	Younger
Roberts	Taylor	

ANSWERED "PRESENT"—3

Watts	Wright	Zablocki
-------	--------	----------

NOT VOTING—49

Aspinall	Green, Oreg.	Morrison
Baring	Hall	Murray
Blatnik	Hardy	O'Konski
Bow	Hébert	Olsen, Mont.
Clevenger	Henderson	Pepper
Curtis	Hull	Powell
de la Garza	Huot	Redlin
Delaney	Kee	Scott
Dent	Keogh	Skubitz
Edwards, La.	King, N.Y.	Smith, N.Y.
Ellsworth	King, Utah	Sweeney
Fino	Kluczynski	Toll
Frelinghuysen	Leggett	Trimble
Fulton, Pa.	McEwen	Willis
Gathings	Martin, Mass.	Wilson, Bob
Gilligan	Miller	
Gray	Mills	

So the resolution was agreed to.

The Clerk announced the following pairs:

On this vote:

Mr. Keogh for, with Mr. Watts against.
 Mr. Gilligan for, with Mr. Hébert against.
 Mr. Clevenger for, with Mr. Edwards of Louisiana against.
 Mr. Dent for, with Mr. King of New York against.
 Mr. Wright for, with Mr. Henderson against.
 Mr. Fulton of Pennsylvania for, with Mr. Baring against.
 Mr. Pepper for, with Mr. Scott against.
 Mr. Miller for, with Mr. Zablocki against.
 Mr. Delaney for, with Mr. Frelinghuysen against.
 Mr. Sweeney for, with Mr. Hall against.
 Mrs. Green of Oregon for, with Mr. Bob Wilson against.
 Mr. Kluczynski for, with Mr. McEwen against.
 Mr. Blatnik for, with Mr. Murray against.
 Mr. Powell for, with Mr. Ellsworth against.
 Mr. Leggett for, with Mr. Hardy against.
 Mr. Aspinall for, with Mr. Willis against.

For this day:

Mr. Huot with Mr. Bow.
 Mr. Kee with Mr. Curtis.
 Mr. Gathings with Mr. O'Konski.
 Mr. Gray with Mr. Martin of Massachusetts.
 Mr. Redlin with Mr. Fino.
 Mr. Toll with Mr. Skubitz.
 Mr. King of Utah with Mr. Smith of New York.
 Mr. Olsen of Montana with Mr. de la Garza.

Mr. WRIGHT. Mr. Speaker, I have a live pair with the gentleman from North Carolina [Mr. HENDERSON] who is in the hospital. If he had been present he would have voted "nay." I voted "yea." I withdraw my vote and vote "present."

Mr. ZABLOCKI. Mr. Speaker, I have a live pair with the gentleman from California [Mr. MILLER]. If he had been present he would have voted "yea." I vote "nay." I withdraw my vote and vote "present."

Mr. WATTS. Mr. Speaker, I have a live pair with the gentleman from New York [Mr. KEOGH]. If he had been present he would have voted "yea." I voted "nay." I withdraw my vote and vote "present."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

Mr. WILLIAMS. Mr. Speaker, a point of order.

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

Mr. WILLIAMS. Mr. Speaker, a point of order.

The SPEAKER. All those in favor of the motion will let it be known by saying "aye." All those opposed by saying "no."

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 14765, with Mr. BOLLING in the chair.

Mr. WILLIAMS. Mr. Chairman, a point of order. Mr. Chairman, I have a point of order. I was on my feet—

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

Mr. WAGGONER. Mr. Chairman.

The CHAIRMAN. Under the rule, the gentleman from New York [Mr. CELLER] will be recognized for 5 hours and the gentleman from Ohio [Mr. McCULLOCH] will be recognized for 5 hours.

Mr. WILLIAMS. Mr. Chairman.

Mr. WAGGONER. Mr. Chairman.

Mr. McCULLOCH. Mr. Chairman.

The CHAIRMAN. For what purpose does the gentleman from Ohio rise?

Mr. McCULLOCH. Mr. Chairman, I rise for a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. McCULLOCH. I would like to know if the resolution unqualifiedly guarantees the minority one-half of the time during general debate and nothing untoward will happen so that it will be diminished or denied contrary to gentlemen's agreements.

The CHAIRMAN. The Chairman will reply by rereading that portion of his opening statement. Under the rule, the gentleman from New York [Mr. CELLER], will be recognized for 5 hours, the gentleman from Ohio [Mr. McCULLOCH] will be recognized for 5 hours. The Chair will follow the rules.

Mr. McCULLOCH. I thank you, Mr. Chairman.

Mr. WILLIAMS. Mr. Chairman.

Mr. CELLER. Mr. Chairman, I yield myself such time as I may care to use.

Mr. Chairman, Negroes propose to be free. Many rights have been denied and withheld from them. The right to be equally educated with whites. The right to equal housing with whites. The right to equal recreation with whites.

Mr. WILLIAMS. Mr. Chairman, a point of order.

Mr. CELLER. Regular order, Mr. Chairman.

The CHAIRMAN. The gentleman will state his point of order.

Mr. WILLIAMS. Mr. Chairman, immediately before the House resolved itself into the Committee of the Whole House I was on my feet on the floor seeking recognition for the purpose of making a point of order against consideration of H.R. 14765 on the ground that the report of the Judiciary Committee accompanying the bill does not comply with all the requirements of clause 3 of rule XIII of the rules of the House known as the Ramseyer rule and intended to request I be heard in support of that point of order. I was not recognized by the Chair. I realize technically under the rules of the House at this point, my point of order may come too late, after the House resolved itself into the Committee of the Whole House on the State of the Union.

Mr. CELLER. Mr. Chairman.

Mr. WILLIAMS. But I may say, Mr. Chairman, that I sought to raise the point of order before the House went into session. May I ask this question? Is there any way that this point of order can lie at this time?

The CHAIRMAN. Not at this time. It lies only in the House, the Chair must inform the gentleman from Mississippi.

Mr. WILLIAMS. May I say that the Parliamentarian and the Speaker were notified in advance and given copies of the point of order that I desired to raise, and I was refused recognition although I was on my feet seeking recognition at the time.

Mr. FLYNT. Mr. Chairman, I appeal the ruling of the Chair.

The CHAIRMAN. The Chair will have to repeat that the gentleman from Mississippi is well aware that this present occupant of the chair is powerless to do other than he has stated.

Mr. WAGGONER. Mr. Chairman, I appeal the ruling of the Chair.

The CHAIRMAN. The question is, Shall the decision of the Chair stand as rendered?

The question was taken; and on a division (demanded by Mr. WILLIAMS) there were—ayes 139, noes 101.

The decision of the Chair was sustained.

Mr. WILLIAMS. Mr. Chairman, I move that the Committee do now rise, and on that I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. CELLER and Mr. WILLIAMS.

The Committee again divided, and the tellers reported that there were—ayes 168, noes 144.

So the motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes, had come to no resolution thereon.

The SPEAKER. The Chair recognizes the gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, the House resolved itself into the Committee of the Whole House on the State of the Union a moment ago. When the question was put by the Chair, I was on my feet seeking recognition for the purpose of offering a point of order against consideration of the legislation. Although I shouted rather loudly, apparently the Chair did not hear me. Since the Committee proceeded to go into the Committee of the Whole, I would like to know, Mr. Speaker, if the point of order which I had intended to offer can be offered now in the House against the consideration of the bill; and, Mr. Speaker, I make such a point of order and ask that I be heard on the point of order.

The SPEAKER. The Chair will state that the Chair did not hear the gentleman make his point of order. There was too much noise. Under the circumstances the Chair will entertain the point of order.

Mr. WILLIAMS. I thank the Speaker and ask if I can be heard on the point of order.

The SPEAKER. The gentleman will state his point of order.

Mr. WILLIAMS. Mr. Speaker, I make a point of order against the consideration of H.R. 14765, on the ground that the report of the Committee on the Judiciary accompanying the bill does not comply with the requirements of clause 3 of rule XIII of the rules of the House, known as the Ramseyer rule, and I request that I be heard in support of the point of order.

Mr. Speaker, clause 3 of the rule XIII provides, in relevant part, as follows:

Whenever a committee reports a bill . . . amending any statute or part thereof it shall include in its report . . . a comparative print of that part of the bill . . . making the amendment and of the statute or part thereof proposed to be amended, showing by . . . appropriate typographical devices the omissions and insertions proposed to be made.

This comparative print is to be made, in the case of a substitute amendment, showing according to the proviso in the rule—

any changes in existing law proposed by the . . . substitute.

I submit that the committee's report fails to comply with this requirement in at least two respects, and is quite misleading—though I am sure unintentionally so—in another.

The first error I would like to call to the attention of the Chair is set forth on page 49 of the committee report, at the bottom of the page, purporting to show amendments made to section 16-1312 of the District of Columbia Code. The bill, in section 103(e), found on page 52, lines 1 through 5, states as follows:

Section 16-1312 of the District of Columbia Code is amended—

And so on—yet the report does not set out the section amended—it merely sets out selected excerpts from the section.

I cannot tell from looking at the material on page 49 of the report just what the amendments to the section accomplish, and I defy any other Member to do so. Subsection (a) of that section sets out the duties of the jury commission, but the matter printed in the report fails to set out all the duties as prescribed by the section. Then the printed matter completely omits subsection (b) of the amended section, and subsection (c) as printed in the report states:

(c) Except as provided by this section, Chapter 121 of title 28, U.S.C., insofar as it may be applicable, governs qualifications of jurors.

But how can a Member tell what is provided by the section, when the section is not set out for him to see?

This section 16-1312 which is amended by the bill also contains a subsection (d), which is not printed in the report.

Mr. Speaker, this failure of the report to show the law which is changed by the bill makes it impossible for Members to be able to determine just what changes are actually being made in the section, and therefore fails to comply with either the spirit or the letter of the Ramseyer rule. Of course, for that matter, even the material printed in the subsection (c) at the bottom of page 49 of the report fails to comply literally with the rule, since the material in italic is not literally the same as the material proposed to be inserted by the bill—the Ramseyer abbreviates to "U.S.C." the words "United States Code" appearing in the bill. The same erroneous abbreviation also appears in the amendment made to subsection (a) of that section.

Another failure to follow the literal text of the bill can also be found on page 52 of the report, Mr. Speaker, where the text of the proposed new section 303 of the Civil Rights Act of 1964 differs substantially in form from the section 303 added to that act by the bill, on page 79, lines 10 through 19.

Most serious of the deficiencies in this report, however, Mr. Speaker, is the matter appearing on page 53 of the report, where the report purports to show changes in title III of the Civil Rights Act of 1960 made by section 701 of the bill, which appears on page 80, line 9. Section 701 states "Title III of the Civil Rights Act of 1960 is amended" and so on—yet the report does not even purport to show title III of that act or any part thereof—all that Members have to guide them as to the provisions of title III is a row of asterisks, which I must confess I do not find very helpful—especially since

the proposed new section 307 of the Civil Rights Act of 1960 refers back to section 301 of the Civil Rights Act of 1960 stating—page 80 lines 12 and 13 of the bill—"Any officer of election or custodian required under section 301 of this Act to retain and preserve records and papers may" and so forth. This portion of the committee's report is completely worthless, in my judgment, in helping Members to understand the changes in existing law made by the bill.

The Ramseyer rule requires that the report show, and I quote:

That part of the bill or joint resolution making the amendment and of the statute or part thereof proposed to be amended.

I submit, most respectfully, Mr. Speaker, that with respect to title III of the Civil Rights Act of 1960, there has been a complete failure to comply with the portion of the Ramseyer rule requiring that the statute proposed to be amended be shown. The report does not show the statute, and it does not even show any part of the statute—not even the part of the statute most necessary to understand what the proposed section 307 is all about; namely, section 301 which is cross-referenced to in the proposed section 307.

Mr. Speaker, on page 43 of the report, sections 1873 and 1874 of title 18 of the United States Code are shown as repealed, and new language added in their place; also the Ramseyer on the same page shows two new sections added—sections 1875 and 1876. I have not been able to find any place in the bill which repeals any of these sections, or which adds new text as sections 1875 and 1876, although the explanatory matter on page 35 of the report, under the heading "Changes in existing law" states as follows:

Matter proposed to be stricken by the bill as reported is enclosed in black brackets. New language proposed by the bill as reported is printed in italic.

I, for one, find this very confusing, if the intent is to show the changes in section numbers made by section 103 of the bill, especially since the language preceding the Ramseyer states that "there is printed below in roman existing law in which no change is proposed."

This is, at best, a very odd way to show a renumbering of sections—so odd, in fact, that I think its potential for confusion is such as to render it a violation of the Ramseyer rule.

In summary, Mr. Speaker, the committee report fails to comply with the Ramseyer rule by showing language in the report as a purported change in existing law which is not the same as language contained in the bill; the report fails to show the entire text of a section which is proposed to be amended by the bill, but leaves Members to guess as to what the amendment actually does; the report fails to show any part whatsoever of a provision of law amended by the bill, even where the setting forth of such provision is essential to understanding of the changes made; and shows non-existence repeals and amendments as a means of showing renumbering of sections.

I respectfully submit that this point of order should be sustained and the bill recommitted to the Committee on the Judiciary in accordance with the rules of the House.

Mr. CELLER. Mr. Speaker, of course, the technical objections raised by the gentleman from Mississippi come as rather a surprise, but nonetheless in the few moments we had to check on his remarks we find that there is compliance with the Ramseyer rule. For example, with reference to title I, he makes reference to page 49 of the report and he makes some objection to the fact that instead of spelling out "United States Code" in letters we use the abbreviation "U.S.C.," which is the way we always refer to the United States Code. That is done invariably. There is no misleading, there is no ambiguity, and there is substantial compliance with the Ramseyer rule.

He also draws attention to the fact with reference to subtitle (3) that there is nothing stated under (3). There is nothing stated because there were no changes and there were no amendments to that provision. Therefore, there was no need to set forth anything except blanks. That is compliance with the Ramseyer rule.

On page 53 of the bill, referring to title III, there are six blanks with reference to six sections. There were no changes as to those sections. Since there were no changes, there was no need to make any comment. There was no ambiguity there. There was no misinformation. There is nothing that is misleading. There is no confusion. It is again substantial compliance.

And so with all of the other trivial objections made by the gentleman from Mississippi.

So, Mr. Speaker, I state that there is substantial compliance with the Ramseyer rule in the report of the Committee on the Judiciary.

Mr. WILLIAMS. Mr. Speaker, may I be heard further?

The SPEAKER. The gentleman from Mississippi.

Mr. WILLIAMS. Mr. Speaker, in respect to the argument posed by the gentleman from New York, I would point out that in the first case, where I made reference on page 49 of the report, there is this language:

Except as provided by this section (chapter 23 of Title 11) chapter 121 of Title 28, U.S.C., insofar as it may be applicable.—

And so forth. It is utterly impossible for a Member to know what these exceptions are from reading the report.

Mr. Speaker, I have no further argument except that I stand on the argument that I have previously made. I feel that the point of order is valid; that the purpose of the Ramseyer rule is to inform the Members fully and completely on the legislation before the House and the laws which it amends, and this report is deficient in that respect.

I submit again, Mr. Speaker, that this legislation should be recommitted to the Committee on the Judiciary in accordance with the rules of the House.

The SPEAKER. The Chair will call attention to a very important decision on the same subject made on April 15, 1940, by the Speaker pro tempore, Mr. Cooper.

At that time, the Speaker pro tempore, Mr. Cooper, said, on a point of order raised by our former colleague, the gentleman from Michigan, Mr. Walcott, and I quote:

The gentleman from Michigan makes the point of order against consideration of the bill on the ground that the rule mentioned by him, the so-called Ramseyer rule, has not been complied with.

The chair has read hurriedly—

And so have I—

but the chair believes sufficiently examined the report and the chair is of the opinion that the committee has made an effort to comply with the provisions of the Ramseyer rule.

It is the opinion of the chair that the duty does not devolve upon the chair to analyze every word of existing law or to pass upon the sufficiency of the compliance with the provisions of the so-called Ramseyer rule.

The chair being of the opinion that the committee reporting the bill has made an effort to comply with the provisions of the Ramseyer rule, feels therefore constrained to overrule the point of order.

Now, on the pending point of order, the Chair calls attention to the fact that there are approximately 18 pages in the committee report which relate to complying with the Ramseyer rule.

It is the opinion of the Chair that the committee has substantially complied with the Ramseyer rule, and follows the decision which I have referred to, and which was made in 1940 by Speaker pro tempore Cooper, and reaffirms that decision.

The Chair therefore overrules the point of order.

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman from Louisiana will state his parliamentary inquiry.

Mr. WAGGONNER. Mr. Speaker, under the rules of the House of Representatives no provision is made for use of the word "substantial" is it deemed sufficient in this case that compliance is only substantial and not technically complete?

The SPEAKER. Well, as the Chair states, and as Speaker pro tempore Cooper stated, the Chair cannot analyze every word, but there are parts here apparent to the Chair that, of course, are not only substantial compliance but which are certainly overcompliance, which is not violative of the rule, as has been advanced.

The committee overcomplied with the rule, and that, certainly, does not seem to the Chair to be a violation of the rule.

And, following the reasoning, which the Chair considers to be sound, of the Speaker pro tempore, Mr. Cooper, in 1940, and examining the report and applying it to the facts involved in the point of order, it is the opinion of the Chair that the Ramseyer rule has at least been substantially complied with

and, as stated before, the Chair overrules the point of order.

Mr. WAGGONNER. Mr. Speaker—

The SPEAKER. The gentleman from Louisiana.

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. May I respectfully inquire as to the precedent the then Speaker pro tempore Cooper in 1940 utilized in rendering his then decision?

The SPEAKER. The Chair will state that as far as examination of the RECORD is concerned and after consultation it has been ascertained that was the first time the question came up. But that ruling has been followed since more than once. For example, the present occupant of the Chair followed it on one occasion when a point of order was raised on July 26, 1965. The Chair followed the opinion expressed by Mr. Cooper who then was the Speaker pro tempore in 1940.

Mr. WAGGONNER. Mr. Speaker, a further parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. Do I correctly understand the ruling of the Speaker that in this instance as in the instance of the then Speaker pro tempore Cooper that "substantial compliance" is all that is necessary and technicalities are irrelevant? Is compliance in fact with the rules to be ignored?

The SPEAKER. The Chair will state that substantial compliance, as the Chair is not in a position to analyze every word, would comply with and be in conformance with the rule.

Mr. WAGGONNER. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. WAGGONNER. Is the Speaker in effect saying that he has had insufficient time to evaluate properly the precedent we have cited?

The SPEAKER. The Chair will state that the Chair listened very intently to the able presentation made by the gentleman from Mississippi and the Chair also examined the precedents, and under the circumstances feels that the Chair has had ample opportunity in which to make a decision on the point of order.

Mr. WAGGONNER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state his parliamentary inquiry.

Mr. WAGGONNER. For the edification of the Members of the House, would the Speaker tell the House what the facts and circumstances were surrounding the decision of the then Speaker pro tempore Cooper in 1940?

The SPEAKER. The Chair will state that the entire proceedings will be found in the CONGRESSIONAL RECORD of April 15, 1940. The Chair happens to be familiar with it because the Chair was here at the time and heard the point of order passed upon. So the Chair suggests that my friend from Louisiana examine the RECORD.

Mr. WAGGONNER. That I will be glad to do, Mr. Speaker, but you have not answered the inquiry.

Mr. WILLIAMS. Mr. Speaker, may I be recognized?

The SPEAKER. The gentleman from Mississippi is recognized.

Mr. WILLIAMS. Mr. Speaker, as the senior-junior Member of the House, I wish to express my personal appreciation to the Chair for protecting my rights as a Member of this body. Of course, I accept the Chair's statement that he did not hear me or see me when I was seeking recognition and the Chair was gracious enough to permit me to make this point of order even though technically perhaps it may not have been an appropriate time under the rules of the House.

The SPEAKER. May the Chair suggest that the present occupant of the chair advised the gentleman that he was going to recognize him no matter how the vote went. The Chair was going to recognize the gentleman anyway.

Mr. WILLIAMS. The purpose of taking this time, Mr. Speaker, is to express my personal appreciation as a Member of this body for your fairness in protecting my rights as a Member of this body.

Mr. CELLER. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 14765, with Mr. BOLLING in the chair.

The Clerk read the title of the bill.

By unanimous consent, the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from New York [Mr. CELLER] will be recognized for 5 hours and the gentleman from Ohio [Mr. McCULLOCH] will be recognized for 5 hours.

The gentleman from New York is recognized.

Mr. CELLER. Mr. Chairman, the Negro is supposed to be free. But is he? Many rights have been denied and withheld from him—the right to be equally educated with whites, the right to equal housing with whites, the right to equal recreation with whites, the right to equality in labor with whites. We have accorded him some freedoms, but no opportunity to exercise them. That is like giving him an appetite but no food.

In this bill we round out the Negro's civil rights to a fair trial before a jury of his peers. We nail down his right to equal education. We start the campaign for genuine open housing for the Negro. We seek to give him protection in his rights on all levels of American life. We give the food as well as the appetite. In

so according the Negro such rights, we really secure those rights for all Americans.

The fashioning of this bill has not been easy. It has not been all beer and skittles. It has involved hard work by all members of the House Judiciary Committee. I shall accept willingly any constructive change, but will repel any amendments offered for obstructive purposes.

We do not approach you with a "holier than thou" spirit. We are no Pecksniffs. We are not straitlaced. We are humble but prideful of our work. We ask your generous support.

It has been said that we passed four principal civil rights bills; why another?

The evil and scourge of granting true equality among blacks and whites are pervasive, wide, long, and deep. It is like a prairie fire that cannot be extinguished save by long and patient effort. Great reforms do not just happen.

The French Revolution was the accumulation of widespread evil of long duration. The English Reformation was preceded by decades of struggle and travail.

Dr. Fleming worked hard for years before he came up with penicillin. The polio vaccine came to Dr. Salk after the greatest efforts. Insulin did not come in a day or a year, although the diabetic waited patiently and suffered agonies until it finally came upon the market.

Similarly, Congress is the physician to rid the body politic of the disease of segregation. Segregation becomes a plague. No one is immune from its evil power. Plagues are not easily or quickly dissipated. It all depends upon whose ox is gored. Many civil libertarians have cried out against segregation. Now the warm winds of integration move northward and now all are feeling the heat.

The bill before us, let me emphasize, operates equally in the North as well as in the South.

In ancient Rome, bridgebuilding was considered a sacred duty. Note the name they gave to their priest: They called him pontifex, which translated means "bridgebuilder." The Pope is called pontiff, a bridge which unites that which nature divides. Civil rights laws unite those whom our society divides.

This civil rights bill is a bridge, as it were, seeking to unite whites and blacks from the regulation of human rights. It seeks to integrate them, according each equal rights.

You cannot raze the slum, you cannot level the ghettos without what is known as title IV of this bill. Without title IV we shall continue to create new pales of settlement, new segregated areas, new ghettos and slums, placing us where we were years ago.

The Negro is too often confronted with the equivalent of Hitler's "verboten," which means "forbidden." We must take out that word and destroy it as applicable in furtherance of segregation. They who believe in segregation are like those who seek to walk up a descending escalator.

Especially dear to the white man is his home and his house. That spells to him happiness and dignity. It means also se-

curity. To deny him the right to own his house in an area where a white man can own one is to rob the Negro of his dignity and security and happiness. Whatever else you give him pales in value; whatever else you give him seems like a promissory note without collateral.

Victor Hugo said that "when the time of an idea has come, nothing can stop it." The time of the idea of equality has come. To some of the Members I say that time is changing rapidly. Some can no longer be protected in their seats by the anomalous success. Already a number of segregationists have gone down under. Clouds are now on the horizon, "clouds no bigger than a man's hand," but they will grow to gigantic storm clouds and overwhelm.

It is charged that title IV as presented is a compromise. I plead guilty. Is not the great goal of all commonsense compromise? Burke said, "All government, indeed every human benefit and enjoyment, every virtue and every prudent act are founded upon barter and compromise."

I desired title IV as originally written. It was as such approved by the committee by a narrow margin—too narrow for comfort. A furious storm of disapproval arose. Thereafter, title IV was modified and owner-occupied homes with up to four units or apartments including the owner's were exempt.

By accepting title IV as modified, I squared ideals with reality. I am a realist, a pragmatist. If I cannot get all, I will take less, especially if failure or reluctance to take less will result in naught. I do not want to be a hero going down in flames of defeat. It might be good for storybooks, but it would not give the Negroes much needed relief. Such truculence, such opposition to compromise is worthless—worthless as trying to run a mill with water that has passed on. To the South I say, "We must not remember today the hundreds of yesterday." To the North I say, "The Negro has come amongst you. We must take him in."

Finally, there was a cartoon in a magazine called the New Yorker which showed a man at his office desk with many telephones on it. "Dammit, operator," he cries out, "I keep getting myself." Well, that is what happens when the lines of sympathy connecting us with our fellow men, white or black, are out of order.

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

The CHAIRMAN. The Chair will count.

Sixty-eight Members are present, not a quorum. The Clerk will call the roll.

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

[Roll No. 176]

Anderson, Tenn.	Dickinson, La.	Hanna, Ind.
Aspinall, Baring	Edwards, La.	Hardy, Ind.
Blatnik	Ellsworth, Everett	Harvey, Ind.
Bow	Evins, Tenn.	Hawkins
Clark	Farnsley	Hébert
Clevenger	Fino	Henderson
Curtis	Frelinghuysen	Hoilfield
de la Garza	Fulton, Pa.	Hull
Delaney	Gathings	Huot
Dent	Green, Oreg.	Ichord
	Hall	Kee
		Keogh

King, N.Y.	Pepper	Toll
King, Utah	Powell	Trimble
Leggett	Redlin	Tunney
McEwen	Rogers, Tex.	Willis
McMillan	Scott	Wilson, Bob
Martin, Mass.	Sisk	Wilson,
Miller	Skubitz	Charles H.
Mills	Smith, N.Y.	Young
Morrison	Sweeney	
Olsen, Mont.	Taylor	

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 14765), and finding itself without a quorum he had directed the roll to be called, when 373 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting. The CHAIRMAN. The gentleman from New York [Mr. CELLER], is recognized.

Mr. CELLER. Mr. Chairman, Members of the Committee, I shall endeavor to explain some of the provisions of the titles of the bill, but before doing that, I should like to make some opening statements.

The struggle for civil rights continues today in 1966 not because of doubts about the law and the rights the Constitution confers concerning schools, voting, public accommodations, public transportation facilities, juries, or employment, but because of refusal to accept, to follow, to apply, and to be governed by the law of the land and to administer that law fairly without discrimination.

There is danger today that the right to equal enjoyment, which the Congress has sought to secure through legislation in the past decade, may be denied through the violence or intransigence of a few. The bill which we debate today seeks to meet the challenge presented by those who would deny due process of law and equal protection of the laws by intimidation, violence, and murder.

The bill before us today seeks to assure that the place of justice remains a hallowed place. In the first place, the bill is designed to improve the selection of jurors in both State and Federal courts. Jury service is one of the few opportunities open to the average citizen to participate in the affairs of his government. Too often, however, there is a wide gap between our professions and our practices when it comes to jury selection. In 1966 alone, Federal and State courts have found systematic exclusion of Negroes in State court juries in six different counties in the South.

It often requires courage for a Negro defendant and his counsel even to raise a claim of discrimination, and even when the claim of exclusion is raised, the costs of litigation may be prohibitive to a private party, for the evidence required to prove the claim simply may be unavailable under State law or practice.

The problem in the Federal courts is less one of unfairness and more a lack of uniformity and the existence of too much discretion in jury officials, which may create the appearance of unfairness.

Title I of the bill provides uniform specific procedures in the selection of jurors in the Federal courts.

Title II concerns the State jury problem and prohibits discrimination in jury selection procedures in all State courts on account of race, color, religion, sex, national origin, or economic status in terms comparable to provisions of title I. But since title II permits State jury officials to continue to follow such valid practices as they now use, the scope of the ban in discrimination on account of sex or economic status would not be identified to that resulting from use of the prescribed selection system under title I.

Title II would override the two types of State laws regulating jury service by women. First are those in Alabama and Mississippi and South Carolina, which totally exclude women from juries.

Second, those in Florida, Louisiana, and New Hampshire, which exclude women unless they affirmatively volunteer for jury service by taking steps, not required of men, to sign up for jury service.

The State laws that allow women to claim exemption from jury service either absolutely or depending upon family responsibilities would not be nullified. Similarly, the ban on economic discrimination in title II would not outlaw every State procedure which might have some incidental economic impact.

State laws imposing direct economic qualifications for jury service, such as that of my own State, New York, a \$250 property qualification, would be nullified by title II.

State laws prescribing the tax lists as the exclusive source of names of jurors would also be nullified unless the tax base were so broad as to include practically every adult in the community.

In other words, we do not interfere with the State laws unless those State laws in their operation discriminate on the basis of race, color, religion, sex, or economic status.

Aside from the substantive rights secured in title II, there are two other principal features.

Section 202 authorizes the Attorney General to institute civil actions for preventive relief whenever he has reasonable ground to believe that State jury officials have engaged in or are about to engage in any act or practice which would deny or abridge any rights secured by section 201.

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

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

Mr. WAGGONNER. Could the gentleman, early in this debate, describe for the House what guide or what yardstick is to be used in determining when a man is about to discriminate? How is that interpretation to be made? Who is to make this determination?

Mr. CELLER. If, for example, there were a situation in a county where there was a great preponderance of Negro population, but only a comparatively few or no Negroes served on the juries, then there would be grounds to believe that Negroes were being discriminated

against. That would be one of the indicia of discrimination.

Mr. WAGGONNER. In other words, it is a presumption of guilt before the fact?

Mr. CELLER. It is not guilt. It is not a criminal matter. Rather, it is a question of seeking to assure that juries reflect a general cross section of the population. So that the individual may be tried by a jury of his peers; so that we will not have the situation in which there is an imbalance of a far greater number of whites on juries than blacks.

Mr. WAGGONNER. The gentleman speaks of balance. Is he advocating a percentage balance, a true percentage of balance by race? I do not understand his use of the word peers.

Mr. CELLER. No. There is no percentage in this bill at all. Each case of discrimination would have to be considered by the cause.

Mr. WAGGONNER. How does one achieve balance without requiring a percentage? Is the executive branch of the Government to establish percentages of balance?

Mr. CELLER. I would not hazard any idea about a percentage.

Mr. WAGGONNER. Does the gentleman mean that the Federal agency which will prescribe the regulations to administer this legislation would be forbidden to apply percentages?

Mr. CELLER. The Federal officials would not interfere. The Attorney General would not indicate a suit unless there was evidence to indicate that there was discrimination on the ground of race or color, religion, national origin, economic status, or sex. Then it would be up to the Attorney General to proceed. The court would be the final arbiter of the situation.

Mr. WAGGONNER. Then the final determination of what is determined to be a true application of the provisions of this language, saying a man is about to discriminate, would be left finally to the Attorney General?

Mr. CELLER. No. The Attorney General would proceed to bring an action. The court would be the final judge.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield at that point?

Mr. CELLER. Yes. I yield.

Mr. ROGERS of Colorado. May I point out to the gentleman from Louisiana that an instance where there are reasonable grounds to believe that any person has engaged or is about to engage in any act or practice which would deny or abridge any right secured by section 201 is as follows: Suppose you have a State law on its face violates section 201 which discriminates against an individual and excludes him from service in any State court on account of race, color, religion, sex, national origin, or economic status. Now, if the Attorney General knows that the State officials in administering such a State law must administer it so that it would be discriminatory, then he knows they are about to engage in an act or practice which would deny or abridge any right secured by section 201. That is one instance.

Now, there may be any number of instances that may be anticipated, as has been demonstrated in the last few years throughout various sections of the country. Not only can the Attorney General under section 202 institute the action; there is also the right of the private individual to institute a suit which is in existing law, under title 42 of the United States Code section 1983. As set forth in section 204, an individual instituting such an action may obtain information from jury officials to ascertain whether or not a citizen has been excluded because of race, color, religion, sex, national origin, or economic status.

Mr. CELLER. May I further elucidate in answer to the gentleman from Louisiana's question? First, section 201 of title II contains a general provision which is an expression of the purpose of the title, as follows:

No citizen shall be excluded from service as grand or petit juror in any State court on account of race, color, religion, sex, national origin, or economic status.

We start out with that and then we provide, first, that whenever there are reasonable grounds to believe that any person has engaged or is about to engage in any act or practice which would deny or abridge any of the rights secured by section 201, then "the Attorney General may institute for the United States, or in the name of the United States, a civil action"—a civil action—there is nothing criminal about it—"a civil action" for an injunction or restraining order or other relief. But then we provide that the contest shall be determined by the court.

The district courts of the United States shall have jurisdiction and they shall determine the question. So that first we have the situation where there are reasonable grounds to believe that there is such a violation or discrimination. Then the Attorney General brings the suit in the U.S. district court and then the court must make the decision.

Now, if you read our report, you will find the following, which might indicate some additional information on this score. Or example, if the court found that Negroes had in the past been systematically excluded from service by maladministration of a keyman system, that is, a system that is frequently used where the jury commission asks men prominent in the community to suggest certain names, the court could act.

Mr. WAGGONNER. Mr. Chairman, will the gentleman yield at this point?

Mr. CELLER. Just a minute.

Experience in the voting area proves that where officials are predisposed to discriminate on the ground of race, the courts should foreclose all such kinds of discrimination in order to insure effective relief.

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

Mr. CELLER. I yield to the gentleman for a question.

Mr. WAGGONNER. I believe the gentleman's home State of New York requires that as a qualification for voting an individual before being registered to vote must be able to read and write, and comprehend the English language.

By contrast, my home State of Louisiana will allow an individual to qualify for voting if he or she can read and write his native language or speak in his native tongue, without having to qualify in the English language.

Now, one of the qualifications, to be able to participate as a petit or grand juror in this legislation is that an individual be able to read and write the English language.

Mr. ROGERS of Colorado. Mr. Chairman, will be gentleman yield?

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

Mr. WAGGONNER. Is the gentleman disqualifying those people who are qualified voters in Louisiana by this legislation?

Mr. ROGERS of Colorado. Mr. Chairman, first of all, title I deals with the Federal juries. We are rewriting the law as it relates to the selection of the jurors in the Federal courts.

Therefore, the question that the gentleman from Louisiana asks about the qualifications as they relate to the gentleman's State of New York has no application to title I.

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

Mr. ROGERS of Colorado. Just a minute. Let me finish.

And we go further, and I would like to point out that under title II, as the chairman has so ably set forth, the Attorney General may, whenever a person may have engaged in discrimination or is about to practice it, contrary to section 201, then the Attorney General may institute an action.

Now, the act is designed to see to it that there shall not be any discrimination. It does not provide that your State law, ipso facto, is null and void.

Mr. WAGGONNER. Unless it suits the Attorney General?

Mr. ROGERS of Colorado. No. He must go to court and prove certain things, and if you want to and would like to take the time, you will see that upon the complaint being filed under title II the appropriate relief may be provided, as set forth in section 203.

Now, the court then has jurisdiction over the matter to determine whether or not the State official who has the duty in connection with the selection of jurors is practicing discrimination as prohibited by section 201.

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

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

Mr. WAGGONNER. Is it not a fact, then, that the Federal district court has authority and jurisdiction without regard to whether or not all avenues of relief have been exhausted in the local courts or lower courts?

Mr. ROGERS of Colorado. Mr. Chairman, if the gentleman from New York will yield further, may I say to the gentleman that the question—

Mr. WAGGONNER. Is it a fact or not?

Mr. ROGERS of Colorado. Well, Mr. Chairman, what happens here, even if we do not adopt title II—

Mr. WAGGONNER. Well, is it a fact?

Mr. ROGERS of Colorado. Mr. Chairman, if the gentleman from New York will yield further.

If we do not adopt title II there still is an opportunity of an individual under the existing Federal statute to institute actions to challenge discriminating selection of State juries.

Now, what title II does is to give to the Attorney General the authority to institute such actions, as well.

Mr. WAGGONNER. This is not anything new in law.

Mr. CELLER. May I say to the gentleman from Colorado and the gentleman from Louisiana, title II does not change the State law with reference to the qualification and selection of jurors. The only change is that the State law when carried out cannot involve discrimination in the qualification of and in the selection of the jurors based upon race, color, or religious creed. This is practically all that title II does and it provides for a remedy in the event there is such discrimination.

Mr. WAGGONNER. Would you yield for one more question?

Mr. CELLER. Yes; I yield.

Mr. WAGGONNER. Then a man could be qualified, sir, on a State petit or grand jury in Louisiana but disqualified under the provisions of this legislation to serve on a Federal petit or grand jury; is that correct?

Mr. CELLER. That is possible; yes, sir.

Mr. WAGGONNER. Does that not constitute discrimination in itself?

Mr. CELLER. I do not think so. I do not think this is discrimination because you are in a different jurisdiction. You are in two different courts. It is like different qualifications for jury service in two different States. You have laws that will differ one from the other depending upon the State you are in.

Mr. WAGGONNER. I thought that was the purpose of the voting rights act last year? What in fact was its purpose?

Mr. CELLER. No; I think you could have that situation developing and I do not think that would violate the spirit and letter of the law.

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield?

Mr. CELLER. I yield to the gentleman.

Mr. ROGERS of Colorado. May I state that under title I which deals with the Federal jury system, veniremen must be registered voters selected at random in order to be eligible for Federal jury service.

Mr. CELLER. I would say to the gentleman, for example, if a State wants to be more liberal than a Federal law, all well and good.

Mr. WAGGONNER. Would the gentleman feel the same way if my State or any State wants to be more restrictive than his State is?

Mr. CELLER. It is up to the State. If the State wants to do it that way, I do not think we can complain about the jury system. In other words, for example, we simply say in title II that we do not want to interfere with how you select your jurors providing you do not discriminate on the grounds of race, color,

creed, religion, sex, national origin, or economic status. That is the practical quintessence of title II.

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

Mr. CELLER. I yield to the gentleman.

Mr. DOWDY. I realize that under the modern concept our Constitution is probably just a scrap of paper. But in this title II, may I state that I think that probably that ought to be the law about women serving on juries. Some States do not provide for this. By writing this provision into the law, we are going to overturn the State law which the gentleman just stated we would not be doing.

Back some years ago when the question of women's right to vote came up, it was considered that a constitutional amendment was necessary to provide that right for them and to overrule the State laws which prohibited women from voting.

Does the gentleman think that by a legislative act we can do that here or would not the proper procedure be a constitutional amendment—and I will support that incidentally. I have introduced a resolution that would give them that right.

Mr. CELLER. I believe the courts have already held that the statutes excluding women from jury service such as exist in Alabama, are unconstitutional, and violate the equal protection of the laws.

Mr. DOWDY. As far as women serving on the jury, some States do and some States do not permit it.

Mr. CELLER. I would say to the gentleman from Texas that much water has gone under the bridge since the equal rights amendment came up and there have been any number of decisions which could justify our action here.

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

Mr. CELLER. I yield to the gentleman.

Mr. WHITENER. Mr. Chairman, I was very interested in the statement the gentleman from New York made when we were considering the resolution bringing this bill up, about his concern for the workingman and for the economically depressed portions of our population. I am sure that the eminent lawyer, the chairman of the Committee on the Judiciary, is familiar with the standard procedures in the Federal district courts that when one subpoenas a witness that he must have accompanying that subpoena money to cover the mileage and the per diem for the witness.

Perhaps the gentleman would tell the Members of the House why, if he is so concerned about the welfare of the poor litigant, the economically depressed litigant, that this bill has the effect of raising the per diem of a witness in the Federal court from \$4 to \$20 a day, the travel allowances from 8 to 10 cents a mile, and changes the subsistence rate from \$8 to \$16 a day. Many litigants that I have represented in the Federal courts could not possibly have gotten ready for trial if they had to subpoena as many as 10 witnesses into the Federal court to testify. How can you say that we are concerned

about the workingman and the laboring man and the economically depressed if we are going to raise these fees to get him into court by such outlandish amounts as those?

Mr. CELLER. I do not know that they are outlandish. I think that is a rather violent term to use in characterizing them. But I think those fees are more in line with the rising cost of living, and I think they are justified. I do not think there was any real opposition in the Judiciary Committee as to the amount of those fees. I do not think the gentleman himself raised any question then. I do not think they are outrageous. They are perfectly in line with the advanced cost of living.

Mr. WHITENER. If the gentleman will yield further to me, since he has mentioned that the point was not raised in the committee, of course it was not, and there was a great deal that we did not have an opportunity to raise, because we were trying to get through, as the Chairman advised us, before the July Fourth recess. The rather meager dissenting views I wrote I had to get up within less than 1 day in order to get them printed with the original report. I notice that the distinguished chairman himself was not satisfied, and he had to come back on July 14 and write his views in this supplemental report. So I do not think we ought to be chastised for not having had an opportunity in the committee to give full consideration.

Mr. CELLER. I think the gentleman was kicking an old horse around when he was speaking about not having time. We considered this bill for not days or hours, but months—it almost seems like decades. The gentleman had plenty of time to raise this question. Nobody urged him not to. I think ample time was given to him, and if the gentleman feels there should be changes and the changes are constructive, I would be the first man to accept those changes in the Committee of the Whole.

Mr. WHITENER. If the gentleman will yield further, I am sure he would do that if it met with his thinking.

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

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

Mr. WHITTEN. Mr. Chairman, I note that in reply to the inquiry by the gentleman from Louisiana, I believe it was stated, if I remember correctly, by the chairman, the gentleman from New York, that the State jury laws would prevail unless the Attorney General saw fit to bring an action or unless others brought an action in the courts. Is that correct?

Mr. CELLER. No—

Mr. WHITTEN. I am talking about the State courts.

Mr. CELLER. The laws of the State courts would prevail unless the court would find, after the Attorney General brings suit, that there is discrimination. The laws are not changed because the Attorney General brings a suit. The laws would be changed because the Federal court would so rule and find.

Mr. WHITTEN. May I say that the gentleman has clarified one point. So

it is the intent of the committee, as expressed by the chairman, that though the Attorney General would see fit to bring the suit, the court itself would have to decide that the laws did not conform to the practices.

Mr. CELLER. That is correct.

Mr. WHITTEN. The most disturbing thing—and I hope to get time later to go into this in greater detail, for I, as many others in Congress, have served as district attorney—the thing that has disturbed me in recent years is the fact that the certainty of punishment no longer exists.

I believe that that is the big reason for the great wave of lawlessness and violence that we have had, because the courts have punished the public by releasing on a technicality defendants who are guilty and who, on a broad reading of the record, formerly would have been held by the court to be guilty. While the court would find these technical rules have been violated, but the overall evidence clearly demonstrated the guilt of the defendant, they had not reversed the case and released the defendant on the public.

The point I am making is that by failing to spell out what a jury system must consist of, we leave this for a question of determination by the courts, all the way to the Supreme Court, where we have had a continuing release of guilty defendants; that is, where the overall reading clearly demonstrates the guilt, where some technicality is brought out.

In a nutshell: Does the fact that the Attorney General has not seen fit to bring the suit, and the court, of course, has not acted on that, would that in turn mean the practice of the States would be prima facie to let some defendants stand guilty after being convicted? Does the gentleman follow me? Is the presumption that it is all right, to the point that a defendant is found guilty and will stand guilty, if the Attorney General has not brought a suit and if there is no contest about the jury system pending?

Mr. CELLER. No, a private party can bring an action also.

Mr. WHITTEN. Could the private party or any other party bring a suit?

Mr. CELLER. Today a private party can bring suit if the private party believes his rights have been violated. This bill does not change that law.

Mr. WHITTEN. May I ask the Committee, if neither the private party nor the Attorney General has brought any suit to contest the statutes of the various States, would the presumption be that the jury would have a proper form and that the defendant would stand guilty?

Mr. CELLER. I take it if no action is brought by the Attorney General and nobody brings any suit, if everybody seems to be satisfied, no question is raised.

Mr. WHITTEN. The presumption is that the system is all right and there would not be grounds for reversing or releasing convicted defendants?

Mr. ROGERS of Colorado. Mr. Chairman, will the gentleman yield at that point?

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

Mr. ROGERS of Colorado. Mr. Chairman, I know that for a number of years the Supreme Court has granted writs of habeas corpus and other processes releasing individuals from penitentiaries where his constitutional rights have been taken away from him. This bill does not remove that authority in any manner whatsoever. The objective of this legislation is to see that in the first instance if we have a properly constituted jury and a conviction is brought about as the result thereof, that it will stand and not be set aside, as the Supreme Court on a number of occasions has done. In fact, there are about 35 cases where they have set aside decisions because there was not a fair selection of jurors.

The objective of this legislation is to see that the State itself goes about the selection of jurors without regard to race, color, creed, and so forth, as provided in section 201.

Now, the fact that the State court may have violated the man's right does not, by virtue of the fact that this legislation may be approved, prohibit him in the future from raising that right if he wants to.

Mr. WHITTEN. May I follow this through and say that those of us—and there are many—who feel that this practice of recent years of reading the overall record and concluding beyond a reasonable doubt that the defendant is guilty, that where there are, as the gentleman from Colorado has said, 35 cases where defendants have been released because of a finding by the court that the jury selection was not in order, there is nothing in this bill to stop the practice of releasing a guilty defendant upon the public as against taking action against those who have failed to carry out some technical provision in jury selection.

Mr. ROGERS of Colorado. At least every decision I have known of when a man has been released it has been because of the abuse of his constitutional rights. It has not been a question of whether he was guilty or not guilty. The question was whether or not his constitutional rights had been denied.

In 35 different instances, a man's constitutional rights were denied because of discriminatory jury selection. That is what we are trying to deal with, so that the jury selection in the future will be according to the Constitution and not on the basis of discrimination.

Mr. WHITTEN. I am trying to show that each time we pass a new law we raise new obstacles in respect to the public being protected from those who are guilty of serious crimes.

Mr. CELLER. I do not agree with that.

Mr. WHITTEN. In my opinion, I will qualify it by saying, in my opinion.

Mr. CELLER. I would vouchsafe this information so far as I am concerned. I believe in one or two instances the Supreme Court may have gone a bit too far in the protection of defendants, in that it failed to protect the community. I will admit that, without going into detail, because this is not the proper place to do so. I agree with the gentleman

in that connection. I do not believe that has anything to do with the issue at hand here.

Mr. WHITTEN. I have one further statement and question.

From the press I have noticed that cases of course have been reversed, and defendants have been released because of a failure in connection with the selection of juries. I have seen that when certain minority groups were not represented on the jury. I recall having read in the press of other cases which have been reversed because the people very carefully saw to it that the jury had representatives of various minority groups on it.

The point I am making is this: Is there any known way for any prosecuting attorney or for any judge to give a criterion by which they can operate the courts, which is essential to the certainty of guilt, which is essential to the protection of the general public? Will this give any standard for any court to know a proper proceeding to protect the rights of the public, under this bill?

Mr. CELLER. I believe we have gone far enough with the declaration of the title, in which we speak of discrimination. I believe that is crystal clear and the courts would have no difficulty in establishing relief or injunctive restraint in that connection.

I would say the gentleman is conjuring up a lot of ghosts that will not exist. I do not believe we need to worry too much about the situation.

The gentleman has been told that we will not interfere at all with the State jury system except when there is such discrimination. That is all this will do, in a nutshell.

Mr. WHITTEN. I thank the gentleman. I hope that I may have some time affirmatively to present my own views later.

Mr. CELLER. Certainly.

Mr. Chairman, title III was added by the Judiciary Committee as an extension of the old part III of the 1957 civil rights bill, which was approved by the House but failed on a close vote in the other body.

Title III authorizes the Attorney General to initiate civil proceedings against persons who are engaging in acts or practices that deprive others of any rights, privileges, or immunities granted or secured by the Constitution or the laws of the United States on account of race, color, religion or national origin.

The title also authorizes both the Attorney General and private individuals to bring suit against interference by private persons or public officials in the lawful exercise of the rights of free speech, assembly, and petition for the purpose of securing recognition of or protection for equal enjoyment of Federal rights free from discrimination on account of race, color, religion, or national origin.

Title IV, as amended by committee, bans discrimination on the grounds of race, color, religion or national origin, in residential housing by real estate brokers, agents, salesmen and other persons "in the business of building, de-

veloping, selling, renting, or leasing dwellings."

A person is deemed to be in the business of building, developing, selling, or leasing dwellings if he has participated in three or more transactions involving the sale or rental of a dwelling or has an interest in the sale or rental of a dwelling within the preceding 12 months. Since the average homeowner does not normally engage in three real estate transactions a year, he would not be covered by the provisions of the title.

Title IV as amended by the committee exempts an owner with respect to the sale, rent, or lease of a part of a building which he occupies as his own residence providing it contains living accommodations for no more than four families living independently of one another.

In my additional views which I filed I made the following statement:

The intent of the author of the amendment, as I understand it, is to the effect that a real estate agent or broker in representing an individual owner not covered by title IV would not be in violation of the prohibitions of section 403(a) in respecting the express instructions of his principal with respect to the conclusions of any sale or rental to any particular person or class of persons. The language of the title is not explicit on this point and should be clarified on the floor as may be desired by the Members of the House.

Title IV also prohibits discrimination on the grounds of race, color, religion, or national origin in the financing of housing. The prohibition against discrimination in such financing applies without exception to banks, savings and loan institutions, credit unions, insurance companies, and any other person who makes loans for the purchase, construction, and prudent repair and maintenance of dwellings.

Title V makes it a crime for any person by force or threat of force to injure, intimidate, or otherwise to interfere with or attempt to injure, intimidate, or interfere with any person because of race, color, religion, or national origin while he is lawfully engaged in or seeking to engage in certain specified activities. Among those protected activities are voting, enrolling or attending public school or college, participating in Federal programs, employment, housing, jury service, transportation, participation in Federal financial assistance.

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

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

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

[Roll No. 177]

Ashley	Ellsworth	Gray
Aspinall	Everett	Green, Ore.
Baring	Fallon	Hall
Barrett	Farnsley	Hardy
Blatnik	Fino	Hébert
Bow	Fisher	Henderson
Clark	Fogarty	Hull
Clevenger	Ford,	Kee
Curtis	Gerald R.	Keogh
de la Garza	Frelinghuysen	King, N.Y.
Dent	Fulton, Pa.	King, Utah
Edwards, La.	Gathings	Kluczynski

Leggett	Olsen, Mont.	Smith, Calif.
McCarthy	Passman	Smith, N.Y.
McEwen	Patman	Staggers
McFall	Pepper	Steed
Martin, Mass.	Powell	Stephens
Martin, Nebr.	Redlin	Sweeney
Miller	Reid, N.Y.	Toll
Mills	Rivers, S.C.	Trimble
Morrison	Rogers, Tex.	Willis
Morse	Scott	Willis, Bob
Mosher	Sikes	Young
Moss	Skubitz	

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14765 and finding itself without a quorum, he had directed the roll to be called when 359 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Chairman, continuing, for prosecutions under section 501(a) it need only be proved that the misconduct was motivated racially or by religious or ethnic considerations. A specific purpose to interfere with the activity reported need not be shown. Section 501(b) provides the same protection. Where the purpose of the accused is to discourage participation by the victim and any other person or class of persons to any of the protected activities and the violence was done because the victim has participated or sought to participate in any such activity or aided others so to participate or is engaged in speech or peaceful assembly opposing any denial of the opportunity so to participate.

Section 501(b) was drafted specifically to cover the case of the random shooting of a Negro who may have no connection with civil rights activities and which is done to create a climate of terror intended to intimidate others who may want to exercise their rights.

Title VI amends existing law to eliminate the requirement contained in titles III and IV of the Civil Rights Act of 1964, but before the Attorney General may institute a suit to desegregate a public facility or a public educational institution he must have received a written complaint and determined that the complainant is unable to bring suit because of financial inability or possibility of reprisal. It would also authorize civil proceedings by the Attorney General to enjoin interference by either private individuals or public officials with desegregation of public schools and facilities. The technicalities of the complaint are the requirement of existing laws. The fact that many Negroes are unaware that they must submit a written complaint before the Federal Government can act and the continued violence and intimidation of Negroes seeking to assert constitutional rights to a desegregated education and desegregated public facilities make this title broadening the Attorney General's power to bring suit a critical one.

Title VII was added by the committee. It would authorize the Attorney General to grant requests of local voting officials to destroy ballots and tally sheets and

other materials relating to the casting and counting of ballots that had been required to be maintained by title III of the 1966 Civil Rights Act and where the Attorney General determines such destruction will not hinder, prevent, or interfere with publication of the various voting rights laws passed by Congress in recent years.

Mr. Chairman, in conclusion, we recognize that law in itself is not an end-all, nor can it be a substitute for human understanding. But the law must lead.

Mr. Chairman, we have witnessed significant progress in recent years through enactment of earlier civil rights statutes. The progress in voting, education, public accommodations and even in employment—but these are only plateaus in the ascent. The summit has not been reached.

Mr. Chairman, we must not falter now—we must not allow violence or intimidation to deter the realization of the promises we have made.

We must assure that the hopes we have raised are fulfilled.

Mr. Chairman, when we are back in the House I shall secure permission to insert in the RECORD at this point a more detailed description of the bill, and a memorandum prepared, at my request, by the Department of Justice, which outlines the constitutionality of the various titles of H.R. 14765, the Civil Rights Act of 1966.

DESCRIPTION OF BILL

Mr. Chairman, title I of the bill provides uniform specific procedures for the selection of jurors in the Federal courts. The procedures are designed to assure that Federal jurors are chosen from a broad cross section of the community. Thus, section 1861 declares it to be the policy of the United States that all qualified persons shall have the opportunity to serve as jurors and the obligation to serve when summoned for jury service. Title I prohibits the exclusion of any person from Federal jury service on account of race, color, religion, sex, national origin, or economic status. It creates substantive rights in, first, qualified citizens of the judicial district, to be considered for jury service without discrimination on any of the grounds stated; second, accused persons in criminal cases, to be indicted and tried by grand and petit juries selected in conformity with this section, and third, parties in civil cases, to go to trial before a jury selected in conformity with this title.

Section 1864 of title I prescribes that the jury commission is required to maintain a master jury wheel which is to contain names of jurors selected at random from the official voter registration lists of persons residing in the district or division. The voter rolls are to be the exclusive source of names of prospective jurors, unless supplementary sources of names are prescribed by the judicial council of the circuit upon a determination that the use of the voter rolls alone in a particular district or division might have the result of excluding from jury service any class of persons on the grounds of race, color, religion, sex, national origin, or economic status.

Section 1864(a) requires that names to be placed in the master jury wheel be taken at random from the voter rolls—or other sources prescribed by the judicial council. The procedures for the random selection are to be set down by rule by the chief judge of the district. Although the rules of court governing random selection procedures could vary from district to district, perhaps the simplest procedure would be to take every hundredth—or other appropriate—name from the voter list, thereby automatically insuring compliance with the randomness requirement and with section 1864(b).

Under the definition of "division" contained in section 1870(c) a separate master wheel may be set up for each division of a district, or, if the district is not subdivided into divisions, for each place of holding court, as set forth in the judicial code, where court is actually held. Thus, title I makes allowance for places where unduly long distances would have to be traveled to court if only one master wheel were used in a district where the court sits in more than one place.

Section 1865 prescribes the methods to be followed in drawing names from the master wheel, summoning prospective jurors, and testing their qualifications. Most importantly, the juror qualification form would provide all of the information necessary to determine whether a person is able to meet the English-literacy qualification, and that determination is to be made solely on the basis of the form. Only where objective evidence not shown on the juror qualification form indicates that a person does not possess the qualifications relating to age, citizenship, residence, mental or physical infirmity, and criminal convictions will the court or the jury commission be authorized to go behind the form. In short, title I outlaws the apparent practice in some districts of imposing higher and subjective standards in order to obtain so-called blue-ribbon juries.

The committee added a provision to the title to make it possible to mail the qualification form to the prospective juror, who is to fill it out and mail it back, in division where long distances might have to be traveled to the courthouse by persons whose qualifications for jury service are to be tested. Thus, a personal appearance would not always be required for testing qualifications.

Section 1867 establishes a means for challenging compliance with the technical selection procedures prescribed by title I. The challenging party may present testimony of the jury commission together with other available evidence in support of his contention that there has been a failure to comply with section 1864, 1865, or 1866 of the title. If the challenger adduces enough evidence to lead a reasonable man to conclude that further investigation is necessary before the claim of noncompliance can be disposed of, the challenger is given access to otherwise confidential jury records. The challenge would be sustained upon proof of a significant departure from the procedure, set forth in sections 1864, 1865, or 1866 and in that event in a crim-

inal case, the court would be required to dismiss the indictment or stay the proceedings pending the selection of a petit jury in conformity with title I. The Attorney General, and litigants in civil cases would be authorized to utilize a similar challenge procedure.

Section 1868 governs the maintenance and inspection of records and papers compiled and maintained by the jury commission in the performance of its duties, and will remedy one of the defects of existing law where litigants seeking to challenge the operation of the jury system have been faced with records inadequate to substantiate their claims.

Section 1869 of title I prohibits the exclusion, excuse, or exemption of entire classes of persons on hardship or other grounds, except as provided in section 1872. Under present law entire classes of persons such as wage earners, apparently may be so exempted or excluded. By requiring a finding of unusually severe hardship, section 1869 would restrict excuses to instances of particularized hardship not shared generally with many others called for jury service.

TITLE II

Title II concerns the State jury problem and prohibits discrimination in jury selection procedures in all State courts on account of race, color, religion, sex, national origin, or economic status, in terms identical to the comparable provision of title I. But since title II permits State jury officials to continue to follow such valid selection practices as they now use, the scope of the ban in discrimination on account of sex or economic status would not be identical to that resulting from use of the prescribed selection system under title I.

Title II would override two types of State laws regulating jury service by women. First, those in Alabama, Mississippi, and South Carolina, which totally exclude women from juries. Second, those in Florida, Louisiana, and New Hampshire which include women unless they affirmatively volunteer for jury service by taking steps—not required of men—to sign up for jury service. But State laws allow women to claim exemption from jury service either absolutely or depending upon family responsibilities would not be nullified.

Similarly, the ban on economic discrimination in title II would not outlaw every State procedure which might have some incidental economic impact. State laws imposing direct economic qualifications for jury service, such as New York's \$250 property qualification, would be nullified by title II. State laws prescribing the tax lists as the exclusive source of names of jurors would also be nullified unless the tax base is so broad as to include practically every adult in the community.

Aside from the substantive rights secured, title II has two other principal features. Section 202 authorizes the Attorney General to institute civil actions for preventive relief whenever he has reasonable ground to believe that State jury officials have engaged or are about to engage in any act or practice which would deny or abridge any right secured by section 201. If the court finds that a

section 201 right has been violated it is authorized to grant relief, to be effective for such period of time as may be appropriate. The bill specifies a number of types of equitable remedies, which, among others, the court could grant.

First, any qualification for jury service, or any basis for excuse, exemption or exclusion from jury service violative of section 201 or unduly discretionary may be barred. For example, if the court found that Negroes had in the past been systematically excluded from service by maladministration of a keyman system or by simply not summoning Negroes whose names were drawn from a wheel or similar device, the court could enjoin not only those practices but also suspend the use of subjective qualifications like "good character" or "intelligence" which are likely to be abused, even though they theretofore had not been abused. Our experience in voting shows that where an inclination to discriminate has been proved the courts should be zealous to remove the temptation to discriminate by new and as yet untried means. The "good character" tests are the most easily perverted to this end. Second, concomitantly with the prohibition on subjective criteria, the court could require the use of objective criteria in determining qualifications, exemptions, exclusions, or excuses. Third, the court could require the future maintenance of detailed records—including records containing race identification and other relevant data concerning persons considered and selected for jury service—over and above any record-keeping requirements prescribed by State law. Fourth, if necessary, the court could appoint a master to perform the duties of the jury officials.

Section 203 makes it clear that courts should not hesitate to grant full and effective relief where warranted by the facts. The section makes it equally clear that the courts are to grant any other relief that may be necessary or appropriate.

The third principal feature of title II is its disclosure provision contained in section 204. The disclosure mechanism is activated when it is asserted that the discrimination is being or has been practiced in violation of the rights granted by section 201. Upon the filing of such a claim, the appropriate State or local officials are required to file a sworn statement providing a detailed and comprehensive description of every step in the process of selecting jurors in the State court in which discrimination is alleged to have occurred. The statement would include the sources of names of prospective jurors, the criteria used in determining qualifications for jury service, and the methods used in summoning jurors and assigning them to jury panels. The statement constitutes evidence on the question whether discrimination has occurred, and, in addition, the complaining party has the right to cross-examine the jury officials and any other persons, such as court officials or employees, having knowledge of the relevant facts. The complaining party can also adduce other evidence in support of his claim. At that point, if the court determines that enough evidence of dis-

crimination has been shown to lead a reasonable person to believe that the claim should not be disposed of without further inquiry—a slight burden for the complainant to meet—the complaining party is given access to any relevant records and papers used by the jury officials in the performance of their duties which are not public or otherwise available. If the records and other evidence do not permit a definite finding to be made one way or another but there is probable cause to believe discrimination has occurred, the State or local officials must produce further evidence to rebut the claim or the court would enter the appropriate order in favor of the complainant.

This challenge procedure which I have described may be used by the Attorney General in a suit under this title, private litigants residing in the area who seek to enforce the prohibition against discrimination in injunctive proceedings, or a defendant in a criminal case or convicted person attacking collaterally a criminal conviction.

TITLE III

Title III was added by the Judiciary Committee. It is an extension of old part III of the 1957 civil rights bill, which was approved by the House, but failed on a close vote in the other body. Title III authorizes the Attorney General to initiate civil proceedings against persons who are engaging in acts or practices that deprive others of any rights, privileges, or immunities granted or secured by the Constitution or laws of the United States on account of race, color, religion, or national origin. The title also authorizes both the Attorney General and private individuals to bring suit against interference by private persons or public officials with the lawful exercise or rights of speech, assembly, and petition for the purpose of securing recognition of or protection for equal enjoyment of Federal rights free from discrimination on account of race, color, religion, or national origin.

TITLE IV

Title IV, as amended by the committee, bans discrimination on grounds of race, color, religion or national origin in residential housing by real estate brokers, agents, salesmen, and other persons in the "business of building, developing, selling, renting or leasing dwellings." A person is deemed to be in the business of building, developing, selling or leasing dwellings if he has participated in three or more transactions involving the sale or rental of a dwelling or an interest in a dwelling within the preceding 12 months. Since the average homeowner does not normally engage in three real estate transactions a year, he would not be covered by the provisions of the title.

Title IV, as amended by the committee, exempts an owner with respect to the sale, rent or lease of a part of a building which he occupies as his own residence, provided that it contains living accommodations for no more than four families living independently of one another.

In my additional views which I filed I made the following statement:

The intent of the author of the amendment, as I understand it, is to the effect

that a real estate agent or broker, in representing an individual owner not covered by title IV, would not be in violation of the prohibitions of section 403(a) in respecting the express instructions of his principal with respect to the conclusion of any sale or rental to any particular person or class of persons. The language of the title is not explicit on this point and should be clarified on the floor, as may be desired by the Members of the House.

Section 403(c) exempts religious or denominational institutions and bona fide private or fraternal organizations so as to permit them to give preference to persons of the same religion or denomination, or in the case of private or fraternal organizations, to their own members, or to make such selections as are reasonably calculated to promote the principles for which they are established or maintained.

Title IV also prohibits discrimination on grounds of race, color, religion and national origin in the financing of housing. The prohibition against discrimination in such financing applies without exception, to banks, savings and loan institutions, credit unions, insurance companies and any other person who makes loans for the purchase, construction, improvement, repair or maintenance of dwellings.

The title also forbids any person in the exercise or enjoyment of the rights granted by the title, or because he has exercised or enjoyed, or aided or encouraged others in the exercise or enjoyment of, such rights. It would authorize civil actions for injunctive relief against individuals or mobs seeking to prevent a minority group family from moving into a home, for example, or any other type of coercion or interference with the exercising of rights under this title.

Rights granted by the title are enforceable in both State and Federal courts. An individual who is discriminated against in violation of the title may bring a civil action for injunctive relief and for such damages as he can actually prove. If the defendant has received or agreed to receive compensation for services during the course of which the violation occurred, and if the plaintiff requests such relief, the court may, as an alternative, award as liquidated damages an amount not exceeding such compensation. A Federal court could waive the payment of fees, costs or security and appoint attorneys to represent either or both parties, as could State and local courts, if permitted to do so by local law and practice. Private actions under the title—but not suits by the Attorney General—would be subject to a 6-month statute of limitations.

Where there is a State or local fair housing law which also bars the discrimination complained of under title IV, the court is authorized to stay its own proceedings in any private suit under the title pending referral to a State or local agency which has authority to grant relief to the plaintiff. The court can initially grant a 30-day stay by issuing an order protecting the rights of the parties before it. The stay may be appropriately extended once local proceedings have begun. These provisions are designed to permit Federal and other courts to avoid unnecessary proceedings

where experience has shown that State or local housing agencies are capable of doing an effective job.

The Attorney General is authorized to enforce the title when he has reasonable cause to believe that there is a "pattern or practice" of discrimination in housing. He is permitted to intervene in a private action in Federal court if he certifies that it is a case of general public importance.

Title IV, as amended by the House Judiciary Committee, also establishes procedures for administrative enforcement. Section 408 establishes a Fair Housing Board of five members, to be appointed by the President. The procedures prescribed by the section are modeled on those applicable to the National Labor Relations Board. Under title IV, however, investigative functions are assigned to the Secretary of Housing and Urban Development and adjudicative reasonability is given to the Fair Housing Board, which will be independent of the Secretary. The Secretary is authorized to investigate possible violations of the title on the basis of information available to him indicating that a violation may have occurred or on the basis of a written complaint from a person claiming to have been aggrieved by a violation. Upon determining the existence of a probable violation, the Secretary will present the case at a hearing before the Board; if it finds that there has been discrimination prohibited by the title, it can enter a cease and desist order which would be subject to enforcement and review as are NLRB orders.

Finally, the Secretary of Housing and Urban Development is also directed to make and publish reports on discrimination in housing, to cooperate with and render technical assistance to appropriate private or public agencies, and to operate his Department's relevant programs in such a way as to further the policies of the title.

TITLE V

Title V makes it a crime for any person by force or threat of force to injure, intimidate or otherwise interfere with, or to attempt to injure, intimidate or interfere with any person because of his race, color, religion, or national origin while he is lawfully engaging in or seeking to engage in certain specified activities. Among those protected activities are voting, enrolling in or attending public schools or colleges, participating in Federal programs, employment, housing, jury service, transportation, participating in Federal financial assistance, and obtaining service in any place of public accommodations. In prosecutions under section 501(a), it need only be proved that the misconduct was motivated racially or by religious or ethnic considerations—a specific purpose to interfere with the activity involved need not be shown.

Section 501(b) provides the same protection where the purpose of the accused is to discourage participation by the victim or any other person or class of persons in any of the protected activities, or the violence was done because the

victim has participated or sought to participate in any such activity, or has urged or aided others to so participate, or has engaged in speech or peaceful assembly opposing any denial of the opportunity to so participate. Section 501(b)(1) was drafted specifically to cover the case of the random shooting of a Negro, which may have no connection to civil rights activities, and which is done to create a climate of terror intended to intimidate others who may want to exercise their rights.

Section 501(c) protects persons with legal obligations not to discriminate with respect to the protected activities—such as public school officials, restaurant owners, and employers—by prohibiting the same conduct barred by section 501(a) where the purpose is to discourage such official or person from affording equal treatment to those participating or seeking to participate in any of the protected activities or as a reprisal for having afforded other persons such equal treatment.

The penalties for violations of sections 501(a), (b), or (c) are graduated depending upon whether actual physical injury or death results. The penalties for violating sections 241 and 242 of the existing laws are also increased.

Since title V sets forth very specifically the kinds of conduct to which criminal liability attaches there would be no need for proof of "specific intent" as required under sections 241 and 242 by the decision in *Screws v. United States*, 325 U.S. 91 (1945).

TITLE VI

Title VI—which was title III of the bill as introduced—amends existing law to eliminate the requirement contained in titles III and IV of the Civil Rights Act of 1964 that before the Attorney General may institute a suit to desegregate a public facility or a public educational institution, he must have received a written complaint and determined that the complainant is unable to bring suit because of financial inability or the possibility of reprisal. It would also authorize civil proceedings by the Attorney General to enjoin interference by either private individuals or public officials with desegregation of public schools and facilities.

The technicalities of the complaint requirement of existing law; the fact that many Negroes are unaware that they must submit a written complaint before the Federal Government can act; and the continued violence and intimidation of Negroes seeking to assert their constitutional rights to a desegregated education and desegregated public facilities, makes this title, broadening the Attorney General's power to bring suit, a critical one.

As amended by the committee, the title would prohibit the Attorney General from instituting suits to overcome "racial imbalance" in public schools. It should be clearly understood that this is not intended to prevent suits by the Attorney General against unconstitutional racial discrimination in schools, whether such discrimination is directed against pupils directly or indirectly by such means as perpetuating faculty desegregation.

TITLE VII

Title VII was added by the committee. It would authorize the Attorney General to grant requests from local voting officials to destroy ballots, tally sheets, and other materials relating to the casting and counting of ballots required to be maintained by title III of the 1960 Civil Rights Act, where the Attorney General determines that such destruction will not hinder, prevent, or interfere with the accomplishment of the purposes of the various voting rights laws passed by Congress in recent years.

TITLE VIII

Title VIII contains the usual provision authorizing necessary appropriations and a separability clause.

The memorandum referred to follows:

CONSTITUTIONALITY OF THE PROPOSED CIVIL RIGHTS ACT OF 1966 (H.R. 14765)

TITLE I—FEDERAL JURIES

Title I of H.R. 14765 prescribes a detailed system of jury selection for the federal courts, designed to ensure that all persons are considered for federal jury service without discrimination on account of race, color, religion, sex, national origin or economic status. The provisions are fully authorized by Article I, Section 8, Clauses 9 and 18 of the Constitution, which authorize the Congress to "constitute Tribunals inferior to the Supreme Court" and to "make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers . . ." See, also, Art. III, Sec. 1, which vests the judicial power of the United States in the Supreme Court and "such inferior courts as the Congress may from time to time ordain and establish."

That the power to establish courts includes authority to regulate the practice in federal court proceedings, said Chief Justice Marshall, "seems to be one of those plain propositions which reasoning cannot render plain-er." *Wyman v. Southard*, 10 Wheat 1, 22. The power of Congress "embraces the whole progress of [the] suit, and every transaction in it, from its commencement to its termination . . ." *Beers v. Houghton*, 9 Pet. 329, 360. See, also, *Hanna v. Plumer*, 380 U.S. 460, 472; *Sibbach v. Wilson*, 312 U.S. 1. Jury selection is obviously an aspect of that regulation. Thus, when Congress in the Civil Rights Act of 1957 eliminated State jury qualifications as prerequisites to federal jury service, the statute was upheld against constitutional attack. *United States v. Wilson*, 158 F. Supp. 442 (M.D. Ala.), affirmed, 255 F. 2d 686 (C.A. 5) certiorari denied, 358 U.S. 865.

The proposed legislation is consistent with the constitutional requirement of trial by an "impartial" jury. U.S. Const., Amend VI; see, also, Art. III, Sec. 2, cl. 3, and Amend VII. As the Supreme Court said in *Thiel v. Southern Pacific Railway*, 328 U.S. 217, 220:

"The American tradition of trial by jury, considered in connection with either criminal or civil proceedings, necessarily contemplates an impartial jury drawn from a cross-section of the community. *Smith v. Texas*, 311 U.S. 128, 130; *Glasser v. United States*, 315 U.S. 60, 85. This does not mean, of course, that every jury must contain representatives of all economic, social, religious, racial, political and geographical groups of the community; frequently such complete representation would be impossible. But it does mean that prospective jurors shall be selected by court officials without systematic and intentional exclusion of any of these groups . . . distinctions and discriminations which are abhorrent to the democratic ideals of trial by jury."

See, also, *Ballard v. United States*, 329 U.S. 187; *Glasser v. United States*, 315 U.S. 60. Since the object of Title I is legitimate and the means chosen are plainly adapted to achieving that object, Title I is constitutional. *McCulloch v. Maryland*, 4 Wheat 316; *Katzenbach v. McClung*, 379 U.S. 294.

TITLE II—STATE JURIES

Title II, the State jury title, contains four basic provisions. *First*, it prohibits the exclusion from jury service in any State or local court of any person on account of race, color, religion, sex, national origin, or economic status. *Second*, it authorizes the Attorney General to seek injunctive relief where he has reasonable cause to believe that this prohibition on discriminatory exclusion has been violated. *Third*, it expressly confirms the authority of the federal district court, if it finds that prohibited discrimination in jury selection has occurred, to bar use of offending procedures, substituting objective criteria, and, where necessary, to appoint a master to perform the duties of the local jury commissioners. *Fourth*, it requires that State jury officials preserve for four years such records as they ordinarily prepare in the course of their duties, and (as described in more detail *infra*) requires them, in any court proceeding where jury discrimination is put in issue, to disclose such records and other information as may be necessary to determine whether there has been discrimination. The constitutional basis for Title II is Section 5 of the Fourteenth Amendment, under which Congress is empowered to enact all "appropriate legislation" to enforce the Amendment.

1. The right of a defendant in a criminal case to be tried by a State jury from which no class of persons has been excluded on account of race, color or national origin, is of long standing. 18 U.S.C. 243; *Strauder v. West Virginia*, 100 U.S. 303; *Ex Parte Virginia*, 100 U.S. 339; *Arnold v. North Carolina*, 376 U.S. 773; *Hernandez v. Texas*, 347 U.S. 475. More recently it has been held that the exclusion of women or persons of a particular religion as a class from jury service violates the Fourteenth Amendment. *White v. Crook*, 251 F. Supp. 401 (M.D. Ala.); *Schowgurow v. Maryland*, 213 A. 2d 475.

While no decision has directly invalidated the practice of excluding persons from jury service in State courts on account of economic status, recent Supreme Court decisions indicate that such a procedure would offend the Equal Protection Clause of the Fourteenth Amendment. As the Court said recently in striking down the Virginia poll tax as working an impermissible economic discrimination (*Harper v. Virginia State Board of Elections*, 86 S. Ct. 1079, 1082): "Lines drawn on the basis of wealth or property, like those of race . . . are traditionally disfavored. See, also, *Griffin v. Illinois*, 351 U.S. 12 (free transcripts for indigents); *Gideon v. Wainwright*, 372 U.S. 335 (appointed counsel for those financially unable to retain and pay counsel); *Douglas v. California*, 372 U.S. 353 (appointed counsel on appeal). Since economic status is no more germane to the ability to cast an intelligent vote in the jury box than it is to the ability to cast an intelligent vote in the ballot box, it would seem to follow that no State may erect an economic barrier to jury service.

Moreover, even if the Equal Protection Clause of its own force does not outlaw economic discrimination in jury selection, it is clear Congress may do so under its power to implement the guarantees of the Fourteenth Amendment. See *Katzenbach v. Morgan*, 383 U.S. 903. Indeed, the Supreme Court not only approved such legislative initiative when Congress gave content to the general language of the Equal Protection Clause by banning racial discrimination in State juries

(*Ex Parte Virginia*, 100 U.S. 339, 345-346), but also indicated that it would be largely guided by the judgment of Congress with respect to the exclusion of economic classes from jury service. See *Fay v. New York*, 332 U.S. 261, 282-284, 293. See, also, *Harper v. Virginia State Board of Elections*, *supra*, at 1083 and 1089 (opinions of Black, J., and Stewart and Harlan, JJ.).

2. With respect to the authority granted the Attorney General to sue for injunctive relief where he believes jury discrimination has occurred, it need only be noted that Congress granted similar authority to the Attorney General in 1957, 1964, and 1965 in the areas of voting, public accommodations, schools, and public facilities, and that the comparable provision of the 1957 Civil Rights Act was sustained in *United States v. Raines*, 362 U.S. 17. The Supreme Court there said (*id.* at 27):

"There is the highest public interest in due observance of all constitutional guarantees * * * and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief."

3. The remedial provisions of the Title are wholly appropriate. Even without legislation, a court of equity would be authorized to suspend procedures which invite violations of a constitutional right and to require the keeping of the necessary records to police its decree. See *Louisiana v. United States*, 380 U.S. 145. So, also, the court may require use of objective procedures. Such remedial action has become a commonplace in the area of school desegregation, legislative reapportionment and voting. Certainly Congress may confirm this authority, as well as recognize the court's traditional power to appoint a master to undertake such specified duties in connection with jury selection as may be necessary to assure compliance with the court's orders. The Supreme Court has settled this beyond debate. See *South Carolina v. Katzenbach*, 383 U.S. 301. See, also, *White v. Crook*, 251 F. Supp. 401 (M.D. Ala.).

4. The requirement that the State preserve its jury records for four years is patterned after the requirement that State voting officials preserve voting records. See 42 U.S.C. 1974. The voting statute has been sustained. See *Kennedy v. Owen*, 321 F. 2d 116 (C.A. 5); see also, *Kennedy v. Lewis*, 325 F. 2d 210 (C.A. 5); *Kennedy v. Lynd*, 306 F. 2d 222 (C.A. 5), certiorari denied, 371 U.S. 952.

Section 204 of Title II requires disclosure of those records, and of certain other information, under some circumstances. When a claim of jury discrimination is made—whether at the trial or in injunctive or collateral proceedings in State or federal court—the State jury officials must file a written statement describing in detail how their jury selection system operates. Then, if there is evidence of discrimination indicating that the claim should not be disposed of without further inquiry, they must disclose their records to the complainant and, if there is probable cause to believe discrimination has occurred but the records are not sufficient to permit a definite decision, the burden is on jury officials to produce additional evidence that there has been no discrimination.

These provisions are designed to remove a major obstacle to effective enforcement of the requirement of non-discrimination in jury selection—the inability of complainants

to ascertain how jury selection actually operated, due largely to the inaccessibility of official jury records. See, e.g., *Scott v. Walker*, No. 20814 (C.A. 5); *United States ex rel Seals v. Wiman*, 304 F. 2d 53 (C.A. 5); *State v. Lowry*, 263 N.C. 536, 139 S.E. 2d 870. The proposed procedure would permit the court which considers a jury exclusion claim to base its decision on a complete record of the questioned events.

The imposition of federal requirements on State court proceedings is sufficiently familiar. Even without Congressional legislation, the Due Process and Equal Protection clauses of the Fourteenth Amendment control many aspects of local procedure. Thus, State courts must respect the privilege against self-discrimination (*Malloy v. Hogan*, 378 U.S. 1) and may not permit the State prosecutor to comment on the failure of a defendant in a criminal case to take the stand in his own defense. *Griffin v. California*, 380 U.S. 609. They must appoint counsel for any defendant charged with a serious crime, at the trial level (*Gideon v. Wainwright*, 372 U.S. 335), and on appeal (*Douglas v. California*, 372 U.S. 353). They must furnish a free transcript to those who cannot afford to pay for it. *Griffin v. Illinois*, 351 U.S. 12. They may not apply rules creating presumptions which impinge upon Thirteenth or Fourteenth Amendment rights. *Oyama v. California*, 332 U.S. 633; *Bailey v. Alabama*, 219 U.S. 212. They may not frustrate the assertion of federal claims through procedural traps, whether arbitrary (*Wright v. Georgia*, 373 U.S. 284, 289-291) or discriminatory (NAACP v. Alabama, 357 U.S. 449; see *Davis v. Wechsler*, 263 U.S. 22, 24), or defeat a federal claim "under the name of local practice" by applying unduly strict rules of pleading even when those rules are nondiscriminatory and applicable to State law claims. *Brown v. Western Ry.*, 338 U.S. 294, 299. Nor may they apply doctrines of waiver which do not recognize the fundamental nature of federal constitutional rights. *Henry v. Mississippi*, 379 U.S. 443; cf. *Fay v. Noia*, 372 U.S. 391. And, finally, State judges are now required to pass on the voluntariness of a confession before submitting the issue to the jury. *Jackson v. Denno*, 378 U.S. 368.

Indeed, the Fourteenth Amendment itself affects State procedure with respect to jury discrimination claims. It shifts the burden of proof to the State when in a State court proceeding a complainant makes out a *prima facie* case of jury exclusion. *Patton v. Mississippi*, 332 U.S. 463; *Reece v. Georgia*, 350 U.S. 85, 88; *Hernandez v. Texas*, 347 U.S. 475; *United States ex rel. Seals v. Wiman*, 304 F. 2d 53 (C.A. 5). This rule often requires the State to come forward with additional evidence. Basically, Section 204 is simply a refinement of this existing obligation.

It is wholly appropriate for Congress to implement the Equal Protection Clause in this area through procedural and remedial regulations. It would of course be possible to provide for removal of all cases in which a federal constitutional claim of jury discrimination is asserted by the defendant. See *Strauder v. West Virginia*, 100 U.S. 303; *Tennessee v. Davis*, 100 U.S. 257. But the lesser remedy—less offensive to State prerogatives—is simply to provide for a fair hearing of the claim in State courts. Thus, the very first Civil Rights Act, in 1866 expressly required State courts to recognize the right of the new freedmen "to sue, be parties [and] give evidence," and forbade the imposition of disparate "pains and penalties." 14 Stat. 27, now 42 U.S.C. 1981. And, as already noted, jury discrimination, in particular, is a proper subject for legislation. See *Ex Parte Virginia*, 100 U.S. 339, 345; *Fay v. New York*, 332 U.S. 261, 282-284. The proposed

¹For the reasons given in discussing Title I of the bill, there is no constitutional inhibition to regulation of the procedure for hearing the claim in a federal court. The present discussion relates only to claims of State jury discrimination when litigated in the State courts.

rules—appropriate as they are to implementing constitutional guarantees—are well within permissible boundaries. Cf. *South Carolina v. Katzenbach*, 383 U.S. 301, 325-328; *Katzenbach v. Morgan*,—U.S.—.

TITLE III—PUBLIC SCHOOLS AND PUBLIC FACILITIES (TITLE VI OF THE BILL REPORTED BY THE HOUSE JUDICIARY COMMITTEE)

Present law (Titles III and IV of Civil Rights Act of 1964) permits the Attorney General to sue to desegregate schools or public facilities only if he has received a written complaint and determined that the complainant is unable to sue on his own behalf. Title III of the pending bill would eliminate these restrictions on the Attorney General's power to sue. This change presents no constitutional question; the 1957 Civil Rights Act granted the Attorney General the same power to sue in the voting field as the bill would grant him with respect to schools and facilities, and its constitutionality was sustained in *United States v. Raines*, 362 U.S. 17. (For the same reason, no constitutional objection can be made to Title III of the bill reported by the House Judiciary Committee, which authorizes the Attorney General or an aggrieved person to bring suit to redress deprivations of any right under the Constitution or laws of the United States on account of race, color, religion or national origin, and to bring similar actions against State officials who deny or burden another in the exercise of a lawful right to speak, assemble, or petition for the purpose of receiving equal treatment.)

The additional authority granted the Attorney General by Title III to seek to enjoin any person who interferes (whether by force or more subtle forms of coercion) with a right to attend schools or facilities on a desegregated basis parallels similar authority granted in the Civil Rights Acts of 1957, 1964, and 1965 with respect to interference with public accommodations and voting. This authority has been frequently invoked and upheld. See *United States v. Wood*, 295 F. 2d 772 (C.A. 5), certiorari denied, 369 U.S. 850; *United States v. Bruce*, 353 F. 2d 474 (C.A. 5); *United States v. Beatty*, 288 F. 2d 653 (C.A. 6); *United States v. Clark*, 249 F. Supp. 720 (S.D. Ala.); *United States v. Original Knights of the Ku Klux Klan*, 250 F. Supp. 330 (E.D. La.). Insofar as Section 302 authorizes suits against private persons who interfere with these rights which are based upon Fourteenth Amendment, its constitutionality is established by *United States v. Guest*,—S. Ct.—, (34 U.S.L. Week 4323) more fully discussed later in this memorandum. (So, too, that part of Title III of the bill reported by the House Committee, authorizing suit against private or official interference with First Amendment right exercised to achieve equality, is constitutionally sound.)

TITLE IV—HOUSING

Title IV of the proposed Civil Rights Act of 1966 would prohibit discrimination on account of race, color, religion or national origin with respect to the sale, rental or financing of residential housing.

There can be no serious claim that the proposed legislation unduly impinges on "liberty of contract" or constitutes an unconstitutional deprivation of property without "due process of law" or a taking of private property without just compensation. Some aspects of the question have been settled at least since the restrictive covenant cases. See *Shelley v. Kraemer*, 334 U.S. 1, 22; *Hurd v. Hodge*, 334 U.S. 24, 30-36; *Barrows v. Jackson*, 346 U.S. 249, 260. Since then State and local laws barring discrimination in the sale and rental of housing have become a commonplace. See U.S. Commission on Civil

Rights, *Freedom to the Free* (1963), p. 144.² If any doubt remained it was settled by *Atlanta Motel v. United States*, 379 U.S. 241, 259-261, sustaining the public accommodation title of the Civil Rights Act of 1964. It is now beyond debate that forbidding discrimination on account of race, religion, or national origin in commercial transactions does not unconstitutionally invade private rights.

The remaining question is simply one of federal versus State power to deal with the problem. There are two independent constitutional bases supporting the power of Congress to enact this legislation: the Commerce Clause (Art. I, Sec. 8, cl. 3) and the Enforcement Clause of the Fourteenth Amendment (Sec. 5).

A. The commerce clause

The power of Congress over interstate commerce and activities affecting interstate commerce is broad and plenary. It does not matter whether the motivation is solely to promote commerce. What was said in upholding the public accommodation law of 1964 is applicable here: "That Congress was legislating against moral wrongs in many of these areas rendered its enactments no less valid." *Atlanta Motel v. United States*, 379 U.S. 241, 257. Congress has frequently exercised its powers over interstate commerce to protect the public health, safety and

² The only recent decision invalidating fair housing legislation is *O'Meara v. Washington State Board Against Discrimination*, 58 Wash. 2d 793, 365 P. 2d 1, in which the Washington State Supreme Court divided 5 to 4. Three of the five judges comprising the state court majority rested their decision on the view that the statutory distinction between publicly-assisted housing and other housing was not supportable under the federal and State constitutions, and the other two rested their decision solely on the state constitution. The Supreme Court of the United States evidently declined to review the judgment on certiorari because it was viewed as resting independently on the State Constitution. See 369 U.S. 839. The view of the United States Supreme Court is revealed in its dismissal "for want of a substantial federal question" of the appeal from the decision of the Supreme Court of New Jersey rejecting a similar argument. See *Levitt & Sons v. Division Against Discrimination*, 31 N.J. 514, 158 A. 2d 177, appeal dismissed, 363 U.S. 418. Unlike a denial of certiorari, dismissal of an appeal by the Supreme Court of the United States for want of a substantial federal question is a ruling on the merits. Thus, the view of the federal constitution reflected by part of the O'Meara majority is inconsistent with the Supreme Court's disposition of *Levitt*. And in any event, that view is inapplicable to Title IV, which makes no distinction between publicly-assisted housing and other housing.

Other State courts have uniformly upheld fair housing laws against various federal and state constitutional attacks. See *Massachusetts Commission v. Colangelo*, 182 N.E. 2d 595; *Burks v. Poppy Const. Co.*, 57 Cal. 2d 463, 20 Cal. Rep. 609, 370 P. 2d 313; *Colorado Commission v. Case*, 151 Colo. 235, 380 P. 2d 34; *Jones v. Haridor Realty Corp.*, 37 N.J. 384, 181 A. 2d 481; *Conney v. Katzen*, 41 Misc. 2d 236, 245 N.Y.S. 2d 548 (Sup. Ct.); *New York State Commission v. Pelham Hall Apartments*, 10 Misc. 2d 334, 170 N.Y.S. 2d 750 (Sup. Ct.); *Swanson v. The Commission*, 6 Race Rel. L. Rep. 841 (Conn. Sup. Ct.); *Porter v. Oberlin*, 30 O. 2d 491, 205 N.E. 2d 363 (Ohio Sup. Ct.); see also *Mulkey v. Reitman*, C.A. No. 28360 (Calif., May 10, 1966) (invalidating "Proposition 14").

morals, to protect various groups in society from exploitation or unjust treatment, and to prohibit or regulate practices deemed injurious to the public welfare.³

Nor is the power of Congress under the Commerce Clause restricted to goods or persons actually in transit. "The congressional authority to protect interstate commerce from burdens and obstructions," the Supreme Court said in *Labor Board v. Jones and Laughlin Steel Corp.*, 301 U.S. 1, 36-37, "is not limited to transactions deemed to be an essential part of a 'flow' of interstate or foreign commerce. The fundamental principle is that the power to regulate commerce is the power to enact 'all appropriate legislation' for 'its protection and advancement' . . . to adopt measures 'to promote its growth and ensure its safety' . . . 'to foster, protect, control and restrain.'" "Nor are the cases holding that interstate commerce ends when goods come to rest in the State of destination apposite here. That line of cases has been applied with reference to state taxation or regulation but not in the field of federal regulation." *Katzenbach v. McClung*, 379 U.S. 294, 302.

The reach of the Commerce Clause is not exceeded merely because the particular activity regulated is local or is quantitatively unimportant. It is enough if it measurably affects interstate commerce. Thus, in *Wickard v. Filburn*, 317 U.S. 111, 125, the Agricultural Adjustment Act of 1938 was applied to a farmer who sowed only 23 acres of wheat and whose individual effect on interstate commerce amounted only to the pressure of 239 bushels of wheat upon the total national market. In *Mabee v. White Plains Publishing Co.*, 327 U.S. 178, the Fair Labor Standards Act was applied to a newspaper whose circulation was about 9,000 copies and which mailed only 45 copies—about one-half of one percent of its business—out of State. See, also, *Labor Board v. Fainblatt*, 306 U.S. 601, 607; *United States v. Darby*, 312 U.S. 100, 123. In *United States v. Sullivan*, 332 U.S. 689, the Supreme Court held that Congress has power to forbid a small retail druggist from selling drugs without the form of label required by the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 *et seq.*), even though the drugs were imported in properly labeled bottles from which they were not removed until they reached the local drugstore and even though the drugs in question had reached the State nine months before being resold. And, most recently, the Court sustained under the Commerce Clause the application of the federal public accommodations law to a small restaurant import-

³ For a few out of many examples, see: the Federal Food, Drug, and Cosmetic Act, 21 U.S.C. 301 *et seq.*; the Meat Inspection Act, 21 U.S.C. 71 *et seq.*; the Poultry Inspection Act, 21 U.S.C. 451 *et seq.*; the Plant Quarantine Act and related legislation, 7 U.S.C. 150-167; legislation regulating intrastate and interstate traffic in biological products, 42 U.S.C. 262; legislation prohibiting interstate traffic in lottery tickets, in liquor contrary to State law and in women for immoral purposes, 18 U.S.C. 1301 *et seq.*, 1261 *et seq.*, 2421 *et seq.*; prohibitions against interstate transmission of gambling devices and of switch blade knives, 15 U.S.C. 1171 *et seq.*, 1241 *et seq.*; the Fair Labor Standards Act, 29 U.S.C. 201 *et seq.*; the Labor-Management Relations Act, 20 U.S.C. 141 *et seq.*; the Welfare and Pension Plans Disclosure Act, 29 U.S.C. 301 *et seq.*; the Federal Trade Commission Act, 15 U.S.C. 41 *et seq.*; the Securities Exchange Act, 15 U.S.C. 78a.

ing less than \$70,000 of food from out-of-State.⁴ *Katzenbach v. McClung*, 379 U.S. 294.

The remaining question is whether the Congress may reasonably conclude that discriminatory housing practices, viewed as a whole, adversely affect interstate commerce. The fact is that the discrimination at which Title IV is directed affects commerce in at least four different ways.

1. *The movement of building materials and home furnishings from one State to another.*

Forty-one-million tons of lumber and finished wood stock were shipped in the United States in 1963. *1963 Census of Transportation, Commodity Transportation Survey, Shipper Series, Lumber and Wood Products, Except Furniture (Group 11) Preliminary Report*, Table 5, p. 7. Forty-three percent of this material was shipped 500 miles or more. *Ibid.* Nine million tons of millwork and wood products were shipped in 1963 and 51 percent of it traveled 500 miles or more. *Ibid.* Seven percent of all the brick that was shipped traveled 500 miles or more. *Id.*, *Clay and Glass Products (Group 13), Preliminary Report*, Table 5, p. 8. As one major builder of residential homes told Subcommittee No. 5 of the House Judiciary Committees which recently conducted hearings on Title IV, "perhaps 80 percent of the materials that go into our houses come from across state lines." Thus, there can be no question that a substantial portion of the basic materials and goods employed in the construction and furnishing of dwellings is marketed in interstate commerce.

Supreme Court decisions have many times sustained the power of Congress to legislate to remove restrictions upon the local markets for products from other States. For example: *Stafford v. Wallace*, 258 U.S. 495 (regulation of commission men and dealers in stockyards); *Interstate Circuit v. United States*, 306 U.S. 208 (regulation of exhibition of motion pictures); *Radovich v. National Football League*, 352 U.S. 445 (regulation of football games); see also, *Labor Board v. Reliance Fuel Corp.*, 371 U.S. 224.

Most directly in point is the recent holding in *Katzenbach v. McClung*, supra, sustaining the public accommodations sections of the Civil Rights Act of 1964, as applied to a restaurant that obtained a portion of the food it served from sources in other states, on the ground that racial discrimination in such a restaurant restricted the movement of food in interstate commerce. The Court there said:

"This diminutive spending [of Negroes in restaurants] springing from a refusal to serve Negroes and their total loss as customers has, regardless of direct evidence, a close connection to interstate commerce. The fewer

⁴ Other cases sustaining or applying without question Congressional regulations of local transactions include *Heart of Atlanta Motel v. United States*, 379 U.S. 241 (motels); *Hotel Employees Local 255 v. Leedom*, 358 U.S. 99 (hotels); *Howell Chevrolet v. NLRB*, 346 U.S. 482 (retail auto dealers); *J. L. Brandeis & Sons v. NLRB*, 142 F. 2d 977 (C.A. 9), certiorari denied, 323 U.S. 751 (retail department stores); *May Department Stores v. NLRB*, 326 U.S. 376 (retail department stores); *Retail Fruit & Vegetable Union v. Labor Board*, 249 F. 2d 591 (retail store); *Labor Board v. Reliance Fuel Co.*, 371 U.S. 224 (retail fuel oil distributor); *Meat Cutters v. Fairlawn Meats*, 353 U.S. 20 (retail grocery); *McLeod v. Bakery Drivers Local*, 204 F. Supp. 288 (E.D. N.Y.) (bakery); *Local 74 v. Labor Board*, 341 U.S. 707 (store, dwelling renovation); *Int'l Brotherhood v. Labor Board*, 341 U.S. 694 (local construction project); *NLRB v. Combined Century Theatres*, 278 F. 2d 306 (C.A. 2) (theatre); *Labor Board v. Gamble Enterprises*, 345 U.S. 117 (same).

customers the restaurant enjoys the less food it sells and consequently the less it buys. . . ." (379 U.S. at 299).

The logic of *Katzenbach v. McClung* is directly applicable to housing. A builder who refuses to sell to Negroes sells fewer homes and consequently buys fewer of the building materials which move in interstate commerce. Similarly, a refusal to rent to Negroes will reduce the number of new apartment buildings constructed and the amount of materials purchased for their construction.

To be sure, the refusal of a particular builder to sell or rent to Negroes (or another class) may be, to some extent, offset by another builder's willingness to do so. But, unless both builders are in the same community, the discrimination will, at the least, deflect the flow of commerce away from the segregated area and thus distort its flow, even if the overall national volume were not significantly affected. This artificial restriction of the market is within the power of Congress to correct. See *Katzenbach v. McClung*, supra, 379 U.S. at 299-300. In fact, however, discriminatory housing practices—widespread as they are—obviously affect the volume of interstate commerce in building materials.

The underlying reason is that in segregated communities the victim of discrimination (usually the Negro) is excluded from the more desirable neighborhoods, whether or not he could afford to move there, and is confined to a "ghetto." The existence of the ghetto itself inhibits the ability of those who dwell there to achieve the economic status necessary to buy or rent better housing. But there are a substantial number who are financially able to leave the ghetto, typically comprised of older buildings, and remain only because they are excluded from the areas of better and newer housing. The demand for new housing and the flow of construction materials is lessened accordingly.

2. *The movement of funds from one State to another.*

The total mortgage debt on nonfarm one-to-four-family homes in 1965 was \$204.8 billion. In 1960, 2.4 million out of a total of 14.5 million one-family occupant-owned dwellings subject to mortgages were located in a State other than that of the mortgage lender. *1960 Census of Housing, Volume V, Part I, Residential Finance—Homeowner Properties*. The comparable figures for residential apartment dwellings are 38,000 out-of-state mortgages out of 312,000 on apartments of five or more dwelling units, and 268,000 out-of-state mortgages out of 2,238,000 on apartments of 1 to 4 dwelling units. *1960 Housing Census, supra, Part II, Residential Finance—Rental Properties*. More than half of the residential mortgages held by insurance companies in 1960 were on property in a State other than that in which the company was domiciled. *Ibid.* Secretary of Housing and Urban Development Robert Weaver testified before the House Subcommittee that in 1964 approximately 40 percent of the mortgage holdings of mutual savings banks (representing some \$15 billion dollars) were on properties located outside the States where the banks were located, and that there is also a very substantial interstate flow of mortgage funds involved in the activities of savings and loan associations. Almost 40 per cent of all the nonfarm mortgages on property located in California were given to secure loans the funds for which came from outside the State. Leo Grebler, "California's Dependence on Capital Imports for Mortgage Investment," *California Management Review*, Spring 1963, Vol. V, No. 3, page 47, at 48-49.

Discrimination in housing restricts the interstate movement of mortgage funds just as it restricts the movement of materials for

home construction and furnishings. This directly affects all housing because mortgage loans are commonly involved in the sales of older buildings as well as newly constructed homes. Thus, restrictions on sales of housing caused by discrimination in financing operates immediately to restrict the movement of mortgage funds whether sales of older buildings or new housing are involved.

3. *The movement of individuals from one State to another.*

Each year one family out of every thirty in the population moves to a different State. A substantial proportion of the population of the United States is composed of members of minority racial or religious groups. See *United States Department of Commerce, Bureau of the Census, American at Mid-Decade*, Series P-23, No. 16, January 1966, pp. 17-18, 4-7. Although many Negroes do move from one part of the country to another despite the segregation of housing at their destination, there can be little doubt that many others are deterred from doing so. In particular, Negroes in the professions or those with technical or other skills are less likely to move into communities where a "black ghetto" is their only prospect. See *Katzenbach v. McClung*, supra, 379 U.S. at 300.⁵ In short, discrimination in housing impedes the interstate movement of individuals. Cf. *Katzenbach v. McClung*, supra, 379 U.S. at 300; see, also, *Heart of Atlanta Motel v. United States*, supra.

The power of Congress to remove special impediments to the interstate movement of these individuals is clear. Thus, businesses affecting the interstate travel of individuals have been regulated and such regulations repeatedly upheld. *Heart of Atlanta Motel v. United States*, 379 U.S. 241 (prohibition of racial discrimination in motels); *Katzenbach v. McClung*, 379 U.S. 294, 300 (prohibition of racial discrimination in restaurants); *Wallington v. Armstrong*, 68 F. Supp. 870, affirmed, 161 F. 2d 515 (regulation of wages of employees engaged in preparing meals for interstate airlines); *Sherry Corine Corp. v. Mitchell*, 264 F. 2d 831, cert. denied, 360 U.S. 934 (regulation of wages of employees engaged in making sandwiches for sale in a railroad terminal); *Mitchell v. Royal Baking Co.*, 219 F. 2d 532 (regulation of wages of employees engaged in making ice for cooling trains); *Boynton v. Virginia*, 364 U.S. 454 (prohibition of discrimination in restaurant located in a terminal used by an interstate passenger carrier).

In dealing with such impediments, Congress is not limited to removing obstacles to those who move from one State to another.

⁵ Housing discrimination also affects the morale of Armed Forces personnel. As the President's Committee on Equal Opportunity in the Armed Forces put it, "Discrimination in housing confronts the Negro serviceman in most sections of the country. Private housing in many parts of town is not available. Many real estate agents will have nothing to do with him. He is forced to that part of town and type of housing occupied by Negroes. Here in many cases are structures well below acceptable standards, expensive, dirty, dilapidated—in all respects undesirable. Often Negro housing areas are farthest from the base. Almost always the available segregated housing is below the standard available for white military personnel. Frequently little or no housing is available and space is at a premium. After one or two nights sleeping with his family in his car or at an expensive Negro motel (if he can find one) he takes whatever turns up." Initial Report, "Equality of Treatment and Opportunity of a Negro Military Personnel Stationed Within the United States," at 47 (1963).

It may also regulate the same or similar conditions as they apply to persons moving locally. Congress may "choose the means reasonably adapted to the attainment of the permitted end, even though they involve control of intrastate activities." *United States v. Darby*, 312 U.S. 100, 121. Moreover, movement between States is discouraged if the individual is aware that others of his race are subjected to housing discrimination. Congress may eliminate these impediments to interstate movement. *Heart of Atlanta Motel v. United States*, supra; *United States v. Darby*, 312 U.S. 100; *Currin v. Wallace*, 306 U.S. 1; *Thornton v. United States*, 271 U.S. 414; *Shreveport Rate Cases*, 234 U.S. 342.

4. Disputes and disturbances that interrupt the interstate movement of persons and of goods and materials of all kinds.

The National Labor Relations Act is based upon the Commerce Clause. It was upheld on the ground that Congress has the power to alleviate the causes of disputes and disturbances that interrupt the flow of goods and materials in interstate commerce. See *N.L.R.B. v. Jones & Laughlin Steel Corp.*, 301 U.S. 1; *N.L.R.B. v. Suburban Lumber Co.*, 121 F. 2d 829, cert. denied, 314 U.S. 693; *J. L. Brandeis v. N.L.R.B.*, 142 F. 2d 977, cert. denied, 323 U.S. 751; *N.L.R.B. v. Reliance Fuel Corp.*, 371 U.S. 224. The same rationale is applicable here. Those who have studied the genesis of recent disturbances in a number of urban areas have concluded that the living conditions produced by segregated housing and the principle of segregation itself have been major causes. Such disturbances almost paralyze business in their vicinity and so represent at least as serious an interruption of interstate commerce as labor disputes. The fear and distrust left in their wake can dampen economic and social activity for years. The Court in *Katzenbach v. McClung*, supra, 379 U.S. at 300, took cognizance of the depressant effect on business conditions in communities beset by racial difficulties.

B. The Fourteenth Amendment

Section 5 of the Fourteenth Amendment expressly empowers the Congress "to enforce" the substantive guarantees "by appropriate legislation." That is a broad provision, fully equivalent in scope to the "necessary and proper clause" of the original Constitution, authorizing the Congress to define the boundaries of the Equal Protection Clause and to proscribe action which the Amendment of its own force does not condemn. *Katzenbach v. Morgan*, — U.S. —. The present attempt to eliminate residential segregation is a proper exercise of this power.

1. The fundamental character of the right.

Unlike other civil rights which were denied recognition until recently (cf. *Brown v. Board of Education*, 347 U.S. 483; *Harper v. Virginia State Board of Elections*, 383 U.S. 469, 1079) the right to acquire property without discrimination dates from emancipation. The Negro slave was confined to a segregated compound or "slave quarters," legally disabled from acquiring a residence of his choosing. This was, indeed, one of the "necessary incidents of slavery." *Civil Rights Cases*, 109 U.S. 3, 22. Nor did the situation change radically with formal emancipation. Some of the so-called "Black Codes" of 1865 and 1866 continued these disabilities sometimes altogether "fencing out" the Negro from the towns. See *Slaughter-House Cases*, 16 Wall. 36, 70. It is not surprising, therefore, that the drafters of the Fourteenth Amendment addressed themselves to the problem.

Even before the adoption of the Fourteenth Amendment the Thirty-Ninth Congress recognized the right to hold property as one of "those fundamental rights which appertain to the essence of citizenship," "the enjoyment or deprivation of which con-

stitutes the essential distinction between freedom and slavery" (*Civil Rights Cases*, 109 U.S. at 22). Invoking its power to enforce the Thirteenth Amendment, Congress provided in the very first Civil Rights Act, in 1866, that all citizens of the United States, "of every race and color", "shall have the same right * * * to inherit, purchase, lease, sell, hold and convey real and personal property * * * as is enjoyed by white persons, * * * any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding." Act of April 9, 1866, § 1, 14 Stat. 27. Two months later, the same Congress proposed the Fourteenth Amendment, which was understood as incorporating into the Constitution the guarantees of the Civil Rights Act of 1866. See *Slaughter-House Cases*, supra, 16 Wall. at 70; *Civil Rights Cases*, supra, 109 U.S. at 22; *Yick Wo v. Hopkins*, 118 U.S. 356, 369; *Buchanan v. Warley*, 245 U.S. 60, 78-79; *Oyama v. California*, 332 U.S. 633, 640, 646; *Shelley v. Kraemer*, 334 U.S. 1, 10-11; *Hurd v. Hodge*, 334 U.S. 24, 32-33; *Takahashi v. Fish Comm'n.*, 334 U.S. 410, 419-420. And to make assurances doubly sure, a subsequent Congress expressly re-enacted the 1866 provision in the Enforcement Act of 1870. Act of May 31, 1870, § 18, 16 Stat. 144, 146.

That law remains on the statute books today. R.S. § 1978, 42 U.S.C. 1982. The right involved is not a mere abstract privilege to purchase or lease property which is satisfied if Negroes are not absolutely disabled from acquiring property at all. What was given was more than the bare right to hold property. The constitutional and statutory guarantee includes also an immunity from being "fenced out" of any neighborhood, indeed, any block, on the ground of race. See *Buchanan v. Warley*, supra; *Harmon v. Tyler*, 273 U.S. 668; *Richmond v. Deans*, 281 U.S. 704; *Shelley v. Kraemer*, supra; *Hurd v. Hodge*, supra; *Barrows v. Jackson*, 346 U.S. 249.

To be sure, despite its absolute language, the existing statute has been held to protect only against State action. *Shelley v. Kraemer*, supra. See, also, *Civil Rights Cases*, supra, at 16-17. But it does not follow that Congress may not now enlarge the right. On the contrary, in light of its origin, it is arguable that the right to be free of racial discrimination in the purchase and rental of residential property—partially grounded as it is in the Thirteenth Amendment—is one of those privileges of national citizenship which Congress may protect against wholly private action. See *Slaughter-House Cases*, supra, 16 Wall. at 80; *Civil Rights Cases*, supra, 109 U.S. at 20, 23; *Clyatt v. United States*, 197 U.S. 207, 216-218. Indeed, in the *Civil Rights Cases*, the Supreme Court distinguished between the asserted right to be free from discrimination in privately-owned places of public accommodation—which it characterized as one of the "social rights of men and races in the community"—and the "fundamental rights which are of the essence of civil freedom" enumerated in the Civil Rights Act of 1866; and the Court came close to suggesting that, while Congress could not constitutionally protect the former as against private discrimination, it might be competent to fully safeguard "civil rights." 109 U.S. at 22.

But, at all events, it is clear that the right to freedom from discrimination in housing has enjoyed a special status under the Fourteenth Amendment. This is reflected in the fact that State-imposed residential segregation was held unconstitutional (*Buchanan v. Warley*, supra) as early as 1917, at a time when enforced segregation in public and private schools was condoned (*Berea College v. Kentucky*, 211 U.S. 45; see *Gong Lum v. Rice*, 275 U.S. 78, 85-87; *Missouri ex rel. Gaines v. Canada*, 305 U.S. 337, 344, 349), as it was with respect to trans-

portation (*Plessy v. Ferguson*, 163 U.S. 537; see *McCabe v. A.T. & S.F. Ry. Co.*, 235 U.S. 151, 160) and other activities (e.g., *Pace v. Alabama*, 106 U.S. 583). So, also, it is revealing that in the restrictive covenant cases (*Shelley v. Kraemer*, supra; *Hurd v. Hodge*, supra; *Barrows v. Jackson*, supra), the Court found prohibited "State action" in the apparently neutral judicial enforcement of private discriminatory agreements—invoking a doctrine which it has declined to follow elsewhere. See, e.g., *Bell v. Maryland*, 378 U.S. 226, 328-333 (opinion of Black, J., dissenting).

Against this background, it is fair to conclude that the power of Congress under Section 5 of the Fourteenth Amendment to eliminate residential segregation is somewhat broader than it is with respect to other forms of discrimination. Even assuming national legislation is "appropriate" only when it is necessary "for correcting the effects of prohibited State laws and State acts" (*Civil Rights Cases*, supra, 109 U.S. 11), it is surely proper to search out those "effects" more vigorously when the evil involved is one that is particularly offensive to the spirit of the Amendment.⁶

2. The extent of governmental participation.

Title IV of the present bill is aimed at a national problem which is the consequence of constitutionally prohibited action over an extended period of time by State and federal governments; it deals with "[c]onduct that is formally 'private' [but which is actually] so entwined with governmental policies * * * as to become subject to the constitutional limitations placed upon state action." Cf. *Evans v. Newton*, 382 U.S. 296, 299. Governmental action has contributed in large part to the current segregated status of minority-group housing and it has helped shape the community customs and attitudes which influence most seemingly "private" decisions to discriminate in the sale or rental of housing. That involvement has been both direct and indirect.

a. *Unconstitutional State and federal action dealing directly with housing.* Although a unanimous Supreme Court outlawed compulsory residential segregation as early as 1917 (*Buchanan v. Warley*, 245 U.S. 60), that decision did not spell the end of governmentally fostered racial discrimination in housing. Local ordinances which had the same effect, albeit they operated somewhat differently, were still being tested in the courts as late as 1930. See *Harmon v. Tyler*, 273 U.S. 668 (1927), reversing 158 La. 439, 104 So. 200; *City of Richmond v. Deans*, 281 U.S. 704 (1930), affirming 37 F. 2d 712 (C.A. 4). And governmental support of residential segregation persisted for at least three decades through other means.

(1) Racially restrictive covenants.

Perhaps the principal impetus to housing discrimination after *Buchanan v. Warley* was legal recognition and judicial enforcement of the racially restrictive covenant. Decisions in 17 States and in the District of Columbia declared such covenants legally enforceable

⁶ Of course, Congress, like the courts, is authorized to premise its action on "the nonobvious involvement of the State in private conduct." Cf. *Burton v. Wilmington Parking Authority*, 365 U.S. 715, 722.

⁷ Discrimination forbidden to the States by the Fourteenth Amendment is, of course, equally forbidden to the United States under the Fifth. *Bolling v. Sharpe*, 347 U.S. 497; *Simkins v. Moses H. Cone Memorial Hospital*, 323 F. 2d 959 (C.A. 4). Cf. *Tucker v. Texas*, 326 U.S. 517; *Hurd v. Hodge*, 334 U.S. 24. So, also, it seems clear that congressional power to correct the effects of unconstitutional federal action is at least as broad as with respect to State action.

prior to the Supreme Court's 1948 ruling in *Shelley v. Kraemer*, 334 U.S. 1,⁸ and it was not until 1953 in *Barrows v. Jackson*, 346 U.S. 249, that the Court held it unconstitutional for a state court to award damages for violation of such covenants. The racial covenant was extensively used in the thirty years between the *Buchanan* and *Shelley* decisions and became the primary legal means of enforcing residential segregation.⁹ That period was a particularly critical time since it saw the heaviest Negro migration to the Northern cities from the South.¹⁰ Whereas only 10 percent of the country's Negro population lived outside the South in 1910, that figure rose to more than 30 percent by 1950.

⁸Alabama: *Wyatt v. Adair*, 215 Ala. 363 (1926); California: *Los Angeles Inv. Co. v. Gary*, 181 Cal. 680 (1919), *Janis Investment Co. v. Walden*, 196 Cal. 753 (1925), *Wayt v. Patee*, 205 Cal. 46 (1928), *Stone v. Jones*, 66 Cal. App. 2d 264, 152 P. 2d 19 (1944), *Burkhardt v. Lofton*, 63 Cal. App. 2d 230, 146 P. 2d 720 (1944), *Littlejohns v. Henderson*, 111 Cal. App. 115, 295 Pac. 95 (1931), *Shideler v. Roberts*, 69 Cal. App. 2d 549, 160 P. 2d 67 (1945); Colorado: *Chandler v. Ziegler*, 88 Colo. 1 (1930); Georgia: *Dooley v. Savannah Bank & Trust Co.*, 199 Ga. 353 (1945); Illinois: *Burke v. Kleiman*, 277 Ill. App. 519, 534, (1934); Kansas: *Clark v. Vaughan*, 131 Kan., 438, 292 Pac. 783 (1930); Louisiana: *Queensborough Land Co. v. Cazeaux*, 136 La. 724, 67 So. 641 (1915); Maryland: *Meade v. Dennistone*, 173 Md. 295 (1938); Michigan: *Parmalee v. Morris*, 218 Mich. 625 (1922), *Schulte v. Starks*, 238 Mich. 102 (1927), *Malicke v. Milan*, 320 Mich. 65, 30 N.W. 2d 440 (1948), *Mrs. v. Reynolds*, 317 Mich. 632, 27 N.W. 2d 40 (1947), *N.W. Civic Assn. v. Sheldon*, 317 Mich. 416, 27 N.W. 2d 36 (1947), *Sipes v. McGhee*, 316 Mich. 614 (1947), 25 N.W. 2d 638 reversed, 334 U.S. 1; Missouri: *Koehler v. Rowland*, 275 Mo. 573 (1918), *Porter v. Pryor*, 164 S.W. 2d 353 (Mo. 1942), *Porter v. Johnson*, 232 Mo. App. 1150 (1938), *Thornhill v. Herdt*, 130 S.W. 2d 175 (Mo. App. 1939), *Swain v. Maxwell*, 196 S.W. 2d 780, 355 Mo. 448 (1946), *Kraemer v. Shelley*, 355 Mo. 814, 198 S.W. 2d 679 (1946), reversed, 334 U.S. 1, *Weiss v. Leon*, 359 Mo. 1054, 225 S.W. 2d 127 (1949); New Jersey: *Lion's Head Lake v. Brzezinski*, 23 N.J. Misc. 290 (1945); New York: *Ridgway v. Cockburn*, 163 Misc. 511 (1937), *Dury v. Neely*, 69 N.Y. Supp. 2d 677 (1942), *Kemp v. Rubin*, 188 Misc. 310 (1947); North Carolina: *Vernon v. R. J. Reynolds Realty Co.*, 226 N.C. 58 (1946); Ohio: *Perkins v. Trustees of Monroe Ave. Church*, 79 Ohio App. 457 (1946), reversed, 334 U.S. 813; Oklahoma: *Lyons v. Wallen*, 191 Okla. 567 (1942), *Hemsley v. Sage*, 194 Okla. 669 (1944), *Hemsley v. Hough*, 195 Okla. 298 (1945); Texas: *Liberty Annex Corp. v. Dallas*, 289 S.W. 1067 (1927); Wisconsin: *Doherty v. Rice*, 240 Wisc. 389 (1942); District of Columbia: *Corrigan v. Buckley*, 271 U.S. 323 (1926), *Torrey v. Wolfes*, 6 F. 2d 702 (1925), *Russell v. Wallace*, 30 F. 2d 981 (1929), *Edwards v. West Woodridge Theater Co.*, 55 F. 2d 524 (1931), *Grady v. Garland*, 89 F. 2d 817 (1937), *Hundley v. Gorewitz*, 132 F. 2d 23 (1942), *Mays v. Burgess*, 147 F. 2d 869 (1945), *Brogan v. Saunders*, 71 F. Supp. 587 (1947); *Hurd v. Hodge*, 82 App. D.C. 180, 162 F. 2d 233 (1947), reversed, 334 U.S. 24.

⁹See Mangum, *The Legal Status of the Negro*, 140-152 (1940); Sterner, *The Negro's Share* 205-209 (1943); Johnson, *Patterns of Negro Segregation* 172-176 (1943); Myrdal, *An American Dilemma* 622-627 (1944); Weaver, *The Negro Ghetto* 214 (1948); Long and Johnson, *People v. Poverty* 31 (1947); Clark and Perlman, *Prejudice and Property* 14-18 (1948); McEntire, *Residence and Race* 73-74 (1960).

¹⁰See McEntire, *Residence and Race* 9-11 (1960), and official census statistics reproduced therein.

One study of the problem of residential segregation has observed that the failure of the courts to strike down racial restrictive covenants during the period of heavy migration of Negroes "helped establish the current pattern of urban segregation and suburban exclusion which is accelerating racial tensions in American communities. Considering that more than seven million houses were built in the 1920's during the Negro migration, only a small fraction of them for Negroes, the restrictive covenant may leave its influence upon American racial patterns and biases for generations ahead."¹¹

(2) *Support for racial covenants by the Federal Housing Administration.* Support for maintenance of patterns of racially separate housing has come even from the federal government. The 1935 and 1936 *Underwriting Manuals* of the Federal Housing Administration recommended the insertion of racial covenants in deeds¹² and warned that "inharmonious racial groups" or "incompatible racial elements" would reduce the value of property.¹³ The 1938 *FHA Manual* advised: "If a neighborhood is to retain stability, it is necessary that properties shall continue to be occupied by the same social and racial classes."¹⁴ For some time after the Supreme Court decision in *Shelley v. Kraemer*, FHA continued to treat racial integration of the neighborhood as a reason to deny an application for mortgage insurance.¹⁵ The effect of FHA intervention on the side of racial restrictions was damaging:

"FHA's espousal of the racial restrictive covenant helped spread it throughout the country. The private builder who had never thought of using it was obliged to adopt it as a condition for obtaining FHA insurance. * * *

"FHA succeeded in modifying legal practice so that the common form of deed included the racial covenant. Builders everywhere became the conduits of bigotry. * * *

"The evil that FHA did was of a peculiarly enduring character. Thousands of racially segregated neighborhoods were built, millions of people re-assorted on the basis of race, color, or class, the differences built in, in neighborhoods from coast to coast."¹⁶

(3) *Maintenance of segregation in public housing.* At the same time—and even after the *Shelley* decision—State and local governments likewise fostered racial segregation in their administration of public housing projects. Segregated projects in Philadelphia for Negroes and whites were approved in *Favors v. Randall*, 40 F. Supp. 743 (E.D. Pa. 1941), and as late as 1955 the constitutionality of such a segregated program in Detroit was being contested in the courts. *Detroit Housing Commission v. Lewis*, 226 F. 2d 180 (C.A. 6). Although segregation in public housing clearly violates the Fourteenth Amendment, local reports to the Commission on Civil Rights observed that such segregation was being practiced in Kentucky, Missouri and Tennessee as recently as 1961.¹⁷

b. *Unconstitutional State action in related areas.* Students of the problem to which this legislation is directed have concluded that "[m]any factors work together to shape the patterns of racial residence. Neither the

¹¹ Abrams, *Forbidden Neighbors* 220 (1955).

¹²1935 *Manual*, §§ 927, 310, 315, 307, 229, 330, 255; 1936 *Manual*, §§ 228, 252, 266, 210d, 284, 229.

¹³1936 *Manual*, §§ 229, 255.

¹⁴1938 *Manual*, §§ 927. See also 1938 *Manual*, §§ 233, 935, 951; 1940 *Manual*, §§ 207, 217.

¹⁵Abrams, *Forbidden Neighbors* 233 (1955); Weaver, *The Negro Ghetto* 71-73 (1948).

¹⁶Abrams, *Forbidden Neighbors* 234-236 (1955). See also Weaver, *The Negro Ghetto* 71-73 (1948); Abrams, *The City is the Frontier* 61-62 (1965).

¹⁷*The 50 States Report* 173, 329, 591 (1961).

existing segregation of any group nor the situation in any community can be adequately explained in terms of a single causative force. The factors at work are combined in a variety of ways and have different impacts."¹⁸ Accordingly, it is proper to look further in searching out governmental action which has influenced the development of racial ghettos and the erection of other restrictions upon the freedom of minority-group members to reside where they choose.

It has often been suggested that the poor housing conditions of minority groups leads to discrimination against them in other areas.¹⁹ But the converse is equally true. There is a vicious circle.²⁰ Thus, racially segregated schools may, of course, be viewed as the result of residential segregation. But, in a less obvious way, school segregation also causes racial discrimination in the sale and rental of housing. It gives nourishment to the majority's myth that close association of whites with Negroes debases the former, thereby discouraging whites from entering into the relatively permanent neighbor relationship with Negro homeowners.

The short of it is that discrimination breeds discrimination. And, of course, "the impact of segregation is greater when it has the sanction of law." See *Brown v. Board of Education*, 347 U.S. 483, 494. Accordingly, in assessing State responsibility for racial ghettos, it is proper to notice the network of local statutes, ordinances and regulations requiring, encouraging or authorizing racial discrimination in related areas.

Official support of segregation in almost every activity in most Southern States until very recently is too notorious to require elaboration. The impact those State policies had on residential discrimination is obvious. But this fabric of racially discriminatory laws had another effect also. Because enforced racial separation "generates a feeling of inferiority as to . . . status in the community that may affect . . . hearts and minds in a way unlikely ever to be undone" (*Brown v. Board of Education*, *supra*, 347 U.S. at 494), the large number of Negroes who migrated from Southern communities to the urban North after 1915 carried with them the attitudes imposed on them at home.²¹ Not surprisingly, the migrants immediately settled in racial ghettos, even when legally free to reside elsewhere, and tended passively to accept the inevitability of a segregated life. This fact alone has significantly retarded the break up of the ghetto.

But the whole responsibility is not confined to the South. Although less flagrantly, Northern and Western communities, also, have indulged in official segregation which perpetuated racial distinctions and thereby

¹⁸McEntire, *Residence and Race (Final and Comprehensive Report to the Commission on Race and Housing)* 87 (1960); see, also, Abrams, *The City is the Frontier* 64 (1965); Weaver, *The Negro Ghetto* 19 (1948).

¹⁹See, e.g., McEntire, *Residence and Race* 95 (1960).

²⁰See e.g., the report of the Connecticut State Advisory Committee in *The 50 States Report* 73 (1961). Professor Myrdal commented in 1942, "One factor which in every Northern city of any size has contributed to form patterns of segregation and discrimination against Negroes has been residential segregation, which acts as a cause as well as an effect of social distance." Myrdal, *An American Dilemma* 602 (1962 ed.).

²¹"A Negro recently from the South is characterized as much by his manner and bearing as by his racial traits. . . . [F]undamentally it takes a racial re-education to get him out of his Southern demeanor or the reaction to it. For a long time after migrating he will invoke discrimination by his own behavior." Myrdal, *An American Dilemma* 602 (1962 ed.).

contributed to creating and maintaining racial ghettos. Significant in this respect is the fact that State statutes authorizing separate-but-equal public schools were in effect in Indiana until 1949, in New Mexico until 1954, in New York until 1938, and in Wyoming until 1954.²² Other Northern States authorized such segregation after the Civil War and did not repeal their authorizing statutes until early in this century.²³ There have even been occasions where federal courts in the North have found a racially discriminatory motive in the drawing of school district lines and have invalidated existing public school districts. E.g., *Taylor v. Board of Education*, 191 F. Supp. 181, 195 F. Supp. 231 (S.D.N.Y.), affirmed, 294 F. 2d 36 (C.A. 2), certiorari denied, 368 U.S. 940; *Blocker v. Board of Education*, 226 F. Supp. 208 (E.D. N.Y.). And there are a variety of other situations in which governmental power has been exercised in Northern communities in support of racial segregation. See, e.g., *Pennsylvania v. Board of Trustees*, 353 U.S. 230; *Burton v. Wilmington Parking Authority*, 365 U.S. 715; *Culver v. City of Warren*, 84 O.A. 373, 83 N.E. 2d 82; *Kern v. City Commissioners of Newton*, 151 Kan. 565, 100 P. 2d 709; *Lincoln Park Traps v. Chicago Park District*, 323 Ill. App. 107, 55 N.E. 2d 173; *Todd v. Joint Apprenticeship Committee*, reversed on grounds of mootness, 332 F. 2d 243 (C.A. 7), certiorari denied, 380 U.S. 914.

3. *The force of widespread community customs and attitudes.* Residential segregation is to a significant extent the product of direct governmental action sanctioning discrimination in housing and other related areas. That is justification enough for corrective legislation. But a further reason for Congressional intervention is that housing discrimination, perhaps more than other inequalities, is maintained today, not by a series of independent individual decisions, but by pervasive customs, practices and attitudes that have the practical force of law. In these circumstances, the coercive effect of the custom may be treated as constitutionally equivalent to official action.

The principle was recognized in all the early Reconstruction legislation which proscribed action taken pursuant to "custom" as equivalent to conduct under color of positive "law, statute, ordinance, [or] regulation." See, e.g., § 1 of the Civil Rights Act of 1866, 14 Stat. 27, now 18 U.S.C. 242; § 1 of the Enforcement Act of May 31, 1870, 16 Stat. 140, now 42 U.S.C. 1971(a); § 1 of Ku Klux Act of April 20, 1871, 17 Stat. 13, now 42 U.S.C. 1983. See, also *Civil Rights Cases*, 109 U.S. 3, 17, 21. More recently, the Supreme Court has ruled the Fourteenth Amendment applicable where the "community aspects" of a restriction are the same as would result from government-imposed regulation. *Marsh v. Alabama*, 326 U.S. 501, and see Mr. Justice Frankfurter's concurring opinion, at 510-511. See also, *Terry v. Adams*, 345 U.S. 461, especially at 475, 477; *Evans v. Newton*, 382 U.S. 296. This is a comparable situation.

It is sufficiently obvious that housing discrimination reflects widespread adherence to custom; it is rarely attributable to individual prejudice. A seller's or broker's decision whether or not to sell a house to a member of a racial or religious minority is usually made for him by his neighbors. His personal stake, if he is leaving the neighborhood, is minimal. And the same is true of an apartment owner with respect to the selection of his tenants. As one commentator has summarized it:

"... The individual concerned is less free than in many other areas of life to make

decisions according to whatever personal feelings he may have. His choices are shaped and limited by pressures that converge upon him from family and friends, neighbors, other associates, and the whole community."²⁴

Nor is this adherence to prevailing custom a wholly free choice. For the broker, the builder, the developer, respect for local attitudes, regardless of his personal beliefs, is often an economic necessity so long as discrimination remains legally sanctioned. The seller or renter's policy is often dictated by fear of social, economic, even physical, reprisal. And the excluded minority itself tends to accept residential segregation as the inevitable unchangeable "law" of the community.²⁵

In sum, racial customs, practices and attitudes with respect to housing operate like a powerfully sanctioned zoning code. Shaped as they were by official action, they involve "the interplay of governmental and private action."²⁶ *NAACP v. Alabama*, 357 U.S. 449, 463, quoted in *Anderson v. Martin* 375 U.S. 399, 403. But even where, today, no governmental approval is given, the custom remains a self-sufficient regulation, imposed on the community by its dominant element and effectively enforced by real estate brokers, builders, lending institutions and others associated with the sale and management of housing. So large and so enduring a confluence of public forces against the enjoyment of a fundamental right resembles too closely impermissible governmental regulation to escape the reach of the Fourteenth Amendment.

4. *The appropriateness of federal legislation.*

Congressional action to eliminate residential discrimination is "appropriate" in the sense of Section 5 of the Fourteenth Amendment for several reasons. They relate to the dimensions of the problem, the importance and enduring effect of hostile governmental action in this area, and, finally, the difficulty of disentangling private decision.

a. *The national dimensions of the problem.* National legislation is appropriate here because the problem is national in scope. Ghetto living is the fate of the great majority of our Negro citizens. Black ghettos, each surrounded by a "white noose"²⁷ of new suburban housing, unavailable to Negroes, are characteristic of urban areas in the United States.²⁸ The housing is of inferior quality and overcrowding is intense. For example, in Harlem 237,792 people live in a 3½ square mile area or 100 people per acre. Ninety per cent of the housing is more than thirty years old and nearly half was built before 1900.²⁹ This problem is not limited to any one region of the country. No section of the United States is free from housing dis-

²² McEntire, *Residence and Race* 86 (1960).

²³ E.g., Commission on Civil Rights, *Civil Rights U.S.A.: Housing in Washington, D.C.*, 7 (1962).

²⁴ A recent study concluded:

"Imposed segregation connotes not merely difference but inferiority of the segregated group. When individuals or groups are excluded from a neighborhood, the inescapable implication is that they are considered not fit to live there. Since the character of neighborhoods carries corresponding implications about the character and worth of the residents, the minority groups are further stigmatized by the obvious inferiority of their residence areas." McEntire, *Residence and Race* 95 (1960).

²⁵ Report of U.S. Commission on Civil Rights (1959) at 367. (Mayor Dilworth of Philadelphia thus described the imbalance of white residence in the suburbs).

²⁶ See Weaver, *The Negro Ghetto* (1948); Abrams, *The City is the Frontier* (1965).

²⁷ See Clark, *Dark Ghetto* 30 (1965).

crimination and racial ghettos.³⁰ In 1950 sixty per cent of the housing occupied by non-whites in the nation's urban areas did not meet the Census Bureau's minimum criteria for standard housing.³¹

What is more, the situation—already of long duration—is not likely to correct itself. Unlike other minority groups of the past, Negroes are unable to escape the ghetto by raising their economic level or modifying their social behavior, because most of the housing market is closed to them.³² As the United States Commission on Civil Rights has on several occasions noted: "housing . . . seems to be the one commodity in the American market that is not freely available on equal terms to everyone who can afford to pay."³³

The result is a multiplication of growing racial ghettos.

The dimensions of the problem require national action. Sometimes—as in the case of the Washington metropolitan area—the situation involves several jurisdictions, and the action of no one of them is adequate to remedy the evil. But, whether unable or unwilling, the hard fact is that the States have not eliminated housing discrimination. Nor is there any indication that the enduring problem will soon be solved without comprehensive national legislation. In these circumstances, congressional action is both necessary and proper. Cf. *Missouri v. Holland*, 252 U.S. 416; *Atlanta Motel v. United States*, 379 U.S. 241.

b. *The enduring effect of past governmental action.*

In a different context, there might be some question about the propriety of federal legislation to "correct" the effects of impermissible governmental action two or three decades ago; it would be argued that the taint had become too attenuated in so long a time. That objection is not applicable to housing, however, because here—even if one looks only to official action—hostile governmental intervention has been perhaps uniquely effective and enduring. Housing patterns do not appear or vanish overnight. While changes of residence are today more frequent than a generation ago, housing remains typically a long-term matter. Moreover, because the choice of a place to live usually contemplates some degree of permanence, the decision is not made casually, or adventurously, as one might select a restaurant or a motel in which to spend the night. This is a matter in which caution, tradition and the other conservative instincts tend to control. Here, also, attitudes are more entrenched and the effect of community pressures is more pronounced. It is therefore not surprising that students of the problem have concluded that official support of residential discrimination is "of a peculiarly enduring character"³⁴ which "may leave its influence upon American racial patterns and biases for generations ahead."³⁵

Once the continuing force of governmental action fostering housing discrimination is established, there can be no doubt that Congress may act to erase those effects. That

³⁰ "Where Shall We Live?", Report of the Commission on Race and Housing (1950); Eunice and George Grier, "Discrimination in Housing" (Freedom Pamphlets, Anti-Defamation League, B'nai B'rith, 1960).

³¹ Eunice and George Grier, "Discrimination in Housing" (Freedom Pamphlets, Anti-Defamation League, B'nai B'rith at 43, 1960).

³² See Abrams, *The City is the Frontier* (1965); McEntire, *Residence and Race* (1960).

³³ Report of the U.S. Commission on Civil Rights (1959) at 534; "Housing," Book 4, Report of the U.S. Commission on Civil Rights (1961) at 1.

³⁴ Abrams, *Forbidden Neighbors* 236 (1955).

³⁵ *Id.* at 220.

²² See Mangum, *The Legal Status of the Negro* 81 (1940).

²³ See generally Stephenson, *Race Distinctions in American Law* 177-188 (1910).

was, in part, the rationale of the Voting Rights Act of 1965, sustained as "remedial" legislation in *South Carolina v. Katzenbach*, 383 U.S. 301, 326. The same principle is applicable here.

c. *The interdependence of private and public action and the impracticability of disentangling the influences.* It is no objection that the pending bill may control some truly private decisions uninfluenced by the continuing force of hostile governmental action. It may be that such discriminatory conduct does not violate the Equal Protection Clause. But, in this respect, the "enforcement" power of Congress under Section 5 can reach farther than the Fourteenth Amendment by itself. Cf. *Katzenbach v. Morgan*, — U.S. —. Indeed, that is, in part, what makes Title IV appropriate legislation.

The principle that Congress may prohibit private action which is beyond the self-executing ban of the Amendment in order to "enforce" a right as against the State is now authoritatively settled by the opinions in *United States v. Guest*, — U.S. —, 34 U.S.L. Week 4323. The same reasoning applies here: to eradicate effectively governmentally supported or nurtured discrimination Congress may announce a general prohibition. To be sure, the necessity for outlawing private action is not quite the same in both cases, but the common governing rule is that Congressional legislation under the Fourteenth Amendment may reach nongovernmental acts when appropriate to enforce the guarantees of the Equal Protection Clause. So much established, there is no difficulty in justifying the scope of Title IV.

The point is sufficiently made by suggesting a substitute title that would ban discriminatory housing practices only if the seller or lessor's act is fairly attributable to entrenched custom or the continuing influence of past government action. The necessity of sorting out such public influences from what might be labelled "privately motivated" discrimination in each case would render the legislation difficult, if not unworkable. The nature of the inquiry, which is largely historical and sociological, would be neither appropriate nor consistent with reasonably expeditious judicial or administrative procedures. In most cases it would also be extraordinarily difficult, for privately motivated discrimination, when it occurs, is almost always merged and intertwined with public influences to an extent that it is impossible wholly to separate the two. Thus, just as effective regulation of alcohol for beverage purposes required, and thereby constitutionally justified, applying the same controls to intoxicants dispensed for medicinal purposes (*Everard's Breweries v. Day*, 265 U.S. 545) so, here, effective prohibition of housing discrimination attributable to public influences requires, and thereby justifies, prohibiting privately motivated discrimination as well.

Constitutional warrant for including privately motivated discrimination within the proscription of legislation based upon the Fourteenth Amendment can also be found in the fact that private discrimination in housing reinforces existing discriminatory patterns, public and private, and thereby adversely affects the efforts to eradicate them. Congress may therefore prohibit even private discriminatory acts for the same reason that it may regulate intrastate activities that materially "affect" interstate commerce. See, e.g., *Labor Board v. Jones & Laughlin*, 310 U.S. 1; *United States v. Darby*, 312 U.S. 100.

In sum, nothing short of a generalized, uniform legislative prohibition can correct the effects of past official discrimination and custom and remedy a nationwide evil. In the circumstances, the enactment of a broadly remedial measure is an appropriate exercise of the Congressional power to enforce the Fourteenth Amendment.

TITLE V—INTERFERENCE WITH RIGHTS

This title imposes criminal penalties upon any person (whether or not a public official) who forcibly interferes with the enjoyment of specified activities on account of race, religion or national origin. The provision penalizes both direct interference with persons actually in the pursuit of enumerated activities and acts of intimidation or reprisal with respect to participation without discrimination in such activities, whether immediately directed at the participants themselves, those who urge or aid them, those who oppose denials of such participation, or those (typically public officials) who control participation in the activity.

1. It has long been settled that Congress may make it a crime for any person (whether or not an official or acting "under color of law") to interfere with the exercise of rights arising out of the relationship between the citizen and the national government or rights created by federal statutes enacted under Article I, Section 8, of the Constitution. See *Civil Rights Cases*, 109 U.S. 3, 18; *Ex Parte Yarbrough*, 110 U.S. 651; *United States v. Waddell*, 112 U.S. 76. Specifically, there is no question of the constitutional power of Congress to punish private interference with voting in federal elections (*Ex Parte Yarbrough*, *supra*), interstate travel or interstate commerce (*United States v. Guest*, *supra*). Thus, so far as Title V of the bill vindicates rights in these categories it is plainly not subject to objection.

Nor does any problem arise because, in a few instances, the scope of protection is greater than that afforded by the substantive statutes defining rights dependent on the Commerce Clause. Congress is not constitutionally bound by the lines of coverage announced in the Civil Rights Act of 1964, with respect to access to places of public accommodation or equal employment opportunities, nor by its earlier decision to regulate, for some purposes, only interstate carriers and their terminals. In dealing with violent interference with the right to be free from racial discrimination in interstate activities it is reasonable to conclude that effective regulation requires reaching related local activities also.

Indeed, it is all too clear that if racial violence directed against activities closely related to those protected by federal anti-discrimination legislation is permitted to go unpunished, the exercise of the protected activities will be deterred. A Negro prevented by violence or the threat of violence from seeking employment in a firm of less than 100 employees will likely be too intimidated to seek a job with an employer who is subject to the Civil Rights Act of 1964. Likewise, a Negro violently prevented from using an intrastate bus may be hesitant to assert his right to equal treatment on interstate buses,³⁰ and a Negro prevented by force from entering a place of public accommodation not covered by that Act will fear to claim equal treatment in public accommodations covered by the Act. Experience teaches that racial violence has a broadly inhibiting effect upon the exercise by members of the Negro community of their federal rights to non-discriminatory treatment. Such violence must, therefore, be broadly prohibited if the enjoyment of those rights is to be secured. As already indicated in discussing Title IV of the bill, legislation that regulates intra-

³⁰ The transportation provision of Title V is supportable on an additional ground: that every common carrier, whether or not in interstate commerce is so closely regulated by a State as to become a State instrumentality (see *Public Utilities Comm'n v. Pollak*, 343 U.S. 451; *Baldwin v. Morgan*, 287 F. 2d 750 (C.A. 5); *Boman v. Birmingham Transit Co.*, 280 F. 2d 531 (C.A. 5)).

state commerce in order to assure the effective regulation of interstate commerce is a commonplace, and its constitutionality is beyond serious debate. See especially, *United States v. Darby*, 312 U.S. 100, 118-119; *United States v. Wrightwood Dairy*, 315 U.S. 110, 119; *Atlanta Motel v. United States*, 379 U.S. 241, 258.

2. Title V also vindicates the right to the equal enjoyment, without distinction on account of race, religion or national origin, of State facilities or activities (such as public schools, municipal parks, public assistance programs and the State electoral process). This is, of course, a right secured by the Fourteenth and Fifteenth Amendments against denial by officials or agents of the States, and there are many decisions upholding the power of Congress to punish criminally state officials who by force deny this right. E.g., *Screws v. United States*, 325 U.S. 91; *United States v. Price*, — U.S. — (34 U.S.L. Week 4313 (1966)). The present title reaches private interference as well.

While those Amendments, of their own force, do not forbid private discrimination, they expressly authorize Congress to enact appropriate legislation to "enforce" the substantive guarantees. The scope of this congressional implementing power is broad. *South Carolina v. Katzenbach*, 383 U.S. 301, 326-327; *Katzenbach v. Morgan*, — U.S. —. It surely comprehends legislation punishing private persons who for racial reasons engage in acts or threats of violence that obstruct access on equal terms to the facilities and benefits which a State provides its citizens, and thereby thwart the attainment of the promise of the Fourteenth and Fifteenth Amendments. Any doubt on this score was laid to rest by the opinions of Mr. Justice Clark and Mr. Justice Brennan (speaking together for six of the nine Justices), in the *Guest* case which declare in almost the same words that "there now can be no doubt that the specific language of § 5 [of the Fourteenth Amendment] empowers the Congress to enact laws punishing all conspiracies— with or without State action—that interfere with Fourteenth Amendment rights."

TITLE VII—ELECTION RECORDS

The Civil Rights Act of 1960 requires election officials to preserve and retain registration and election records for a specified period of time. The 1960 Act has been held constitutional. See cases cited *supra* p. 8. Title VII of this bill would authorize the Attorney General to permit state election officials, upon their application, to destroy ballots, tally sheets and other documents related to counting and casting ballots. This delegation of authority is constitutional, since the Attorney General's discretion to grant such an exemption is to be exercised only when in his judgment the destruction of records will not hinder, prevent, or interfere with the accomplishment of the objectives of the various voting rights laws enacted by Congress. Compare section 5 of the Voting Rights Act of 1965, sustained in *South Carolina v. Katzenbach*, 383 U.S. 301, 334-335; Civil Rights Act of 1964, section 709(c), 42 U.S.C. 2000e-8(c) (exemption from record-keeping requirements); Interstate Commerce Act, section 204(a)(4a), as amended, 49 U.S.C. 304(a)(4a); see also *United States v. Bush & Co.*, 310 U.S. 371, 380.

Mr. CELLER. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. BOLLING, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill

(H.R. 14765) to assure nondiscrimination in Federal and State jury selection and service, to facilitate the desegregation of public education and other public facilities, to provide judicial relief against discriminatory housing practices, to prescribe penalties for certain acts of violence or intimidation, and for other purposes, had come to no resolution thereon.

GENERAL LEAVE TO EXTEND

Mr. CELLER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the rule preceding the consideration of this bill.

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

There was no objection.

THE JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS

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

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

There was no objection.

Mr. MADDEN. Mr. Speaker, the Joint Committee on the Organization of the Congress completed its hearings and executive sessions work in preparation for its written report to the Congress.

The following is a copy of the official press report outlining, in general, some of the results of its hearings and deliberations.

As cochairman of the Joint Committee on the Organization of the Congress I ask unanimous consent to include with my remarks the following joint statement issued by cochairman Senator A. S. MIKE MONRONEY and myself on the preliminary report.

The final report will be prepared and submitted to the Congress at an early date:

FROM THE JOINT COMMITTEE ON THE ORGANIZATION OF THE CONGRESS, JULY 21, 1966

The Joint Committee on the Organization of the Congress today announced approval of its final report. The report recommends major changes in congressional organization and machinery. The recommendations include uniform rules of procedure for the standing committees, changes in committee jurisdiction, improved staffing and use of modern management techniques in evaluating the federal budget. Approval of the report was announced at a news conference held by Senator A. S. MIKE MONRONEY and Representative RAY J. MADDEN, Co-Chairmen, and Senator KARL MUNDT and Representative THOMAS B. CURTIS, ranking Republican members of the bi-partisan Joint Committee.

The report is the product of a year and a half of study. The Committee was formed in March 1965. It conducted months of hearings where two hundred witnesses testified, including Members of Congress, high government officials, political scientists and representatives of national organizations. The Committee has begun preparation of an omnibus reorganization bill—to be entitled the Legislative Reorganization Act of 1966—based on the recommendations contained in the report. It will ask for permission to re-

port the bill directly to the floor of each House during this session. This procedure was followed in 1946 when the last comprehensive review of congressional organization took place.

The report proposes major revisions in the standing committee system—the basic working unit of Congress. It recommends a committee "bill of rights" to give a majority of the committee membership the right to call meetings and report legislation in the event a chairman refuses to do so. It recommends more frequent use of open hearings and that committee deliberations may be televised or broadcasted at the option of the committee. Safeguards are prescribed to insure that all committee members can participate in the preparation of committee reports and that committee reports are available to all Members prior to floor action. The use of proxy voting in committees would be eliminated.

Major changes in committee jurisdiction are recommended. New Committees on Education would be created in each House. These committees would assume the educational jurisdiction of the Senate Committee on Labor and Public Welfare and the House Committee on Education and Labor as well as educational programs under the jurisdiction of other committees. The jurisdiction of committees dealing with scientific matters in each House would be expanded and redefined. The committee recommends redesignation of the Banking and Currency Committees as the Committees on Banking, Housing and Urban Affairs to give recognition to growing urban problems. It also recommends creation of a Senate Committee on Veterans Affairs with jurisdiction comparable to the House Veterans' Affairs Committee.

The committee attempts to achieve a better distribution of workload in the Senate by placing a limitation on committee assignments and chairmanships. It also recommends that no Senator can serve on more than one of the Appropriations, Finance, Foreign Relations and Armed Services Committees because of the jurisdiction of those committees.

Committee staff resources would be expanded and improved. The right to employ outside consultants is authorized and encouraged. Three positions—two professional and one clerical—are to be assigned to the minority on request. An additional staff member designated as a "review specialist" would be assigned to each standing committee to review the administration of existing laws.

The report makes a number of important recommendations in the field of fiscal controls and congressional review of the budget. It urges the use of automatic data processing to expand the budget information available to Members. Specific improvements in the presentation of the budget are recommended. Budget officials are to appear before the full Appropriations Committees of each House within thirty days after submission of the budget to discuss overall budget guidelines. The Appropriations Committees are urged to expand their study of multi-agency programs and to hold more open hearings. It recommends new operating units within the General Accounting Office to assist the committees in program evaluation.

Each Member is to have a personal legislative assistant. The Legislative Reference Service of the Library of Congress is to be redesignated as the Legislative Research Service to emphasize the scope of its responsibilities. A new reference division to handle routine requests in order to free expert personnel for more important inquiries will be created. It recommends better liaison between the Service and the Congressional committees.

The report also deals with Capitol housekeeping functions. Patronage appointments are to be eliminated on the Capitol Police Force and an Office of Personnel and Office Management shall be created.

The report recommends the creation of a Joint Committee on Congressional Operations to conduct a continuing study of the organization and operations of the Congress. The proposed Joint Committee would supervise a number of housekeeping functions and in some respects would become a permanent successor to this Committee.

The Legislative Reorganization Act of 1946 provided for the registration of individuals and organizations who solicit or receive funds for the purpose of influencing legislation. The Committee proposes to strengthen the Act by requiring registration of those having influencing legislation as a "substantial purpose" rather than the present "principal purpose" requirement. It would also transfer responsibility for the maintenance and publication of lobby registration records to the General Accounting Office. Stringent arrangements for contingent fees for lobbying purposes would be required.

The Committee urges that congressional business be scheduled on a five-day workweek. In the event a session extends beyond July 31st, a recess would be held in August and the business of the session completed in the fall.

Finally, the committee recommends that Members divest themselves of patronage responsibilities on the appointment and confirmation of postmasters and the recommendation of rural mail carriers.

The report was unanimously approved by the Committee. A number of Republican members also filed supplemental views. They made additional recommendations beyond those of the full committee. Among these were proposals for minority party control of an investigatory committee when the same party controls both Houses of Congress and the Presidency, curbs on administrative lobbying by the executive branch, disclosure of assets and income by Members and proposals relating to financing of political campaigns.

Congressman KEN HECHLER, Democrat, of West Virginia, expressed strong support of the recommendations in the report, and also added supplemental views designed to give the public a more informative view of the Congress, to provide for electric voting on an optional basis, and several other suggestions for future consideration by the Joint Committee on Congressional Operations proposed in the report.

The complete report of the committee will be available to Members and the public next week.

Other Members of the committee are Senator JOHN SPARKMAN, Democrat, of Alabama, Senator LEE METCALF, Democrat, of Montana, Senator CLIFFORD P. CASE, Republican, of New Jersey, Senator J. CALEB BOGGS, Republican, of Delaware, Representative JACK B. BROOKS, Democrat, of Texas, Representative DURWARD G. HALL, Republican, of Missouri, and Representative JAMES C. CLEVELAND, Republican, of New Hampshire.

AMENDMENT OF THE AVIATION ACT, SECTION 416

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

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

There was no objection.

Mr. FRIEDEL. Mr. Speaker, I wish to call attention to the urgent need for a technical amendment to section 416 of the Federal Aviation Act of 1958. Doubtless many Members of this House, as well as myself, have noticed the recent announcement by Japan Airlines that it intends to inaugurate in October a reg-

ular through air service from Tokyo by way of the west coast of the United States to New York. According to the announcement, by March of next year, the frequency of this new through service will have reached the rate of one flight a day and will have become a part of the round-the-world service offered by Japan Airlines. Two other foreign airlines have also been authorized for some years to provide a round-the-world service which transits the United States and have been providing such service for a number of years.

However, I have been astounded to learn that no American international carrier is authorized to provide a competitive service because no such carrier is presently authorized to provide through service which transits the United States. I am further informed that, under the present law and regulations of the CAB, it is unlikely that any American carrier will be authorized to provide such service for another 4 or 5 years, pending the completion of the gigantic CAB proceedings just launched in the Transpacific route case. The need for such a service by an American-flag carrier was recognized as long ago as 1960. This irregular situation cannot be allowed to continue. The United States, in terms of its national interest in the development of an international air transportation system, in terms of its balance-of-payments difficulties, in terms of employment opportunities, and in terms of its interest in the economic health of American-flag air carriers, cannot afford to give foreign air carriers a headstart in the exploitation of these new routes, least of all when such a high proportion of the passengers traveling these routes will be U.S. nationals.

Fortunately, the situation can be quickly and easily corrected since it derives entirely from a procedural irregularity which has been allowed to develop in the administration of the Civil Aeronautics Act, as I will explain more fully in a few minutes. Under the present law, the President now has ample authority to negotiate international agreements for the reciprocal exchange of air routes with foreign nations. Also, under the present law, the CAB has adequate authority to license foreign air carriers to commence operations on the routes which the United States has agreed to exchange with foreign nations. However, the CAB has no present authority under the statute as interpreted by the courts to license American carriers to exploit the same routes with the same promptitude as is possible for foreign air carriers. In my opinion, it is urgent that we promptly take action to amend the statute so as to enable the President and the Civil Aeronautics Board to act with equal promptitude in licensing operations by American-flag carriers on routes now being exploited solely by foreign air carriers. Our negotiators are held to a strict standard of accountability in assuring that we get at least as good a bargain from the foreign government as we give. Yet, after these carefully negotiated bargains take effect, foreign carriers are permitted to capitalize on their new

routes almost immediately, whereas U.S. carriers are restrained by our internal procedures from exploiting the new routes for a matter of several years. This simply does not make sense. Our carriers are placed at a competitive disadvantage and our national objectives in the promotion of U.S. international air transportation are adversely affected.

The explanation for this anomalous situation is not hard to find. Our statutory and regulatory procedures in the United States have not kept pace with the remarkable changes which have occurred in international commercial aviation in recent years. The flexibility and speed of modern commercial aircraft, since the inauguration of the jet age, have created situations in international air commerce which were not contemplated when the Civil Aeronautics Act was first passed in 1938. Nor were these situations contemplated when the aviation law was reenacted in 1951 as the Federal Aviation Act. The jet age of commercial aviation was then only 1 year old. One of the consequences is that U.S.-flag carriers are now frequently placed at a substantial disadvantage in seeking to compete with foreign airlines for traffic to and from the United States. The ironic part about this situation is that the competitive disadvantage under which our airlines presently labor is a self-imposed one which we are perfectly free, as far as our international aviation arrangements are concerned, to correct. I am certain that no other nation has similar self-imposed restraints on its ability to develop aviation routes secured by the negotiation of bilateral agreements.

For many years the State Department has been negotiating international agreements under which the United States grants to foreign countries the right to designate carriers to serve important air routes to the United States and through the United States in exchange for reciprocal routes for American-designated carriers. These international agreements are frequently renegotiated, revised and amended so as to grant new or more direct routes which take advantage of the increased speed and range of modern aircraft. Once an exchange of routes has been agreed upon, each nation designates a carrier or carriers to operate over that route. After designation, a carrier must however apply to the Civil Aeronautics Board for a formal license to commence operations. In the case of foreign air carriers, the procedures are simple and expeditious and the CAB, assuming Presidential approval, usually issues a foreign air carrier permit within a matter of 60 to 90 days after filing of the original application. Once the foreign air carrier permit is issued, the foreign airline is fully authorized to commence service.

In contrast to this simple and expeditious procedure, an American-flag carrier, under present law and regulation, is often required to wait many, many years before it can expect to receive a certificate authorizing it to begin service on the same route.

My bill is intended to provide a means by which American carriers can be

granted temporary authority to operate with equal promptitude.

Two procedures are available under existing American law for U.S. carriers to obtain new operating rights:

First. The American carrier may apply under section 401 of the act for a certificate. This involves a lengthy CAB proceeding, including notice to all interested parties, hearings, oral testimony, briefs, and so forth.

Second. The American carrier may apply under section 416 of the act for an exemption from the certification requirement. This exemption is available in certain very limited cases.

Under the certificate proceeding, the Board has the power to issue the necessary certificate but only after elaborate hearings. CAB certification proceedings are held to be subject to the rule of the Supreme Court in *Ashbacker v. FCC*, 326 U.S. 327 (1945). This means that all applications seeking the same rights or even seeking similar rights are required to be heard in the same proceeding. Thus certificate proceedings typically involve many applicants and they are inevitably awkward and time consuming in the extreme, frequently requiring 4 or 5 years for completion.

The existing exemption procedure, while speedy enough, is nevertheless of doubtful applicability to the problem which has now arisen because the courts have by decision severely restricted the power of the CAB to grant relief. Under section 416 of the statute, the Board must find "an undue burden" on the applicant carrier "by reason of the limited extent of the operations of such carrier" or "by reason of unusual circumstances affecting the operations of such air carrier." The courts have interpreted the foregoing language as requiring a showing of something more than potential loss of revenue pending completion of the certification proceedings. *American Airlines v. Civil Aeronautics Board*, 235 F. 2d 845 (D.C. Cir. 1956); *Pan American World Airways v. Civil Aeronautics Board*, 261 F. 2d 754 (D.C. Cir. 1958).

It is not my purpose to argue for or against the wisdom of this interpretation insofar as a domestic route case, involving competition only between domestic U.S. carriers, is concerned, but I do maintain that it would be most unwise to allow such a result in the international situation which now confronts us, in which valuable new air routes are being vigorously exploited by foreign air carriers at a time when U.S.-flag carriers are not permitted to exercise reciprocal rights. In any event, because of this interpretation, U.S. carriers are forced to go through lengthy certification procedures as the only practical alternative available.

This procedural anomaly works to the competitive disadvantage sometimes of both the Government and the U.S.-flag carriers and at other times only to the disadvantage of the U.S. Government, as the following examples will illustrate. Some years ago, TWA, which serves Cleveland on its domestic network, was placed at a disadvantage by comparison with Trans-Canada Air Lines which had been authorized to operate a through

service between Cleveland and Europe via Toronto. At that time TWA did not have authority to provide through service between Cleveland and Europe on its transatlantic service and an amendment of its certificate was required in order to permit it to offer a service competitive with that provided by Trans-Canada. Unfortunately, TWA's application for amendment could not be finally decided until the so-called Cleveland-New York nonstop case had been decided by the CAB, a case which involved a large number of U.S. carriers and it was several years before TWA was finally authorized to provide a competitive service between Cleveland and Europe. Thus, Trans-Canada Air Lines enjoyed a head-start of several years over TWA in developing this purely U.S. traffic market and TWA was placed at a substantial competitive disadvantage.

A second example is afforded by comparing the situation of Braniff and Panagra on the one hand with that of BOAC and Lufthansa on the other. Many years ago, the two American carriers Braniff and Panagra applied to have their routes extended to New York so as to provide the first U.S.-flag one-carrier through service between the west coast of South America and New York. These applications, as well as those of numerous other applicants, were later consolidated in the United States-Caribbean-South America case. Now after 4½ years this case is still at the examiner hearings stage. By contrast, two foreign carriers BOAC and Lufthansa, by virtue of permits issued by the CAB and the President under section 402, are now operating the only one carrier through services between New York and the west coast of South America. Obviously, Braniff and Panagra have been placed at a competitive disadvantage and they can obtain no relief until the United States-Caribbean-South America case is decided some years from now.

The most striking example is furnished by the current Trans Pacific Route case which gives every indication that it will become the biggest route certification case in the CAB's history. The issues involved in the Trans Pacific Route case first arose in 1959. After lengthy hearings, the CAB recommended to the President that the existing U.S. round-the-world carrier be permitted to transit the United States on round-the-world flights in the same manner as BOAC and Qantas had been permitted. However, the President returned this recommendation to the CAB without action saying that he had decided not to approve the recommendations "solely on considerations of foreign policy" and with the observation that the Board's recommendations would "unsettle our international relations—particularly with Japan." At that time, no Japanese airline had the right to operate across the United States and beyond to Europe under the international agreements then in effect. In December 1965, Japan acquired such rights by virtue of a new agreement with the United States. The route exchange involved in this new agreement is the one which the Japanese propose to implement in the next few

months. On the other hand, no U.S. carrier can be granted the reciprocal right until the outcome of the certification proceedings in the Trans Pacific Route case, which was opened in 1965. Because of the number of applicants and the complexity of the issues and the scope and length of the routes involved, it seems likely that this case will take 4 or 5 years. In the meantime Japan airlines, along with the prior entries in the field, BOAC and Qantas will be reaping the benefits of superior access routes to the world's largest source of traffic, the New York metropolitan area. Obviously, U.S. carriers serving this market are placed at a competitive disadvantage. Moreover, the United States as a government is placed at a disadvantage and stands to lose several hundred million dollars in foreign exchange as a result.

Let me give two additional examples which show how the United States, as a government, is placed at a disadvantage even though no U.S.-flag carrier is directly involved. In 1959, the U.S. Bilateral Air Transport Agreement with France was amended to grant air routes to designated air carriers of each country between Tahiti and the United States. A designated French carrier, TAI, filed an application for this route under section 402 of the Civil Aeronautics Act in December of 1959. On March 4, 1960, only 4 months later, a foreign air carrier permit was issued to TAI by the CAB with the approval of the President. Several U.S. carriers applied for the route and these applications were consolidated in the original Trans Pacific case which I referred to earlier. It was not until 3½ years later that a U.S. carrier was certificated to operate on the same route in competition with TAI. During this period the U.S. Government was obviously placed at a disadvantage insofar as the development of a U.S.-flag International Transportation System was concerned. If the CAB had had the necessary authority, it could have granted a U.S. carrier operating rights contemporaneously with those granted to TAI.

A second and even more striking example has arisen under the United States-Brazilian Air Transport Agreement in 1958. Under this agreement, the United States and Brazil exchanged routes between the West Coast of South America and California. A Brazilian carrier, Real, applied on October 21, 1959, for a Foreign Air Carrier Permit under section 402 covering the route. A permit was issued to Real on December 3, 1959, less than 2 months later. However, even today in 1966, no U.S. carrier has been awarded similar rights although several have applied. Their applications are all tied up in the United States-South America case. As a consequence, the United States as a government is being disadvantaged in the "development and promotion of the U.S. Flag International Air Transportation System."

The foregoing examples show that the problem is a current one and that its solution is urgent. Moreover, the problem is likely to increase as new equipment becomes available and as changes are progressively made in the interna-

tional route pattern in order to take advantage of the increased speed and range of the new equipment. As these developments occur, the United States and its carriers will suffer greater and greater competitive handicaps.

The bill which I am introducing today, which has been drafted by the CAB, is designed to empower the President and the CAB to act so as to eliminate the procedural anomaly and to forestall this self-imposed competitive disadvantage. The bill would broaden the exemption power of the CAB so as to permit it to cope with this type of problem. Specifically, it would authorize the Civil Aeronautics Board, pending final decision on U.S.-flag carrier applications under section 402 of the Federal Aviation Act, to exempt one or more such carriers for a temporary period from the enforcement of section 401—thus permitting them to operate—if the CAB finds that either the United States or one or more of its air carriers is placed at a competitive disadvantage by reason of the operations of a foreign air carrier or carriers serving the United States. Action by the Board in authorizing for a temporary period exemption from the usual certification requirement is made subject to approval by the President so that the President's constitutional prerogative in the conduct of foreign policy is fully protected. Moreover, this enables the President to coordinate his action under the proposed bill with whatever action he may have taken in the negotiation of new bilateral air transportation agreements. Thus the proposed bill is entirely consistent with section 801 of the present Federal Aviation Act.

As I said before, this bill has the approval of the CAB. It incorporates certain suggested amendments made by the CAB to S. 3197 introduced in the Senate by Senator MAGNUSON. S. 3197 as originally introduced contemplated cases where U.S. carriers were placed at a competitive disadvantage with respect to foreign air carriers serving the United States. Chairman Murphy of the CAB and others pointed out at the Senate hearings on S. 3197 that cases might arise in which the U.S. Government was adversely affected by such foreign air carrier operations but no particular U.S. carrier was placed at a competitive disadvantage. The amendment suggested by the CAB remedied this and this amendment has been incorporated in the bill I am introducing. Additionally, the CAB suggested a proviso, which has been incorporated in my bill, which preserves the principle of "route security" which is so important to the operation and financing of U.S.-flag carriers. The proviso assures that eligibility for exemptions under the new law will be limited to the carrier or carriers actually placed in a competitive disadvantage with respect to foreign air carriers and avoids undermining the carefully drawn statutory scheme incorporated in the existing Federal Aviation Act with respect to the award of air route franchises after notice and hearing.

If this bill is passed, the present procedural anomaly will be set aside and the CAB and the President will be empowered

to grant on a temporary basis the necessary operating rights to U.S.-flag carriers so that they can compete on a timely basis with foreign air carriers who now receive such rights on an expedited basis. The ultimate result will be to promote the national interests of the United States in the development of a U.S.-flag international air transportation system. Moreover, the United States will be in a position to curtail the several-hundred-million-dollar drain on its foreign exchange position which will occur if this legislation is not approved. Finally, I stress again the urgent need for action on this matter during the present session of Congress.

H.R. 16509

A bill to amend section 416 of the Federal Aviation Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (b) (1) of section 416 of the Federal Aviation Act of 1958 (49 U.S.C. 1386) is amended by adding at the end thereof the following:

"In addition, if an air carrier has filed application under section 401 to engage in overseas or foreign air transportation, the Board may exempt the carrier from the enforcement of section 401 with respect to any such air transportation covered by the application, for a temporary period to continue not longer than sixty days after the final decision by the Board on the application filed under section 401, if the Board finds, after giving notice and an opportunity for interested parties to present their views to the Board, that the United States or one or more of its air carriers is placed at a competitive disadvantage by reason of the operations of a foreign air carrier or carriers serving the United States, that the development and promotion of the United States flag international air transportation system is thereby adversely affected, and that taking into account the effect upon interested parties and all other relevant factors it will be in the public interest to authorize such air transportation for such temporary period: *Provided*, That no air carrier not found to be at a competitive disadvantage shall be granted an exemption hereunder if the Board finds that the competitive disadvantage to which the United States or one or more of its carriers is subject in any case can be overcome by granting exemption hereunder to any air carrier or carriers found to be at a competitive disadvantage with respect to foreign air carriers: *Provided further*, That any order granting an exemption hereunder shall not become effective until approved by the President and shall be withheld from publication until the President's decision thereon: *Provided further*, That operations under any such order shall not be considered as a factor constituting an advantage to the carrier providing such operations in selecting a carrier for certification pursuant to section 401."

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent that the gentleman from New Hampshire [Mr. HUOT] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. HUOT. Mr. Speaker, I am pleased to associate myself with the remarks of my distinguished colleague from Maryland concerning the competitive disadvantage in which the United States and

the U.S.-flag carriers involved in international air transportation find themselves with respect to foreign air carriers serving the United States.

Currently the Federal Aviation Act has similar procedures for granting certificates to U.S.-flag carriers—section 401—and permits to foreign air carriers—section 402. However, in practice these procedures operate quite differently.

The advantage currently enjoyed by the foreign carrier lies in the fact that it is usually a chosen instrument of the Nation in the bilateral agreement. Since there are no competing applicants, a permit is usually issued very quickly.

American-flag carriers, however, requesting a certificate under section 402 of the act enjoy no such advantage. Since there are generally numerous applications, all of which must be considered, it is not unusual for several years to elapse before a certificate is issued. Meanwhile, not only have the U.S. Government and the U.S.-flag carriers been deprived of revenue, but the foreign air carrier has become firmly entrenched on that particular route.

This bill, by amending section 416 of the Federal Aviation Act of 1958, will broaden the exemption authority of the CAB to permit it to cope with situations such as those just described. The CAB will be authorized pending decisions on applications by U.S.-flag carriers under section 401 of the act to exempt a carrier from enforcement of section 401. Thus a carrier will be permitted to operate for a temporary period if the CAB finds that the carrier "is placed at a competitive disadvantage" with respect to foreign carriers; and that the national interest is thereby "adversely affected." The Board's action is subject to approval by the President which assures that the President's constitutional prerogative in the conduct of foreign policy is fully protected.

Passage of this legislation will place the President and the CAB in a better position to allow U.S.-flag carriers to compete with foreign carriers equally and permit them to make a better contribution to the commercial interests of the United States and the important balance-of-payments objectives which must be achieved.

Mr. FRIEDEL. Mr. Speaker, I ask unanimous consent that the gentleman from North Carolina [Mr. KORNEGAY] may extend his remarks at this point in the RECORD.

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

There was no objection.

Mr. KORNEGAY. Mr. Speaker, I rise in support of the amendment to the Federal Aviation Act offered by the able chairman of the Subcommittee on Transportation and Aeronautics.

As a North Carolinian, proud of my great State's place in history as the birthplace of aviation, I am appalled that foreign air carriers are permitted to transit the continental United States, picking up and discharging passengers in international travel while U.S. international carriers are denied this right by our own Government.

These foreign carriers are pursuing this tremendous competitive advantage in American-made planes and equipment and utilizing techniques and developments which are conceived, financed, and perfected by this Nation. Yet, the U.S. Government tells our own global carriers that they can fly the American flag to any place in the free world and provide the best international service they can devise except across our own country. This is an obvious injustice.

It is only equitable that U.S. air carriers be afforded the same rights and privileges enjoyed by their foreign competition.

ETHIOPIAN NATIONAL HOLIDAY

Mr. O'HARA of Illinois. 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 Illinois?

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, as chairman of the Subcommittee on Africa of the Committee on Foreign Affairs I am happy and privileged to salute the proud and venerable nation of Ethiopia on her National Independence Day which was observed on Saturday last when the House was not in session.

Along the eastern rim of Africa, about half-way down the continent, is situated the nation, Ethiopia. A vertible pot pourri of lakes and rivers, mountains and valleys, plateaus, plains, and deserts, Ethiopia is a striking phenomenon among her sister nations.

In the forefront of the African revolution, Ethiopia has neither ignored nor been overwhelmed by change. Her leader for 36 years—His Imperial Majesty, Emperor Haile Selassie I—has fostered and overseen the longest tradition of independence in Africa. Heading one of the most ancient monarchies in the world, he has gained for Ethiopia the seat of the Organization of African Unity and the headquarters of the United Nations Economic Commission for Africa. Therefore, it is appropriate that the Kingdom of Ethiopia, the crucible of an ancient heritage and modern development, as well as a diplomatic center of Africa, celebrate her national holiday on the birthday of her national leader.

This land of contrasts boasts a long and colorful history. Described as "the most just men" by the Greek historian, Herodotus, the Ethiopians first graced the annals of time as members of the kingdom of Aksum, founded, according to tradition, in the first millennium B.C. by the Queen of Sheba. Christianity was introduced in the fourth century; and with the Muslim conquest of northeast Africa, Ethiopia became the lone bastion of Christian faith in a Muslim setting. The heritage and development of Christianity in this ancient kingdom has since proven to be an invaluable source of information for scholars of religion.

Twentieth century events have stamped international fame and intrigue upon the pages of Ethiopian history. Ras Tafari Makonnen—now Haile Selassie, which

means "The Power of the Trinity"—was crowned Emperor in 1930, only to have his reign interrupted in 1935 by the Italian invasion and occupation. Forced into exile due to the League of Nations failure to agree on appropriate action, he gathered resistance forces and with British troops reentered the capital, Addis Ababa, in May 1941. After the war Ethiopia became one of the original signatories of the United Nations Charter and has since continued to play a significant and leading role in African and world affairs.

Contributing to the phenomenon that is Ethiopia is the maturity with which she has faced development. She has identified herself with the aspirations of African nationalism and African rights. Though other nations may sometimes have tended toward restriction of representational government, Emperor Selassie has recently extended this democratic privilege in Ethiopia. And Ethiopia's unity, under the guidance of Haile Selassie, has continued to exist with relatively few challenges.

This is not to say that Ethiopia is a country without problems, however. On the contrary, there are many perplexing issues—economic, social, and political—to be faced. But Emperor Selassie's determination successfully to meet these obstacles is being felt throughout the Nation. One cannot fail to be impressed by the change that is taking place and by the mature manner in which it is being handled.

A salute is due "the most just men" of the present Ethiopian nation, to His Imperial Majesty, Emperor Haile Selassie I, and to His Excellency, Tashoma Haile-Marim, the able and popular Ambassador to the United States.

GENERAL LEAVE TO EXTEND

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent that any of my colleagues who so desire may have 5 legislative days in which to join me in a salute to Ethiopia.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

ELIMINATING REMAINING TWO EXEMPTIONS TO THE BANK HOLDING COMPANY ACT OF 1956

Mr. BENNETT. 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 Florida?

There was no objection.

Mr. BENNETT. Mr. Speaker, today I am introducing a bill to do away with the remaining two exemptions to the Bank Holding Company Act of 1956: the one-bank holding company provision and the provision exempting labor organizations.

Legislation stripping the exemptions allowed for the Du Pont Estate of Florida, Financial General Corp., nonprofit, charitable, religious, and educational in-

stitutions and companies with at least 80 percent of their assets in agriculture was enacted into law July 1, 1966.

I strongly believe in the principle adopted by Congress in the 1933 Banking Act, which said it was against the public interest for banks and nonbanking businesses to be controlled by the same ownership. In 1956 bank holding companies were similarly prohibited, but several exemptions were written into the law. Four of those exemptions were eliminated by law this year.

The bill which I am introducing has been drafted by the Federal Reserve Board. Specifically, it would amend the exemption which states "each of two or more banks" to "any bank" and do away with the provision for "labor, agricultural, or horticultural organizations." I am told that over 500 banks in the country would be covered by these provisions in the bill introduced by me.

The exemptions now in the law represent possible conflicts of interest and monopoly and are not in the public interest. When he signed the law in 1956, President Eisenhower said:

As a result of the various exemptions and other provisions, the legislation falls short of achieving the objectives. The exemptions and other special provisions will require the further attention of the Congress.

Mr. Speaker, my bill would close the loopholes in the Bank Holding Company Act of 1956, doing away with any possible abuses to the public interest. I am hopeful for favorable reports and an early hearing.

A copy of the bill follows:

H.R. 16053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subsection (a) of section 2 of the Bank Holding Company Act of 1956 (12 U.S.C. 1841(a), as amended by Public Law 89-485) is amended by striking the words "each of two or more banks" wherever such words appear and inserting in lieu thereof the words "any bank".

SEC. 2. The first sentence of subsection (a) of section 3 of the Bank Holding Company Act of 1956 (12 U.S.C. 1842(a), as amended by Public Law 89-485), is amended to read as follows:

"It shall be unlawful, except with the prior approval of the Board, (1) for any action to be taken that causes any bank to become a bank holding company or any other company to become a bank holding company with respect to more than one subsidiary bank; (2) for any action to be taken that causes a bank to become a subsidiary of a bank holding company; (3) for any bank holding company to acquire direct or indirect ownership or control of any voting shares of any bank if, after such acquisition, such company will directly or indirectly own or control more than 5 per centum of the voting shares of such bank; (4) for any bank holding company or subsidiary thereof, other than a bank, to acquire all or substantially all of the assets of a bank; or (5) for any bank holding company to merge or consolidate with any other bank holding company."

SEC. 3. The first sentence of subsection (c) of section 4 of the Bank Holding Company Act of 1956 (12 U.S.C. 1843(c), as amended by Public Law 89-485) is amended by striking the words "shall not apply to any bank holding company which is a labor, agricultural, or horticultural organization and which is exempt from taxation under section 501 of the Internal Revenue Code of 1954, and

such prohibition shall not, with respect to any other bank holding company" and inserting in lieu thereof the words "shall not, with respect to any bank holding company".

HON. GEORGE W. STEWART

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

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

There was no objection.

Mr. WHITENER. Mr. Speaker, in recent days we have heard a great deal of loose talk and criticism of a very distinguished American with whom we are privileged to be associated with here on Capitol Hill. I refer to the Architect of the Capitol, the Honorable George Stewart.

I have read in the press and other places comments to the effect that Mr. Stewart is not an architect. It is my understanding that this is true. Mr. Stewart is a distinguished engineer. He has on his staff one of America's most distinguished architects, Mr. Mario Campioli, who worked for many years on the Williamsburg renovation and reconstruction, and also worked with the Rockefeller group and in other important architectural ventures.

I am not an architect and I am not an engineer, but I have observed that when any building projects of any consequence are about to take place that architects always must have the assistance of engineers. So I see no inconsistency about the Architect of the Capitol being an engineer and calling in architects and having architects on his staff to work with him in preserving and, if necessary, enlarging the Capitol of the United States. Any layman can look at the west front of the Capitol and see that something must be done. I am not undertaking to say what should be done. But I say that it is time that the public know that Mr. Stewart is not a babe wandering around in an architectural woods. He is a trained engineer, a fine gentleman, and I am sure that many of us are correct when we recommend that we put our faith and confidence in him and the fine staff that he has working with him.

PUBLIC OPINION POLL, NINTH DISTRICT, NORTH CAROLINA

Mr. BROYHILL of North Carolina. Mr. Speaker, I ask unanimous consent to extend my remarks in the Record and include the results of a poll.

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

There was no objection.

Mr. BROYHILL of North Carolina. Mr. Speaker, each year, it is my privilege to solicit the views of residents of the Ninth District of North Carolina on important national issues. This public opinion poll for 1966 has been conducted over the past several months and it is my privilege to announce its results.

I am grateful for the serious participation by many thousands of residents of

the district. The poll has greatly increased the communication with the people I have the honor to represent. Their guidance and interest in the affairs of the Nation are most useful to me in my efforts to speak for them.

The tabulation represents views expressed by 7,111 persons who participated in this survey. A large proportion of those expressing their opinions added detailed comments about many of the issues explaining why they feel as they do. Unfortunately, there is no way to reflect these comments in any statistical form. However, I would like to discuss these results briefly here.

Decided reactions were stated about most of the national problems in this poll although several indicated almost evenly divided viewpoints. In the case of the proposal to increase the Federal minimum wage, 48.4 percent favored the increase while 48 percent were against it. Comments of many factory workers who opposed the legislation expressed widespread worry that increases would result in new inflationary pressures. If this were the consequence, it was argued, the buying power of general wage increases might be wiped out by further increases in the cost of living.

Deep concern from retired persons, factory workers, farmers, housewives, and businessmen was registered in many

hundreds of comments about living cost increases. This was usually combined with statements in general opposing increases in Federal authority and opposing the present high level of Federal spending. In this regard, the war on poverty was singled out for particular dissatisfaction. A total of 76.7 percent of those expressing themselves in the poll opposed increased spending in the poverty program while only 15.7 percent favored it. An unusual number of participants stated a lack of confidence in the program and often severely criticized its administration.

The question of whether Federal legislation is needed to deal with strikes that threaten the national interest was supported by 78 percent of those responding. A total of 14.5 percent opposed such legislation. Strong feelings registered about this question were clearly stimulated by recollections of the public transportation strike in New York City and the threat of a national airlines strike.

A broad spectrum of opinion was obtained on the various provisions of the President's civil rights proposals which the Congress is now considering. A total of 55.3 percent favored assurance that jurors in State courts be called and selected without discrimination because of race or sex. However, 68.5 percent opposed legislation that would deny the

right of property owners to sell or rent private dwellings on account of race.

Statements of concern about the war in Vietnam and our policy in conducting the war established it as the primary national issue in the Ninth District. In phrasing this question, it was my purpose to reflect as nearly as possible the various points of view that have been stated in the national debate on this serious issue. These questions were submitted to the people of the district prior to the U.S. decision to bomb oil storage facilities in the Haiphong and Hanoi areas. The poll indicated an impatience with the policies of limited bombing existing at the time the poll was distributed. A total of 63.7 percent of those participating in the survey favored a stronger policy than has been pursued. This was, in many instances, accompanied by a conclusion that this country should reassess its self-imposed limitations on the war and conduct a more vigorous campaign to end the conflict. If such a policy is not pursued, many persons explained, serious thought should be given to the withdrawal of American troops.

I wish to commend to the House of Representatives the results of this poll which I believe represents a large and thoughtful sample of the opinion of the people of my congressional district in northwestern North Carolina:

	Percent		
	Yes	No	No opinion
1. Do you favor amending the Constitution to increase the term of office for Congressmen from 2 to 4 years?.....	45.4	51.3	3.3
2. Should the United States expand trade with Communist bloc countries?.....	24.7	71.9	3.4
3. Are you in favor of increasing the Federal minimum wage rate in several steps from \$1.25 per hour to \$1.60, the final step effective in September 1968?.....	48.4	48.0	3.6
4. Do you favor expansion of American farm production to meet the world's rising food needs to be financed largely by the United States?.....	35.5	54.0	10.5
5. Do you believe this country should encourage and promote birth control methods in overpopulated and underdeveloped countries abroad?.....	68.7	28.5	2.8
6. Should the House Un-American Activities Committee be abolished?.....	22.0	68.4	9.6
7. Do you favor establishing a Department of Transportation in the President's Cabinet?.....	20.6	60.0	10.4
8. Should we have stricter Federal laws regulating the right of individuals to purchase firearms?.....	52.5	43.9	3.6
9. Would you favor Federal legislation to deal with strikes that threaten the national interest?.....	78.0	14.5	7.5
10. Should spending for the war on poverty be increased?.....	15.7	76.7	7.6
11. Do you favor new civil rights legislation to—			
(a) Assure that jurors in State courts are called and selected without discrimination because of race or sex?.....	55.3	38.3	6.4
(b) Provide Federal compensation for damages to property or personal injury to persons engaged in lawful civil rights activities?.....	19.8	72.1	8.1
(c) Require nondiscriminatory hiring practices by State and local governments?.....	42.5	49.2	8.3
(d) Prohibit refusal to sell or rent private dwellings on account of race?.....	22.6	68.5	8.9
12. Should narcotics laws be changed to allow Federal courts to offer drug addicts who have committed a crime a choice between jail or hospital commitment for treatment?.....	50.4	41.9	7.7
13. Do you favor a greatly increased program of Federal assistance for hospital modernization and construction?.....	40.7	51.0	8.3
14. Are you in favor of a Federal law which would give the Secretary of Commerce authority to set minimum safety standards in automobile design and construction?.....	47.4	43.5	9.1
15. Should the Constitution be changed to provide District of Columbia residents voting representation in Congress?.....	46.6	43.8	9.6
16. Based on your understanding of the situation in Vietnam, should the United States (mark only 1)—			
(a) Make an all-out effort to win even at risk of greatly expanding the war?.....	35.2		
(b) Continue present policies on the ground, but enlarge the bombing of military targets in North Vietnam, including facilities in the Port of Haiphong?.....	28.5		
(c) Continue present policies of support for South Vietnam, including limited bombing of North Vietnam as a means of obtaining a negotiated settlement?.....	12.9		6.4
(d) Withdraw troops to protect only major population centers in South Vietnam, leaving the rest of the country to Vietcong control?.....	2.8		
(e) Complete withdrawal of U.S. forces from South Vietnam?.....	9.8		
(f) Other? (Specify on back).....	4.4		
17. Should we have a Federal requirement that daylight saving time begin and end on the same dates each year unless State legislatures act to keep the entire State on standard time during summer months?.....	53.5	35.6	10.9
18. Should there be Federal standards for the transport, sale, and handling of dogs, cats, and other animals used in medical experimentation and research?.....	59.1	32.9	8.0

SPEEDING LAND ACQUISITION IN THE DELAWARE WATER GAP NATIONAL RECREATION AREA

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. WIDNALL] may extend his remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mr. WIDNALL. Mr. Speaker, rising costs not only affect the items in the housewife's budget but the items to be bought by the Federal Government as well. I am particularly concerned with the need to acquire property in areas such as the Delaware Water Gap National Recreation Area authorized by Congress last year. While the efforts of local and Federal officials have so far been generally successful in maintaining price stability in the Pennsylvania-New Jersey region to be contained in the

project, there is a definite need to move ahead as quickly as possible.

Not only will further delay be costly to the taxpayer, but it will create additional hardship and difficulties for property owners in the area itself. There is indecision as to when to move, and the problem of rising land values around the recreation area, increasing the cost of relocation. The depressed value of property within, and the increase without also make it more difficult for Government appraisers, as time goes on, to set an

equitable compensation award, based on recent sales of similar property.

The Committee on Appropriations in its Report No. 1405, of March 31, 1966, expressed its concern over the possible escalation of land prices in areas to be acquired by funds from the land and water conservation fund. It stated its policy as follows:

With respect to the Bureau of Outdoor Recreation's consideration of acquisition proposals by the Federal agencies, the committee expects the Bureau to pay particular attention to the tracts that have a high cost per acre or substantial costs for improvements. The committee further expects first priority be given to Federal acquisitions which will implement recent authorizations of the Congress and lower priority to acquisitions of lands within existing units of the National Park Service.

This is sound policy, but the money needed to put it into effect, given present budgetary considerations, will probably be unavailable except over an extended period of years. The \$6 million-plus to be made available this year for land acquisition in the Delaware Water Gap National Recreation Area is less than one-sixth of the \$37,412,000 authorized for acquiring 46,000 acres. Nor does this take into account the money needed by the Corps of Engineers for land acquisition directly connected with the Tocks Island Dam and Reservoir.

The Tocks Island Regional Advisory Council, representative of the six counties in New Jersey, Pennsylvania, and New York directly affected by the new recreation area, has long concerned itself with the need for rapid acquisition of property for the project. In December of 1965, the council asked the U.S. Corps of Engineers to estimate how much land acquisition costs had risen since passage of the bill creating the national recreation area. The Corps of Engineers noted two large and two small developments underway which were estimated to have increased costs by \$600,000. As both the corps and TIRAC pointed out, the bill as passed by Congress contained a provision authorizing the exemption of 1,600 acres from the original boundaries, so that the \$600,000 is within the contingency created by this exemption. Nevertheless, in May of this year, I received a letter from Frank W. Dressler, executive director of TIRAC indicating that development was continuing in these areas at a normal pace.

In addition, Mr. Dressler noted:

During the past few months we have, largely through publicity, managed to stop no less than three new large developments within the recreation area.

He also reported that in one development 9 miles of road were bulldozed out shortly before the bill passed Congress last year, and in each such case it will take years for the Park Service to get the vegetation and general ecology of the area back to normal.

In conclusion, Mr. Dressler wrote:

Our plea for substantial land acquisition funds this year (fiscal 1967), therefore, is to (1) stabilize these two developments, thus preventing ballooning costs, and (2) forewarning other potential developers that there is no future in developing other lands within the recreation area.

For your general information, two other subdivisions within the park have just been filed with the Monroe County Planning Commission. We hope to be able to hold both off, but this will be increasingly difficult if substantial land acquisition funds, indicating government intent, are not made available in the near future.

The Tocks Island Regional Advisory Council, in January of this year proposed that the Delaware River Basin Commission issue bonds to obtain funds for immediate land purchase in the area, the bonds to be secured by future congressional appropriations. While the Delaware River Basin Commission, under article 12 of the compact approved by Congress, has ample borrowing power, it is without revenue, and thus is without a credit base for issuing revenue bonds. On May 23, our distinguished colleague from Pennsylvania, Congressman JOHN P. SAYLOR, the ranking Republican on the House Interior and Insular Affairs Committee, introduced a bill to remedy this difficulty.

Last week I introduced a companion measure, H.R. 16373. I have done so as a cosponsor of the legislation creating the Delaware Water Gap National Recreation Area, and as the Representative in Congress of the entire portion of that project lying in the State of New Jersey. I have done so, moreover, to underline the sense of urgency that is needed in connection with land acquisition for this project. It is a need that is felt on both sides of the Delaware River.

The legislation would authorize the Secretary of the Interior to contract with the Delaware River Basin Commission for repayment to the commission, at an annual rate of no more than 10 percent of the total authorization, the amounts plus interest advanced to the Secretary by the commission for land acquisition in the recreation area. The money advanced by the commission would be obtained by the commission through a bond issue. Without this legislation, the commission would be unable to act in this fashion.

It is entirely possible that with the use of this approach, the 1972 completion date could be moved forward by several years, although this would not affect the 1972 target for beginning the accumulation of water behind the dam itself. I am confident that, following reports from the Corps of Engineers and the National Park Service, this legislation can be affirmatively acted upon by Congress this year.

ARTICLES BY S. T. TUNG

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. YOUNGER] may extend his remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mr. YOUNGER. Mr. Speaker, attached are two articles by S. T. Tung, the first entitled "What the China Experts Do Not Know About Red China" and the second, "Will Red China Intervene in Vietnam?" These are both very

thought-provoking articles prepared by a Chinese who had considerable experience in Red China after the Communists took over before he was able to leave that country. He still has contacts in Red China from whom he gathers information.

The articles follow:

WHAT THE CHINA EXPERTS DO NOT KNOW ABOUT RED CHINA

(A talk by S. T. Tung to U.S. Naval Amphibious School in San Diego, Calif., June 30, 1966)

There are all sorts of China experts: professors, research workers, journalists, lobbyists, etc.; and of many nationalities: American, British, Canadian, French, Dutch, Austrian, etc. Few Chinese, if any, are considered China experts, at least as far as the Senate Foreign Relations Committee and the sponsors of conferences on China are concerned. It seems that anyone who has been able to obtain a visa to visit Red China is a China expert.

Unfortunately, with the exception of a small number of them, these experts are shallow, uncritical and biased. To depend on them for information and guidance is like depending upon the blind to lead the way. I cannot point out their many errors one by one, but will show by a few examples how superficial and wrong they can be.

1. Take the case of Red China's reconstruction.

China experts unanimously praise the Communist regime for its constructive accomplishment, such as widened streets and new buildings in the large cities; the People's Hall in Peking; the railway bridge across the Yangtze River at Wuhan. One such expert, who was called "Mr. China" by his friends, called the Chinese Communists "nation builders," which reminds us of "democratic reformers" and "agrarian reformers" of the past.

No one denies that the Communists have done some construction, but what's unique about it? Who hasn't? You find new constructions everywhere, in Japan, Taiwan, Hong Kong, even war-torn Korea and Vietnam. Perhaps more has been constructed right here in California than in any other place.

But the China experts would want you to believe that only the Chinese Communists have built and that they have built from scratch. I have seen them show the pictures of the Summer Palace of Peking and the West Lake of Hangchow as proof of Communist construction.

The fact is that the KMT regime—and I don't belong to the KMT—and the regimes before it had constructed a great deal under the most unfavorable circumstances. You know that China has another great river besides Yangtze; namely, the Yellow River. There were two railway bridges across the Yellow River built when Mao Tse-tung was in his cradle. The Chientangkiang bridge was built by Chinese engineers during the KMT regime.

Railroads and motor roads are modern Western things only recently introduced to China. Before the KMT came to power in 1928, there was hardly any motor road in China outside a few coastal cities. Then before the Sino-Japanese War began in 1937, motor roads had extended all the way from Shanghai to the innermost western cities of Chengtu and Kunming. Before the war concluded, motor cars could drive to Tatsienlu, the border city on the Tibetan Plateau. In some provinces such as Kiangsi, Hunan and Szechuan, networks of motor roads had spread to every corner.

The widening of the streets in the cities and towns had been started even earlier, in the Northern warlords time.

A considerable number of colleges, universities, agricultural experiment stations, libraries and hospitals were also built during the KMT regime. More would have been done, were it not hindered by the war and the Communists themselves.

I have no desire to discredit the Communists for their constructions, but several things must be borne in mind in order to evaluate them properly:

a. they have a prolonged period of internal peace;

b. they have complete control of all human and material resources which they could mercilessly exploit;

c. rather than providing employment, Communist construction has been the source of human suffering on account of the forced labor;

d. nothing that is accomplished by the Communists could not have been accomplished without the Communist system and the Communist methods.

The water-benefit constructions of the Communists furnish a good illustration of their boastfulness and of the inferior quality of their works. These constructions are what the Communists brag about the most. They claimed to have basically controlled the great rivers and increased the irrigable areas from 240,000,000 *mou* to one billion *mou* during the ten year period from 1949 to 1959. Then beginning in 1959 China had the greatest famine in her history, and the Communists blamed it on "natural disaster," which means mainly flood and drought!

The 40 billion work-days—100 million people to work for 400 days—which the Communists boasted of having spent for the constructions have been in vain. Imagine the sacrifice of the people.

2. Cleanliness.

Red China has earned quite a reputation for cleanliness. Visitors invariably laud the immaculateness of the trains and hotels. The main streets and railway stations are also generally clean. These are believable. But some visitors, such as the "Mr. China," are apt to add that China was the filthiest country in the world but is now the cleanest. They want people to believe that the Communists have transformed pigs to decent human beings. This is typical Communist propaganda.

There were clean places and dirty places in the past. The trains—at least the first and second classes—big hotels, school grounds, parks, main streets were always kept reasonably clean. The past cannot be recreated for comparison. But the KMT regime still exists in Taiwan. It has not made a fuss about cleanliness, but I don't think Taiwan is terribly filthy.

How have the Communists kept places clean? Here is a report by an Austrian journalist, Hugo Portisch, published in the April 30 issue of the Saturday Review: "The platforms (of railway stations) were painstakingly clean; whole columns of broom-wielding women worked to keep them so." He wrote about his experience in Peking: "I would be wakened at five in the morning by the noise of many scratching whisk-brooms, and if I glanced out of the window, I would see numerous columns of broom-wielding women, sweeping the street in unison."

We wouldn't employ such measures to keep the streets and railway platforms clean in this country. Yet there are very severe, arbitrary penalties for offense or negligence that the Foreign visitor would not know. Cleanliness is the easiest thing to achieve under a system of arbitrary power that has no regard for the right and dignity of the people. But people cannot live on cleanliness alone. From the people's standpoint, it might be better to have a little more food, clothing and freedom, and less hard work, than to have spotless trains and hotels for foreign visitors.

Red China's cleanliness is aimed more at political propaganda than at anything else, and is attained at the expense of the people.

On the other hand, I have heard refugees say that in the out-of-the-way places the conditions are quite different.

3. Are there people starved in Red China?

China experts and visitors are positive that there is no starvation in China now. I wonder how they know and why they can be so sure. They say they have not seen any starved bodies, so they concluded there is none. But let us reflect a little. I have lived in this country many years and have traveled freely and widely, but I have never seen murder, robbery, riot, forest fire or a hurricane. Does it mean that there are no such things in this country? What we can see with our own eyes is very limited, but we read them in the papers and watch them in the television. Now in a totalitarian country every news medium is managed by the government. Do you think that they would publicize such a thing as starvation and allow starved corpses to be displayed in the streets?

Not only no such corpses would be allowed to lie in the streets but no unwanted and undesirable person can live in the big cities such as Peking, Shanghai and Canton. They are rounded up and sent to out-of-the-way places. Most of the people living in these cities have some connection, either politically or economically, with the Party or the government. That is why they look adequately fed as some visitors have observed.

But I have heard and read reports from many other sources that tell a different story—that not only is malnutrition extremely common and serious but outright starvation and cannibalism are widespread. A few examples follow:

a. A German businessman wrote from Shanghai: "Ambulances travel day and night to gather up the people who collapse on the pavements, in the fields, and in the factories. Hospitals are overflowing, doctors overworked; the necessary medicines are lacking. . . ."

b. The Korean War turncoat Belhomme said that the hungry people of Tsinan flocked to the country in search of wild edible greens, shrubs and reeds; that at least half of the workers in his factory suffered from swollen wrists and ankles; that Tsinan abounded with thieves and in rural areas hungry peasants turned to banditry; and that hunger led to cannibalism, etc., etc.

c. Refugee students from Chinghai and Wuhan also told stories of cannibalism—that many children disappeared while skinless "pork" was sold on the market, which was believed to be human flesh. These students also said that in Chinghai, since 1959, the food ration per person per month was only 12 catties of bran, and that half of the children were too weak to leave bed and go to school.

d. A former student of Peking University who fled China in 1964 and who is now working at a restaurant in New York said that even in Peking only the government establishments eat well while most private homes lack food; that the students eat only corn bread, seldom anything else, so that 70% of them have some kind of liver disease and have to stay in bed a good deal of the time. (There is little chance for the foreign visitors to see these students.)

e. An elderly woman from Hangchow said that at the time she left China in 1963, the city residents were able to buy two ounces of cooking oil and two ounces of sugar per month, but the country people could get none. Many of these ate grass so their stomachs were swollen. The poor old peasants would swear at the Party cadres, who would shrug their shoulders. But other classes of people would not dare to complain, for they would be accused of capitalist tendencies and sent to hard-labor camps for reform.

f. A young woman also from Hangchow who fled the mainland in 1963 described to me how the natives envied the overseas Chinese in China for their food and dresses, and how the children fought for the bones that the overseas students threw away.

g. A Chinese magazine published in Hongkong by Chow Ching-wen, author of the book "Ten Years of Storm," reported that in Nan-ning, Kwangsi, at least 600 people were starved to death in 1957 as a result of over-requisition of grains; that in Kansu in 1960, also owing to over-requisition, the people had only four ounces of barley a day and at least 438,600 starved; and that in the Yung-feng commune, of 1,300 old people only 380 survived, and these survivals lived on the corpses of the starved.

These are merely a few illustrations. The fact that millions of food packages have been sent to relatives on the mainland by the Chinese in Hongkong is known to everyone. Almost every Chinese abroad has been asked by his or her relatives in China to send them pork, fish, oil, beans, peanuts because they were sick from malnutrition. More recently the mainlanders are even forbidden to beg food from their overseas relatives and friends because it contradicts the Communist propaganda and hurts the prestige of the Communist regime.

China experts claim that the conditions are better now than a few years ago. How much better? A few years ago, at the time of the great famine, the Communists never admitted the famine; they only said afterwards that their "temporary difficulty" was over. So, how do we know that things are really good at present?

People do not starve to death in a short time as proven by those on hunger strike. Unless they eat too much grass or leaves or mud, they can live for a long time with very little food. But they become weak and sick, and their lives are shortened. That is starvation, in the true sense. In this sense, starvation is much more widespread in China now than ever before.

Moreover, the famines of the past were caused by crop failure, war and poor transportation. The government would always try to give relief, though it might not be sufficient. Now the Communists would seize the food from the peasants and ship to the cities to feed the vast armies of cadres, bureaucrats and troops, and sent abroad in order to earn foreign exchange. We are familiar with the imports of wheat, barley, oats, maize to Red China, but tend to overlook the huge quantities of pork, eggs, soybeans, rice, fish, vegetables, fruits, fat and oil, badly needed by the mainlanders, exported from China. Between US\$300-400 million favorable trade balance was earned each year by Red China largely through the export of food and clothing. This is robbing the people of their means of existence, and the money thus earned is spent abroad for propaganda, subversive activities and the war in Vietnam.

4. What about freedom?

This is something that the experts cannot cover up, pretend or distort, so they come up with the argument that the Chinese people never had any freedom and never care for freedom, and that freedom is only a Western conception. This is, of course, absurd. How can they explain the millions who flee from China and the other millions who have revolted and got killed?

The fact is that the Chinese people used to have a maximum amount of freedom, even though the past dynasties were called autocracies ruled by absolute emperors. During the regimes of the Northern warlords and the KMT, everybody was free to choose his own occupation and place to live in, to travel and migrate, to assemble and organize, to publish newspapers and magazines, to buy or sell anything in any quantity, and even to form

political parties. No one can do such things now.

Did the Chinese people care for freedom? The Communists themselves know the answer. How did they win power? One of the main reasons is by preaching freedom to the people. Turn to their declarations and speeches. Nearly all of them carry solemn pledges for all sorts of freedom to the people. The people realized too late that they had been deceived.

5. Why Red China has not intervened in Vietnam with troops?

China experts assert authoritatively that once the Vietnam war is escalated to a certain point, Red China would send in "volunteers," and that to engage in a ground war against Red China would be a most terrible mistake. Some experts compare the army, navy, air force and nuclear weapons of Red China with that of the U.S., and declare that Red China cannot fight an offensive war with the U.S.; yet they are scared of the manpower of the Peking regime and assert that it would be insane to invade the Chinese mainland. This shows how little the China experts know about Red China and the Chinese people.

What the Chinese Communists are most afraid of is not bombing of the mainland, or even of nuclear weapons, but the Chinese people. They know that the people are opposed to them. As long as the mainland has peace, the Party machine will be able to subjugate the population and suppress any revolt in embryo, but once an invasion by the Chinese troops from Taiwan gets established on the mainland, the whole country will explode.

The true reason why Red China has not sent troops to Vietnam is that they know that the U.S. not only will not recognize any sanctuary as in Korea but will unleash the forces from Taiwan and thus touch off the explosion on the mainland.

However, if the Communists become so desperate that they do intervene in Vietnam, which I doubt very much, we should welcome the opportunity to wipe out the Peking regime and bring permanent peace to Asia.

WILL RED CHINA INTERVENE IN VIETNAM?

(Delivered before the convention of the International Platform Association in Washington, D.C., July 22, 1966)

Red China had threatened to intervene in Vietnam even before the Vietnamese War had started. Thus, on June 26, 1964, previous to the Tonkin incident, she had warned: "No one should have any misunderstanding that the Chinese people absolutely will not sit idly by, while the flames of war spread to their sides. . . ."

Since then she had vowed many times that aggression against Vietnam is aggression against China; that "we Chinese people mean what we say," and that she would support the Vietnamese people (the Viet Cong) with actual deeds, men and materials.

Most recently after the oil installations in Haiphong and Hanoi were bombed, Red China declared that the bombing had further freed her from any bounds or restrictions in rendering support and aid to North Vietnam.

On the other hand, a good many people in the United States including senators, military and China experts have publicly expressed fears for Red China's intervention. In his much publicized letter that appeared in the February, 1966 issue of Harper's magazine, General James M. Gavin warned that if we were to increase the bombing of North Vietnam and to bomb Hanoi, or to greatly increase our combat forces in Vietnam we should anticipate the intervention of Chinese "volunteers" and the reopening of the Korean front.

It is comforting to reflect that during the last several months the bombing of North Vietnam has been increased and both Hanoi

and Haiphong have been bombed, yet the anticipated intervention has not taken place.

Several professors who specialize on Chinese studies have expressed similar opinions at the Senate Foreign Relations Committee Hearing held last March.

When in April the United States said that it would pursue enemy fighter planes across the Vietnamese border, both Senators FULBRIGHT and MORSE called it "very dangerous." MORSE said in San Francisco that American planes flying at 1,500 miles an hour and dropping bombs within 40 miles of the China border could accidentally stray over the North Vietnam border and drop a bomb on Chinese territory, and that could trigger a land war with Red China which the United States could not win by bombing—even nuclear bombing—and would "bog down 3,000,000 American troops for years." Fortunately such a land war has not been triggered.

The recent bombing of Hanoi and Haiphong has aroused new fears among various people. Senator ROBERT KENNEDY said that it has created a danger of a conflict of confrontation with Red China. Columnist Walter Lippmann wrote that the Peking statement (that the bombing of Hanoi and Haiphong has freed them of any bounds and restrictions in rendering support to North Vietnam) "must be read as notice that in some way or other Red China will enter the war by surprise." He reminded us, as others had previously, that General MacArthur had misjudged Red China's intent in Korea and had told President Truman that she would not intervene but later she did.

Will Red China intervene in Vietnam, or will she not? This is a question of great importance to all the world. What is the answer? What are the reasons for intervening and not intervening?

Before I give my answer, let us see what the experts have to say. Some of them, either believing that Red China will not intervene or seeing that she has not intervened so far, have offered some explanation.

The Time magazine recently interviewed "more than 30 China experts." Their consensus of opinion regarding Red China's military capabilities may be summarized in the following words: She has a big army but it is not modern by Russian and United States standard, so it "could probably defend China well in any homeland war against an invader." But her air force is second rate, her planes are obsolete, her navy is negligible, her nuclear power is elementary; therefore, she cannot wage a war beyond her borders. (Parenthetically, this speaker, though among the interviewed, does not subscribe completely to their opinion.)

A notable military expert, Francis V. Drake, the military editor of the Reader's Digest and "a longtime consultant to the United States Air Force," has expressed pretty much the same view in a recent article in that magazine. He said that while Red China's army is the largest in the world—2,500,000 first-line soldiers, plus many millions of militia and auxiliaries—they are impotent beyond their own borders because they lack air lift, good roads and trucks. However, he warned: "Only a fool would seek to underestimate the manpower of China or the armed might that she may achieve in the future. It is insane to invade the mainland, and the United States has no intention of doing so. . . ."

Thus, the experts seem agreed that Red China is strong for defense in China but weak for fighting outside China. This is why she has not intervened in Vietnam, or why we need not be afraid if she intervenes.

In my opinion, the views expressed by these experts are typical American views representing the American way of thinking. They are seldom right whenever matters relating to China are concerned.

In the first place, Red China would not need any airlift, or a first rate air force and navy, or many good roads and trucks to in-

filtrate into Vietnam. The reason is not far to seek. North Vietnam does not possess any better transportation facilities than Red China, but she has been able to send enough troops and supply through the Ho-Chi-minh trail to South Vietnam to keep more than a quarter of a million American troops and half a million South Vietnamese troops busy for more than a year. Red China could do much more even with the transportation facilities now available.

But why hasn't she intervened? Is it because she is afraid of bombing? The United States has made it clear that she will not recognize any sanctuary this time as she did in Korea. It is generally interpreted as meaning that the Chinese mainland will be bombed if Red China intervenes in Vietnam. But the Chinese Communists are not necessarily scared of bombing, and the reason again is not far to seek but can be found right in Vietnam. We have bombed North Vietnam for more than a year and so heavily that we were one time out of bombs, yet we are still unable to persuade Ho Chi-minh to stop fighting and come to the conference table. We could bomb the Chinese mainland ten times more heavily and for twenty years and still could not persuade the Chinese Communists to stop fighting.

The Chinese Communists are not even scared by the nuclear bomb. They have always called it a paper-tiger, and I believe they mean what they say in this particular case, because they know that the bourgeois-minded and soft-hearted Americans will not use the nuclear-bomb—not at any rate be the first to use it.

Then what has deterred Red China from intervening in Vietnam? Certainly it is not that the Chinese Communists love peace. That would be completely hypocritical and absurd. The real and most important reason is that they are afraid of an invasion by the Chinese forces from Taiwan.

Contrary to the belief of the experts, what is thought to be the greatest strength—manpower—of Red China is actually her greatest weakness, and what people believe Red China can best perform—land war on her own soil—is actually what she must avoid. She boasts most loudly of her inexhaustible manpower but it will not only be inserviceable to her but will turn against her when the mainland is invaded by the Chinese forces from Taiwan, and she knows it. She also knows that the United States' "no sanctuary" policy will not be confined to bombing the mainland but includes the unleashing of the Chinese forces. This is why the Chinese Communists have stopped at protesting and threatening and have not sent any "volunteers" to Vietnam in spite of the escalation of the war.

You will ask why Red China with two and half million troops and 700 million people should be scared of an invasion from Taiwan with only half a million troops and 12 million people. But the Communists understand it. They know that in an internal war the attitude of the people is really the thing that counts and that the Chinese people are opposed to them.

You will ask how do I know that the Chinese people are opposed to the Communists. I confess that I have not taken a poll of the attitude of the Chinese people; no one has, and it is impossible to do so. Some western visitors to Red China have told us that they had talked to many and all classes of people in China and found out that they are loyal to the Peking regime. This is most naive and absurd. They cannot find out the true attitudes and feelings even if they talk to all the 700 million people.

But if you are Chinese and familiar with the background and the Chinese mentality, know what the Communists have done to the Chinese people these many years, and are able to put yourself in their position and to project your imagination to their minds,

you cannot fail to know their feelings and attitudes toward the Communists. Furthermore, you can check your judgment with the refugees, with correspondences from the mainland, and against the statements made by those who spoke out during the "Let a hundred flowers bloom and a hundred schools contend" period and by those who are being purged at the present time. Even the statements of the Communists are revealing if you know how to read them between the lines.

Within my limited time I cannot go into details to explain to you why the Chinese people are fed up with Communism and the Communists but I ask you to try to picture yourself the following conditions:

If your relatives are killed or thrown in prison for no fault of theirs; if your home, savings, farm, store, shop are taken away from you by force; if you are doomed to live on the meagerest ration year in and year out with no prospect of improving; if you are deprived of all freedom to choose your work, occupation, place to live in, and to travel or migrate but can only slave for the Communists; would you love them?

This is exactly the situation in which the Chinese people have found themselves. So how can the Communists expect them to support them?

However, the Communist political and military machine is still strong enough to maintain a tight control of the people and the army as long as the mainland remains in peace. But once the troops are fighting outside China and are confronted with a powerful and yet friendly army, they are bound to defect *en masse*. Once the homeland is invaded by Chinese forces, revolts of both the army and the people are bound to mushroom and spread fast.

These are the reasons why Red China has not dared to intervene in Vietnam and, in my opinion, will not intervene, provided the United States sticks to her "no sanctuary" policy and remains firm.

I would like to add, however, that if the Communists should become so desperate and go out of mind that they intervened, we should welcome the opportunity to liberate the mainland and bring permanent peace to Asia.

LEGISLATION FOR ESTABLISHING A COMMISSION ON ARCHITECTURE AND PLANNING FOR THE CAPITOL

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. REID] may extend his remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mr. REID of New York. Mr. Speaker, I am today introducing legislation which would establish a Commission on Architecture and Planning for the Capitol within the National Foundation on the Arts and the Humanities.

The Commission's approval would be necessary for any "construction, alteration, or repair of any public building on, or landscaping of, real property comprising the U.S. Capitol Grounds," thus insuring that the architecture of the Capitol will be treated consistent with its historical heritage and artistic tradition. This protection is necessary to avoid any tragic mistake such as the ill-considered proposed extension of the west front.

Mr. Speaker, my bill would—

First. Require that construction projects on the Capitol Grounds "meet a standard which exemplifies and reflects excellence in architecture and land use, good taste and judgment, and which demonstrates a proper regard for the historic and symbolic importance of our National Capitol";

Second. Assure that projects meet these standards by providing that the Congress "have the impartial advice and counsel of qualified professionals, eminently established and recognized in their respective fields, to assist it in deciding upon the merits of proposals for such construction projects."

Third. Establish a Commission on Architecture and Planning for the Capitol consisting of 3 architects appointed by the President from at least 12 nominated by the American Institute of Architects, 1 landscape architect appointed by the President from at least 4 nominated by the American Society of Landscape Architects, 1 historian-preservationist appointed by the President from at least 4 nominated by the National Trust for Historic Preservation, 1 artist appointed by the President from at least 4 nominated by the Federal Council on the Arts and Humanities, 1 sculptor appointed by the President from at least 4 nominated by the Commission on Fine Arts, and 1 individual "in private life who is significantly interested or experienced in the matters to be considered by the Commission" to be appointed by the Speaker of the House and one by the President pro tempore of the Senate;

Fourth. Mandate the Commission to prescribe by regulation "the procedure for submission of plans for such construction, alteration, landscaping, or repair"; and

Fifth. Require the approval of the Commission before any construction project is undertaken.

If we want to improve our Capitol so that it will be a source of pride and a place of welcome to all Americans, we can do so only with the advice of a Commission of experts, such as this bill would establish. The distinguished chairman of the Special Subcommittee of the Committee on Education and Labor, the gentleman from New Jersey [Mr. THOMPSON], has scheduled hearings on this proposal Tuesday and Wednesday of this week. As a member of the subcommittee, I will do what I can to insure prompt action; and it is my hope that the House will enact this bill before irreparable damage is done to the Capitol.

"TAXPAYERS' MONEY SHOULD NOT BE USED TO TAKE SIDES IN POLITICS"

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. GOODELL] may extend his remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mr. GOODELL. Mr. Speaker, "Taxpayers' money should not be used to

take sides in politics," those were the words of an irate citizen of Durham, N.C., after nine poverty staff members participated in partisan efforts to get Durham residents to Democratic precinct meetings. The Community Action Agency, Operation Breakthrough, used four of its vehicles to provide transportation to the Democratic precinct meeting.

Subsequently, OEO and officials of Operation Breakthrough admitted a mistake and supposedly barred future incidents of this nature. Three weeks later staff members of Operation Breakthrough, using private automobiles as well as vehicles leased by the North Carolina fund actively solicited votes and transported voters to the Democratic primary in Durham. The North Carolina fund is financed by State and foundation money, as well as Federal poverty grants.

Unfortunately, this is just another example in a long series of incidents involving partisan use of poverty money in communities across the country.

Other problems abound in the Durham poverty war in spite of a promising potential in some aspects of the program. In addition to partisan political involvements, Operation Breakthrough staff and vehicles were used to picket city officials and community and business leaders. In a housing dispute, poverty staff and vehicles were even used to picket the private residence of a Negro leader who was attempting to mediate the issue.

Investigation of the Durham poverty program reveals the following additional circumstances that have impaired the efficiency and disabled the potential of the program:

First. Top personnel have exploited their positions of authority in personal relationships with staff employees, creating serious morale and personnel problems.

Second. Various departments of the Durham poverty program are poorly coordinated because of a lack of firm leadership and direction. Since the executive director has resigned effective July 25, 1966, it is urgent that responsibilities of supervisory staff be clearly defined and coordinated by the new director.

Third. The accounts of the Durham poverty program are grossly delinquent and there has been a complete breakdown in communications between accounting and the programs themselves. This information has been verified by recent fiscal audit.

Detailed publication of personnel and administrative deficiencies at this time could only further impair Operation Breakthrough. Firm, forceful, and independent action by OEO and the local leadership of Operation Breakthrough is imperative if the deficiencies of the program in Durham are not to reach scandalous public proportions.

MORE PORK PURCHASE CUTS, MR. SECRETARY?

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman

from Minnesota [Mr. LANGEN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. LANGEN. Mr. Speaker, little did I know when I was speaking yesterday to a National Farmers Organization picnic in Minnesota that my prediction of further Government efforts to beat down farm prices would come true within a few hours. I refer to the Secretary of Agriculture's appearance yesterday on nationwide television—"Meet the Press"—in which the Secretary said that the Government may again cut down its pork purchases if hog prices rise.

Yesterday, in my Minnesota farm speech, I predicted that "American farmers have seen only the beginning of Government efforts to beat down farm prices and hold them at depressed levels."

Within hours that same afternoon the Secretary of Agriculture was saying, in connection with pork purchases, "I might very well do again what I did before."

It is obvious from such statements that this administration has no intention of letting supply and demand work for U.S. agriculture.

Mr. Speaker, in my speech before Minnesota farmers I emphasized price as the key both to farm income and to an adequate food supply. Fair prices are the most important ingredient in our efforts to assure farmers a satisfactory return for their production, and to assure consumers a plentiful supply of food. Price is the incentive for the production we need to meet our domestic food requirements and to fulfill our foreign commitments as well.

And yet, our Secretary of Agriculture told me and members of the Agriculture Appropriations Subcommittee that parity prices are too high, and that the whole concept of parity prices is really meaningless today.

I am sure that some of the nearly 3 million farm people who have been forced to migrate from the land during the last 5 years believe that parity prices have a very real meaning.

The American farmer deserves far more consideration than he has been getting, but the administration's attitude seems to be hardening instead. The State Department just gave its "very warm blessing" to an arrangement which will bring at least \$100 million worth of Rumanian canned pork and ham into this country over the next 10 years, and in the last 2 weeks the Department of Agriculture has expanded sugar imports by a quarter of a million tons.

As if the uncertainty of weather were not enough, the American farmer is also faced with the uncertainty of Government actions in agriculture. This presents him with a formidable challenge, but the days ahead are going to present even greater challenges and will require a further concentration of cooperative effort among farmers all over this Nation.

THE AGRICULTURE DEPARTMENT SHOWS DISREGARD FOR U.S. SUGAR PRODUCERS

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. LANGEN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. LANGEN. Mr. Speaker, recent developments in the sugar industry, involving changes in the Aroostook County, Maine, processing plant and fluctuations in the foreign import quotas prompt me to express concern over the administration's lack of sound reasoning in sugar-related decisions.

The Department of Agriculture is showing its disregard for the interests of America's domestic sugar producers and consumers by its inconsistent approach to the sugar import situation and its allotment of domestic acreage to questionable areas of production.

Back in 1964, the area of Aroostook County, Maine, received a 33,000-acre sugarbeet allotment before it was even definitely established the area could support the growing of high quality sugarbeets. Proven beet areas, including the Red River Valley area of Minnesota and North Dakota, were not given the opportunity to realize their full potential in the raising of top-quality beets.

Aroostook County is the site of a sugar processing plant, built in 1964, that was financed by Area Redevelopment Administration—ARA—funds. The plant was originally intended for the processing of sugarbeets and was backed up by the 33,000-acre allotment granted to the area.

It has now been found the Maine plant is being forced to add additional equipment, again government financed, for the refining of sugarcane. Figures show they have not even come close to planting their allotted acreage of beets.

The new equipment, costing over \$2 million, is being financed by the Economic Development Administration, the 1965 successor to ARA.

We questioned the original decision on the loan and acreage allotment and our argument seems to be bearing out. The desperate move to keep the factory running by adding facilities for the refining of sugarcane is not the answer either.

This addition of cane refining facilities will produce a "double-pronged effect." The increased facilities will either force further increases in the importation of sugarcane or will take away from the cane available for refining by existing, established plants in other areas.

The latter effect would only result in the transfer of jobs and materials from one place to another and would reflect no overall gain.

If imports should be increased, it would only be another confusing move in the Department of Agriculture's inconsistent approach to import quota decisions. Since the first of the year, the sugar import quota has been raised three times

but, last month, the Department sought to lower imports by reducing the percentage of sugar allowable in quota-free, sugar-butterfat mixtures.

A late July increase of 125,000 tons in the import quota for sugar was preceded by one earlier in the month of 100,000 tons and another in April of 200,000 tons. However, in June the Department of Agriculture, "to limit the importation of products or mixtures containing sugar and butterfat," placed import restrictions on any sugar-butterfat mixtures containing over 25 percent sugar.

Original approval by domestic sugar and butterfat producers on hearing of Department intentions to limit the import of this mixture turned to criticism when details of the order, labeled inadequate by producers, were revealed by Department officials.

Contradictory moves such as these by the Department of Agriculture and the administration make their position on the sugar situation seem very unclear. It is plain to see, however, their actions in these and other areas are not geared toward the best interests of the domestic producer and consumer.

THE NEED FOR A HOUSE SELECT INVESTIGATING COMMITTEE UNDER MINORITY CONTROL

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mrs. DWYER] may extend her remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mrs. DWYER. Mr. Speaker, on July 14, I introduced House Resolution 915, to create a select committee of 15 members, to be controlled by the minority, which would have general authority to conduct studies and investigations of the administration and enforcement of Federal laws, subject to certain reasonable limitations.

At this time, I should like to set forth for our colleagues some of the reasons that have impelled me to introduce such a resolution and to explain how and under what conditions the committee would function.

The constitutional principles of the separation and balance of powers, Mr. Speaker, impose upon the Congress the obligation to exercise careful oversight of the administration and enforcement of the laws by the executive branch. This oversight function has increased notably in scope and importance within recent years as the size and complexity of our society have grown and as the activities of the Federal Government have kept pace.

The Congressional Reorganization Act of 1946 issued a clear and compelling mandate that Congress "exercise continuous watchfulness" over the administration of laws. Students of government are in general agreement that the oversight function has become equal in im-

portance to Congress lawmaking authority. And, certainly, from our own experience in the House, we are daily aware of the great significance of providing adequate means to control, check, stimulate, supplement, and ameliorate the Federal bureaucracy.

Congress today has a number of means available which it can exercise its oversight responsibilities vis-a-vis the executive branch. Among them are: the Government Operations Committee with respect to the economy and efficiency of Government activities; the Appropriations Committee through its annual review of the administration's budget requests; the standing committees of the House with reference to the administration of the laws within their respective legislative jurisdictions; the Senate's power to advise and consent to Presidential appointments; and the power of impeachment, among others.

Under certain circumstances, I believe that these means are adequate to permit Congress to do an effective oversight job. This is especially true when Congress and the executive branch are controlled by members of different parties, a circumstance which encourages closer supervision by congressional committees of executive branch activities.

On the other hand, Mr. Speaker, although the authority of Congress to investigate the operations of the executive branch is clear and undisputed, existing methods and procedures are, I believe, demonstrably inadequate when the same party controls both branches of the Government. I need mention only the well-known case of the Bobby Baker investigation as evidence of such inadequacy, though other examples readily come to mind.

The problem exists regardless of the party in power. It is unrealistic to expect the congressional members of a political party—again, regardless of the party—to subject executive branch officials of the same party to the kind of complete and searching scrutiny required for the proper exercise of congressional oversight authority.

While it is understandable in human terms that majority party Members of Congress—whatever the party—should be reluctant to expose their opposite numbers in the executive branch to serious political embarrassment, the integrity and constitutional authority of Congress cannot be allowed to be compromised by inaction, however understandable, when abuse of authority, incompetence, inefficiency, or wrongdoing may be involved.

This is a problem, Mr. Speaker, of such great significance for the proper exercise of congressional authority that a systematic alternative should be provided whereby Congress can assure itself of meaningful oversight of the executive even when the same party controls both branches.

This need to strengthen the check-and-balance role of Congress has been recognized by students and Members of Congress alike, even though there has been disagreement with respect to the best way of achieving the objective. I am

hopeful that my proposal may provide a realistic basis for agreement whereby effective oversight could be assured without interfering with the prerogatives of established committees or the responsibilities of the majority party.

Briefly, Mr. Speaker, the select committee I propose would function only when the executive and legislative branches of the Government were controlled by members of the same political party. Its 15 members would be appointed by the Speaker, 8, including the chairman, from among minority Members of the House, and 7 from the majority. The minority party appointments would be made from a panel of at least 24 Members nominated by the minority leader. The committee's jurisdiction would be Government-wide but it would be specifically precluded from investigating any subject which was under active investigation by a standing committee or subcommittee.

I emphasize this last point, Mr. Speaker. The select committee could investigate only when a standing committee or subcommittee—under majority control—failed to conduct an active study. A major part of the select committee's significance, therefore, could well reside in its function as goad or stimulant, with standing committees always aware that the select committee could investigate if they themselves failed to exercise their prior jurisdiction. The very existence of such a select committee, under such conditions, could serve to encourage a substantially better performance of oversight by the Congress using those means which already exist.

There are other features of my proposal, Mr. Speaker, which will also help assure restraint and responsibility on the part of the select committee, but without inhibiting its ability to do a good job. These include the temporary and renewable nature of the select committee's authority, the appointment of its chairman and members by the Speaker, and the slim, one-vote margin by which the minority will control the committee.

In previous discussions of alternative ways of providing for improved oversight by Congress, proposals have tended to center on the idea of utilizing an existing committee, generally the Government Operations Committee, or one of its subcommittees, to be controlled by the minority for this purpose. After considerable reflection, it seems to me that the use of standing committees or subcommittees would be inappropriate for several reasons including the following:

Standing committees must, under our system, be controlled by the majority; minority control, however, would be essential to assure the kind of sustained interest and determination effective congressional investigations require, and there would be no impediment to minority control of a single select committee.

Standing committees have permanence; the oversight group would need only temporary authority, for those periods in which Congress and the Presidency are politically united.

Standing committees have legislative responsibilities which cannot realistically be delegated to the minority; an oversight group would require only investigative authority.

A standing committee, under majority control, would be unlikely to guarantee a minority-controlled subcommittee the necessary independence concerning staff, funds, the issuing of reports, and so forth; an oversight committee would by its nature possess the required independence.

For all these reasons, Mr. Speaker, a select committee such as I have proposed would seem to be the most desirable vehicle with which to accomplish our purpose, maximizing the potential for effective oversight while minimizing the possibilities of irresponsibility or interference with established procedures.

In the final analysis, we come back to this central consideration—if there is any sense to or valid purpose to be served by Congress oversight or watchdog or investigative authority, then that purpose is surely heightened when the executive and legislative branches are both controlled by members of the same party. For it is then that the human and political pressures are at their strongest to limit, in the interests of party harmony and political success, the checks and balances applied by Congress.

But the country needs the checks and balances just as it may require a reasonable degree of legislative cooperation between the two branches. In fact, to the extent that Congress provides more or less ready approval of an administration's legislative program, it should simultaneously be exercising an enhanced degree of oversight. Or, to put it another way, the need for checks and balances increases in direct proportion to the practical difficulty of achieving it.

The only dependable way of accomplishing both objectives—the checks as well as the cooperation—under conditions of single-party control of both branches is by entrusting a minimum share of Congress' investigative responsibility, subject to prudent limitations, to the minority party.

This is what my resolution would do, Mr. Speaker, and I urge our colleagues to reconsider this age-old problem of governmental control in the light of this new and I believe especially realistic proposal.

RED BLOC DOUBLES AID TO NORTH VIETNAM

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Ohio [Mr. ASHBROOK] may extend his remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mr. ASHBROOK. Mr. Speaker, new guidelines prepared by the State Department reportedly will allow travel to Communist China, and Albania, Cuba, North Vietnam, and North Korea. This

condescending gesture by the State Department which further relaxes the restriction on travel to Communist countries was announced little more than a week ago. The guidelines propose that visitors to these countries be important and that their visit benefit the United States. Without delving into the vague delineation which the State Department is evidently prepared to make between "important" and "ordinary" tourists, I wonder what effect the easing of travel restrictions will have.

It would appear that the agency is attempting to, at the least, develop a closer relationship between the United States and these countries. This, presumably, would lead to concessions by the Communists.

What is really evident is that the Communists will concede, but only when they are, in fact, gaining. Certainly, they will be happy to permit Americans to visit their countries, but only when they have something to gain. That is, when the Communists benefit.

Keeping in mind that the State Department's guidelines were issued recently, an article in the New York Daily News written under the byline of Joseph Fried indicates how interested the Communists are in concessions.

The article states:

Communist countries have begun a fresh flow of aid to North Vietnam, including military hardware, with a sharp increase in the number of cargo-laden vessels putting into the port of Haiphong.

The only encouraging note is the statement that most of the foreign ships entering Haiphong Harbor with supplies and munitions for the Vietcong are Soviet and not those of our allies.

The new travel guidelines appear to be the latest in the State Department's attempts to give a little bit more and ask for a little less in return. The only clear result is cited in the last sentence of Mr. Fried's article:

An unofficial toll of Americans killed in 5 years of war rose to 4,304.

Mr. Speaker, I now ask that the article be printed in the RECORD.

[From the New York Daily News, July 22, 1966]

RED BLOC DOUBLES AID TO NORTH VIET (By Joseph Fried)

SAIGON, July 21.—Communist countries have begun a fresh flow of aid to North Viet Nam, including military hardware, with a sharp increase in the number of cargo-laden vessels putting into the port of Haiphong.

Intelligence sources said the traffic was about double the usual number of foreign ships calling at Haiphong, and most of the vessels are Soviet.

PLEGGED MORE AID

The Soviet Union and other Warsaw Pact members promised to step up their military and economic assistance to North Viet Nam after the United States began bombing oil storage areas on the fringes of Hanoi and Haiphong last month.

Over North Viet Nam, American fliers yesterday encountered MIG jets, surface-to-air and air-to-air missiles. Six MIGs were spotted and one fired two air-to-air missiles which missed. Air Force and Navy planes encountered nine surface-to-air missiles.

TEN FLIERS MISSING

Three more American planes were brought down yesterday, bringing the number lost over North Viet Nam in a 48-hour period to five. Ten American fliers are missing.

In South Viet Nam, the Communist death toll in Operation Hastings rose to 425. Contact was light in the jungle-covered mountains of Quang Tri province where the U.S. Marines have been conducting their biggest sweep of the war, close to the North Viet Nam border.

A series of clashes yesterday, one of which cost the enemy 30 dead, helped to increase the enemy casualties. Overall Marine losses were described as light.

The U.S. command disclosed a decline last week in total American casualties.

A spokesman announced 65 Americans were killed, 368 wounded and none missing in combat July 10-16, compared with 110 killed, 620 wounded and seven missing in the previous week. In all the allied combat dead totaled 279; Communist dead were listed at 1,200. An unofficial toll of Americans killed in five years of war rose to 4,304.

HORTON URGES CONGRESS TO INFORM HANOI OF THE PERIL THREATENED IN TRIAL OF U.S. SERVICEMEN

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HORTON] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. HORTON. Mr. Speaker, recently there has been much concern in our Nation over the question of whether North Vietnam will try as war criminals our military personnel held captive in Vietnam. It is therefore imperative that we in Congress act to inform the North Vietnamese regime that they will be embarking on a perilous adventure should they follow such a course.

I think it is clear by now that the United States is anxious to find a solution to the Vietnamese situation. Our sole aim in Vietnam is to insure that a climate exists in which free institutions can grow and prosper. As soon as the infiltration from the north ceases and the Vietcong abandon their bellicose posture, the United States will gladly end its military operations in that corner of the world.

However, should the North Vietnamese proceed with the trial, punishment or execution of any of our servicemen, the chances for achieving a just and secure peace will be greatly diminished. The American people will not stand for such a flagrant breach of the Geneva Conventions and of the accepted standards of international behavior. Mr. Speaker, I repeat, any trials of captured U.S. military personnel would seriously endanger this country's ability to work for peace in Vietnam.

Because of this fact, I have today introduced a resolution calling upon the President to inform the Hanoi government that it is the sense of Congress that any such proceedings will imperil chances for a just and stable peace in southeast Asia. Passage of this resolu-

tion will put Congress on record as recognizing the peril in Hanoi's threatened course of action and will serve to demonstrate that we are attempting to divert North Vietnam from this adventure in folly.

A SLAP AT THE HOMEMAKER

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. NELSEN. Mr. Speaker, as a member of the House Interstate and Foreign Commerce Committee presently studying the so-called truth-in-packaging proposal, I was especially interested in the editorial observations of the Mankato Free Press, Mankato, Minn., concerning parts of the bill. I place the editorial at this point in my remarks for the benefit of my colleagues.

A SLAP AT THE HOMEMAKER

It takes a brave man to resist voting for a bill whose tag is "Truth in Packaging." The label may have helped push the bill, cosponsored by Senator MONDALE, through the Senate by an overwhelming 79 to 9 vote. We believe, however, that the bill, which is in two parts, is half bad and we hope that a more careful House will take a close look at the Senate measure before it votes.

The good half of the bill demands that manufacturers clearly label their packages in even pounds, pints or quarts, etc., and do away with such "gimmicks" as a "Giant Pint" or "Big Pound," which may confuse a consumer. Most manufacturers have been putting net weight on packages for years. To require all to follow the same standard will give the careful buyer a chance to compare values. We doubt if it will change many buying habits. Too many surveys have shown too many reasons why people buy certain products, and price very often is not the compelling reason. However, the labeling provisions may be of help to some.

It is the second half of the bill to which we object. This section gives the Secretary of Commerce the right to dictate the weights or quantities in which a product could be marketed if he decided there were so many different sized packages that comparative shopping was impossible.

True there are situations where comparison of contents to price is difficult. The cosmetic counter—for men as well as women—is one place. Potato chips have been used to illustrate another. There are, Senator PHIL HART of Michigan, another cosponsor, tells us 50 variations in packaging chips. But so long as the buyer can find out what weight she is getting for what price, what difference does it make as to how the package looks? If some buyers didn't want to buy in cans, others in sacks and still others in boxes, there would not be 50 different packages of potato chips.

The government has a duty to protect the health, safety and welfare of the consumer. We question whether it has the duty to limit her choice of packaging. A counter full of drab square containers is going to take a lot of fun out of the housewife's buying trip. It is going to kill packaging incentive—and a lot of packaging has been developed for convenience as well as sales stimulation. It puts the long, unimaginative arm of the do-good government in another new field.

Passage of this portion of the bill by the House would be, in effect a slap in the face of the American homemaker who does most of the buying. It says to her that confronted with modern packaging she is gullible, confused and apt to throw her money away. We don't think it takes the Great White Father to tell her what to buy and we hope House members do away with this second section of the bill. If they don't we will soon have another grand bureaucracy immersed in grave decisions on the correct angle of bend in the macaroni or the size of the letters in alphabet soup.

EDITOR SUGGESTS A FIRMER LINE

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Minnesota [Mr. NELSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. NELSEN. Mr. Speaker, Al McIntosh, editor of the Rock County Star-Herald in Luverne, Minn., suggests a firmer line in dealing with allies who will not support the American position in Vietnam. I place his editorial on the subject in the RECORD at this point:

HERE COMES MR. WILSON RATTLING HIS TIN CUP AGAIN

There is a polite little fiction that always jars as when President Johnson or Vice President HUMPHREY refer to the Viet Nam war and they use the term "the Allies."

When you look at the casualty lists the South Viet Namese are doing precious little fighting. Outside of some gallant Australians we "just ain't got no allies."

We are financing and fighting that war—alone—and that is the way it is going to be.

We will say this for President Johnson . . . he has reversed the "gutless" policies of some State Department officials of the past who not only turned both cheeks to be slapped—but also said "thank you."

When some of these nations now threaten us with blackmail if we don't "kick thru" the president has been known to say "go ahead." Which is about time.

It is about time too he uses some plain, raw four letter Texas words on Prime Minister Wilson during his conference here at the White House.

We have plucked Britain's chestnuts out of the fire time and time again. Again just lately when we joined in Britain's blockade of the tiny nation she was trying to crush. You may not admire that country's racial policies but you have to respect her gallantry in defying the Mother Country and the world.

So—what did we get in return? Nothing! Britain still keeps on selling and shipping to the Communists regime in Viet Nam.

Things are easier now for Britain now that Sukarno is "out," except in name only, in Indonesia.

Now that Britain no longer has to protect Malaysia we asked her to help us in Viet Nam.

Would she? Not one tiny bit. Heck no. Not one soldier would she send.

In fact—she won't even sell arms to the U.S. to be used in Viet Nam. Prime Minister Wilson even "disassociated" himself from our bombing of Hanoi and Haiphong.

Prime Minister Wilson's White House conference is on military and financial matters. He's rattling the tin cup again.

When we talk about "allies" let's not kid ourselves. It is American blood that is drenching the ground . . . and other than

that of some gallant Australians and some South Viet Namese blood . . . that's it.

And it's about time that we talked brutally frank to Mr. Wilson and tell him that this allies bit is not a one way street.

POOR PERFORMANCE REWARDED

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Iowa [Mr. GROSS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GROSS. Mr. Speaker, it is almost impossible to believe that the No. 2 official in the Department of Defense, Deputy Secretary Cyrus Vance, would help clear the way for the appointment of J. Robert Loftis to a \$25,000 a year job with the Communications Satellite Corp.

Loftis was one of three high Defense Department officials who were indicted on charges of embezzlement and false statements. Two were convicted and sentenced to prison terms. Loftis, acquitted in a jury trial, resigned his \$20,000 a year job in the Defense Department in the heat of the controversy.

Vance is reported to have said that he would not rehire Loftis at the Pentagon because—

I don't think he (Loftis) was a very good manager.

Yet Vance was perfectly willing to help send Loftis to his reward of a substantially higher paid job in the Government subsidized Communications Satellite Corp. If he was not a good manager in the Pentagon at \$20,000 a year what reason would there be to think he would be a good manager on the payroll of Comsat at \$25,000, plus a Government pension of \$3,820 a year, compliments of Defense Secretary McNamara?

Unanswered, too, is the question of why Loftis resigned his position at the Pentagon pending the outcome of his trial. This situation further indicates the need for congressional scrutiny of the handling of civilian personnel in the Defense Department.

Mr. Speaker, I submit for printing in the RECORD at this point the following article on this subject as published by the Des Moines Register of the date of July 21, 1966:

CONTROVERSIAL EMPLOYEE GOT VANCE AID ON JOB

(By Clark Mollenhoff)

WASHINGTON, D.C.—Deputy Defense Secretary Cyrus Vance said Wednesday that he cleared the way for J. Robert Loftis to be hired in a \$25,000-a-year job with the Communications Satellite Corp.

The deputy defense secretary told The Register he put his okay on the hiring by the government-subsidized corporation because Loftis, a former administrative assistant to Defense Secretary Robert S. McNamara, was acquitted on charges of embezzlement of government funds and false statements.

WILLIAMS CRITICAL

Senator JOHN J. WILLIAMS, Republican, of Delaware, has been critical of the fact that Defense Secretary McNamara had arranged for special circumstances under which Loftis was permitted to resign a \$20,000-a-year

Pentagon job in the midst of the controversy with a pension of \$3,820 a year.

Vance told The Register that he would not hire Loftis at the Pentagon today because "I don't think he was a very good manager."

He said that he had a role in the decision to abolish the job Loftis held in 1964, and that this gave Loftis a choice of whether he would "bump" some person with less seniority from some other post or leave with a pension that was higher than normal.

Vance said that Loftis could have stayed with the Defense Department at that time because it was before the facts came out that resulted in the indictment. The deputy defense secretary denied telling Loftis that he would hire him back at the Defense Department if he wanted a job.

Loftis was one of three high Defense Department officials indicted on charges of embezzlement and false statements. The other two—John A. Wylie and William H. Godel—were convicted and sentenced to five-year federal prison terms.

PENSION AT 52

Loftis, who was acquitted in a jury trial, resigned from a \$20,000-a-year job in the Defense Department in the midst of the controversy, but under special circumstances that permitted him to take a pension at age 52.

Vance stated that there were indictments and a trial and an acquittal of Loftis, and as far as he is concerned this ended the government's interest.

Although Loftis told The Register he was "recommended" for the Communications Satellite Corp. job by Vance, the deputy defense secretary drew a distinction between a "recommendation" and the action he took to clear the way for Loftis being hired.

"I was not asked to recommend," Vance said. "I was called by (Chairman and Chief Executive Officer James) Jim McCormack of Comsat. I was asked if he (Loftis) were taken on, would this have any adverse impact on relations (between Communications Satellite) with the Department of Defense. I said 'certainly not.'"

Vance said he did not write to Communications Satellite, as Loftis has indicated, but that he had written "a personal letter" to Loftis and had given Loftis permission to use the letter in seeking the job.

WATERSHED PROJECT RELEASED—SENT TO CONGRESS BY BUREAU OF THE BUDGET

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from West Virginia [Mr. MOORE] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MOORE. Mr. Speaker, I am pleased that the Bureau of the Budget finally threw in the towel in its bid for more power and bowed to the public interest by sending to the Congress and for House Committee consideration 56 Soil Conservation Service watershed projects.

As is known, the Bureau has not sent up a single watershed project for congressional consideration since last September because of an attempt to wrest from the Congress the right to determine on an individual basis which of such projects should be authorized.

Included among the 56 projects is one from my own district in West Virginia. It is the upper Buffalo Creek watershed project in Marion County, W. Va. This

was cleared by the Soil Conservation Service more than 6 weeks ago and sent to the Bureau of the Budget.

I pointed out in a public protest last week the Budget Bureau's highhanded action and sought to encourage the Bureau to release these projects. For nearly 12 years, the Congress has been giving careful consideration to watershed proposals, and as a matter of fact, has approved 446 such projects. I expressed the hope that the President and the Director of the Budget would break loose this logjam and permit the Congress to continue to give its careful consideration to each of these projects as it has done over the past dozen years. This logjam also threatened a delay in the construction of another important project in my district. This is the Wheeling Creek watershed project which is expected to be approved by the Soil Conservation Service in about 2 months.

This action by the Budget Bureau in releasing these 56 pending projects is, in my estimation, a victory for the public.

STUDY OF EFFECTS OF ALCOHOLISM ON TRAFFIC SAFETY PROVIDED IN HIGHWAY SAFETY BILL, H.R. 13290

Mr. REINECKE. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. CRAMER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. CRAMER. Mr. Speaker, during the past year, the Congress and its committees have directed a considerable amount of time and attention to the varied and intricate problems of highway, traffic, and automotive safety. During the past year, no less than five congressional committees have held extensive public hearings on bills to provide for greater motoring safety.

The recognition by the Congress that the senseless slaughter of over 49,000 Americans on our Nation's highways each and every year had to stop was made last year.

THE 1965 BALDWIN AMENDMENT

With the enactment of Senate Joint Resolution 81 last year, Congress recognized that the problems of highway safety could no longer be ignored by either the Federal or State Governments. As enacted on August 28, 1965, the Baldwin amendment, section 4 of Senate Joint Resolution 81, which I supported with enthusiasm, provided that after December 31, 1967, each State should have a highway safety program, approved by the Secretary of Commerce, designed to reduce traffic accidents and deaths, injuries, and property damage resulting therefrom on the 382,600 miles of highways on the Federal-aid highway systems. The Baldwin amendment further provided that such a highway safety program should be in accordance with uniform standards approved by the Secretary of Commerce and should include, but not limited to, provisions for an effective accident records system, and

measures calculated to improve driver performance, vehicle safety, highway design and maintenance, traffic control, and surveillance of traffic for detection and correction of high or potentially high accident locations. The Baldwin amendment, as enacted, was codified as section 135 of title 23 of the United States Code. The Baldwin amendment, as first offered by our late colleague—Mr. Baldwin—provided that after December 31, 1967, no funds could have been apportioned under the title to any State which did not have a highway safety program, approved by the Secretary, but the amendment was watered down in conference by the demands of the Senate conferees. Inasmuch as Senate Joint Resolution 81 was to provide interim approval of apportionment of funds for the Interstate System and was not concerned, in itself, with highway safety legislation, the House conferees reluctantly accepted a compromise version. Nevertheless, the Baldwin amendment has been heralded, even by key administration spokesmen, as being the impetus behind the drive for more effective and broader legislation during this session.

THE HIGHWAY SAFETY ACT OF 1966, AS REPORTED

From the humble beginnings of the Baldwin amendment, the Congress this session has made even greater strides toward more effective highway safety programs. Committees of the House and the Senate have reported legislation on various aspects of the proposed nationwide highway safety programs. Some of these proposals have been acted upon by the other body. The House will soon consider highway and traffic safety legislation.

On Friday, July 15, the Committee on Public Works, on which I have the privilege of serving as the ranking minority member, favorably reported H.R. 13290, a bill principally to provide for highway safety research and development and certain highway safety programs.

It is impossible at this time to relate in detail to the House here assembled the various highway safety programs set forth in the bill, as reported; however, a full discussion of the legislation and the committee's intent is set forth in the report on the bill, House Report No. 1700.

I do want to comment, however, that the highway safety bill, as reported, represents as I have always proposed a continuation of the Federal-State partnership approach which has so long characterized Federal-aid highway legislation. Under its provisions, the Secretary of Commerce is authorized and directed to assist and cooperate with the State and local government, as well as other Federal departments and agencies, private industry, and other interested parties to increase highway safety.

The proposed section 402(b)(1)(C) to title 23 of the United States Code, as set forth in the reported bill, provides that at least 25 percent of all Federal funds apportioned for highway safety programs under that section to a State for any fiscal year will be expended by the political subdivisions of the State in carrying out local highway safety pro-

grams authorized in accordance with that subsection of the title which authorizes political subdivisions of the States to carry out local highway safety programs within their jurisdiction as a part of the State highway safety program, if such local highway safety programs are approved by the Governor of the respective State and are in accordance with the uniform standards of the Secretary of Commerce promulgated under the authority of proposed section 402. The States are to be consulted on the standards. The continuation of this Federal-State partnership approach stands as a memorial to the distinguished author of the 1965 parent amendment, our late colleague from California, Mr. Baldwin, as well as standing as a testament to the determination of the Committee on Public Works to insure a highway safety program of mutual assistance and cooperation.

ALCOHOLISM AND ITS EFFECTS AND RELATION TO HIGHWAY SAFETY

Mr. Speaker, the subject of alcoholism, its effect on, and its relation to highway safety is indeed a complex subject. The problem is an outgrowth of two major medicosocial problems; namely, the problem of alcoholism and the problem of highway accidents. Each of these problems has a tragic effect on the people involved, their families and friends, and their communities. It represents an economic drain which can and must be prevented. Alcoholism is a contributing factor in a strikingly large percentage of accidents. The factors contributing to alcoholism and its effects on and relation to highway safety are elusive, but answers must be found.

The academic studies on this matter are simultaneously encouraging and depressing. Few studies are significant contributions to the field. Most of the current research on the subject, and there is much of it, is hampered by naive research methodology. For example, official police statistics, often because of presumed or actual legal necessity, identify alcohol as a factor in a traffic accident only where the person is obviously intoxicated. According to many research authorities on this intricate subject, alcohol-related accidents differ in several important ways from nonalcohol related ones. Accidents following drinking as examples are more likely to occur on weekends and at night, to be more severe, and in more instances to involve only a single vehicle.

As the report on the bill states:

Every witness who testified before the Committee (on Public Works) expressed deep and growing concern regarding the incidence of impairment by alcohol in relation to highway accidents.

Although it is impossible to state, on the basis of present information, just how many accidents are in fact the result, or even in part the result, of the drivers' or the pedestrians' consumption of alcohol, the statistics do clearly indicate that alcohol is a factor present in some degree in about 50 percent of all highway accidents. This is a most serious and perplexing problem, and its alleviation and control will be extremely

difficult, but as the report states, "its magnitude precludes its evasion." Accordingly, my amendment is a move, even if in its infancy, toward meeting this serious problem headon. The reduction of highway accidents through State, local, and even Federal, if needed, efforts is a worthy goal.

CRAMER AMENDMENT

It is toward such a worthy end that I offered an amendment to H.R. 13290, as introduced, to provide that the Secretary of Commerce shall in consultation with other Government and private agencies make a comprehensive study of alcoholism and the consumption of alcohol and their effects upon and relation to highway safety. Such a study shall include, but not be limited to, review and evaluation of State and local laws and enforcement procedures concerning driving while under the influence of alcohol, and State and local programs for the treatment or rehabilitation of alcoholic and habitual drunkards. Under the provisions of my amendment, the Secretary shall report the results of his study to the Congress not later than July 1, 1967. The report shall include the Secretary's recommendations concerning needed legislation, if any.

The amendment was included as section 204 of H.R. 13290, as reported, without a single "nay" vote. I think everyone realizes the need for such a study and report.

Mr. Speaker, while I do not particularly intend to be spelling out any specific intent of my amendment in these brief remarks for the purpose of those who will have to conduct the study and make the report thereon, I do have some additional comments to make on the amendment.

Inasmuch as the Department of Health, Education, and Welfare has held several highly important conferences on alcohol and accidental injury, I would think it wise for the Secretary of Commerce to consult with the Secretary of HEW during the course of this study and in the preparation of the report thereon. Many agencies under the supervision and direction of the Secretary of HEW have some jurisdiction over matters relating to alcoholism, including the Public Health Service, the National Institute of Mental Health, the Vocational Rehabilitation Administration, the Office of Education, the Cooperative Commission on the Study of Alcohol, the Food and Drug Administration, and others. In addition to that Department, there are other Federal departments and agencies which should be consulted by the Secretary of Commerce on this subject. As everyone knows, there are many private agencies which should be consulted as well.

Mr. Speaker, the enactment of H.R. 13290, as reported, will go far toward alleviating the conditions which plague our Nation's highways.

THE WARREN REVOLUTION

The SPEAKER. Under previous order of the House, the gentleman from California [Mr. CORMAN] is recognized for 40 minutes.

Mr. CORMAN. Mr. Speaker, I would like to call to the attention of my colleagues a summary of a series by John D. Weaver which recently appeared in *Holiday*. It concerns the Honorable Earl Warren, Chief Justice of the U.S. Supreme Court. These articles will form the basis of a book called "The Warren Revolution" to be published next spring by Little, Brown & Co. of Boston.

Earl Warren, a former Governor of California, has presided over the Court during 13 years of vast social change. Under his leadership and guidance, the U.S. Supreme Court has rendered far-reaching decisions which greatly enhance the rights and freedom of all Americans.

The story of Mr. Chief Justice Warren is of special interest now and under leave to extend my remarks, I insert into the RECORD for all to read, the article by Mr. Weaver:

THE HONORABLE EARL WARREN

(By John D. Weaver)

I

The most aggravating disputes of a diverse and contentious people are ultimately brought to the Supreme Court of the United States, where nine men in black robes sit like tribal elders in a white marble temple dedicated to the ideal inscribed above the main entrance: Equal Justice Under Law.

At the time Earl Warren packed his belongings in Sacramento, turned in his key to the Governor's Mansion and flew to Washington to preside over the opening of the 1953 term, American justice under law was something less than equal for—among others—a Negro child, a penniless prisoner and a metropolitan voter.

The Warren Court proceeded to throw open the doors of public schools to all children, to give impecunious defendants the right to counsel when brought to trial in a state court on a criminal charge, and to order the equalization of malapportioned legislative districts, which for years have kept a nation of city dwellers under the thumb of rural politicians.

Like every Court that has met in a time of national growth and change, the Warren Court conducts its deliberations in what Mr. Justice Holmes described in 1913 as "the quiet of a storm center." It is accused of coddling communists and criminals, destroying the last vestiges of the constitutional rights reserved to the states, and meddling in matters that are none of its cotton-picking business.

The Court has made the Republic safe for Henry Miller, foreign films, contraceptives and critics of public officials. It sent shivers down what pass for spines on Madison Avenue when it outlawed television commercials designed to deceive viewers with phony demonstrations purporting to prove a product's merits, and, in another opinion written by the Chief Justice, it rocked Capitol Hill inquisitors by defining the limitations imposed on the power of Congress to conduct investigations ("... the power to investigate, broad as it may be, is also subject to recognized limitations. It cannot be used to inquire into private affairs unrelated to a valid legislative purpose").

A hurricane was loosed in 1962, when the Court prohibited the New York Board of Regents from prescribing an official prayer for children in public schools. The spectacle of schoolchildren in tax-supported classrooms reciting a prayer composed by bureaucrats might appear to be an intolerable intrusion by the state on the most intimate of family relationships, but oddly enough, the loudest denunciations of this particular decision

came from those who are most troubled by encroachments of government on their everyday affairs.

The revolutionary sweep of the Warren Court's decisions has halted at the brink of placing major-league baseball under the Sherman Act. Antitrust laws cover a gainfully employed quarterback and a heavyweight contender, but not a professional shortstop who crosses the same state line to ply his trade in the same stadium.

Not since the turbulent days of Chief Justice John Marshall (1801-1835), when disputes without precedent were settled by rulings that established the supremacy of the Constitution, has the world's most powerful court made so many basic changes in the legal, social and political structure of the United States.

Change has come so quickly that the highly combustible decisions of the McCarthy era already seem as remote as Chautauqua orations on the free coinage of silver, but flag-waving, hellfire-breathing evangelists of the radical right continue to deplore the Court's application of the Bill of Rights to political heretics. They seem to feel that constitutional safeguards, like salvation, should be extended only to people of their sort.

In their minds, the only question to be settled is whether the Chief Justice should be impeached or lynched (some of California's more advanced cases were driving around last winter with bumper stickers that urged: *Fluoridate Earl Warren*).

Outwardly, Earl Warren appears the least likely man in Washington to be presiding over a revolutionary tribunal that has inflamed so many bigots, crackpots and law professors. He is a big, friendly man; a Mason and a Moose; a deeply religious, Bible-reading father of six children, who is "Grandpa" to some fifteen youngsters, "The C.J." to his wife of forty years, "The Chief" to his law clerks, and "Governor" to California cronies who share his enthusiasm for sports, hunting and politics.

Visiting him in his hushed chambers, where no sound from the outside world intrudes, it is difficult to believe that prejudice, paranoia and pedantry should have brought so much fury to bear on this hearty septuagenarian who comes lumbering out from his law books with the enveloping friendliness of Smokey the Bear. Always, in every public office he has held, he has shown callers the courtesy of coming forward at once to greet them rather than waiting until they reach his desk.

He has a remarkable faculty for putting a stranger immediately at ease. Young law-school graduates, during their first interview before assuming their duties as clerks, are astonished at how quickly their initial nervousness disappears. Within minutes they are chatting freely about hobbies, books, ambitions. Later, on Saturday afternoons, they usually lunch with the Chief, then take in a ball game, go for a brisk walk or, in bad weather, sit around the University Club listening to lively anecdotes about old political campaigns in California.

"He'll work your tail off," says a former law clerk, "but he works just as hard himself, usually harder."

He sets his alarm clock for seven A.M. but awakens before it has a chance to ring. He works for an hour or two in bed, reading and making notes. After putting in ten minutes on setting-up and stretching exercises, he is ready for the light breakfast his wife fixes for him. In recent years he has begun to watch his weight ("more for curiosity than anything else"). He tries to walk at least two or three miles every day, either on his way to Court, which takes him down Connecticut Avenue toward the White House, or on the way home at the end of his workday, generally around six-fifteen, when the traffic has begun to clear.

"He never leaves without taking home a stack of briefs, bench memos and petitions for writs of certiorari," says another ex-clerk, "and he reads them, too. You can tell from the questions he asks next morning."

After years of stumping his native state shaking hands and talking over local problems, Warren often feels lonely in what he calls "this marble mausoleum." The quiet at times is overwhelming. When a young California Congressman spoke to him about the excitement of Washington, the Chief Justice said, "Yes, it's different over there where you are. You deal with people. We deal with records." He welcomes any chance to escape, to be in a crowd again. He turns up regularly at large funerals, cornerstone-layings, graduation exercises and world peace forums.

"He's always loved people," says Mrs. Ethel Plank, the Chief Justice's sister, who remembers him as an active, smiling youngster in knee pants, trotting around the streets of Bakersfield, California, selling papers, delivering ice, riding his pet mule. "He made friends with everyone. Mama used to say that if she missed him, she'd just look for a group of people, and he'd be in the middle of it."

A passionate commitment to law and order lies at the core of the Chief Justice's being. His earliest memory is a scene of mock violence, the hanging of a man in effigy. He was three years old at the time. Seventy years later, discussing the incident in a luncheon conversation, he was still visibly moved by something of the child's horror and repugnance. His large frame trembled, his face flushed a darker pink. The same thing happened a few minutes later, when the subject turned to coerced confessions, and mention was made of a case in which a Negro of limited intelligence had not only been threatened and beaten, but had even been placed in an electric chair before breaking down. "What are we supposed to do in the face of a thing like that?" the Chief Justice said, his big hands clenching.

"He's the fairest man I've ever met," says a former law clerk, "and the most direct."

When a lawyer starts buttressing his client's case with a formidable array of legal precedents, the Chief Justice may break in to ask, "Yes, but was it fair?" Once, when a Southern attorney general arguing a civil-rights case, referred to his state in terms of "the people," Warren interrupted with the question, "Just what people are you referring to?"

"He's a Democrat and doesn't know it," President Truman said in 1948, but Warren is a Bull Moose Republican who came of age in a time of reform, when Hiram Johnson was reclaiming California from the railroads and the first Roosevelt was shaking his big stick at the trusts.

The Chief Justice was born of immigrant parents, who had been brought to the United States in infancy. His father, Methias H. Warren (the name was originally "Varran"), was a Norwegian transplanted to Iowa. His mother, Christine (she also liked to use the name "Chrystal") Hernlund, was brought from her native Sweden to Chicago. Later she moved to Minneapolis, where she met and married young Matt Warren. After the birth of their daughter, Ethel, they set out for California, seeking a warmer, drier climate. They settled first in San Diego, then in Los Angeles where Earl Warren was born on March 19, 1891.

Los Angeles was a corrupt, open-shop town dominated, like the rest of California, by the Southern Pacific Railroad, which paid Matt Warren seventy dollars a month to repair its rolling stock. The birthplace of the Chief Justice was a small, rented house on Turner Street, near the old railroad station. Some years later, when the boy asked why he had no middle name, his father said, "Son, when

you were born, we were too poor to enjoy any luxury of that kind."

In June, 1893, Eugene Debs announced the formation in Chicago of the American Railway Union, the country's first industrial union. Matt Warren planked down his one-dollar initiation fee, and the following summer, when the A.R.U. came to its moment of truth with management, he was one of the more than 100,000 men who voluntarily quit work. While his savings were eroding, the strike was being broken in the courts. Debs went to jail. Matt was fired and blacklisted.

The family was living in a rented bungalow across from the Ann Street School, which Ethel attended. Sometimes she took her baby brother along with her, and it was here, in the school playground, that he watched a group of strikers run a straw figure up the flagpole. Even at this early age, he was demonstrating the spongelike capacity to absorb facts that was later to leave such an indelible impression on members of his various staffs.

"He was quite precocious," says his sister. "Dad started to teach me the states and capitals and the rivers they were on. I couldn't have cared less. But Earl started to pick them up, and by the time he was three, he was able to recite them all."

After a brief period of working for the Santa Fe in a desert town, living in enforced separation from his family, Matt Warren pulled up stakes and headed a hundred miles north to Bakersfield, where the Southern Pacific was moving its railroad yards. The company's need for skilled labor was so great that Matt was removed from its blacklist and put to work as a car repairer. He settled down with his wife and two children in what was then Kern City, a railroad town on the eastern reaches of Bakersfield.

Matt Warren was a grade-school drop-out who had drifted across the Middle West in his youth, working as a farmhand in the summer, a mechanic in the winter. He was determined to see that his son got the formal education he had missed. From the start it was impressed on the boy that he had been sent to school to learn, not to play.

He was also encouraged to work during his summer vacations. He put in one summer on an ice wagon. Next year, when he was eleven years old, he took over two paper routes, distributing the Los Angeles Herald in the morning, the Bakersfield Californian in the afternoon. For two summers he drove mule-drawn grocery wagons.

"Son, never let yourself be caught broke," his father used to say.

Insolvency, in the boy's mind, came to be equated with death. His father told him how a tubercular brother had died in his arms one wretched winter in Chicago. With money for medicine and doctors, Matt was convinced, his brother's life could have been saved. Years later, if any single disillusioning experience ever served to alienate Earl Warren from the reactionary fat cats in the Republican party, it was their successful fight to block the health-insurance program he proposed to the California legislature at the start of his third year as Governor. The episode illuminated the gulf between their world and his.

Bakersfield, in the years of Earl Warren's growing up, still had something of the lusty, brawling, lawless atmosphere of the frontier. On Saturday nights the streets crawled with cowhands and sheepherders, with working stiffs from the oil fields and the railroad yards. It was a time of drinking and fighting, gambling and whoring. When violence spilled over into the courts, Earl used to stop on his way home from school, park his bicycle outside the country courthouse and go in to enjoy the drama.

"My determination to become a lawyer goes back so far that I can hardly remember ever having been without it," he says.

He was not a brilliant student of the law. One classmate remembers him as "ebullient, youthful, immature." But later, with the assumption of increasingly onerous responsibilities, he began to demonstrate his extraordinary capacity for growth. He learned law through enforcing it, administering it, interpreting it. A tough prosecutor, he evolved into a progressive governor and, at an age when most men are making plans for retirement, into a just judge.

Aside from three years with a private law firm after his graduation from the University of California (B.L., 1912; J.D., 1914), Warren has spent his entire working life in public service. As district attorney of Alameda County, attorney general of California and as Governor, he reared six handsome children on salaries that never seemed to stretch far enough. In the charming gingerbread mansion assigned the Governor of California (it was Lincoln Steffan's boyhood home), Mrs. Warren continued to wash and iron her husband's shirts.

"She still does," says a former Warren law clerk. "I happen to know because my wife asked her."

Although the Chief Justice could well afford to send his shirts out if his wife cared to have them professionally mangled, he has amassed no large private fortune. He lives pleasantly at the Sheraton-Park Hotel on an annual salary of \$40,000 plus the \$12,500 a year he receives under California's contributory retirement system. His pay would be larger by \$4,100 a year if he had stuck with his old job. In 1965 he might have been given a \$3,000 increase if some of the decision of the Warren Court had been more palatable to certain members of the House of Representatives. In the opinion of SIDNEY R. YATES, a Chicago Democrat, the Congressional critics of the Court did not really want an independent judiciary. They wanted tame judges who would "avoid controversy in an explosive time when controversy is a part of our way of life."

The Warren Court was convened at a time when Negroes were voting in jungle villages of Africa but not in county seats of Alabama. No Congress had passed a civil-rights bill since Reconstruction days, and no President had declared that racial segregation was morally wrong and indefensible. The Supreme Court, however, had begun to occupy this moral vacuum. It had opened the Democratic white primaries of the South to Negroes in 1941, and seven years later had forbidden state courts to enforce restrictive covenants that kept Negroes from buying homes in white neighborhoods.

"The law, in its majestic equality," as Anatole France said, "forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread."

In the United States, for a hundred years, the law had permitted the Negro as well as the Caucasian to live among his own people. He was free to send his children to his own schools, to eat at his own restaurants. In the South the races were separated by pot-bellied deputy sheriffs enforcing local ordinances. In the North poverty segregated Negroes in rat-infested slums from which there was little hope of escape. Not since Lincoln had given the Negro his freedom had any President, any Congress or any Court seen fit to give him the right to live a life of dignity.

The Fourteenth Amendment, passed by Congress in 1866 and ratified by the requisite number of states two years later, was designed to protect newly liberated Negroes from arbitrary state action. No state was to "deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." Today, a hundred years later, judges, law professors and practicing attorneys are still arguing over those two

phrases, "due process" and "equal protection."

On June 7, 1892, after the Fourteenth Amendment had been on the books for more than twenty years, a Louisiana law requiring railroads "to provide equal but separate accommodations for the white and colored races" was challenged by Homer Adolph Plessy, who purchased a ticket in New Orleans and boarded a train bound for the town of Covington. As he later described himself, Plessy had "seven-eighths Caucasian and one-eighth African blood." That one-eighth was sufficient for the conductor to order him to the Jim Crow car. He refused. He was arrested and brought to trial before Judge John H. Ferguson, who ruled against him.

When *Plessy v. Ferguson* reached the Supreme Court, Justice Henry Billings Brown spoke for a majority that found no violation of the equal-protection clause of the Fourteenth Amendment. "We consider the underlying fallacy of the plaintiff's argument to consist in the assumption that the enforced separation of the two races stamps the colored race with the badge of inferiority. If this be so, it is not by reason of anything found in the act, but solely because the colored race chooses to put that construction upon it."

"Our Constitution is color blind," Justice John Marshall Harlan declared in his eloquent dissent.

Segregation of the races, sustained by the Court in 1883 (*Civil Rights Cases*) and restated in *Plessy* (1896), survived the turn of the century, the First World War and the early years of the New Deal. Facilities for Negroes, in most instances, were considerably more "separate" than "equal." Starting in 1938 (*Missouri ex rel. Gaines v. Canada*), the Court began to open the doors of state universities to Negroes. It was clearly impossible for segregated states to create and maintain separate professional schools for Negroes that would be the equal of existing white institutions.

"You can't build a cyclotron for one student," the president of the University of Oklahoma was quoted as saying in 1948, after the Supreme Court (*Sipuel v. Oklahoma*) had voted unanimously against the State's attempt to keep a Negro out of its law school.

On May 17, 1954, speaking for a unanimous Court in *Brown v. Board of Education*, Chief Justice Warren echoed the sentiments of Justice Harlan (Holmes had called the old Kentucky slaveowner "the last of the tobacco-spitting justices"). In language that will give future children little trouble when they read it in their textbooks, the landmark decision declared that "separate educational facilities are inherently unequal." It was an idea whose time had come.

"Today," the Chief Justice wrote, "education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship."

Even if separate public schools could be made equal in every respect, there was still a question as to whether the mere act of segregating Negro children deprived them of equal educational opportunities. "To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone," the Chief Justice wrote.

In the view of some experts, including Prof. Robert G. McCloskey of Harvard, the decision was not very well thought out. It

leaned too heavily on modern psychological and sociological literature, and the "selection of citations was, to say the least, uninspired." On the other hand, Alfred H. Kelly, an authority on constitutional history, found the decision "remarkable both for its simplicity and for the extraordinary fashion in which it avoided all legal and historical complexities."

"He wasn't writing for scholars," says a source close to the Chief Justice, "but the way he handled the case is really more important than the wording of his opinion. The decision was delivered with the weight of the entire Court behind it. A fine example of judicial statesmanship."

II

Although appointees to the Supreme Court take an oath to "do equal right to the poor and to the rich," American justice has always been made available in the large economy size for the rich and in small, bitter portions for the poor. In one of its most popular decisions, the Warren Court has given the poor a fairer shake. They are now entitled to the services of a lawyer in court, thanks to a stubborn middle-aged drifter named Clarence Earl Gideon, who took pencil in hand at the start of 1962 and wrote a letter to the Supreme Court from a Florida prison.

Unable to afford a lawyer when he was brought to trial, in the summer of 1961, Gideon had asked the judge to appoint counsel to handle his defense on a charge of breaking and entering the Bay Harbor Poolroom with larcenous intent. The judge had refused the request. Under Florida law, he explained, he could appoint counsel only in cases involving a capital offense.

"Imagine a state in this day and age not giving a fellow a lawyer," Warren had commented to a friend one afternoon long before Gideon got into trouble.

Nothing could be more repugnant to Warren's marrow-deep sense of fairness than the spectacle of a penniless prisoner standing defenseless and alone before the dreadful majesty and power of the state in a court of law, but the Supreme Court had held in *Betts v. Brady* (1942) that appointment of counsel is not a fundamental right, essential to a fair trial. Justice Hugo L. Black had dissented. Twenty-one years later, in *Gideon v. Wainwright*, the Warren Court was unanimous in overruling *Betts*, and Justice Black had the satisfaction of seeing his dissent converted into the law of the land.

The United States was the most lawless civilized nation on earth, Warren said in 1925, when he was appointed district attorney of Alameda County. He later explained to a group of Oakland businessmen: "The only way the racketeers can get control in any community is by alliance with politics, and control of your public officials, your courts, your sheriff, your police chief, your district attorney and other law-enforcement agencies."

Warren ran a tight, honest ship, free of political favoritism. He broke up a bail-bond ring that had always enjoyed cordial relations with city hall. He packed the principals of a paving-contract scandal off to prison, although one of them happened to be a city commissioner of considerable wealth and influence. The same impartial justice was handed out to rumrunners, gamblers and petty crooks.

"He's always operated on the theory that nobody can criticize a man for doing his job," says Robert W. Kenny, a liberal Los Angeles lawyer who had the historic misfortune to run against Warren for governor in 1946. "He was a strict prosecutor. Now he's Chief Justice, and he's no longer dealing with gambling and prostitution ordinances, but with the Bill of Rights, and he's enforcing it."

The Warren Court has stirred up the bleachers by freshening the chalk on the foul lines of criminal procedures. At issue

is the inspired ambiguity of the Fourteenth Amendment, which declares that all citizens of the United States are also citizens of the states in which they reside. As such, they are entitled to "equal protection of the laws" and they cannot be deprived of "life, liberty, or property, without due process of law."

The first ten amendments, popularly known as the Bill of Rights, were designed to protect the individual from the Federal Government, not from the states. For years the Supreme Court has been sharply divided on the question of whether the Fourteenth Amendment's "Due Process Clause" is a sort of constitutional shorthand that "incorporates" the Bill of Rights and applies them to the states.

"Yes," says Justice Black, without reservation.

The late Felix Frankfurter disagreed, although he did believe that the clause had made certain basic rights applicable to the states. These were the rights that constitute a form of natural law, the heritage of any freeborn child. In the words of Justice Cardozo, they were "the very essence of a scheme of ordered liberty." The Frankfurter view has traditionally prevailed in the Court, at times by the margin of a single vote.

As a result, criminal justice has operated under a double standard. Evidence obtained by methods that violate constitutional rights, for example, has been excluded from Federal courts since 1914, but at the time Warren became Chief Justice it was still admissible in the courts of more than half the states, including California. This anomaly has had the effect of making the state a partner in the crimes of its law enforcement officers, and has even encouraged them to break the law in order to build a case against a suspected felon.

In criminal cases involving alleged violations of due process, Justice Frankfurter used to test the questionable conduct of the arresting officer, the prosecutor or the judge by Cardozo's standards. Due process was held to have been violated if the state had failed to respect those rights that are "so rooted in the traditions and conscience of our people as to be ranked as fundamental" or are "implicit in the concept of ordered liberty."

In his first term as Chief Justice, Warren was called on to cast the tie-breaking vote in a difficult case that rested on the right of one Patrick Irvine to be secure, under the Fourth Amendment, against "unreasonable searches and seizures." Long Beach, California, police officers had stolen into Irvine's house like burglars, planted a microphone in his bedroom and recorded his conversations with his wife and with customers who liked to do business by phone. He had been arrested for bookmaking, tried, and found guilty. His only chance of beating the rap depended on whether a majority of the newly constituted Warren Court could be convinced that his case was controlled by *Rochin v. California* (1952) rather than in *Wolf v. Colorado* (1949). In both cases police officers had conducted a questionable search and seizure to gather evidence that had been used in a state court in order to obtain a conviction.

In *Wolf*, the office of a surgeon suspected of performing abortions had been entered with a warrant and a notebook carried off. In *Rochin*, three Los Angeles County deputy sheriffs had forced open the door of a room occupied by a man suspected of selling narcotics. When the suspect, Antonio Rochin, seized two capsules on his night stand and gulped them, the officers handcuffed him, took him to a hospital and directed a doctor to force an emetic into his stomach. The two capsules were vomited up and found to contain morphine. Chiefly on the basis of this evidence, Rochin was convicted and sentenced to a sixty-day prison term.

Justice Frankfurter spoke for the Court in both *Wolf* and *Rochin*. In *Wolf* he declared that the Fourteenth Amendment's guarantee of "due process of law" prohibited the states from infringing on the individual's right to "privacy against arbitrary intrusion by the police." The *Wolf* ruling, as might be expected from Frankfurter, left it up to the states to decide whether they would follow the example of the Federal Government and exclude from their courts any incriminating evidence the police might pick up in the course of an "arbitrary intrusion."

In *Rochin*, where a man had been convicted on evidence coerced not from his mind but from his stomach, Frankfurter found that, under the Cardozo standards, the behavior of the arresting officers did "more than offend some fastidious squeamishness or private sentimentalism about combating crime too energetically. This is conduct that shocks the conscience." The conviction was reversed on the ground that it had been obtained "by methods that offend the Due Process Clause." As professors of constitutional law jokingly explained to their students, "If it makes you sick, it is not due process."

Patrick Irvine, Long Beach's friendly neighborhood bookmaker, rested his hope of freedom on the possibility that at least five Supreme Court consciences might be sufficiently shocked by the intrusion of a microphone into the privacy of his bedroom to declare his conviction an offense against due process of law.

The case was decided, as are all such matters, in the confessional privacy of the Court's weekly conference. No outsider is admitted to these conferences, and if anyone knocks at the door, the most recently appointed associate justice hops up and answers it. What transpires in these deliberations is kept secret in a city noted for its loose tongues. Gossips delight in spreading rumors of bitter quarrels, which the Chief Justice denies.

"I could count on the fingers of my hands—possibly one hand—all the times that there has been even a flare of temperament in the conference room, and those have always subsided in a matter of minutes," he says.

The Chief Justice begins the discussion of each case. His brethren (members of the Court traditionally refer to one another as "my brother") speak in turn, according to seniority. The junior justice has the last word, but to ward off any possibility of his being influenced by the votes of his senior brothers, he casts the first ballot. The voting continues in this pattern of ascending seniority. The Chief Justice votes last.

When *Irvine* was decided—after what must have been a warm and spirited discussion—it was Warren who cast the deciding vote. His conscience was deeply troubled by the conduct of the Long Beach police officers ("That case really bothered him," says one of his intimates), but he voted to affirm the conviction, apparently in the forlorn hope that the Court's strongly worded displeasure at these obnoxious practices might prompt California and other offending states to tidy up their criminal procedures.

"A judgment so rank will not stand for long," the *St. Louis Post-Dispatch* then predicted.

It stood for a little more than seven years. Its downfall was brought about by the arrest in Cleveland, Ohio, of Miss Dollree Mapp. Acting on information that Miss Mapp had stashed away some "policy paraphernalia," the police called on her, pried open the outside screen door, then broke into the front hall, where they were confronted by the indignant suspect, who asked to see their search warrant. A paper of dubious authenticity was brandished. Miss Mapp grabbed it and stuffed it in her bosom. The officers retrieved it and, in the course of the struggle, handcuffed Miss Mapp and forced her to accompany them upstairs.

A thorough search was made of her bedroom, then of the first floor and the basement. In the course of this "arbitrary intrusion" the officers found some scatological pictures and pamphlets that Miss Mapp insisted had been left by a former boarder. At her trial the police failed to prove that a search warrant had ever been issued. Miss Mapp was convicted under an Ohio statute for the knowing possession of obscene literature and given a prison stretch of from one to seven years.

The Supreme Court reversed her conviction. In *Wolf*, a majority of the justices had proclaimed the right of a free people to be secure in their homes against the unlawful entry of law-enforcement officers, but the remedy for such misconduct had been left to the states. In *Mapp*, the right and the remedy became inseparable. The redoubtable Dolly Mapp has now taken her place in the history of constitutional law. Because of *Mapp v. Ohio* (367 U.S. 643), as every schoolboy will someday learn, illegally obtained evidence can no longer be admitted in any court in the United States, Federal or state.

"We are forced to fight by Marquis of Queensberry rules while the criminals are permitted to gouge and bite," Michael J. Murphy, a former New York City police commissioner, complained last fall when he took part in a conference of the third United States judicial circuit. In the presence of Chief Justice Warren and Associate Justice William J. Brennan, Jr., the crusty ex-cop explained that in New York "it has been our experience that, if suspects are told of their rights, they will not confess."

Murphy had already been answered by former Associate Justice Arthur Goldberg, who had declared for the Court more than a year before the conference that "no system of criminal justice can, or should, survive if it comes to depend for its continued effectiveness on the citizens' abdication through unawareness of their constitutional rights."

As the Founding Fathers emphatically intended, the Constitution sometimes gets in a cop's way.

In *Mallory v. United States* (1957), involving a nineteen-year-old Negro who had been arrested in the District of Columbia on a charge of rape and questioned for hours before his arraignment, the Court spelled out the ground rules for a Federal prosecution. "The police may not arrest upon mere suspicion but only on 'probable cause.' The next step in the proceeding is to arraign the arrested person before a judicial officer as quickly as possible so that he may be advised of his rights and so that the issue of probable cause may be promptly determined." The reason for this procedure, the Court explained, is plain. "The awful instruments of the criminal law cannot be entrusted to a single functionary."

The Court in 1963 (*Wong Sun v. United States*) extended *Mapp* to cover unconstitutional arrests as well as searches. It also excluded any incriminating evidence the police might pick up, observe or hear in the course of an illegal arrest.

Law-enforcement circles were grudgingly making their peace with the provisions of the Bill of Rights when they were suddenly rocked by the Court's 1964 ruling in *Escobedo v. Illinois*. A young laborer named Danny Escobedo had been picked up by Chicago police for questioning about the murder of his brother-in-law. He was not told of his right to remain silent, nor was he permitted to consult with his lawyer, who was on the other side of the door, trying to reach his client. The artfully framed questions of an assistant state's attorney trapped Escobedo into making statements that were later used in court to convict him. He appealed.

At the weekly conference that decided the case, the Chief Justice broke another four-

to-four tie. He voted in favor of Escobedo, then assigned the writing of the Court's opinion to Justice Goldberg, who declared that a suspect was entitled to have a lawyer at his side once a police investigation had become an accusation, "which its focus is on the accused and its purpose is to elicit a confession." The right to counsel, in other words, would be a hollow privilege if it were limited to the appearance in court of a lawyer called in to assist a defendant whose conviction had already been secured in the basement of police headquarters by what is politely referred to as "intensive questioning."

"The police are having to think and work now—using something besides their boots and billies," says Percy Foreman, the famous Texas trial lawyer.

In such cases as *Mapp* and *Escobedo*, Warren's position on police practices is quite consistent with his past performance as a prosecutor. Then as now, he insisted that law enforcement be carried on by well-trained professionals, who had been given an opportunity to learn something about the law and criminology. Surrounded by able, resourceful investigators, Warren fought hard, but in the words of Oscar Jahnsen, his chief investigator, "He never let us sneak up on a fellow's blind side."

In 1932, twenty years before Long Beach police officers bugged Patrick Irvine's bedroom, Warren was asked to comment on a trial in which evidence obtained by a concealed Dictograph had been used in court. Asked what he would have done as prosecutor if he had come into possession of conversations recorded by hidden devices of this sort, he had replied: "I would have burned every scrap of the evidence and shot everyone who knew of its existence."

In some cases, Warren's deputy district attorneys recall, they used skeleton keys to enter a room and plant a Dictograph in order to obtain leads in an investigation, but once a suspect appeared in court as a defendant, this material was not used against him. In preparing his cases, Warren was meticulous in respecting the rights of the accused, even when the trial was to be held in a state court where he could have cut a few constitutional corners. Out of the thousands of cases he handled during the thirteen years he prosecuted Alameda County lawbreakers, not once did a higher court ever reverse one of his convictions or have occasion to condemn his methods.

"We don't break the law to enforce the law," District Attorney Warren used to tell his deputies a generation before Chief Justice Warren voted to exclude illegally obtained evidence from state courts.

As district attorney in the state's third largest county, he worked routinely with violence, but close associates say he has never quite got over his horror of it. "It offends his sense of order, his love of the law," says a former member of his staff. Warren's earliest memory, still vivid, is one of mock violence, the hanging of a man in effigy. Thirty-odd years later, on a Sunday morning in the spring of 1938, he was suddenly forced to relive this childhood trauma.

"We've gone to a Masonic breakfast meeting at the Claremont Hotel in Berkeley," Oscar Jahnsen recalls. "I saw him get up and leave the room, then I was called out. He said, 'Oscar, someone has murdered my father.'"

In East Bakersfield, where Earl Warren grew up, retired railroad men taking their ease in Sumner Street bars remember the Chief Justice's father as a hard worker who stood for no nonsense in his shop. Matt Warren worked his way up on the Southern Pacific from a mechanic to master car builder. He never drank or smoked, and lived frugally, his savings invested in a building-and-loan company, a bank, and in dozens of

modest rental properties in working-class neighborhoods.

At the time of his death, five years after he retired from the railroad, he was living alone in a small frame house on Niles Street. His wife, in poor health, was staying with her daughter, Ethel, in Oakland, where she was recuperating from an operation for cataracts. Sometime between 8 p.m. Saturday, May 14th, when a tenant came to pay his fifteen-dollar rent, and 9:30 a.m. on the following day, when a handyman discovered the body of his seventy-three-year-old employer, Matt Warren was killed by a blow on the left temple as he sat in a large chair facing the open oven of the gas stove in his kitchen.

At the foot of the back steps, just fifteen feet from the victim's chair, were several lengths of two-inch pipe about two feet long. A groove in the grass indicated a missing piece of pipe, which was found in the yard next door. It was spattered with blood and bits of hair. The killer apparently dragged his victim from the chair, where he had been mortally wounded, to the bed where the contorted body was found, the face covered by a blanket. A bruise on the left arm suggested an attempt to ward off the blow.

"Reports that he was wealthy have been greatly exaggerated," Warren said when newspaper stories began to refer to his father as a "millionaire" and a "capitalist" living the austere life of a recluse. "Since he was seven years old, my father worked hard, much of his life with his hands. He took no pleasure for himself. He tried to give that to his children and their children."

The old man had been haunted by a fear of poverty, underscored by the memory of an older, penniless brother who had died in his arms of tuberculosis, unable to afford a hospital bed. Poverty, to Matt Warren, was a disease with a high mortality rate. To immunize his family, he worked and scrimped all of his life, indulging only one luxury—his children. He left an estate officially valued at \$177,653, but when his body was found, both his wallets were missing (one contained business papers, the other cash) and he had two cents in his pockets.

Earl Warren was the only Republican to win a major office in the November, 1938, elections which installed Culbert Olson in the Governor's Mansion and Bob Kenny in the State Senate. Without Kenny's backing, Warren probably would not have been elected attorney general. Four years later, when the tides changed, Warren became governor, Kenny attorney general. They worked well together, and despite their political rivalry, their personal relationship remained cordial. In 1946 Kenny became a reluctant Democratic candidate for governor. Warren beat him handily in the primary election of his own party.

They make a strange pair, even by the exotic standards of California politics. Kenny is a wordy wit who enjoys sophisticated company. Warren leans more toward Bob Hope than toward Mort Sahl, and could find pleasure in *What's My Line?* even before his oldest daughter married John Daly, the program's moderator.

"Watch out, Bob, you might be hitting into a double play," Warren used to warn Kenny, but the colorful Democrat has always played a bold, dashing game. Warren has never been flashy. He is a workhorse, a clutch hitter, a money player. In 1942, his last year as attorney general, when he did swing at a bad pitch, he hit into the same double play that had caught up virtually every political and civic leader in California, not to mention the President of the United States, the Congress and the Supreme Court.

"I have come to the conclusion that the Japanese situation, as it exists in this state today, may well be the Achilles' heel of the entire civilian defense effort," he said a few weeks after Pearl Harbor's day of infamy, and then, in a rare gaffe, he told a con-

ference of sheriffs and district attorneys on February 2, 1942: "It seems to me that it is quite significant that in this great state of ours we have had no fifth-column activities and no sabotage reported. It looks very much to me as though it is a studied effort not to have any until the zero hour arrives."

Ten days after Attorney General Warren cited the sinister innocence of California's Japanese-Americans as evidence of their perfidy, Walter Lippmann came out in favor of their mass evacuation from the West Coast. Four days later, Westbrook Pegler concurred, and the deed was done by President Roosevelt in an executive order and by Congress in a law that FDR signed and the Supreme Court later upheld.

"It was the first event in which danger to the nation's welfare was determined by group characteristics rather than by individual guilt," Morton Grodzins writes in *Americans Betrayed: Politics and the Japanese Evacuation*. "It was the first program in which race alone determined whether an American would remain free or become incarcerated."

One American citizen, a man named Korematsu, refused to leave California. He was arrested, tried and convicted. His conviction was upheld in 1944 by a six-to-three vote of the Supreme Court. The opinion supporting this mass assault on the civil rights of some 110,000 men, women and children—70,000 of whom were citizens of the United States—was written by one of the greatest Libertarians in the Court's history, Mr. Justice Black.

The Japanese-Americans were rousted and swindled, shamed and robbed, but when they returned to California, they were given the full protection of the law. Prompt action by Governor Warren helped to stave off the mob violence predicted by the state's jingoists. With an innate dignity that served as the ultimate reproach to their persecutors, the older evacuees went back to work while the younger generation went to school.

In 1950 only one out of twenty-two Japanese-American men was working in a professional field in California. Fifteen years later it was one out of six. Among them was Superior Court Judge John F. Aiso, who had entered the United States Army in 1941 as a private and had left it six years later as a lieutenant colonel. He had first been appointed to the bench by Governor Warren.

Warren had waited so long to take over the attorney general's office that he wanted to stick around for a while and enjoy it, but Governor Olson kept egging him into a fight, forcing him to make the race for governor.

At the time he won temporary title to the twenty-room Executive Mansion at 1526 H Street in Sacramento, the seventy-year-old gingerbread house was shabby and sagging, the cupola tilting, the paint peeling, the front porch chewed up by termites. With characteristic cautiousness, Warren inspected the premises and refused to let his family set foot in the firetrap until something was done about providing fire escapes.

Once the family moved in, the place was so full of Warrens that there wasn't even a guest room. The Governor and his wife took over the room formerly reserved for guests after "Honey Bear" (her father thought little Nina resembled a koala bear) laid claim to what had been the governor's bedchamber. She wanted it because it had a shower, and she usually got what she wanted, including a pinto horse named Peanuts, jointly owned with her younger brother, Bobby.

It was the children's father who bought Peanuts. Their mother thought Honey Bear and Bobby were too small to ride, but she didn't dissent. Later, when the two youngsters began to work out on jumpers, she couldn't bear to watch them take the hurdles. But again she entered no demurrer. She went along with the head of the house, who is fond of saying, "Being alive at all is a

perpetual gamble. Too much fear is defeat in advance."

"He is a man without fear," says Oscar Jahnsen, recalling the turbulent days of a waterfront murder trial, when the "Chief" used to stride unarmed past angry maritime union pickets, refusing to be accompanied by a bodyguard.

In those days the pickets came from the far left; now they come from the far right. Neither Marxism nor madness has managed to ruffle him. No more typical portrait of the Chief Justice has ever been published than the news photograph of him in the act of courteously accepting a leaflet from a determined female picket who is clutching a placard that reads: Impeach Earl Warren.

III

The Supreme Court is unique among the power centers of Washington. It is quiet. In the Capitol, the White House and the paneled throne rooms of the major Federal agencies, the daily crises of government are dealt with in an untidy environment hostile to reading and reflection. Phones ring constantly. Pressures pile up. Each day is another frantic race against the clock and the first coronary. Only in the Supreme Court Building is there time for thought in an atmosphere conducive to contemplation.

"I've found the quiet of my chambers and of the library a very soothing thing after the hectic years I've put in as an executive," Earl Warren said at the end of his first term as Chief Justice of the United States.

He had been called upon to preside over a divided, drifting Court that had fallen behind in its work. Not since 1850 had so few cases been decided as in 1950. Since Warren took the oath of office in October, 1953, the Court has been accused of many things, including usurpation of the law-making function of Congress, elimination of the constitutional rights reserved to the states, and holding hands under the table with communists, criminals, smut peddlers and atheists. But no one has charged the Warren Court with indolence.

On June 17, 1957, it staged what is now referred to in Impeach Earl Warren circles as "Red Monday." On this momentous decision day, to quote a pamphlet circulated by an outfit in New Orleans, the Chief Justice tried "to stop congressional investigations" (*Watkins v. United States*) and voted "in favor of advocating treason" (*Yates v. United States*). In a third case decided the same day, *Sweezy v. New Hampshire*, Warren is accused in *Nine Men Against America* of clamping down "on the rights of the states to protect their students against subversive teachers."

Speaking for five members of the Court in *Watkins*, Warren started with the basic premise, "The power of the Congress to conduct investigations is inherent in the legislative process. That power is broad." But, even so, there are certain constitutional margins, as the Court reminded its Capitol Hill neighbor. "No inquiry is an end in itself; it must be related to and in furtherance of a legitimate task of the Congress. Investigations conducted solely for the personal aggrandizement of the investigators or to 'punish' those investigated are indefensible."

In *Yates*, the case in which Warren is charged with favoring the advocacy of treason, he concurred in the majority opinion written by Justice Harlan. The decision spells out the difference between what a person says and what he does. The ruling harked back to the early summer of 1940, when communists were suspected of inspiring strikes in American defense plants at a time when the Nazis were over-running Western Europe. Congress panicked and passed the Smith Act, which, among other features of dubious constitutionality, declared it unlawful to teach or advocate the forceful overthrow of the government. It was this act that

the Vinson Court had upheld in its *Dennis* ruling in 1951. The Warren Court, in *Yates*, merely specified that when alleged communists were tried under the Smith Act, the jury must be advised that "advocacy of abstract doctrine"—as opposed to "advocacy directed at promoting unlawful activity"—could not be accepted as ground for conviction.

In *Sweezy*, the Court considered a case growing out of New Hampshire's efforts to thwart the communist conspiracy. The legislature had passed a resolution directing the attorney general to look into violations of the state's 1951 Subversive Activities Act. The Court declared that the attorney general could not use the resolution as a fishing license. Instead, he must limit himself to information actually sought by the legislature, and in the course of his investigations he must observe the constitutional amenities of Due Process. In this particular instance, the attorney general had delved minutely into Professor *Sweezy's* past conduct, "thereby making his private life a matter of public record."

Two years (and two new Associate Justices) later the Court backed away from the bold, brave stand it had taken on "Red Monday." The application of the *Watkins* and *Sweezy* decisions was sharply limited to the facts in each case. By five-to-four votes in two rulings (*Barenblatt v United States* and *Uphaus v Wyman*), the Court made it quite clear that a suspected subversive could be required to answer relevant questions and produce pertinent records when a legislative purpose had been established and had been explained to the witness.

Once Senator McCarthy had popularized the sport, the search for subversives found such favor with politicians and the public that by 1956 forty-two states and two territories had passed some sort of legislation encouraging local dowers to get out their divining rods and hunt for the wellsprings of sedition. The Warren Court, on May 14, 1956, handed down a spoilsport ruling written by the Chief Justice.

In *Pennsylvania v Nelson*, the decision of the Supreme Court of Pennsylvania was upheld. "Sedition against the United States is not a local offense," the lower court had ruled. "It is a crime against the Nation." State laws were declared to have been preempted by the Smith Act, a Federal statute. Thus, a suspected seditionist could not be tried and punished by a state court for committing a Federal crime, but as *Uphaus* pointed out, the states were still free to investigate and punish seditious activity directed against themselves.

As early as 1949, when McCarthy was still an obscure junior senator from Wisconsin, pollsters reported that nine out of ten Americans favored legislation compelling communists to register with the Federal Government. The following year, with an election coming up, Congress passed such a law as part of the Internal Security Act. President Truman vetoed it. The veto was promptly overridden by whopping majorities that included the votes of Rep. John F. Kennedy and Sen. Lyndon B. Johnson.

Last fall the Supreme Court put an end to this national embarrassment by declaring the registration provision a violation of the Fifth Amendment's protection against self-incrimination. "What will our boys fighting in Vietnam say about this?" Sen. JAMES O. EASTLAND of Mississippi trumpeted, but he seemed to be speaking a dead language in the ruins of a deserted forum. Even Barry Goldwater applauded the ruling as "a very proper injunction."

The draftees serving in Vietnam in the closing months of 1965 were drawn from a post-McCarthy generation. They were too young even for kindergarten at the time the Senator first bludgeoned his way into the news, and were in the second or third grade

when he was censured by the Senate. Long before the young soldiers had begun to notice girls, much less subversives, the Warren Court had made its major rulings in establishing a constitutional balance between the right of a free man to be protected against the harassment of government officials and the right of a free government to protect itself against an international conspiracy scheming to overthrow it by force and violence.

In the revolutionary history of the Warren Court nothing has inspired so much misplaced indignation as the decisions dealing with prayer and religious exercises in public schools. There is no appeal from these rulings except, possibly, the one filed by a municipal judge in Los Angeles, who declared in a public prayer: "God bless the Supreme Court, and in Your wisdom let it be shown the error of its ways." Sen. EVERETT MCKINLEY DIRKSEN has promised his followers: "I'm not going to let nine men tell the American people where and how to worship."

In spite of such incendiary misrepresentations, the American people still seem to be worshipping where and how they please. Their currency still bears the motto, "In God We Trust"; their children still pledge allegiance to the flag of one nation "under God," and their sons still march off to war in the company of tax-supported chaplains. Both houses of Congress still begin their workday with prayer, and before the Supreme Court gives ear to the arguments of opposing counsel, the crier still follows his traditional "Oyez! Oyez! Oyez!" with the words, "God save the United States and this Honorable Court."

The Chief Justice is one of the few members of the Court who regularly bows his head at this reference to the deity. "He's fiercely religious," says one of his children, and an old friend remarked not long ago, "I just can't figure how Earl went along on that school-prayer business." A former neighbor in East Bakersfield gets red in the face whenever the subject comes up. "He wasn't raised like that" she says. "He was brought up on the Bible." When asked if she had read any of the school-prayer decisions, she said, "No." She resented the question. She knew what she knew.

The trouble began in the summer of 1962, when Justice Black leaned forward in his tall swivel chair and read the Court's decision in *Engel v. Vitale*. At issue was a twenty-two-word prayer written in civil-service prose, adopted by the New York Board of Regents and "recommended" for use in public schools. "In this country," Justice Black pointed out, "it is no part of the business of government to compose official prayers for any group of the American people to recite." Ironically, the loudest denunciations of the decision have come from those who are most vigorously opposed to Government meddling, although the state could hardly make a more offensive intrusion on the privacy of a family than by subjecting its children to an official prayer written by some anonymous bureaucrat.

A year later, in an opinion delivered by Justice Clark, the Court ruled that recitation of the Lord's Prayer or reading of Bible verses as part of a devotional exercise could not be required in public schools. "In the relationship between man and religion, the state is firmly committed to a position of neutrality," Justice Clark wrote, and went out of his way to differentiate between "religious exercises," forbidden by the First Amendment, and a permissible "study of comparative religion." Indeed, the decision strongly recommended study of the Bible "for its literary and historic qualities."

Warren, a quondam Methodist married to a devout Baptist, has never been one to make a public display of piety. He lives by a strict

moral code and, in the darkest moment of a remarkably healthy, happy life, he attested to his belief in the power of prayer. "God must have heard me that day," he once remarked when discussing the nightmare of triumph and tragedy that occurred on November 7, 1950. Within a twenty-four hour period he was elected to an unprecedented third term as Governor of California and his youngest daughter, Nina (he had nicknamed her "Honey Bear"), was stricken with spinal poliomyelitis.

On that election day, the Governor and his wife had gone to Oakland, where, twenty-five years earlier, they had been married. At 8:45 that morning, after casting their votes, they were having breakfast with friends when the housekeeper called from Sacramento. "Honey Bear's awfully sick, Mrs. Warren," she said. "She's in pain and I've sent for the doctor. She didn't want me to call you, but I thought I'd better."

The frightened parents rushed back to the Governor's Mansion. They found the seventeen-year-old girl in extreme pain, paralyzed from the hips down. They did what they could to comfort her, then followed the ambulance that whisked her off to Sutter's Hospital. The Governor had trouble fighting back tears when Honey Bear tried to reassure them ("It's not so bad"). When she said, "Mother, take him home and make him rest," Warren quietly left the room, and in a corner of the hospital corridor, alone, he wept.

"I don't look back on it as a painful memory," Nina Warren says now.

Fully recovered, she is married to Dr. Stuart Brien, a Beverly Hills obstetrician. They are the parents of three small, active children who are being brought up, as their mother was, with no firsthand knowledge of a spanking. "It's awfully hard sometimes," she says. "I don't have my parents' patience." Above the mantel of the high-ceilinged living room of the Briens' large, rambling stucco house is a life-size portrait of the Chief Justice. The eyes are blue and penetrating, the jaw blunt and stubborn.

"He never brought his work home from the office," Mrs. Brien recalls. "When he walked in that front door, he belonged to us. He was all ours."

She remembers the grotesquely charming old Governor's Mansion on H Street as a happy place, overrun with dogs and children, cluttered with ice skates, tennis rackets, fishing rods and baseball gloves. This was where Earl, Jr., planted his Victory Garden, then took up taxidermy and deep-sea diving; where Dottie entertained her Girl Scouts and Bobby romped with Jerry, the family's Dalmation; where Virginia, decked out in her first formal, waited uneasily for the young man who was to take her to a high-school dance. He was met in the front hall by Jerry, who was more accustomed to blue-jeans and T-shirts than to dinner jackets. The Dalmation snapped at the seat of the boy's trousers, then ripped one sleeve from his coat. Virginia burst into tears, Mrs. Warren ran downstairs with needle and thread, and the young couple got to the dance an hour late. Jerry was sent into exile.

"He likes to have young people around him," says one of his former law clerks. "I think we sort of take the place of his kids. I'll bet if you showed him a list of the thirty or forty clerks he's had since he became Chief Justice, he could tell you where each one of them is now, what he's doing, and how many kids he has. I think he had something of that same feeling for President Kennedy. "Yes," says one of Warren's closest friends, "they got along fine together. He enjoyed Kennedy's dry wit."

On November 22, 1963, while the President was doing a little political fence-mending in Texas, the Chief Justice was

presiding over a Friday conference of the Court. No outsiders are permitted to sit in on these deliberations. When, as happened that day, someone knocks on the door, it is the custom for the most recently appointed associate justice to hop up. Mrs. Margaret McHugh, Warren's executive secretary, gave Justice Goldberg a note to hand to the Chief Justice. It informed him that the President had been shot and taken to a Dallas hospital.

"The Chief Justice spent the time after the conference adjourned listening to the radio until all hope was gone," Mrs. McHugh recalls, and the following Sunday, in the rotunda of the Capitol, Warren said in his brief, eloquent eulogy: "What moved some misguided wretch to do this horrible deed may never be known to us, but we do know that such acts are commonly stimulated by forces of hatred and malevolence, such as today are eating their way into the bloodstream of American life."

Well into his seventy-third year, the Chief Justice was old enough to have been the father of the late President, dead at forty-six. The two men had been born into different worlds and had served in different wars, separated by the generation that had split the atom. The older man had grown up on the wrong side of the tracks in a country town in California. The elegant young Bostonian had been reared in wealth. Neither was much inclined toward abstract ideas. Both were immensely practical and successful politicians.

"I remember the Chief's seventieth birthday," says a former law clerk. "We had a surprise party for him and Kennedy showed up for it. It was just a couple of months after his inauguration. The Chief was very pleased and touched."

During the first stunned week after the President's death Warren was approached by two Justice Department officials who asked if he would preside over an inquiry into the assassination. He declined. President Johnson invited him to the White House. He was drafted for the job.

Characteristically, once he had accepted the assignment, he went to work with a vigor that left younger men wiling in his wake. "I don't know where he got the energy," says a member of the Commission staff. "We'd start a hearing at nine in the morning. He'd preside until a few minutes before ten, then leave for the Court. At two-thirty he'd come back and sit there well into the evening. At times he was presiding at the Commission and the Court for stretches of eight and ten hours. During those last weeks, when we were finishing the report, he'd work till one in the morning, then be the first to show up next day."

Warren's critics were quick to pick up and distort a passing remark he made to the press shortly after the Commission began its hearings. On February 3rd, after Mrs. Oswald had testified, Warren ran into a group of newspapermen waiting outside the hearing room. Not wishing to be rude, he stopped to answer their questions. Replying to one of the reporters, he said that all the letters, documents, photographs and exhibits that came to the attention of the Commission would be turned over to the National Archives. What he had in mind was the disappearance of some of the raw material relating to the assassination of Abraham Lincoln. A hundred years later historians and biographers are still trying to find missing pieces of the puzzle.

"Yes," Warren continued when one of the newspapermen asked if all the Commission's material would be made public, "there will come a time. But it might not be in your lifetime."

Published out of context, the statement was taken as an indication that certain fac-

tual evidence would be suppressed in the Commission's report. "I am not referring to anything especially," the Chief Justice had gone on to say. "But there may be some things that would involve security. These would be preserved but not made public." He was referring to top-secret material borrowed from the locked files of the State Department, the Pentagon and the Central Intelligence Agency, but his words were widely misconstrued at the time and are still being used to discredit the report.

During this ten-month period when he was moonlighting as chairman of the President's Commission, Warren also found time to write the climactic ruling in a series of legislative reapportionment cases that may prove to be the most significant step taken by the Court in the last hundred years. The text of *Reynolds v. Sims* had hardly been distributed to the press, in June, 1964, when an angry, sputtering House of Representatives voted to strip the Federal courts of power to handle cases involving legislative districts. The bill was killed in the Senate. The ruling, left to stand, will radically change the lawmaking process in most State capitals, including Sacramento.

The California legislature, at the time Warren spoke for a majority of the Court in *Reynolds*, was composed of two houses. As had been the custom in many States since the early days of the Republic, the assembly was elected by districts based on population and the senate represented counties, some large, others small. This disproportionate representation was designed to favor the rural voter.

In 1948, Californians were given a chance to vote on a proposed amendment to the State constitution that would reapportion the senate on the basis of population. The proposition was supported by organized labor (the state senate had long been the elephant burial ground of liberal legislation), and opposed by chambers of commerce, farm organizations, rural legislators and Governor Warren.

"Our state has made almost unbelievable progress under our present system of legislative representation," he said. "I believe we should keep it."

The electorate agreed. The proposal was defeated by a two-to-one vote. It failed to carry a single county in California, not even Los Angeles County, which stood to profit most by reapportionment. Twelve years later, in the 1960 census, the 6,000,000 inhabitants of this bizarre county still had only one vote in the state senate. It could be canceled by the vote of an upstate senator who represented 14,294 constituents. Southern Californians were paying 30 per cent of the state's taxes, but in the state senate they had only 15 percent of the votes.

The inequity seemed to be permanently frozen into the American political system, because the city voter had no place to go with his protest. Legislators dominated by back-country politicians were understandably cool to any suggestion that their comfortable seats be relinquished to strangers from the cities. Lower courts, citing decisions of the Supreme Court refused to set foot in what Justice Frankfurter had described as a "political thicket."

In the spring of 1962 the Supreme Court changed its course. In *Baker v. Carr*, over a vigorous dissent by Justice Frankfurter in which Justice Harlan concurred, Federal courts were declared to have jurisdiction over suits of this sort, but the decision gave no clear indication as to what would constitute an acceptable system of legislative apportionment. When the Court struck down Georgia county-unit system in 1963, Justice Douglas used the phrase, "one person, one vote." The following February the Court held that Congressional districts should be substantially equal in population. The people,

in the words of Justice Black, "should have one vote for one man as nearly as that is possible."

The knockout blow came the following June, when Warren delivered the landmark opinion that both houses of state legislatures must be apportioned on a population basis. Lawmakers who had grown old and often wealthy in the service of sparsely settled constituencies suddenly found themselves faced with the prospects of being cut off from the public purse. "Legislatures," the Court declared, "represent people, not trees or acres" and "are elected by voters, not farms or cities or economic interests." Chief Justice Warren, as his critics gleefully reminded him, had overruled Governor Warren.

"The agricultural communities of California are far more important in the life of our state than the relationship their population bears to the entire population of the state," Warren had said in 1948. "It is for this reason that I never have been in favor of restricting their representation in our state senate to a strictly population basis. It is the same reason that Founding Fathers of our country gave balanced representation to the states of the union, equal representation in one house and proportionate representation based upon population in the other."

"That was sound doctrine then, and it is sound doctrine now," says Senator DIRKSEN.

But the relationship between the Federal Government and the states is not the same as the relationship between a state and its counties. Thirteen states united to form the Federal Government; counties have been formed by the states as local administrative units. In the long, hot summer of 1787 the framers of the Constitution were dealing with thirteen sovereign and mutually suspicious political entities. They were like separate nations sprawled along the Eastern seaboard. Their union was brought about by the famous compromise that provided for a national legislature composed of a House of Representatives based on population and a Senate made up of two senators from each state, regardless of its area or the number of its inhabitants.

In 1948 Governor Warren defended, as Senator DIRKSEN does today, the application of this "Federal plan" to state government, although states and counties are not analogous. Counties in a classic state-court decision have been defined as "local subdivisions of the state created by the sovereign power of the state of its own will, without regard to the wishes of the people inhabiting them." Counties, in short, were never independent governments that came together in a constitutional convention to form a state. They are the state's creatures.

Most states long ago gave up trying to cope with the complexities of the mid-20th Century, as is evidenced by the congestion of their cities, the pollution of their air and water, the injustices in their administration of criminal law, the inadequacy of their schools, hospitals, parks and roads. Corrupt and incompetent legislatures have increased the dependence of the states on the Federal Government. As Warren said in 1943, his first year as Governor of California: "It's one thing to talk about states' rights, but the way to have them is for the states to get in and do their own job."

No one has better credentials to discuss the rights of the states in terms of their responsibilities. Before he became Chief Justice, he had built more schools, hospitals and highways than any governor in American history. Instead of dealing a death blow to the constitutional rights of the states, as its critics contend, the Warren Court may have given state government a chance to mend its ways. With representation more responsive to present-day problems, legislatures may regain something of their old vitality and usefulness.

"Things look different from here," Warren has told California friends who have called on him in Washington and had the temerity to bring up the subject of his revised views on the democratization of state legislatures. When one of his oldest friends asked him why he hadn't made things easier on himself by assigning the writing of the opinion to someone who had no political record of opposition to its doctrine, Warren answered with his usual directness: "I wasn't going to let anybody say I didn't have the guts to write it myself."

Unquestionably, during the years Earl Warren has presided over the Court, the states have lost some rights they had come to take for granted. A state can no longer shunt Negro children away from public schools their parents are taxed to support, nor can the parents be barred from public parks, jury boxes and polling places. Last March, in a decision upholding the major provisions of the Voting Rights Act of 1965, Warren spoke for a unanimous Court in declaring, "Hopefully, millions of non-white Americans will now be able to participate for the first time on an equal basis in the Government under which they live."

A state can no longer deny a penniless prisoner the assistance of a lawyer, nor can it pack him off to jail or the electric chair on the basis of evidence obtained in violation of his basic rights. A state can no longer harbor a Robin Hood legislature geographically rigged to rob the cities and enrich the boom-docks. A suburban housewife can no longer be outvoted by an upstate heifer.

"Earl Warren never struck me as a crusader," says one of his early-day associates, expressing a familiar theme among California liberals, who find it difficult to square their memory of the bland, affable Governor with the controversial Chief Justice.

And yet, though he presides over a revolutionary tribunal, Warren is still a cautious man who carefully considers each step. He likes to quote Lincoln: "I am a slow walker, but I never walk backward." It may take him a maddeningly long time to reach a decision, but once he has listened to both sides of an argument and made up his mind, he can't be easily budged.

"No one really knows this man," says one of his more perceptive friends, and a former member of his gubernatorial staff agrees. "All day long we used to hear that booming voice, that belly laugh, that loud 'How are you?' But sometimes in the evening when I worked late, I'd see him sitting in his office alone, his back to the door, his head bowed, and on that wall above him, a sad, brooding picture of Lincoln. That's the Earl Warren few of us ever saw and none of us ever knew."

"He's like a man climbing a mountain," says a retired California official whose association with Warren goes back forty years. "When he started out as district attorney, he was standing at the foot of the mountain, a pleasant, hard-working fellow who couldn't see far beyond the problems of the county. He cleaned up the gambling joints, cleared the crooks out of the courthouse and tried to give the honest cop a little pride in his work."

"Then he got himself elected attorney general and, as the state's chief law-enforcement officer, he began to get a broader view of crime and punishment. As Governor, he climbed to new heights where he had to deal with problems he had never faced before. He increased old-age pensions, reorganized the state prison system, provided modern medical care for the mentally ill, bucked the oil lobby to build new freeways and fought a losing battle for compulsory health insurance. Each step along the way, from county prosecutor to Chief Justice, his perspective has changed, but not the man. The man hasn't changed. He's simply grown."

SOYBEANS HELPING OUR BALANCE OF PAYMENTS

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

Mr. MICHEL. Mr. Speaker, about a year ago I made a statement reviewing the position and contribution of soybeans to our agriculture and our national resources. I pointed out how this expanding crop has provided many products, food and nonfood, that have afforded the same or better quality to consumers at lower cost. I noted the very considerable significance of the soybean crop in the income of farmers, and its expanding growth into the South and Southeast as well as in the Midwest.

Never, perhaps, has the soybean crop seemed so important to our lives and welfare as it does now. Our agricultural plant faces near shortages of the protein and fat which our dynamic economy is using up at a record pace for better nutrition and health of our people. Our programs for overseas food aid look increasingly to soybean protein and fat for their supplies.

Without soybeans today we would find ourselves in a sorry fix. With them, we have a valuable new asset. This "miracle crop" has become America's No. 1 dollar export commodity and it plays a vital role in meeting the balance-of-payments problem facing our country. We should continue to lend it every appropriate encouragement.

Planting intentions offer a picture of a record crop this year of perhaps 890 to 900 million bushels. Just how much we will produce cannot be foretold this early. It may be noted, however, that we could well use 900 and more million bushels. Our carryover stocks of beans as of this September 1 promise to be very small indeed—perhaps only 30 million bushels—so small as to be negligible. At the recent International Seed Crushers Conference at Rome, American and European experts alike pointed out the serious shortages that could ensue if the American crop strikes a weather snag and falls anything below its record expectations.

In common with many other commodity prices, soybeans have experienced a rise in price. The June 15 price averaged \$3.04 a bushel. This compares with \$2.74 a year earlier. The increase was about 10 percent. Wheat went up about 20 percent and butterfat rose 7 percent.

We are undoubtedly in the midst of a significant adjustment. It is part of the long-range shift that is going on to oil-seed crops as basic, lower cost sources of protein and food fat. The trend has been going on for some time, and has been reflected in the shift to margarine, to soybean meal, to fluid milk, and so on. Right now, however, we seem to be in a sharp adjustment—one of those sudden turns when a progressive development speeds up its course.

Soybeans are a crucial factor in this adjustment as they have been, and will continue to be, in the longer range trend.

It is interesting that, during the current strengthening of soybean prices, the

meal has assumed the premium role. This can only mean that our beef and other livestock products and poultry products, now in an expanding period to meet the demand, are requiring more and more protein concentrate. The meat, poultry, and milk we consume are therefore more dependent on soybean meal than ever before.

The price of soybean meal last June 15 was about \$5.33 per hundred pounds. That compares with \$4.90 a year ago. The price of crude soybean oil has risen, also, but not as much. In late May it averaged about 11.2 cents a pound—Decatur basis—which was about a cent above May 1965.

Insofar as the oil from soybeans finds greater markets, it is going to be able to assume more of the marketing load and help the meal price avoid further sharp increases and hold its markets. Further, the more soybean oil is utilized in our food economy, the more it can satisfy the gaps that have been created by the fall-off in butterfat and by the inadequately rising supplies of lard and other animal fats. Last month the average pound price of butterfat was 63.8 cents—and only 11.2 cents for crude soybean oil.

Let us look at this "margarine sector" in the current picture. This involves the usual comparison of the dairy and the vegetable spreads. Both are excellent products in their respective fields. Both are American farm products and as such deserve objective treatment in our policies.

Millions of consumers are continuing the switch to margarine as butter prices, responding to the sharp downturn in butter production stay up. The administration's weak support price increase last spring of 25 cents for milk has just been jumped another 50 cents, but the trend is already established. Butter production this year is predicted to run at about 1,165 million pounds, or 14 percent below last year. Margarine production is predicted to set a new record of 2,035 million pounds, 7 percent above last year.

During the first quarter of 1966, the Bureau of Labor Statistics reports that the average price of butter and margarine in principal cities was 77.8 cents and 28.1 cents. The lower cost of margarine is in major part owing to its use of soybean oil.

This year, it is estimated that margarine will consume some 1,172 million pounds of soybean oil, refined basis. This is roughly the equivalent of 4.6 million acres of beans and a cash income to farmers of more than \$280 million.

Just as consumers are buying soybean oil at a greater rate than ever before, in the forms of margarine, shortening, and many other products, so our nation looks to it to supply what commitments we can make this year overseas. Since September, some 591 million pounds of soybean oil have been exported.

Government purchase programs should be designed to help soybean oil take more of the role of stabilizer in the soybean marketing picture.

Efforts should be made, particularly in conjunction with the market develop-

ment activities under Public Law 480, to expand the overseas dollar market for soybeans and soybean products.

Such moves would be in line with nutritional recommendations; with what the great body of American consumers are doing; with improving farm income; with expanding our overseas markets; and with the sound policy of encouraging greater production of soybeans, meal, and oil.

In this sector, our soybean agricultural plant can make a definite contribution with benefits all around.

ASSAULT ON FREEDOM

The SPEAKER. Under previous order of the House, the gentleman from Alabama [Mr. GLENN ANDREWS] is recognized for 5 minutes.

Mr. GLENN ANDREWS. Mr. Speaker, on this historic day, when the Nation braces itself for another assault on freedom cynically in the name of freedom itself; when the Nation's lawmakers are about to consider another debasement of constitutionalism in the name of the Constitution itself; as the Great Society further deteriorates into the "Forced Society"; I should like to introduce a bill to exempt hungry children from becoming an instrument of this political mixmaster madness. I am today introducing a bill which simply removes school lunch programs and school milk programs from the requirements of section VI of the Civil Rights Act of 1964. A top Federal food administrator has assured me that both Negro and white children will go hungry unless their elders bow to bureaucratic civil rights guidelines.

The President has already this year shocked the Nation by advocating severe cuts in the school milk and lunch programs in the name of economy—even as our food was being shipped to many foreign countries. These foreign food shipments have no guidelines attached demanding foreign compliance.

At home, on the other hand, Federal school administrators flaunt aggregated powers, issue arbitrary and unreasonable guidelines, and promise publicly a variety of future compulsions. All of this presages trouble ahead for hungry children.

I believe it is in the natural interest to put our children on a par with the foreign children we are feeding. I believe that hungry children should be removed from the political arena. I believe our children should continue to eat, even as we in the Congress fight the battle of bulging promises and irresponsible administration.

COMMUNIST TERROR: RED CHINA— PART 1

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. ASHBROOK], is recognized for 15 minutes.

Mr. ASHBROOK. Mr. Speaker, for those of us old enough to remember the Second World War, the names of Dachau and Buchenwald are synonyms for terror

and unbelievable brutality. The sickening accounts of wholesale slaughter emanating from these and other concentration camps will not be erased from our memories in a lifetime, even though the system officially responsible for this unspeakable inhumanity to man has been banished and obliterated from the face of the earth. Had these horrors been attributable to the individual administrators of the various camps alone, these extreme excesses would have been overwhelming enough. But it is more frightening still to remember: This barbarism was the official policy of a brutal regime motivated by a totalitarian philosophy. Even those who hesitate to apply moral principles to world affairs must concede that the human devastation of the concentration camps ripped all moral tenets to shreds. The free world leaped with joy when the regimes of the Axis Powers were buried in the graveyard of history.

Had freemen at that time been able to look 20 years in the future, they would have instantly recognized the marks of new brutal regimes driven by an equally savage and inhuman philosophy, and would have reacted with revulsion. Yet those same 20 years have now passed, and the chronicle of Communist barbarism is a matter of public record, but unlike the indelible memories of Dachau and Buchenwald, Communist brutalities are explained away or conveniently forgotten. Some of those who realistically believed that "You cannot do business with Hitler," now seek opportunities of "business as usual" with Brezhnev and Mao.

It must be conceded that the field of foreign affairs is a complex one. However, there are basic principles that every citizen can apply in this area. If comrade Mao Tse-tung has declared that "political power grows out of a barrel of a gun," and if he has repeatedly put this policy into action, then until he changes his policy, we cannot trust him not to blow our brains out. If we can prove that Mao's Dachaus and Buchenwalds have taken even more in Chinese lives, then no degree of coexistence can assure us that someday we might not experience their horrors firsthand.

The voting citizens of this Nation are the final custodians via the ballot box of American foreign policy. They can appraise the positions of their representatives in national offices and reward them by reelection or retire them to private life. This is the basis of our representative form of government. The American public in the past has endorsed the policy of quarantine for the bandit regime of Red China by refusing diplomatic recognition and by voting to keep Red China out of the United Nations.

In addition, the American public has shown its solicitude and concern for those under Communist domination through the celebration of Captive Nations Week every year. To further these policies, the American public can insist that self-determination for the captive nations be placed on the agenda of the United Nations before the issue of Red China is discussed and that complete

isolation of the Red China regime should continue to be our national policy.

For those who may have forgotten the many brutalities of which the Communist regimes are capable, I am inserting a series of articles and other pertinent information in the RECORD. The first is entitled "Terror in Tibet," which appeared in the Reader's Digest in December 1960. The author, Lowell Thomas, is, of course, the noted news analyst, author, and world traveler. He and his son, Lowell, Junior, were in Tibet in 1949, the sixth and seventh Americans ever to visit that remote country. Since then Thomas has maintained an active interest in Tibet and has devoted much time to helping the Tibetan refugees who have fled from Red Chinese persecution.

I include the above-mentioned article in the RECORD at this point:

TERROR IN TIBET

(By Lowell Thomas)

Prior to 1950, Tibet was an isolated, mountainous country in south-central Asia. Its two million inhabitants (or there may be two or three times that number—no census has ever been taken) were devoted to prayer and worship. But in October of that year, inner Tibet, the land ruled by the Dalai Lama, was invaded by Red China, a grim nation of 670 million, whose leaders have proclaimed that "religion is evil." Since that time, there have been many rumors of Red oppression, torture and murder.

I heard, for instance, that one of my friends, Tsarong Shapé, had been tortured and killed. Tsarong for many years was the No. 1 cabinet minister in Lhasa. Lowell Jr. and I visited him in 1949, and found him in retirement. When the Reds swept down in 1950 he fled to the Indian border. Later the old statesman returned to Lhasa. Instead of allowing him to live quietly with his people, the Chinese put him in chains, dragged him through the streets until he was dead. This I heard from one of his Lhasa neighbors. So I wouldn't call it a rumor.

At any rate, for the first time we now are given the facts—and the facts are even worse than the rumors. The detailed story of Tibet's tragic era has been set down with judicious care in one of the most appalling documents ever assembled by objective investigators. The document is the 345-page report of a legal inquiry committee set up by the International Commission of Jurists, a politically free, non-government organization. The distinguished members of the committee included a judge of the supreme court of Ceylon, a former justice of the supreme court of Burma, an ex-prime minister of Thailand, the president of the Philippine Bar Association, and lawyers from India, Ghana and Norway.

To find out the real story of Tibet, the investigators held hearings in India, where more than 50,000 Tibetan refugees, including the Dalai Lama, had fled. They received statements from a large number of these refugees, then subjected many of them to searching direct examination. They also secured copies of what the official Red Chinese and Chinese-controlled Tibetan press and radio were saying during the dread decade. The picture that emerges is almost too horrible to believe.

What Buchenwald was to the 1940's, Tibet was to the 1950's. The Chinese Reds came into Tibet with a systematic design to obliterate its Buddhist religion. Torture and murder of religious leaders were part of the plan. So were humiliation, degradation and ridicule.

Consider the case of the three lamas, Shar Kalden Gyatso, Arrokk Dorji Chung and

Sharong Karpo. They were taken before a Meeting which the Red Chinese forced Tibetans to attend. First, the Tibetans had to watch Chinese women beat the lamas and pull their hair out. Then, under threat of death, they were forced to join in the beatings. The lamas were next placed in a pit and the Tibetan people made to urinate on them while the Reds in ridicule invited the lamas to fly out of the pit. Finally, the lamas were chained together around the neck, forced to carry human excrement in baskets, and taken from village to village by Chinese soldiers for display before the inhabitants.

Such taunting, often as a prelude to execution, was a technique widely used to discredit lamas and their religion in the eyes of Tibetans. At the Trasang monastery the monks who refused to work were imprisoned in a room without food for four days—and told by the Communists that their God would provide. At Malung, when Phuntsog Norbu, a hermit lama, died after five days without food and water, the Chinese summoned the people, forced them to look at the corpse, told them that God had done nothing for the lama, so they had better give up their religion. At another monastery a monk, Turkuku-Sungrab, protested when Red soldiers used the scriptures for toilet paper. His arm was cut off above the elbow by Chinese who then told him that God would give it back to him.

The Reds seized one lama at a monastery in Derge, harnessed him like a horse, made him eat grass, then compelled the village people to ride him and beat him. When the treasurer of the Sakya monastery was beaten, the villagers who did not beat him hard enough were themselves beaten. Five persons died after one such public beating.

No conceivable indignity was overlooked by the Communists in their efforts to undermine the religious faith of what had been one of the happiest peoples on earth. Beggars were forced to kill dogs, skin them in front of cathedrals, then burn their bodies inside in place of incense. Sacred pictures were defiled, religious images dragged through the streets; horses were stabled in temples; tea caldrons were removed from monasteries for use by soldiers as urinals. People were forbidden to carry rosaries, to use prayer wheels and to burn butter lamps before Buddhist images.

Most of the lamas (the priests, teachers and learned men) were killed; the monks were secularized. The apparent reasoning was that elimination of the lamas would bring an end to religious teaching and organized worship. Secularizing the monks, however, would both discredit religion and enable the Communists to get some work out of them. For the invaders were constructing power stations, bridges, airfields, a network of roads inside Tibet and two major highways linking Tibet to China. One, the Tibet-Sikang highway, called for 1400 miles of construction across 14 mountain ranges and 12 rivers, at an average height of 13,000 feet—supposedly the world's highest road. Tibet's more than 300,000 monks were too valuable a labor force to be wasted before firing squads.

The monks were worked from dawn to dark without a break; even while eating they had to work. If they showed no cuts or blisters on their hands they were accused of not working hard enough. If the allotted task was not completed they were allowed no ration. Women, too, including nuns, were forced to work on the roads.

Meanwhile, the Reds were pushing their campaign to force monks (and some lamas) to marry or live with women, brought from China for the purpose. The investigators found evidence that this calculated insult to religious beliefs was sometimes backed up by threats of beheading, torture, starvation,

At the Nangsang Gompa monastery the Reds ordered one monk, Derkong Chozey, to stop praying, get married and go to work. He refused, and in September 1958 the Chinese swept into his hermitage, burned the prayer books and seized all religious articles. Then they called an assembly of the local people and machine-gunned Derkong Chozey to death in front of the crowd.

The investigators found ample evidence of mass executions. One nomad testified that while hiding in the hills he saw lamas whom the Chinese had gathered from the monasteries of one district. He estimated that in 15 days about 1000 of them were executed in public. Another 300 from the wealthy class were summoned to a large field, "lined up and shot, one by one, in front of the people."

Usually the Red Chinese favored condemning, torturing and executing a few lamas at a time—as they had tortured and executed my friend, the aged ex-cabinet minister, Tsarong Shapé. The committee found evidence of death by burning, crucifixion, drowning, burial alive. Through the whole catalogue of horror run several common threads: the fake charges repeated in front of people forcibly assembled, the brutal torture for the public to see, then death. At the Litang monastery they compelled villagers to witness a fiendish test: whether lamas could save their own lives. Two lamas, Nori Gen and No-Sog Gen, were brought out and shot—but not fatally. Then boiling water was poured over Nori Gen and he was strangled. No-Sog Gen was stoned and finally felled with an ax. The helplessness of the lamas was, according to the Communists, proof that they could not help others.

Nor were the atrocities confined to religious leaders. In one village the people were called together to witness the fate of two devout laymen, Chopel Gyaltso and Dolma Kyap. They were tied to a tree while the Red Chinese made an announcement: here are two men who had faith in religion and gave money to the lamas; letting them live would be a bad example for young people. So the two were taken to the edge of a trench and shot in the back.

In their systematic anti-religion plan the Red Chinese paid special attention to Tibetan children. As those of us working on the Tibetan refugee problem had already learned, the International Commission of Jurists found that children had been hauled off to China by the truckload. "The main reason for the transfer of the children," the investigators concluded, "appears to be that the Chinese wished to remove them from parental and religious influence. Transferring large groups of young children to the environment of a Communist society from one that is deeply religious would result in producing a new generation far removed from Buddhism, whether the children ever returned to Tibet or not."

In the first years of the occupation the Reds concentrated on children 8 to 15 years old. Then they began taking younger children, then infants. In certain areas all births had to be reported; the Communists then took the babies "10 to 15 days after birth."

One Communist technique was to show movies to boys and girls, then tell them they would see more of these in China. If the child was willing to go the parents were forbidden to interfere; if the child didn't fall for the trick the parents were blamed, taken before a public meeting and beaten. The investigators found evidence that some parents who objected were executed.

Children who escaped transfer to China were indoctrinated in Communist schools set up in Tibet. In some areas food was denied children whose parents did not send them to these schools. Young people were encouraged to harass parents resisting Communist ways. An 18-year-old boy saw his

father with a prayer wheel, began kicking him brutally. When the father tried to protect himself Chinese soldiers intervened, said the youth was within his rights, and let him continue. Later the father drowned himself. The Red policy was to produce planned chaos, uproot the old family order. One boy was asked by the Chinese whether his mother had ever beaten him, then told it was now his turn to beat her.

After nine years of this reign of terror, the Chinese Reds delivered the ultimate insult: in March 1959 Lt. Gen. Tan Kuan-san, political commissar of the Chinese army in Tibet, sent a crude letter directing that the Dalai Lama, the god-king of Tibet, present himself unescorted at the Chinese military headquarters. This order was virtual blasphemy because religion required that the Dalai Lama, who is the Living Buddha, should not appear in public without his escort of senior abbots and courtiers. Behind it, also, was the threat that the Dalai Lama was about to be abducted, isolated from his advisers, then converted into a helpless tool of Communism.

The result was the dramatic escape of the Dalai Lama to India, where in freedom he told the investigators, "The Chinese Communists invaded Tibet in the name of 'liberating' Tibet. Liberation has come to those brave countrymen of mine who died fighting in the cause of Tibetan freedom. The rest of my country is enslaved by a foreign power known for its ruthlessness and expansionist policies."

The flight of their god-king touched off a nation-wide revolt which the Red conquerors crushed with hideous brutality. Though thousands of Tibetans were slaughtered, pockets of resistance remain in less accessible areas.

Twelve years ago the member states of the United Nations agreed on a Convention for the Prevention and Punishment of Genocide, the gravest crime of which any nation can be accused. Regarding the Red Chinese actions in Tibet, the Dalai Lama said, "As I understand it, it is not necessary for the perpetration of genocide to destroy the major portion of the population. It is enough if an alien power, by mass killings, deportations and immigration, so changes the face of the country that the people become a minority, that their religion is exterminated, their culture destroyed, and even their identity. This is happening in Tibet."

(NOTE.—Lowell Thomas, noted news analyst, author and world traveler, and Lowell Jr. were in Tibet in 1949, the sixth and seventh Americans ever to visit that remote country. Since then Thomas has maintained an active interest in Tibet and has devoted much time to helping the Tibetan refugees who have fled from Red Chinese persecution.)

REPUBLICAN ATLANTIC STUDIES

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

Mr. FINDLEY. Mr. Speaker, last Thursday I invited the attention of this body to a series of studies on the Atlantic community being conducted by the House Republican Committee on NATO and the Atlantic Community, of which I am chairman.

Today, I wish to draw your attention to a statement prepared for our committee by Adm. Arleigh Burke, U.S. Navy, retired, a former Chief of Naval Operations and now Director of the Center for Strategic Studies at Georgetown University. Admiral Burke's statement should be considered in light of the recent meetings of the Eighteen Nation

Disarmament Committee in Geneva, Switzerland.

Here is Admiral Burke's statement:

THE IMPACT OF ARMS CONTROL AND DISARMAMENT PROPOSALS ON THE ATLANTIC COMMUNITY

(By Arleigh Burke, admiral, USN (retired), Director, Center for Strategic Studies, Georgetown University)

In surveying the state of affairs existing in the cultural-geographic area which we call the Atlantic Community and comparing it with conditions existing elsewhere, one is immediately struck by the fact that the Atlantic area is now an essentially peaceful area and has been so since the late forties. In no other part of the world does such a degree of stability now obtain. This is not to deny that there are not elements of tension and conflict within the Atlantic Community; these there are. The salient point however is that conflicts and tensions have been adjusted peacefully in the main and the major sources of world conflict lie outside the Community or between it and the communist bloc. Once the members of the Atlantic Community decided to pool their resources against the single biggest threat to their existence as separate nation states, they have been able successfully to contain the expansionist tendencies of the Soviet Union, and the Atlantic Community while still living under a threat has been able to develop and prosper. The balance of power created to stem the Soviet threat now strongly favors the Atlantic Community and can remain so as long as the individual members are willing to share in their own common defense.

A valid case can be made for the proposition that the Atlantic Community has been able to recognize itself as a community to the degree that it now does largely because of the existence of a strong external threat. Formerly the major world conflicts began as a result of differences between the members of the Atlantic Community. Competing national aims took precedence over other considerations. No power outside the community was either strong or aggressive enough to force the community members to unite on a broad common front. The external threat of the Soviet Union has forced the community members to overlook their internal differences and to unite first on a military basis and then increasingly on an economic and political basis. The problem is to ensure the continued growth of the community and at the same time to reduce the level of threat posed to it by the Soviet Union.

Placed in this context the question, how can arms control and disarmament contribute both to growth and security, must be raised. In attempting to answer the question it should be kept in mind that the balance of military power in favor of the Atlantic Community has been the primary factor in halting the Soviet drive to the west. No arms control measure which distorts the favorable balance should be considered unless other compensating gains are received and no arms control measure which significantly alters the power ratio to the point where the Soviet might persuade themselves that military aggression against the Atlantic Community did not entail a high degree of risk should be accepted. Secondly, in spite of the appeal of general and complete disarmament it should be clearly realized that the political institutions necessary to guarantee protection against aggression simply do not exist and there is little chance that they will come into being in the foreseeable future. If general and complete disarmament is accepted as a worthwhile human ideal, at this point of time it is only an ideal without much foundation

in reality. In this respect it has somewhat the same status as the concept of collective security in the more restricted meaning of the term, i.e., of a closed system in which all the states of the world commonly agree to punish any aggressor in their midst. As an ideal it is appealing. As a practical matter it cannot be put into practice without an almost complete change in the present international political system. The likely avenues of approach then appear to be limited and specific arms control measures which foster internal cooperation among the members of the Atlantic Community and which help develop lasting institutional arrangements and at the same time tend to decrease the possibility of war between the Communist bloc and the Atlantic Community.

In considering the kinds of measures which might be put forth for adoption it must be noted that many people who recommend arms control measures have a preconceived and rather fixed idea of how such proposals will be received by other governments. This is particularly true with respect to proposals affecting relations between the United States and the Soviet Union. On one extreme some assure that the Soviet hierarchy would agree to mutually advantageous proposals submitted by the United States if the United States would only take the initiative and unilaterally carry out the measures, thereby demonstrating their feasibility to the Soviets. At the other extreme there are those who hold that Soviets will accept nothing at all, no matter whether it be mutually beneficial to both the United States and the Soviet Union unless the Soviet Union would gain in addition some clear advantage over the United States.

My own point of view is that the Soviets and the Communists generally are hard, realistic negotiators who try to receive, and frequently do receive, advantage from any negotiation they undertake. I also believe that conditions can be established which make it quite clear to the Soviets that it is better for them to accept a proposal than to reject it and that such a proposal can be to our mutual advantage. Unfortunately the conditions usually involve applying increased power against the Soviet Union.

This observation held true in the case of the negotiations in the Korean Armistice Committee. When the United States was gaining on the battlefield, it was quite obvious both to the U.S. and the Communist negotiators that any delay at the negotiating table would be advantageous to the United States and a loss to the Communists. Under these conditions the Communists negotiated quite rapidly. However when the line of battle was accepted as the final line of demarcation and military pressure removed, the Communists again became quite recalcitrant.

I believe too that there are great internal pressures within the Soviet Union which are causing the Soviets to reevaluate and possibly to modify their past techniques. Consequently, I believe that it is possible to negotiate successfully with the Communists by presenting to them a set of alternatives which would be more disadvantageous to them than to accept proposals under discussion. For such a negotiating procedure to be effective the Communists must first be convinced that the alternatives are real and that the alternative courses of action will be adopted if they do not accept the proposal. Such alternatives include the application of military force but are not limited to it; they can exist equally well in the political and economics fields. The essential requirement is that the communists be made to believe that we are as hard and as realistic as they are and that we are not willing to bargain away our security simply to obtain agreement.

For these reasons I am extremely wary of the prevalent belief that the communists would respond favorably if we took positive action to reduce our strength or our application of force before we received comparable concessions from them. In the first place, such actions should be reciprocal. In the second place, if the communists are really interested in reaching accommodations, they should be expected to take the initiative on occasion; the burden of initiative should not always be placed on the United States. Furthermore, when the United States has taken the initiative in seeking agreement, we have usually found ourselves in the position of being asked to swap a present advantage for an abstract future promise. And, finally, many who believe that the United States should be the first to make concessions base their opinions on conversations with Russians who say things privately and unofficially which do not represent official Soviet positions. Such statements may be sincere, but they may also be a tactic or a subterfuge to create or reinforce the belief widely held, i.e., if we give in first the Soviets will give in later. I don't know of any case in which later official Soviet public policies support earlier views given privately.

With these considerations in mind we should be willing to discuss ways and means of reducing the danger of surprise attack, of lessening the threat posed by the very large number of Soviet missiles targeted on Europe, of halting the proliferation of nuclear weapons to countries which do not now possess them and of similar partial arms reducing measures. Discussion with the Soviets along these lines should not prevent us, at the same time, from creating better coordination among the members of the Atlantic Community to lessen the political, economic and social losses the Community might incur as a result of a Soviet nuclear attack upon the area. A common endeavor to solve such problems in the Atlantic Community can lead to better protection of all the nations involved and at the same time develop those institutional habits and associations which are the cement of any community.

Mr. Speaker, our committee is indebted to the gentleman from Indiana [Mr. ADAIR] for reviewing Admiral Burke's statement. The gentleman is second-ranking member of the House Committee on Foreign Affairs, a valued member of the House Republican Committee on NATO and the Atlantic Community, and one of the Republican Party's most respected observers and commentators on foreign problems. I now yield to Mr. ADAIR.

Mr. ADAIR. Mr. Speaker, Admiral Burke, as one of our negotiators in Korea, learned the meaning of negotiation with the Communist world the hard way.

In this paper, one of his most telling points is that the Atlantic Community is secure today because—

The balance of military power in favor of the Atlantic Community has been the primary factor in halting the Soviet drive to the west.

This points up the fact that this NATO alliance has given the Atlantic Community the possibility of being able to consider disarmament in the first place, for without it we do not know how far west Stalin might have tried to go.

Admiral Burke continues:

No arms control measure which distorts the favorable balance should be considered unless other compensating gains are received and no arms control measure which significantly alters the power ratio to the point

where the Soviet might persuade themselves that military aggression against the Atlantic Community did not entail a high degree of risk should be accepted.

In other words any approach to this question must be done on a hard realistic basis.

If this is true, then what are the prospects for disarmament and the Atlantic Community? Admiral Burke feels that no adequate machinery exists to seriously implement general and complete disarmament. What then? He proposes the following avenues of approach: "Specific arms control measures which foster internal cooperation among the members of the Atlantic Community and which help develop lasting institutional arrangements and at the same time to decrease the possibility of war between the Communist bloc and the Atlantic Community." Such avenues will be difficult to keep open, because in the Soviet view increasing cooperation among the Atlantic Community nations directly decreases their chances of dominating Western Europe.

What then are the chances of meaningful disarmament negotiations with the Soviet Union? Is there no room for meaningful negotiation? Admiral Burke states that the best possibility lies with presenting proposals which would be more to the advantage of the Soviets to accept than reject. However, he also makes quite clear that this does not mean unilateral gestures on our part designed merely to allay Soviet suspicions. The history of nearly 50 years of Communist diplomacy shows all too clearly the futility of such gestures, although there are those who still have faith in such proposals. To illustrate his point, Admiral Burke uses his experience in Korea, wherein the Communists were willing to negotiate seriously when they were losing ground on the battlefield, but not after the truce line had been drawn.

However, the admiral stresses that for this policy to be effective, the Soviets must be convinced that we mean business and that the alternatives to their acceptance of our proposal, whether it be political, economic, or even military action, would not be acceptable to them.

Following on, the admiral stresses that we should not take initiatives based upon private conversations with the Soviets, as we have all too often been trapped into offering a concession based upon a supposed later Soviet concession, which was never forthcoming. The most recent example of this is the controversy over article 19 of the United Nations Charter; wherein the Soviets vaguely promised a later contribution if we would soften our position, and then after we did so, never made a contribution.

With all the aforementioned in mind, Admiral Burke believes we should strive for agreement aimed at reducing the danger of surprise attack, or at least of lessening the threat of all the Soviet missiles aimed at European targets, and the halting of the proliferation of nuclear weapons. However, he believes that we should not let any of this prevent us from actively seeking greater coordination among the members of the

Atlantic Community as to measures to be undertaken in common to lessen the effects of a Soviet nuclear attack.

The views of Admiral Burke on this matter, to my way of thinking, represent a sound and realistic approach to the problem of disarmament, worthy of the widest circulation and attention.

Mr. FINDLEY. Thank you, Mr. ADAIR. I yield back the balance of my time.

CONSERVATION DISTRICT LEADERS IMPROVE UTAH COMMUNITIES

The SPEAKER. Under previous order of the House, the gentleman from Utah [Mr. BURTON] is recognized for 10 minutes.

Mr. BURTON of Utah. Mr. Speaker, 100 percent of the farms and ranches in Utah are covered by soil conservation districts. But what impresses me far more than the quantity of districts is their quality of leadership. I applaud their imaginative yet level-headed plans for improving their local communities.

I am particularly interested in the small watershed projects. There is an old Indian saying that Utah is the land of room enough and time enough. All it needs is water enough. In the West, water is life, and its management and control is a central factor in our State's growth and development.

Small watershed projects generally have a number of local sponsors, including soil conservation districts, and receive technical help from the Department of Agriculture's Soil Conservation Service.

Throughout Utah, there are now 37 small watershed projects in some stage between application and completion. One of them, the 118,000-acre American Fork-Dry Creek project has won the 1966 Watershed of the Year Award from the National Watershed Congress. This is the first time any Western State has received this award.

The American Fork-Dry Creek project is nearly complete, and its effect on the area is readily apparent. Land values in that county are up 15 to 30 percent, giving a broadened tax base. New homes and schools are going up, and local firms report rapidly growing business.

About half this watershed project is paid for by local interests. A major sponsor is the Alpine Soil Conservation District.

The Green's Lake Watershed project, in my district, is another illustration of how these developments help an entire community.

Green's Lake, in Iron County, regularly used to flood the surrounding area. With the completion of the small watershed project in 1962, 500 acres of land were made safe for housing and industrial development. As a result, two large public schools have been built, plus dormitories and other facilities for the College of Southern Utah. In addition, about 100 private homes, a factory and a large office building have been constructed.

None of this healthy development could have safely come about before the watershed project. And I wish to em-

phasize that these projects are initiated and partly financed by local people.

Except for spectacular scenery, nature has never been overly kind to my State. Since our earliest days, Utah's farmers and ranchers have had to work hard to overcome such natural deficiencies as lack of usable water. They are still working hard—with the help of science and constructive Federal help—to provide the water, the land practices, and the economic conditions that will make for a better Utah. I salute the soil conservation district leaders who are among the front runners in this effort.

ALL CITIZENS OF OUR NATION'S CAPITAL, INCLUDING FEDERAL EMPLOYEES, SHOULD SEE THE AMERICAN LEGION PARADE ON AUGUST 29

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. MURRAY] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MURRAY. Mr. Speaker, for the first time in 12 years our Nation's Capital will have the great privilege of being host to the annual National Convention of the American Legion this summer.

On the afternoon and evening of August 29, as a highlight of the convention, the citizens of the Metropolitan Washington, D.C., area will have the opportunity of viewing the Legion parade, traditionally the largest and most impressive of all such spectacular events held in this country.

It is an opportunity that none of us should pass up, and I am especially interested that as many as possible of our Federal employees be excused from work that afternoon, without loss of pay or charge to annual leave, so that they, too, may witness this colorful and historic event. It is my hope, therefore, that President Johnson will issue an appropriate order, just as President Eisenhower did on the occasion of the Legion parade here 12 years ago.

The American Legion, over the years, has proved to be one of the greatest forces for good operating within our Nation. Its achievements in behalf of a strong national defense program, its continuing vigilant fight against the Communist conspiracy, its dynamic program to foster patriotism and love for country, its alertness to the needs of our disabled veterans, their widows and orphans, are all enduring monuments to the American Legion's value to our American society.

Fortunate indeed is any community, large or small, in this Nation that can boast of having an American Legion post. One of the richest and most rewarding periods of my own life was when I served as commander of the John A. Deaver Post of the American Legion in my hometown of Jackson, Tenn., and when I served as vice commander of the Legion for the State of Tennessee.

It is true that everyone loves a parade, and no parade can be more inspiring or can give the mind and heart more of a lift than that which is staged by the American Legion, particularly during this midsummer of our Nation's unrest. I feel it would be most suitable, therefore, for our Government employees to have time off on the afternoon of August 29 so that they can join with all the rest of the Nation's Capital in paying their respects to the American Legion. They will, I am sure, come away from this parade with higher morale, a deeper feeling of patriotism, greater dedication to the public service, and a renewed sense of all that America stands for.

AMERICA'S CONSERVATION LEADERSHIP AT STAKE IN GRAND CANYON DECISION

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Wisconsin [Mr. REUSS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. REUSS. Mr. Speaker, since the United States established the first national park at Yellowstone in 1872 this country has been the preeminent advocate of the necessity of setting aside sections of the natural environment to be preserved unspoiled for the enjoyment of present and future generations.

When the delegates to the First World Conference on National Parks gathered in Seattle 4 years ago, President Kennedy greeted them with these words:

Permanent preservation of the outstanding scenic and scientific assets of every country and of the magnificent and varied wildlife which can be so easily endangered by human activity, is imperative.

In the United States we have built an unmatched system of national parks and national monuments, encompassing and protecting our great scenic wonders and features of scientific, archeologic, or historic significance.

Throughout the world, America—by its example, and Americans, because of their devotion to the conservation of man's heritage wherever it may exist—have helped to create and to preserve national parks and reserves.

It is in the light of this history of leadership that a resolution just adopted by the International Union for the Conservation of Nature and Natural Resources—IUCN—takes special significance.

In view of the outstanding importance of the National Parks of the USA, and therefore of the necessity for maintaining their integrity, the 9th General Assembly of IUCN meeting in Lucerne in June 1966 urges that the National Park and National Monument of the Grand Canyon should be kept intact for the benefit of mankind, and protected against technical intrusions.

This resolution was adopted unanimously by some 300 delegates from more than 40 countries. The IUCN is a consultative agency to the United Nations.

Needless to say, the Grand Canyon National Park and National Monument will not be "kept intact" and "protected" if Bridge Canyon dam is built in the Grand Canyon, backing up the Colorado River for the entire 39-mile length of the monument and for 13 miles into the Park. The flooding in the monument would conceal important geological records including features illustrating local volcanism and early stages of canyon cutting. The upper end of the reservoir would substantially alter what is considered to be one of the most scenic areas of the park.

The 140 miles of the Grand Canyon outside the national park and monument are intrinsically as worthy of preservation as the areas within the park and monument.

But the proposed intrusion into the park and monument would be doubly wrong because of the precedent it would set for other parks in the United States and elsewhere in the world.

All around the world hydro-electric projects represent a major and continuing threat to national parks and to the unique natural resources they protect.

The Grand Canyon is well known to foreigners as one of the world's greatest natural wonders. If the plans of the International Cooperation Year are realized it will be one of the few areas of the United States to be designated as areas of world heritage value.

If Congress fails to protect fully the Grand Canyon National Park and National Monument, the United States will sacrifice needlessly some of its leadership in the world conservation movement. We will encourage those who are seeking to "develop" the parks of other countries. We will tarnish the contribution we made to the world in originating the modern concept of national parks. We will be taking a step backward that is all the more ironic at a time when the growth of population and increasing industrialization and urbanization make the preservation of unspoiled natural areas ever more important.

MEDICARE

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. GIAIMO] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GIAIMO. Mr. Speaker, on July 1, 1966, medicare hospitalization coverage became effective for almost 20 million Americans age 65 or over. Whether they are covered by social security retirement or not, Americans who become 65 before 1968 will be eligible for the program. However, after January 1, 1968, Americans who are not covered by social security retirement, will not be eligible for the program.

Many employees of State and local governments, including 650,000 teachers, are not covered by social security retirement. Since social security coverage involves a tax on both employee and em-

ployer, Congress did not make participation compulsory for State and local employees. It did not want to impose a mandatory tax on the State and local political units, which employ approximately 7.5 million Americans.

However, the law does provide for voluntary agreements by which many State and local employees may obtain social security coverage. If these employees are to be covered, the State must work out a coverage agreement with the Secretary of Health, Education, and Welfare. The members of the local retirement system, however, must first approve of coverage by referendum.

Approximately 2.6 million Americans employed by State and local governments were not covered by social security as of January 1965. This, of course, means they also are not covered by the medicare hospitalization provisions unless other employment has provided them with social security coverage.

These employees do not seek Federal-State agreements that would bring them under social security retirement because they have adequate retirement programs of their own. However, they do not have hospitalization programs similar to medicare. Many desire such insurance and are willing to pay for it, but they are prohibited from doing so by the present law which makes it mandatory that the State cover them by social security retirement as well.

I would like to see these employees participate in the hospitalization insurance program, without being required to participate in the social security retirement program. There is no reason why such a plan could not be worked out. The hospital insurance program and the social security program are financed independently by two separate payroll taxes. Each program has its own trust fund. No administrative difficulties would develop.

The State and local employees and employers will pay according to the same schedule that private employees and employers are now using. Presently this is 0.35 percent of salary up to \$6,600 per employee and employer. In 1987 it will rise to 0.80.

The enactment of my bill will allow those 2.6 million State and local government employees who are not presently included under a social security coverage agreement to enroll on the hospital insurance program only. This will be accomplished by agreement provisions similar to the ones under which State and local government employees are presently allowed to participate in the social security retirement program. It will be necessary for a majority of the employees in the coverage group to vote for coverage in a referendum.

BREAKING THE AGE BARRIER

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Connecticut [Mr. GIAIMO] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. GIAIMO. Mr. Speaker, I have recently read a highly interesting and informative article which was published in the March-April edition of *Challenge* magazine, written by my distinguished colleague from the State of Maryland, the Honorable CLARENCE D. LONG. The article is concerned with discrimination against older workers, stressing the economic and human waste resulting from this form of discrimination. Congressman LONG, a former professor of economics at Johns Hopkins University, is eminently qualified to discuss this subject and makes some valuable suggestions aimed at alleviating the problem. I would recommend that my colleagues weigh Congressman LONG's points very carefully:

BREAKING THE AGE BARRIER

(By CLARENCE D. LONG)

(CLARENCE D. LONG (D.-Md.) was professor of economics at Johns Hopkins University before his election to Congress in 1962.)

(NOTE.—A Congressman-economist decries the economic and human waste resulting from discrimination against older workers. He proposes that a Bureau of Older Workers be set up in the Department of Labor to focus national attention on—and help solve—this problem.)

The job tribulations of the American worker over 40 are fairly well documented. Labor Secretary Wirtz' 1965 report to the Congress found that age discrimination is indeed widespread; one in four jobs is closed in many states to applicants over 45. Other studies have shown that between 25 and 40 per cent of firms do not take on new personnel above the ages of 45, 40, and even 35.

Paradoxically, unemployment among older workers is not high; that for youths under 25 is much higher. But the bare unemployment totals are deceptive. The unemployed older person is idle for durations of half again to twice as long as the middle-aged or younger person. More important, large numbers of older persons who have lost jobs are not in the unemployment statistics because they have left the labor force. Thus, a fairer indication of the problem is not the number counted as unemployed, but the number actually not working. If, for example, two groups of 100 men each are compared, one group 25 to 45, the other 45 and older, the older group will have about 20 fewer employed. And many of those employed will be working part time or at jobs which are inferior and low paid in relation to capacity and experience.

By no means is all of the joblessness among older workers due to age discrimination. Traditional opportunities for older people have been closed by the decline of agriculture and small business. Many older work aspirants simply lack skills, education, good health; or suffer from emotional instability, including alcoholism. Compounding the problem is the fact that some older persons want higher wages than their true worth justifies. Thus, it is not easy to calculate the number of older workers excluded from jobs by age discrimination. Nevertheless my own experience with the older men and women who come to me for help has convinced me that substantial proportions of them could fill jobs and really want them.

So widespread a rejection of the older worker could not fall to be costly. As long ago as 1952, Prof. Sumner Slichter of Harvard University estimated \$3.8 billion as a "conservative" measure of the annual loss of the productivity of retired workers. This figure strikes me as high for that time; but, allowing for growth of population and productivity, it may not be out of line for today. If this loss could be salvaged, the tax burden

and for proposals to Congress for remedial legislation.

some cases, output is slightly lower, in other cases steadier—especially compared with the worker in his early twenties or late teens. Convincing employers is another matter, however, and requires thorough research—comparing older and younger workers in productivity, absenteeism, accidents, turnover, pension costs and other important dimensions.

Another mission of the proposed Older Workers Bureau would be to see that older workers get the job training they need for the jobs that are vacant.

Breaking down barriers against older workers will not get them the jobs if they are not able to do the work. As a result of the Manpower Development and Training Act of 1962, training has been approved for 400,000 persons in 700 occupations. These training programs are being directed by the Manpower Administration of the Labor Department and the Division of Vocational and Technical Education in the United States Office of Education.

But these programs are not getting to the older workers. In 1964, only about one in nine trainees was over 45; in the case of Negroes, 1 in 17. Among men 45 to 54, one-third of whites and two-thirds of nonwhites have not gone beyond eighth grade. Yet the Wirtz report acknowledged that only limited arrangements for this further education now exist. The report even proposes "education sabbaticals," financed from contributory insurance programs, to enable the older worker to make up for his failure to complete grade school or high school.

This proposal is intriguing. How well it would work would depend on how effectively it were implemented and sold to the older worker. Poorly educated people do not have an abundant faith in education and, since they spend little time reading or listening to the news, are scarcely aware of the existence of these training programs, let alone appreciate their value. Without a powerful and imaginative selling program—under the leadership I visualize for the Bureau of Older Workers—the education and training of older workers will continue to be a limited-success story.

Still another mission of the Bureau of Older Workers would be to conduct, or at least see that some other agency such as the U.S. Employment Service conducts, a nationwide program of showing workers how to look for a job.

Knowing how to do a job is one thing; knowing how to look for a job is another. Many excellent craftsmen come in unshaved, clothes soiled. They slouch, mumble, mess up simple forms. Asked what they can do, the say, "anything"—employer's translation: "nothing!" Asked where they have looked, they say, "everywhere"—translation: "a few well-known companies!" Asked how often, they say, "all the time"—translation: "a couple of times a week!"

Early last year, I initiated a do-it-yourself job-finding program in the Baltimore area. Six clinics—financed by the Labor Department as a pilot project—meet in fire houses, Knights of Columbus halls, Y.M.C.A.'s, American Legion buildings. Classes meet in late afternoon or evening, giving the worker time to look during the day, and in the evening talk over his experiences and discover any mistakes he may have made. The worker is coached by experts drawn from the U.S. Employment Service, vocational and guidance counselors from public schools, the MDTA Center and personnel staffs of local firms. Rehearsals show him how to get leads on job openings; size up requirements and decide which jobs he has a chance for; fill out application forms; dress, sit and speak when interviewed; take tests.

A bonus of the do-it-yourself clinics has been a kind of group therapy. Talking things over with others in the same fix provides the bitter and frustrated with an outlet for hostilities, and the defeated a balm for bruised confidence.

The program has not been a precision operation; perhaps no job program can be. Some older workers turn out to be unemployable. Others become disillusioned and drop out. At the end of three months, however, about one in three of the participants who reported information on subsequent progress had found a job and nine per cent were in training.

These do-it-yourself clinics have attracted attention outside Baltimore; a report was recently requested by the International Labor Organization. A Bureau of Older Workers could extend the Baltimore-type do-it-yourself clinics throughout the nation.

These missions—convincing employers of the desirability of hiring older workers, carrying out research and demonstration programs, strengthening training and education programs, and extending the do-it-yourself job-finding experiment—would not exhaust the functions of the Bureau of Older Workers. Others can be visualized, including a proposal in the Wirtz report for a Neighborhood Older Workers Corp. to hire older people to improve and beautify communities.

But no program can hope for success unless effectively developed and sold. In our highly organized federal government, little gets done unless there is an agency responsible for developing programs and fighting for the attention of the Executive Branch and the Congress. This would be the role of a Bureau of Older Workers.

It should be emphasized that the Bureau of Older Workers provided for in my bill would not duplicate, or conflict with, the excellent Holland-O'Hara-Bennett proposal for a National Commission on Older Workers; in fact, the two would complement each other. The National Commission would be temporary, for the purpose of getting the attack on the older worker problem started. The Bureau of Older Workers would be permanent, for the purpose of carrying it on. The National Commission would plan the strategy and coordinate the efforts of the many agencies in our national government concerned with older workers' problems. The Older Workers Bureau would do the actual research and administration work for the National Commission, as well as carry out its own continuing missions of persuading employers, through facts and figures, that older workers are worth hiring.

If the Congress in 1966 decides to build on the basis of the blueprint set forth in the legislation proposed last year, millions of despairing men and women would have new assurance that life—not old age—can begin at 40.

REVISE STANDARDS REGULATING HOURS OF SERVICE OF EMPLOYEES ON RAILROADS

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mr. MULTER. Mr. Speaker, it was my privilege on July 22, 1966, to present the following testimony to the Subcommittee on Transportation and Aeronautics of the House Interstate and Foreign

Commerce Committee in support of my bill, H.R. 11263:

STATEMENT OF HON. ABRAHAM J. MULTER BEFORE SUBCOMMITTEE ON TRANSPORTATION AND AERONAUTICS OF THE HOUSE INTERSTATE AND FOREIGN COMMERCE COMMITTEE IN SUPPORT OF H.R. 11263 ON JULY 22, 1966

Mr. Chairman, I appreciate this opportunity to testify in support of my bill, H.R. 11263, which would bring up to date the antiquated standards regulating the hours of service of employees on railroads. H.R. 11263 amends a law enacted, and last substantively amended, in 1907.

The standards which the original law established in 1907 were probably not even adequate for that horse and buggy era. They were standards for employment on steam locomotives, pulling wooden coaches with much smaller boxcars. Trains also ran much more slowly then.

This was before the day of the diesel, even before we had electrified railroads. It was back when only 140,000 automobiles were registered in the United States. We had practically no paved roads.

Today we have millions of miles of surfaced roads and upward of 90 million registered motor vehicles and so the chances for accidents occurring between the general motoring public and the trains have also become substantially greater, despite the decline in railroad traffic in recent years. The standards Congress set forth in 1907 are simply not adequate for 1966.

Much has been made of the point that travel on trains is much safer today than previously, that the number of accidents and injuries is substantially less. This only becomes true, if one compares the bare statistics of 1907 with today's. For example, in 1907, which was the worst year on record, 11,839 employees, passengers and others were killed in railroad accidents. Over 111,000 people were injured. In 1964 only 2,423 were killed and 27,614 were injured. Even allowing for a considerable decline in passengers carried and a reduced exposure to accidents this looks like a good record. Let us remember, that these are American lives we are talking about and not merely statistics. 2,500 is just as appalling to me as is 11,000.

This reflects all the more clearly the need for taking further action such as this subcommittee is considering here today. Over the years the many other safety measures which have been taken on railroads have had their effect. But, we have reached today no better than a plateau in accidents on railroads. We need new safety measures.

Indeed, there is evidence that in recent years we have been losing rather than gaining in our railroad safety record. If we take the ten years from 1954 to 1963, to minimize the impact of the recent reductions in the number of firemen employed, we find that the number of fatal accidents on railroads dropped from 2,475 to 2,141. But during this period the number of train-miles fell from 764 million to 590 million. Thus the number of people killed per million train-miles went up from 3.2 to 3.6. As far as accidents are concerned, they went up even more, from 3.54 per million train-miles in 1954, to 5.10 in 1963.

Thus, even before the recent reduction in the number of operating employees, the likelihood of an accident was increasing with each mile a train moved. It is still increasing, even more rapidly as the years pass. In fact the figure I cited earlier for 1964—2,423 dead—was a shocking increase from 2,145 in 1963, to the highest figure since 1956. We are losing, not gaining, ground in railroad safety.

No man, especially one over 50 years of age as most engineers are, should work 16 hours

operating a train without any rest. Personally, I believe the figure in the bill of 12 hours is too long. I certainly favor the provision of the bill that no engineer may be alone in a cab without relief for longer than 9 hours.

The requirement of the bill that an operating employee must have at least eight consecutive hours off duty before returning to work seems to me a minimum amount of rest if we are to protect the safety of the public and the railroad employees themselves.

I do not see how we in the Congress can overlook our responsibility to bring this apparently obsolete law up to date. I am well aware that the motives of many who support this bill extend beyond an interest in safety. It is my personal feeling that, in this respect, the firemen have merit in their contentions that their job rights have been taken away without just compensation. But this is not the prime reason for my support of this bill. In bringing to the attention of our colleagues the failure of Congress to bring up to date this important piece of legislation, the firemen, whatever their motives, have put us all in their debt. The law must be altered.

I cannot too strongly urge this subcommittee to act without delay to favorably report this piece of legislation as an urgently needed safety measure. Any further delay will place on us the responsibility for any further increase in the already shocking number of deaths and injuries on our railroads. Until recent years we could look at the safety record of the railroads and say it was getting better, year by year. As I have pointed out this is no longer true. It is getting worse. It is time to act. H.R. 11263 will help reduce the hazards to everyone, including the operating personnel on railroads, who must be exhausted with insufficient rest after 16 hours of work.

WHEN WILL THE UNITED STATES SIGN THE GENOCIDE CONVENTION?

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. MULTER] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. MULTER. Mr. Speaker, in 1948 the General Assembly of the United Nations adopted the Genocide Convention. Since that time 69 countries of the world have signed the convention including most recently the Netherlands.

As pointed out in the following article from the July 21, 1966, edition of the American Examiner, the United States is one of the few remaining great powers which has not signed the convention.

I believe that we should do so immediately. There is no doubt as to our position on genocide and we should affirm it now.

The article follows:

NETHERLANDS 69TH STATE TO SIGN GENOCIDE PACT; UNITED STATES STILL BALKS

(By Ruth Gershon)

UNITED NATIONS.—The Netherlands has just become the 69th country to ratify the renowned Genocide Convention which was adopted by the General Assembly on December 9, 1948—the year Israel gained her independence.

The United States remains the single big power which has not yet acceded to the

Convention which had come into force on January 12, 1951. The Convention seeks to prevent and punish genocide, whether committed in time of war or in time of peace. It also requests States adhering to the Convention to take legislative steps to give effect to it and to grant extradition in cases of genocide.

The Convention was originally inspired by the late Dr. Raphael Lemkin, a Jew of Polish origin.

The 69 states which have thus far ratified the Convention include: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Belgium, Brazil, Bulgaria, Burma, Byelorussia, Democratic Republic of the Congo, Denmark, Ecuador, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, El Salvador, Ethiopia, West Germany, Finland, France, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Iran, Iraq, Israel, Italy, Jordan, Laos, Lebanon, Liberia, Mexico, Monaco, Morocco, Netherlands, Nicaragua, Norway, Pakistan, Panama, Peru, Philippines, Poland, Republic of Korea, Republic of Vietnam, Romania, Saudi Arabia, Sweden, Syria, Tunisia, Turkey, Ukraine, USSR, UAR, Upper Volta, Venezuela and Yugoslavia. (WUP)

RESOLUTION CONDEMNING MISTREATMENT OF PRISONERS OF WAR BY NORTH VIETNAM

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FASCELL. Mr. Speaker, the recent statements by the Government of North Vietnam concerning our captured American prisoners of war are cause for grave concern to this Congress and this Nation. It is for this reason that I am introducing a resolution condemning any mistreatment, trial, punishment or execution of U.S. military personnel held captive by North Vietnam.

The terms of the Geneva Convention of 1949 were established to provide and assure humane treatment of war prisoners and any violation of these terms would be a reprehensible offense against the peoples of the world, and would certainly diminish the opportunity for the achievement of a just and secure peace in southeast Asia.

Mr. Speaker, I know that my colleagues will join me in realizing the gravity of this situation and will take prompt and favorable action on this resolution.

A RESOLUTION TO SETTLE THE AIRLINE STRIKE

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Florida [Mr. FASCELL] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. FASCELL. Mr. Speaker, I am today introducing a resolution to deal with the national emergency. The resolution would bring the present strike on the air-

lines to an end. It would further provide for a special arbitration board to settle the dispute. I think we all recognize that these two objects can only be attained by our intervention.

Continuation of the present rounds of negotiations is, as Assistant Secretary of Labor James J. Reynolds so aptly indicated, an exercise in futility. Action by the Congress is clearly needed to prevent drastic injury to public convenience and the welfare of the entire Nation.

Mr. Speaker, the airline strike, now in its 18th day, has reached alarming proportions and we have not yet felt the full front of its impact. Thirty-five thousand union workers and their families are involved while costs to the five airlines amount to approximately \$7 million each day in lost revenues. The strike has caused 66,000 other airline employees to be furloughed while literally hundreds of thousands of workers whose jobs depend on airline service have been affected.

We in Florida have been particularly hard hit by this strike. In addition to the tens of thousands of airline workers who are on strike or furloughed, another 80,000 aviation-oriented employees who do not work for the struck carriers are affected. Their payroll alone amounts to \$10.8 million each week. It has been estimated that the total loss due to the strike, in Florida alone, exceeds \$2.5 million each day.

The five principal air carriers serving Miami and Dade County, an area which I have the honor to represent here, are all on strike. Dade County is losing between \$18 and \$20 million each week because of the strike. I am certain that every other tourist area in America is suffering a loss comparable to that of Miami Beach, where hotel occupancy is only 50 percent of capacity.

Mr. Speaker, an endless list of statistics could be cited to show the immense damage which this strike is causing across the Nation. Suffice it to say that this pattern is being repeated in every major city served by the five airlines involved. New York alone has reported a three-quarters of a million dollars a day cost in lost tourist revenues. Chicago, Washington, Kansas City, and dozens of other cities report similar losses. I do not doubt that there will be many in both Houses of the Congress who will join in support of immediate action on this measure.

This resolution is patterned on the law enacted in 1963 to settle the railroad dispute. Like that law, Public Law 88-108, this measure would not create any permanent apparatus to settle labor disputes. Neither would it in any way interfere with the future rights of airline labor and management to engage in free collective bargaining. It is addressed to the present dispute and to that dispute only.

The arbitration board would be directed to end the present strike, settle the dispute by a binding award, and would then go out of existence. It would be set up, like the arbitration board established in 1963, as just another emergency board, operating under the usual procedures of sections 7 and 8 of

the Railway Labor Act. The difference would be that it would have power to make a binding award to settle the dispute. This award would remain in effect for 2 years.

I am not unmindful of the feeling on the part of some Members of the Congress that action of a permanent nature is needed to prevent situations like the present strike arising. I am also aware that many other Members stand ready to oppose any interference in the collective bargaining process.

We face a specific and urgent problem. There is no time for long-range decisions. Our problem is to end the airline strike. This resolution would do it. It would do it without in any way committing the Congress either to favor or not to favor this or any other labor-management legislation in the future.

In 1963 we faced a similar problem, then a threatened strike on our railroads. We acted to settle this problem. We did settle it. I see no reason now why we should not adopt the same method to settle the present dispute.

A question has been raised that in 1963 a strike threatened, but had not taken place, whereas, today we have a strike in being, which must be ended. This measure would restore the conditions existing prior to the strike. It would continue them while the arbitration board is meeting and until it makes its award. This proviso would end the strike, or provide the legal basis for an injunction to end it. After that, the award is binding upon both parties for 2 years, during which time a strike over this issue will not be possible.

Mr. Speaker, I urge that the greatest possible speed be made in acting on this resolution in this emergency.

THE SCHOOLBOY AND THE VICE PRESIDENT

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

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

There was no objection.

Mr. BARRETT. Mr. Speaker, this past May, the Honorable HUBERT H. HUMPHREY, the Vice President of the United States, while on a visit to the great city of Philadelphia announced the first of the magnet schools, Bartram High School, which is located in my district. This will become one of the finest commercial education schools in the country. The "magnet" school is a new and imaginative concept and, as the term implies, is designed to draw an integrated student body from all parts of the city. The Bartram High School will have a dual role of both preparing students for college courses in such fields as accounting, bookkeeping and all other facets of higher commercial and financial education, while at the same time preparing other students for the business world directly after high school graduation.

This new program represents one of the most meaningful and most exciting adventures in education today. The increased cost of providing for such outstanding educational programs and facilities is being met by a productive partnership of government and private groups at all levels. This pilot effort will serve to benefit the education of our young people throughout the country.

Mr. Speaker, I ask unanimous consent to print at this point in the RECORD the article written by the Vice President of the United States, which appeared in yesterday's Sunday Bulletin magazine, on the challenge which faces Philadelphia's exciting new magnet school program so that all those concerned with the education of our young people can have the benefit of this great American's views on this fine program.

THE SCHOOLBOY AND THE VICE PRESIDENT

When I was in Philadelphia last May I visited several schools and met a lot of children. Your papers reported how, as I was leaving John Bartram High, I took the opportunity to kiss the cheeks of some kindergartners who had gathered there.

Not that there's anything so unusual about a politician kissing kids. But what moved me to this display of good will and affection?

I think you'll understand if I tell you about a little boy I remember very clearly. He was wearing a bright red sweatshirt. I asked him what his name was. His eyes grew very round. He was silent.

Just as I was thinking, "Poor kid, he's so scared he's forgotten his name," he came out with it.

"Larry," he whispered, barely audibly. Then, gaining some courage, he went on to say, "I want to be an astronaut!"

Why not?

Well, the problem is, or perhaps I can say the problem used to be, that Larry happens to go to school right in the center of the city.

For years the central city schools of America have lacked proper books, materials and teachers—and even clean and safe facilities. But to be an astronaut, Larry is going to need a topflight education.

In the past, central city schools have dampened the high hopes of their students. They contributed to community hopelessness and despair. They have all too often produced delinquents and dropouts rather than high school, college and job-bound youth.

With little or no education past grade school "graduates" of these schools have swelled the ranks of the unemployed and joined the vicious cycle of poverty that condemns so many persons to lives of idleness, uselessness and despair.

In the usual course of things, a boy like Larry would have little chance indeed of becoming an astronaut.

But with proper education, the vicious cycle can and will be broken. This is why Philadelphia's new and imaginative magnet school program seems to me to be one of the foremost steps taken in urban education in recent years.

I had the privilege of announcing the first of the magnet schools, Bartram High School, which will become one of the finest commercial education schools in the country.

Here we will have the last word in commercial education.

A new dimension in staffing by using professional people from business and industry as part-time instructors to keep the students abreast of the latest advances in the business world.

The new equipment—business and book-keeping machines, calculators, comptometers,

duplicators—which increasingly play such a critical role in industry today.

Imaginative new materials and methods of instruction to be used by specially trained teachers.

Additional teachers, non-teaching assistants, counselors.

And perhaps the best part of the magnet school will be its "magnet," its power of educational excellence to draw an integrated student body from all parts of the city to study together beneath its roof.

Another new and most welcome concept of Bartram's commercial magnet school will be its dual role of both preparing students for college courses in such fields as accounting, bookkeeping and all other facets of higher commercial and financial education, while at the same time preparing other students for the business world directly after high school graduation.

The increased cost of providing for such outstanding educational programs and facilities must be met by a productive partnership of government and private groups at all levels.

Happily, this has been done in Philadelphia in a manner which should serve as a prototype for the nation.

The federal government has provided great and necessary help through the Elementary and Secondary Education Act.

The Commonwealth of Pennsylvania last year authorized the payment of an additional \$19 million in state educational subsidies to the Philadelphia Public Schools, beginning in late 1967.

The City of Philadelphia has played an integral role. Last year the City Council authorized a real estate tax increase to raise \$13 million to support the public schools.

The schools will receive additional support from the recently approved \$60 million school bond issue.

And private foundations—Carnegie, Ford and Field—have made large grants to the school district.

This new program represents one of the most meaningful and most exciting adventures in education today.

But the fight against complacency and mediocrity in education is a never-ending one. Momentum must not be lost. Initiative and endurance must be maintained and supported by all.

All these programs will be to no avail if young people are allowed to drop out of school.

As Chairman of the Youth Opportunity Campaign, designed to eliminate the dropout problem and provide for youth employment, I am greatly concerned over certain statistics:

A college graduate earns nearly two-thirds more than a high school graduate over the span of a lifetime.

A high school graduate earns three-quarters more than the worker who has only an elementary education.

The blunt fact is this: the unemployment rate for dropouts is four times that of workers with high school diplomas.

Young people should know that their own health, housing and opportunities—and the opportunities of their children in the years to come—are directly related to the education they now acquire.

An individual's capacity to chart his own destiny is directly related to the level of education which he has acquired. One trained to use only the muscles of his arms and back can only dream of the frontiers in physics, space exploration, medicine and human relations which are open to those with proper training.

The goal of the educator—and of every citizen—must be to provide and participate in an educational program which will widen the freedom of choice of each individual to

that breadth which is limited only by his own ability and initiative.

Our job, so to speak, is to make it possible for Larry to be an "ast'naut" if he's got the makings of one.

BILLION-DOLLAR DEVELOPMENT

Mrs. THOMAS. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina [Mr. DORN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentlewoman from Texas?

There was no objection.

Mr. DORN. Mr. Speaker, today, July 25, I am introducing a bill which I had hoped to introduce last Thursday, July 21.

This bill would authorize Duke Power Co. to build a dam across the Savannah River at Middleton Shoals in Anderson County, S.C., and Elbert County, Ga. This dam will permit Duke to build one of the world's largest steamplants in Anderson County for the generation of electricity.

The bill I am introducing today would also authorize simultaneously a Federal dam at Trotters Shoals in Abbeville County, S.C., and Elbert County, Ga.

I am introducing this legislation today as a result of an agreement reached in my office last week with representatives of Duke Power Co. and the Bi-State power committee representing rural electric cooperatives in Georgia and North Carolina.

The Bi-State committee had filed a protest with the Federal Power Commission to prevent Duke from proceeding with the construction of still another huge Duke project upstream on the tributaries of the Savannah River at Keowee-Toxaway in Oconee and Pickens Counties in my congressional district. Duke made application for a license from the Federal Power Commission on January 4, 1965, to begin the Keowee-Toxaway project. Only a few days ago Duke announced plans to build a \$207 million nuclear power generating plant at Keowee-Toxaway in addition to the two hydro units already announced.

The Bi-State power committee, representing rural electric cooperatives, feared that the public power project at Trotters Shoals would never be authorized and built if Duke were granted a license to construct Keowee-Toxaway. Thus, Mr. Speaker, I agreed to support and introduce legislation calling for both Trotters Shoals and Middleton Shoals. The Bi-State committee agreed to withdraw their objections to Duke's application for a license to begin Keowee-Toxaway.

This morning the Bi-State committee withdrew its objections to Duke's Keowee-Toxaway project in Oconee and Pickens Counties before the Federal Power Commission.

Mr. Speaker, Duke has previously announced that its total investment in the Keowee-Toxaway project would eventually cost over \$700 million. Duke's Middleton Shoals project would cost over \$200 million. The Government dam at

Trotters Shoals would cost approximately \$85 million. All of these projects are compatible as now proposed.

Mr. Speaker, Mead Paper Co. owned a pulp and paper mill site on the Savannah River at Calhoun Falls which would be flooded by Trotters Shoals. In working out the present compromise arrangement, I suggested to Mead the purchase of another site above the level of the Trotters Shoals Reservoir where Mead could build with or without Trotters Shoals. Mead did so and subsequently approved of this compromise.

Now, Mr. Speaker, the way is clear for the expenditure of more than \$1,050 million in my congressional district. Almost all of these developments will be in counties designated as a part of Appalachia. This huge expenditure will equal the entire amount authorized by Congress for the development of the Appalachian Region.

This fair agreement reached with Duke, Bi-State, Mead, and all concerned will insure job opportunity for our people, taxes for our schools, and progress for generations to come. This gigantic development will mean cheap electricity for the people of Georgia, North Carolina, and South Carolina. It will mean for the cities of Charlotte, Greenville, Spartanburg, Anderson, Greenwood, and many others cheap electricity and a continuation of their dynamic growth. This development will mean huge revenues for the Federal, State, and local treasuries—Duke will pay into the Federal, South Carolina, and local treasuries approximately \$44 million annually in taxes on the Keowee-Toxaway project alone when completed. This compromise is a positive alternative to stalemate, negativism, and retrogression on the Savannah. It will signal the dawn of a new era.

STANDBY TAX INCREASE AUTHORITY

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

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

There was no objection.

Mr. MOORHEAD. Mr. Speaker, I have today introduced a bill which would authorize the President, during the period in which the Congress is adjourned sine die, to increase on a temporary basis individual and corporate taxes up to 5 percentage points.

On July 18, according to a Washington Post article, the President told his Advisory Committee on Labor-Management Policy that:

The upward pressure on prices and costs is continuing and threatens to overheat the economy in the last half of the year.

In view of this threatening situation the Congress should not adjourn without providing a weapon to deal with an overheated economy.

During his press conference of July 19 the President urged the Congress to re-

duce nondefense expenditures to avoid the alternative of either inflationary deficit financing or a tax bill. I am sure that the Congress will respond to this request and cut expenditures, and I hope that such a reduction will be of sufficient magnitude that a tax increase will not be necessary. However, the future is difficult to predict and, after adjournment, it may develop that such reductions in expenditures were not sufficient to halt inflationary pressures and that a tax increase is necessary. The bill which I have introduced is designed to protect against such a situation.

In the past, proposals to give the President power to increase and decrease tax rates or merely the power to decrease tax rates have not been looked upon favorably by the Congress because they would grant to the executive branch, which has gained power over the years, the opportunity to gain additional power by granting a politically popular tax decrease.

The bill which I have introduced does just the opposite. It imposes on the Executive, the onus for imposing a politically unpopular tax increase. Under the bill, at any time during the period after the sine die adjournment of the second session of the 89th Congress and before the convening of the 90th Congress in January 1967, the President would be authorized to act to increase corporate and individual income tax rates and withholding rates.

Such an increase would be effective only for 6 months except that the bill would also permit the President to make two 6-month extensions of the new rates. However, such extensions would not take effect if Congress approved a concurrent resolution expressing opposition to the extension.

These provisions insure the temporary nature of this standby authority. They would safeguard the authority and responsibility of the legislative branch in the field of tax policy. However, the bill would provide the President, during the adjournment of the Congress, with a weapon to deal with an overheated economy.

You and I hope that inflation can be halted and that the President will not have to use the authority which would be authorized by the bill which I have introduced, but we recognize that the anti-inflationary tight money policy has been used to such an extent that it is seriously threatening the homebuilding industry and that there is not much room for further tightening if inflationary pressures should increase after the Congress has adjourned.

For this reason, standby tax increase authority should be granted.

For this reason, I ask your support for this legislation.

The bill follows:

H.R. 16486

A bill to authorize the President during the period which the Eighty-ninth Congress is adjourned sine die, to increase certain income tax and withholding rates temporarily

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORITY OF PRESIDENT TO INCREASE CERTAIN TAX RATES TEMPORARILY.

(a) **PROCLAMATION BY PRESIDENT OF INCREASE.**—If, during the period after the adjournment sine die for the second session of the Eighty-ninth Congress of both Houses of Congress and before the convening of the Ninetieth Congress, the President determines that an increase in Federal income tax and withholding rates is necessary in the national interest, he may during such period publish in the Federal Register a proclamation setting forth a tax increase factor, the withholding tables described in section 3(a), and the pay periods to which such tables are applicable.

(b) **TAX INCREASE FACTOR.**—For purposes of this Act, the term "tax increase factor" means a number, greater than zero but not greater than 0.05, by which each of certain income taxes are multiplied in order to determine the amount of increase in tax imposed during a period for which section 2 applies.

SEC. 2. INCREASE OF INCOME TAX RATES.

(a) **INCREASE.**—During any period for which this section applies, the amount of each tax described in subsection (b) and imposed on the taxpayer shall be increased by an amount equal to the product of (1) such tax (determined without regard to this subsection), and (2) the tax increase factor.

(b) **TAXES INCREASED.**—The taxes referred to in subsection (a) are the taxes imposed by chapter 1 of the Internal Revenue Code of 1954 (relating to normal taxes and surtaxes on income), other than the taxes imposed by subchapter G (relating to corporations used to avoid income tax on shareholders) and part II of subchapter N (relating to tax on nonresident aliens and foreign corporations). In applying this section with respect to the taxes imposed by sections 594(a), 802(a), 852(b)(3), 857(b)(3), and 1201 of such code, the 25-percent alternative tax rate for capital gains specified in section 802(a)(2)(B), 852(b)(3)(A), 857(b)(3)(A), 1201(a)(2) or 1201(b)(2) of such code, whichever may apply, shall not be increased.

(c) **COMPUTATION OF RATE FOR TAXABLE YEAR.**—If this section applies for less than all of a taxpayer's taxable year, then an increase under subsection (a) in the amount of tax imposed on the taxpayer for such taxable year shall be reduced by an amount which bears the same ratio to such increase as (1) the number of calendar months in such taxable year during which this section does not apply bears to (2) the number of calendar months in such taxable year. For purposes of this subsection, a calendar month only part of which falls within the taxable year shall be disregarded if less than 15 days of such month are included in such taxable year, and shall be included as a calendar month within the taxable year if more than 14 days of such month fall within the taxable year.

SEC. 3. INCREASE OF WITHHOLDING RATES.

(a) **CONTENTS OF PROCLAMATION.**—A proclamation issued under section 1 (relating to authority to increase tax rates) or section 5 (relating to extension of period of increase) shall contain—

(1) tables in the form of the tables set forth in section 3402(a) (relating to requirement of withholding), and

(2) tables in the form of the tables set forth in section 3402(c) (relating to wage bracket withholding),

which, in the case of a proclamation under section 1, shall reflect the increase in the amount of tax imposed by chapter 1 of the Internal Revenue Code of 1954 by reason of such proclamation, and which, in the case of a proclamation under section 5, shall contain such modifications of the tables contained in the proclamation under section 1 as may

be appropriate to the extension of the period for which section 2 applies.

(b) **INCREASE.**—If a tax increase takes effect under this Act, the withholding tables described in paragraphs (1) and (2) of subsection (a) shall apply in lieu of the withholding tables appearing in sections 3402(a) and 3402(c) of the Internal Revenue Code of 1954, respectively, for the pay periods specified in the proclamation which contains the tables. Any reference to the withholding tables appearing in such section 3402(a) or 3402(c) shall be deemed a reference to the withholding tables described in paragraph (1) or (2) of subsection (a), respectively, for pay periods for which the tables described in such paragraphs are applicable.

SEC. 4. PERIOD TO WHICH INCOME TAX INCREASE APPLICABLE.

The period to which section 2 applies shall begin on the first day of the first calendar month which begins more than ten days after the publication in the Federal Register of the proclamation issued under section 1, and (except as provided in secs. 5 and 6, relating to extension and early termination of increase), shall end on March 31, 1967.

SEC. 5. EXTENSION OF PERIOD OF INCREASE.

(a) **EXTENSION.**—If before February 1, 1967 (or if there has been a first extension under this section, before August 1, 1967), the President determines that an extension of the period to which section 2 (relating to increase of income tax rates) applies is necessary in the national interest, he may issue a proclamation described in subsection (b) extending the period for which section 2 applies. If Congress does not disapprove such extension in the manner provided by subsection (c), the period for which section 2 applies shall be extended for six calendar months (unless sooner terminated under sec. 6). The period for which section 2 applies may be extended only twice.

(b) **PROCLAMATION.**—A proclamation extending the period for which section 2 applies shall be published in the Federal Register and shall (1) set forth the withholding tables described in section 3(a) (1) and (2) specify the pay periods for which such tables apply.

(c) **DISAPPROVAL BY CONGRESS.**—An extension of the period for which section 2 applies shall not take effect if after the President issues a proclamation extending such period and before the first day of the calendar month immediately preceding the first day of such extension, both Houses of Congress approve a concurrent resolution the matter after the resolving clause of which reads as follows: "That the Congress does not favor the extension until _____ of increased income tax and withholding rates.", the blank space being appropriately filled.

SEC. 6. EARLY TERMINATION OF INCREASE.

If the President determines that an early termination of a tax increase under this Act is necessary in the national interest and publishes in the Federal Register a proclamation so stating, the period to which section 2 (relating to increase in income tax rates) applies shall be terminated before the day prescribed by section 4 or 5 (whichever may apply), on the last day of the first calendar month ending more than ten days after the publication of such proclamation. Such proclamation shall specify the first pay periods after the proclamation to which the withholding tables contained in sections 2402(a) and (c) of the Internal Revenue Code of 1954 shall apply.

KU KLUX KLAN IS TRYING TO SHOEHORN ONE OF THEIR MEMBERS INTO CONGRESS

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman

from Louisiana [Mr. MORRISON] may extend his remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mr. MORRISON. Mr. Speaker, the Ku Klux Klan is brazen enough and, I hope, foolish enough to attempt to put one of its members into the Congress of the United States. This klansman is John R. Rarick, who happens to be my opponent in the Sixth District Democratic August 13 primary, who joined the Ku Klux Klan in 1963 and became exalted cyclops in 1964 in St. Francisville, La.

Mr. Speaker, I have been in Congress for almost 24 years, and I have seen many unusual things take place, but not quite like what is happening in my district in Louisiana today.

I believe that this is the first time that the Ku Klux Klan is actually trying to shoehorn one of their members into the Halls of this Congress, and that person is none other than one of my opponents, John R. Rarick. The primary election date is Saturday, August 13. Many law-abiding people in Louisiana feel that this is a brazen act on the part of the KKK and seemed amazed that the KKK would place a candidate in the race for such a high office as Member of Congress.

The KKK, in their usual arrogance, have called upon all Klan organizations to help concentrate on trying to elect Rarick in this coming primary election.

The Ku Klux Klan is making perhaps what can be termed as "the Klan's last stand." They have a fellow member, a former State judge, John R. Rarick, as their candidate in the Democratic primary, Saturday, August 13, in the Sixth District of Louisiana.

A great American, J. Edgar Hoover, Director of the FBI, the organization that is, has been, and is now continuing to investigate the KKK, had this to say about the KKK, and I quote:

Wrapped in the American Flag and hiding behind the Bible, the Klan sanctimoniously strives to depict itself as a patriotic, Christian, fraternal organization dedicated to the preservation of fundamental American ideals, principles and institutions.

The principal and traditional objective of the Klan during the century of its infamous existence has been to espouse the concept of "white supremacy", with the Negro as its main victim. A secondary hate target group is Jews, who are equated with Communists. Other traditional target groups of the Klan have been the Catholics and the foreign born.

In its public statements the Klan alleges that it has banned any unlawful terroristic activities by its members. It claims to be a "strictly law-abiding organization" and asserts that "every member is sworn to uphold the law at all times and to assist officers of the law in preserving peace and order whenever the occasion may arise, and any member violating this oath would be banished forever from the organization". But evidence indicates that Klan leaders give only lip service to a policy of nonviolence.

The KKK is an organization of a handful of bigots, extremists, terrorists, arsonists, and murderers in many States. Less than 1 percent of the people of any given area belong to the Klan.

But with this extremely small membership, the Klan spreads terror and violence.

Here is what Hon. J. Edgar Hoover, a great American and Director of the FBI—the organization which investigated the Klan and is continuing this investigation—said, and I quote:

Since the Klan is designed to appeal to the most vehement prejudices of the most frustrated and vindictive segment of the population, it naturally attracts those individuals with a predilection for violence. This extremist element feels that violent action is at times necessary and justifiable and sees nothing in the Bible or the Constitution to preclude it. Although Klan leaders may publicly refuse to encourage or condone illegal activities inflammatory and provocative declarations made by them at secret meetings and in private conversations with other Klansmen have sparked many acts of violence.

The History of the Klan, as disclosed by F.B.I. investigations, is a sordid story of terror and violence. The Klan has provided a cloak for irresponsible and bloodthirsty hoodlums to engage in crimes in the name of morality and justice. F.B.I. investigations over a period of years have grimly documented participation by members of Klan groups in murders, bombings, mutilations, whippings and abductions.

Atrocities committed by Klansmen are usually conceived and carried out independently by groups of members whose participation in these activities is unknown to the rank-and-file membership. These action groups are generally referred to in Klan circles as "holy terrors", "knock-off squads", "flying squads", "wrecking crews" and "killer squads". They range in size from three to a dozen men, and they plan the commission of their lawless acts outside regular Klan meetings.

The propensity for violence on the part of individual Klansmen has become greater in recent years because of the trend toward the acquisition of weapons, ammunition and explosives. Specific information on the accumulation of weapons of destruction obtained during the course of F.B.I. investigation is furnished promptly to appropriate agencies of the federal, state and local governments.

Firearms possessed by Klansmen range from .22-caliber rifles to magnum revolvers, sub-machine guns, shotguns and high-powered rifles. F.B.I. sources estimate that 90 per cent of the Klansmen in one state own guns. Many Klansmen personally own large numbers of firearms. One Klan, in addition to possessing an arsenal of weapons, has accumulated a quantity of fuses, dynamite caps and other materials for making dynamite bombs.

The KKK operates on terror tactics; violation of laws; murder; flagrant arson, as the burning of schools and churches; the art of threats of violence both actual or implied, unless those threatened individuals give up their freedoms of living and speaking as they choose; the burning of crosses; and the veiled threats of cards and labels placed in given areas bearing the implied threat with red- or black-letter words entitled "The Klan Is Watching You."

What business does the Klan or any other group have watching anybody who is a red-blooded American who chooses to live in freedom and obey the law?

I am not necessarily singling out Louisiana, because I fully realize that several States have been plagued by

KKK extremists and terror organizations. But I remember an article by the gentleman from Georgia, Congressman WELTNER, in the CONGRESSIONAL RECORD, entitled "A Case in Point," which went on to tell that less than 3 percent of the citizens in Bogalusa, La., joined the KKK and tarnished a fine city of over 30,000 inhabitants.

The Ku Klux Klan has made Bogalusa a typical showcase of how a KKK organization, dedicated to secrecy and violence, hiding behind secrecy to promote terror, intimidation, illegal wiretapping, boycotting, and threat of bodily harm to individual citizens, can blight and tarnish a fine community before the eyes of the country as well as the eyes of the world.

What is amazing to me is that if an innocent person were asked by the House Un-American Activities Committee if he were guilty of committing a crime as a KKK member, it is certainly reasonable to expect that the person would freely deny any connection with the crime and rightfully explain their innocence. The KKK witnesses did exactly opposite, using the choice of confessing and going to jail, or taking the fifth amendment on the grounds that if he answered he would incriminate himself. If the KKK member were innocent and testified to that effect, that would end it; but it is certainly reasonable to believe that if he pleads silence lest he incriminate himself, he is guilty. Most KKK witnesses did just that, and the stigma of criminal guilt is, therefore, on each KKK witness. A few KKK members admitted guilt of burning churches and bombing homes.

I think that the whole Nation should know how brazen the KKK really is when they try to elect their first member to the Congress of the United States. The man's name is John R. Rarick, who today is a candidate for Congress in Louisiana, and who, I am informed by high officials, joined the Klan in St. Francisville, La., in 1963 and became its exalted cyclops in 1964 while still sitting as a district judge on the bench. It is not only shocking, but it is horrifying, ugly, and nauseating to find an elected judge who is entrusted with peoples' property and their liberties, expected to be impartial; and then to be uncovered as a member and exalted cyclops of perhaps the most extremist organization in all of our history—the Ku Klux Klan—whose record is a horrible picture of flagrant law violations, murder, bombings, terror tactics, threats, intimidations, killings, floggings, and church and school bombings and burnings.

Under the law, the Attorney General of the United States is directed to list subversive organizations in this country. You will find among those organizations listed the Ku Klux Klan, and I hereby list a few of the other organizations which are listed:

- American Council on Soviet Relations.
- American National Socialist Party.
- American Russian Institute, New York.
- Associated Klans of America.
- Associated Georgia Klans.
- Ku Klux Klan.
- Knights of the White Camellia.
- Black Dragon Society.

- Carpatho-Russian People's Society.
- Boston School for Marxist Studies.
- Communist Party, U.S.A.
- Communist Political Association.
- Friends of the Soviet Union.
- Russian America Society, Inc.
- Silver Shirt Legion of America.
- Young Communist League.

Judge Rarick says he is for God and Constitution. What God? The Klan's god of violence, murder and terror? What constitution? The Klans constitution of bombings and other unlawful acts?

Just a few days ago, two klansmen in Georgia were sentenced to 10 years in the penitentiary and \$5,000 for killing an Army colonel who was traveling through the State.

It is even hard to understand how one of our citizens through ignorance or gross frustration, could join such a horrible group as the KKK, but it is unthinkable that a district judge, duly elected by the people, would join the KKK and betray the trust that the voters had placed in him. John R. Rarick was born in Indiana and went to Ball State College in Muncie, Ind. Whether or not he was a member of the Klan in Indiana, before moving to Louisiana, is not known to me, but I just wonder how those voters in his judicial district in Louisiana must feel when they realize how he duped them, fooled them, and betrayed them after they had elected him judge.

Investigation by the House Un-American Activities Committee has brought out how various klansmen have tried to infiltrate into the community police departments, how they have tried to infiltrate into the sheriffs offices, but never before in all of our history is there such a horrible example of the Ku Klux Klan taking over a district court having criminal and civil jurisdiction in Louisiana. It is certainly unbelievable and even more less understandable.

Just put yourself in a position of having this Ku Klux Klan judge decide whether you kept or lost your home at his discretion; whether you, who might be totally innocent, would be sentenced to jail, or at his discretion go free. It staggers one's imagination.

In California there is a man named Richard Cotten who has a reputation of being one of the best examples of "way-out" extremism. He is such a character and so way out that even the extremist John Birch organization threw him out as being too extreme. Do birds of a feather flock together? Well, this extremist Richard Cotten is evidently so close a friend of John R. Rarick that he is nightly soliciting campaign funds over several radio stations for John Rarick's congressional campaign.

The friendship of these two extremist characters had dated as far back as the time the St. Francisville Democrat carried an account of Mr. and Mrs. Richard Cotten's visit to the Rarick home in St. Francisville. In the paper's edition dated September 9, 1965, the following article appeared:

Overnight guests of Judge and Mrs. John Rarick and family of St. Francisville this past week-end were Mr. and Mrs. Richard Cotten and daughters from Bakersfield, California.

In Newsweek magazine of July 4, the following was printed about Richard Cotten:

Cotten is so far out that Robert Welch, the John Birch Society founder, has attacked him for being an extremist. "Welch smeared me," says Cotten, "just because I had kind words for the Minutemen of America" [a militant band of super-patriots].

All of this may sound incredible and shocking, but I believe we can feel some relief, in that the Klan, particularly in the South, is on the decline and from all accounts many people who were duped into joining are trying to get out, despite the threats of bodily harm. And as shocking as this disclosure may be that a duly elected State judge could become an exalted cyclops of the Klan and put his judicial office into the Klan's hands.

The FBI has been and still is investigating the Klan. Here is what the Hon. J. Edgar Hoover said of the Klan:

Investigation by the FBI has determined that Klan leaders are opportunistic, unscrupulous and ruthless men who are constantly seeking power and vying with each other for leadership and control of the various Klans. The fact is that each Klan organization is virtually a one-man dictatorship.

Membership in the Klan is restricted to "native-born white, Protestant, American citizens of at least 18 years of age who believe in the tenets of the Christian religion". Women and youth have been incorporated into the Klan as auxiliary groups, although these groups meet and function separately from the main organization. However, women do attend, participate in and speak at public rallies held by Klan organizations.

Generally speaking, FBI investigations reveal that most Klan leaders and members have limited education, have extremely narrow outlooks and interests and are handicapped in making sound value judgments. They were born and have lived most of their lives in communities in which racial prejudice is deep-seated. Their lack of status apparently makes Klansmen feel inadequate, discontented, frustrated, and vindictive. They take refuge in a contrived world of their own—the Klan—with its symbolic costumes, mysterious titles, flamboyant ceremony, clandestine activities and shared hatreds.

J. Edgar Hoover, Director of the FBI, further said:

Although the Klan professes to be a patriotic and respectable organization, it makes wide use of cover names or front organizations as a facade behind which it carries on its activities. The Klan has sponsored and scheduled public affairs under such covers as improvement associations, historical societies and civil clubs. Many klaverns to conceal their Klan affiliation, have used men's clubs, rifle clubs and hunting and fishing clubs as camouflage.

What is the answer? We know the Klan is on the decline. Two Klan members were convicted in Georgia just recently and received sentences of 10 years each with heavy fines. This helps a lot, but what else can be done? FBI Director J. Edgar Hoover says:

Thus, the continued existence of the Klan is aided and abetted by a deep-seated and persistent tolerance of and indifference to Klan activities. As a consequence, the attainment of justice is extremely difficult in cases involving Klansmen. It is virtually impossible in some communities to prosecute successfully a white man indicted in a case

with a racial aspect, despite evidence of the commission of the crime by the accused.

Effective legislation, competent investigation and efficient law enforcement are important in combating the Klan, which represents a thoroughly repugnant ideology and forces inimical to the welfare of our country. But actions by agencies of the government will not be sufficient by themselves to bring the Klan under control.

In the final analysis, the primary responsibility for curbing the Klan rests with the public. Only an aroused and mobilized public demand for the protection of freedom under law will bring about control of the Klan, and an end to its 100-year-history of violence and lawlessness. Therefore, key segments of the population—especially business, education, labor, the professions and the church—must join with governmental bodies in a constructive, systematic, coordinated and total effort against the Klan. (Unquote.)

The above was thus said by J. Edgar Hoover.

Thus, the decision lies finally in the hands of the people of my district. I have faith in the vast majority of these people and believe that this is the time to triumph over the KKK extremists, so as to destroy this festering form of extremism.

LETTER TO CONSTITUENTS

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Louisiana [Mr. MORRISON] may extend his remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mr. MORRISON. Mr. Speaker, the following is a letter I am sending to some of my constituents:

MY DEAR FRIEND: I am writing this letter to ask for your valuable vote and support in my re-election to Congress, Saturday, August 13th. I have had the great honor and privilege of representing you for 24 years and I have helped literally thousands of you people when you have called on me in the past. I am now calling on you and will consider it a great personal favor if you will help me, as I have tried to help you, by getting your friends, neighbors, relatives and everyone else whom you can to support me and to vote for me.

I would like to appoint you as my personal representative and ask you to set a goal of contacting ten people, getting their assurance that they will go to the polls. Then, please do everything possible to see that they do go to the polls on Saturday, August 13th, and cast their vote for me.

I have certainly tried in every way to justify your confidence by trying to assist each and every person who called on me regardless of their walk of life or political alignment. No problem has been too small nor too large to receive my urgent attention. I think you will agree that I have tried to be one of the best Congressmen that ever served the Sixth District.

I do not want to appear boastful as to my efforts, but I do feel that by writing you this letter it will enable me to let you know how extremely grateful I am to serve as your Congressman. I am sure you understand how important seniority and experience are in Congress. Of a total membership of 435 members, I rank 31 so only 30 Congressmen stand ahead of me and 404 members stand behind me. To have my 24 years of seniority and experience, my opponents would have to

run for Congress, not this year, but in the year 1990.

Your Congress has faced a multitude of difficult issues and problems during the past years. I have consistently voted for all measures that would aid all the farmers, the dairymen, the businessmen, the fishermen, the laboring men and women, the school teachers and school employees, and the veterans, our elderly citizens and for the various bills that improve our social security and standards of living.

Perhaps this will be the most important vote that you have ever cast because the issue is clearcut—law and order versus extremism. By voting for me you are voting for law and order and against extremism. I think you will agree with me that the KKK extremism, with its threats and intimidation of all of our people, has gone far enough, in fact too far. The best example is where the Klan is the strongest, which is in Bogalusa, and there you find the most violence and the most chaos.

So, actually you are not voting in an ordinary election for my re-election as an individual, rather you are helping yourself, your District and your country as well as your family and children, when you vote against extremism—because it is just that important. Staying at home or not voting, will certainly help the KKK to the detriment of you and your family.

Warmest regards and best wishes, I am,
Sincerely,

JAMES H. (JIMMY) MORRISON,
Incumbent.

P.S. I am enclosing an insertion in the CONGRESSIONAL RECORD which I think will prove of interest to you.

As you are aware, I am vice chairman of the Post Office and Civil Service Committee and a high ranking member of the House Agriculture Committee. As I have said in the past, I want you to feel that any time I can serve you in my capacity as your Congressman, please do not hesitate to call on me. Also, if you can get more than ten people to vote for me on August 13th, so much the better. Thanks and best regards, and please remember to vote No. 8.

Best regards,

JIMMY.

PRESIDENT LYNDON B. JOHNSON SPEAKS IN THE DISTRICT OF CONGRESSMAN ANDREW JACOBS, JR., OF INDIANA

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Indiana [Mr. BRADEMAS] may extend his remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mr. BRADEMAS. Mr. Speaker, last Saturday, July 23, 1966, I had the pleasure of traveling with the President of the United States and Mrs. Johnson and their daughter Luci and other Members of the House of Representatives and the Senate from the States of Indiana and Kentucky.

During his trip President Johnson made a major address in the home district of our distinguished colleague, ANDREW JACOBS, JR., at the Indianapolis Athletic Club.

Mr. Speaker, I feel that it is a great tribute to the high regard which the President has for Congressman Jacobs that he delivered this important address

in the 11th Congressional District of Indiana, and I ask unanimous consent that the President's address on this occasion be inserted at this point in the RECORD.

In addition to Congressman JACOBS, other members of the Indiana delegation who were present on the trip were our distinguished Senators, the Honorable R. VANCE HARTKE and Honorable BIRCH BAYH and Representatives RAY J. MADDEN, of Gary; J. EDWARD ROUSH, of Huntington; WINFIELD K. DENTON, of Evansville; E. ROSS ADAIR, of Fort Wayne, and WILLIAM BRAY, of Martinsville.

Other persons present on the President's trip to Indiana and Kentucky included Representatives KENNETH J. GRAY and GEORGE E. SHIPLEY, of Illinois, and Senators PAUL DOUGLAS, of Illinois; RALPH YARBOROUGH, of Texas; JOHN SHERMAN COOPER and THRUSTON B. MORTON, of Kentucky, as well as the former Governor of Florida, the Honorable Farris Bryant, and Governor Hulett C. Smith of West Virginia.

Mr. Speaker, President Johnson's address at the Indianapolis Athletic Club follows:

[From the New York Times, July 24, 1966]

TEXT OF THE PRESIDENT'S ADDRESS AT THE INDIANAPOLIS ATHLETIC CLUB

(INDIANAPOLIS, July 23.—Following is the prepared text of President Johnson's speech today at the Indianapolis Athletic Club.)

For many of your 150 years, Indiana has been known as the crossroads of America. This is a good time and a good place for me to talk about our oldest dream: the building of a Great Society embracing the talents of all Americans.

Every man sees the Great Society through his own eyes. But I think we all mean just about the same thing.

We mean a nation where man can enlarge his reach and be all he might be.

We mean a nation free of those things that afflict a man's body and restrict his mind: crime, ignorance, poverty and disease.

We mean a nation free of those brutalities that rob him of real happiness in our cities.

And we mean a nation where men set aside their prejudice and work together in common tasks.

For 200 years we have acknowledged that all men are born with certain rights that no one can take from him. We have dreamed of a place where men and women and their children can live and work and learn and grow in peace.

Now this dream has become a national purpose. Our oldest hopes have become our newest possibilities. And they are all within our reach.

We can achieve them if we build on three pillars:

- A strong economy;
- A sense of duty; and
- A spacious vision.

The resources of our economy are boundless.

For decades Americans have enjoyed the highest standard of living on earth. By 1960 our economy had slowed down and become sluggish. But for the last 65 months, it has moved further and faster than the most optimistic "Pollyanna" ever predicted.

TOPS IN PRODUCTION RISE

Last year our 6 per cent real growth of production topped every other industrial nation outside North America. And it is clear that this year, too, we will be near the head of the list.

Our output today is \$270 billion higher than it was five years ago—and that is after we have taken into account price increases.

That increase in real output in five years is larger in the real growth product of any other nation in the world—and larger than the gains we made in the preceding 10 years.

Along with it has come steady increase in the job security of our workers.

Five years ago, about 5 percent of our nation's married men did not have jobs. For the past six months, that number has stayed below 2 percent.

Five years ago, almost two million Americans had spent 15 weeks in a row looking for work. Today that unfortunate group numbers less than a half million.

Our economy has created seven million new jobs in the past five years and nearly four million new jobs in just the past two years.

These have been better jobs, better paid jobs, and steadier jobs.

OTHER SIGNS OF PROGRESS

That is not all. Corporate profits after taxes have doubled. Dividends are up by 55 per cent. Income per farm has risen by 48 per cent. And our families have increased their savings and financial assets by nearly half a trillion dollars over the past five years.

Every now and then you hear someone charge that the cost of living has wiped out those gains.

That simply isn't so.

The average family—even after price increases—is earning the equivalent of 11 extra pay checks each year.

The average family in Indiana—after price increases—is spending \$1,600 more a year for real goods and services than it did five years ago.

And since the end of 1963 alone, that same family has increased its buying power by nearly \$1,000.

The record of the past five years demonstrates that we welcome change and improvement; that automation is not a monster that will devour us; that we don't have to force early retirement or shorter work-weeks on our workers because there are not enough jobs to go around.

But the most important fact is this: "If business, labor and government each go their own way—if each attends to its own narrow interests—if each ignores the interests of others—then the "gloom-and-doom prophets" could be right.

But if we work together, there is no end to our progress.

A TIME FOR RESTRAINT

This Administration has not shirked its own responsibility in the fight against inflation. But government cannot do it all. We must have from labor and business all the restraint and responsibility they expect from Government.

American labor knows what happens when hourly wages advance much faster than the output of each man-hour. The advance of living costs eats up the extra gains.

Last Wednesday, the British Government had to ask for legislation freezing all British wages and prices.

Wage rates in England have moved up in recent months at an average rate of 8 or 9 per cent a year. In the past several years, despite repeated and urgent appeals for restraint, they have increased at the rate of 5 or 6 per cent a year—more than twice the increase in productivity. The result is severe crisis.

Since 1960, American hourly wages and fringe benefits have increased at an average rate of about 4 per cent a year. This is not far from the average advance in our productivity. That is why the American worker's standard of living has improved far faster than that of his British friend.

Between 1960 and 1965, American wholesale prices of manufactured goods, other than food, rose three-tenths of one per cent. In England they rose two and two-tenths per cent.

I do not cite these figures out of complacency, but because all modern democracies—including ours—must learn and remember this lesson: rapid growth and freedom require steady self-discipline and restraint.

COST-PRICE RELATIONSHIP

American businessmen know that if they advance prices when costs are stable, these costs will move upward.

Businessmen sell to each other as well as to the public. One man's price increase is another man's cost increase.

And when higher prices increase the consumers' cost of living, labor will ask for more. Costs will move up. The gains of business will evaporate. Our ability to export will weaken.

The overwhelming majority of labor unions and businesses have taken these lessons to heart. They have heard and answered their nation's call. I hope now the others will join, too. We are engaged at this moment in a fight against aggression in Vietnam. During this emergency your Government is asking the leaders of business and labor to act with extra caution and extra concern.

To business we say: "The right to profit carries the duty of prudence. Avoid reckless expansion. Order only the new plant and equipment your business needs. Don't accumulate unnecessary inventories just to bring in unearned profits if prices jump sharply."

Most businessmen know that this Administration jealously guards their opportunity to earn a fair profit. But this Administration also believes that the freedom to set prices carries with it a responsibility to reduce prices when costs have fallen.

To labor we say: "The right to bargain collectively carries the duty to bargain constructively. We call on them to recognize that the real gain to labor cannot be more than the rise in the nation's productivity."

Most labor leaders know that this Administration strongly supports the freedom of organized labor to seek better working conditions, steadily advancing incomes, shorter hours, security for its members, and increased benefits.

But this Administration believes that this freedom also carries an obligation. This obligation is not to gain a compensation which—if all unions were to achieve it—would increase costs and force higher prices.

We have learned these lessons about economic freedom and responsibility. In these critical times, business, labor, and government cannot afford to forget them.

II

But all our citizens also have a duty with each right.

The first is to keep the peace. A democratic society suffers when any of its citizens seek to change the course of events by violence. The alternative to self-discipline is tyranny.

A second duty is not only to abide by the decisions of government, but to help shape those decisions. Both law and lawmakers are changed in a democratic society through peaceful means, not through violence.

Our third duty is to respect the opinions and interests of our fellow citizens. Men do not protest without cause. A just society will learn the cause and act accordingly. That is what we are trying to do.

Many American citizens are living in poverty, without jobs, and in miserable housing conditions. They are a small minority of our population, but their plight is a cause for national concern.

We have been working to relieve their plight. Our goal is to break down the ghettos, create jobs, improve education, provide better homes.

That is why we are pouring our skills and resources into education programs, anti-poverty programs, manpower training, Medicare and better housing.

NEED FOR PUBLIC APPROVAL

That is why we are trying to gain approval for our rent supplement and demonstration cities programs. And that is why we need your help in gaining their approval.

All of this takes time. It takes human and financial resources. It takes the commitment of the Federal Government, the states, and the cities. It takes the effort of the poor themselves—and of men and women like you.

For what we must do is no less than to correct the injustice of two centuries which give men a reason to protest.

But there are ways of protesting that any civilized society can tolerate. There are also ways that are unacceptable. The ballot box, the neighborhood communities, the political and civil rights organizations—are the means by which Americans express their resentment against intolerable conditions. They are designed to reform society, not to rip it apart.

Riots in the streets do not bring about lasting reforms. They tear at the very fabric of the community. They set neighbor against neighbor and create walls of mistrust and fear between them. They make reform more difficult by turning away the very people who can and must support reform. They start a chain reaction the consequences of which always fall most heavily on those who begin them.

So it is not only to protect the society at large that we refuse to condone riots and disorder. It is to serve the real interests of those for whose cause we struggle.

Our country can abide civil protest. It can improve the lives of those who mount that protest. But it cannot abide civil violence.

III

The next pillar of our task is a spacious vision of what America can be.

For prosperity is not enough and duty alone cannot transform our country. "Where there is no vision, the people perish."

But vision does not belong to a President alone. It must be the sum of all our dreams.

For my part, I believe America can be a place where the last man among us—the last man—has an equal chance to become the best that is in him.

For my part, I believe America can be a place where the impossible is unheard of and the unlikely happens today.

When it comes to America, I am an optimist. I am an optimist because I have lived through 57 years of the best and worst years we have ever known. And I have seen what Americans can do.

Think of all that has happened in the last five decades; space crafts and penicillin, computers and electric dishwashers, air conditioners and atomic power, five-day work week and movies in the skies.

But those are only a small part of it. They are the "things" that make life easier. But think of all that has happened to make life better.

Think of the children who don't die—and of those who no longer labor at grueling tasks.

Think of the millions of women and Negroes who vote—and of all the workers who retire in good health.

Think of the millions who can now read and write—and the heart attacks that do not kill.

We forget these victories very quickly. This may be well, for it means we always go on to the next job at hand. And our work is cut out for us.

By 1976 there will be 220 million of us. We will have to create jobs for 12½ million more people, including four million for teen-agers.

We will have to provide for three million more elementary students—four million more high school students, and four million more college and university students.

We will need two million more elementary and secondary school teachers.

And we will have to build 200,000 additional elementary and high school classrooms and replace almost half a million more.

We will need 40,000 more doctors just to keep up.

And we will have to provide roads, streets, and parking places for up to 40 million more cars.

We must bring to the millions of Americans who still live in misery a better standard of living—a fuller share of justice—and a deeper faith in our nation.

And there are cities to rebuild—traffic jams to resolve—rivers to reclaim.

NO STANDING STILL

All these things and more we will do. There is only one thing that I am sure we won't do. We will not stand still.

We know our problems and our faults. We know the dark shadows that fall across our doubts that disturb us and the frailties that undo us.

But we also know—as one observer has written—that "here is a nation that in 50 years has endured two world wars, beat off a savage depression, played a major role in rebuilding a shattered world, and created the most wealthy, healthy, and educated nation the world has even seen at any time or at any place."

So on this 150th anniversary of Indiana's statehood, it is good to take stock of what we have done and of how much is still ahead. Of this I am certain: The best is yet to come.

POSSIBLE TRIAL OF AMERICAN AIRMEN IN NORTH VIETNAM SHOULD BE RENOUNCED BY CONGRESS

MR. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. HANLEY] may extend his remarks at this point in the RECORD and include extraneous matter.

THE SPEAKER. Is there objection to the request of the gentleman from New Jersey.

There was no objection.

MR. HANLEY. Mr. Speaker, I am introducing today a House concurrent resolution relating to U.S. military personnel held captive in Vietnam. I think it is of the utmost importance that the Congress express firmly and swiftly the outrage of the United States at the thought that American airmen will be tried by the Government of North Vietnam as war criminals.

Such an inhuman and cruel act would only serve to destroy all of our efforts at restraint in the conduct of this war. Such an act would considerably lessen the chance of a just and secure settlement of the war. Our feelings on this matter ought to be made unmistakably clear to the leadership of North Vietnam and to the governments which support North Vietnam in its efforts to destroy the independence of South Vietnam.

UNITED STATES AHEAD IN SPACE PROGRAM IN NINE CATEGORIES

MR. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman

from Tennessee [Mr. EVINS] may extend his remarks at this point in the RECORD and include extraneous matter.

THE SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MR. EVINS of Tennessee. Mr. Speaker, the success in space exploration by America's space team has become so consistent that it is difficult for us at times to realize the extent to which our fantastic progress has been made.

I want to call to the attention of the House the phenomenal progress being made in our space program.

Following the success of our latest astronaut team of Capt. John W. Young and Maj. Michael J. Collins, in their Gemini 10 flight, newspapers across the Nation last Friday carried a box score report of the nine categories in which the United States is ahead of the Russians in space exploration.

The United States has successfully completed 14 manned space flights as against 8 manned flights by the Soviets.

In multimanned flights we have successfully completed eight as against two multimanned flights by the Soviets.

We have had 22 men in space as against 11 for the Soviets.

We have had three successful space walks as against one for the Soviets, and

The United States has completed 1,661 man-hours in flight as against 507 for the Soviets.

In the nine categories shown in the accompanying table, the United States is ahead in space flights in every instance.

The following table reported by the Associated Press, which has been confirmed in its accuracy by NASA, indicates the extent of our success and superiority.

UNITED STATES AHEAD IN 9 CATEGORIES

CAPE KENNEDY, FLA.—The manned space flight box score:

Manned flights:	United States, 14.	Russia, 8.
Multi-manned flights:	United States, 8.	Russia, 2.
Manned hours in flight:	United States, 1,661 hrs., 52 min.	Russia, 507 hrs., 16 min.
Men in space:	United States, 22.	Russia, 11.
Time outside capsule:	United States, 2 hrs., 56 min.	Russia, 10 min.
Space walks:	United States, 3.	Russia, 1.
Maneuverable spacecraft:	United States, 8.	Russia, 0.
Rendezvous in space:	United States, 7.	Russia, 0.
Space link-ups:	United States, 2.	Russia, 0.

In addition, the NASA space team has successfully launched more than 1,000 flights in other space probes and our sounding rocket program, which has contributed greatly to weather reporting and communications, as well as our manned flights into space.

Administrator James E. Webb, of NASA, and every man and woman who

has played a part on the U.S. space team in these remarkable achievements, deserve our highest commendation. They have contributed to writing a great and new and exciting chapter in space development.

I congratulate all of America's space team that has made this Nation first in space.

PRESIDENT JOHNSON COMMENDED FOR DEPLORING CIVIL STRIFE

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. EVINS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. EVINS of Tennessee. Mr. Speaker, President Johnson in a major speech last Saturday made some very basic and bedrock statements concerning the epidemic of riots occurring in cities throughout the Nation. The President declared that "Our country cannot abide civil violence." He emphasized that the riots react against those who begin them.

The President pointed out that civil strife tears at the very fabric of our democratic society. He deplored the recent violence, looting, theft, and murder. He urged all of our citizens to have respect for law and order and orderly processes.

I commend the President for his forthright statements. I support his position wholeheartedly.

This Nation cannot tolerate street violence, theft, and plundering destruction of property—in short, anarchy.

As a nation, we have developed democratic procedures for correction of abuses and righting of wrongs.

The courts are available for relief of injustice. The legislative process is available. Street riots and anarchy are not the way to correct civil wrongs.

In city after city we have seen this pattern of riots rear its ugly head in Chicago, Cleveland, Brooklyn, Los Angeles, Philadelphia, and other cities.

The pattern of this wave of riots has all the earmarks of being Communist-inspired, Communist-directed insurrection. It is a technique and pattern all too familiar as a Communist trademark.

Recently I requested Attorney General Katzenbach to investigate this situation and to determine whether and to what extent, these repeated riots are Communist-inspired and directed. I have been assured that the Attorney General is investigating the matter.

Mr. Speaker, where anarchy reigns, democracy dies. This swelling wave of riots and rebellion must be stopped.

Again, I commend the President for his action and leadership. We should heed his words and act upon them.

ON THE LOSING SIDE FOR 26 YEARS

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Missouri [Mr. JONES] may extend

his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. JONES of Missouri. Mr. Speaker, I realize that there is no dearth of reading material in the office of any Member of Congress. Most of us have the problem of trying to allocate our time in such a way that we can keep informed on what is going on, here in this House, in our districts, and throughout the Nation, as well as to know something about world problems that affect us both directly and indirectly.

During the past few days, I believe all of us received through the mail, from the American Tract Society, a nonpolitical, interdenominational religious organization, a paperback book, entitled "26 Years on the Losing Side," written by a retired officer of the New York City Police Department, Deputy Inspector Conrad Jensen, who spent 26 years of his life on the department, attaining the rank of deputy inspector. He is now associate director of Youth Development, Inc., an evangelical organization working with youth gangs in East Harlem.

I do not know what caused me to start reading this book, but I do know that after I had read a few pages, I could not put it down without reading the entire book, consisting of only 83 pages, requiring less than 2 hours. Those 2 hours were one of the most rewarding experiences I have had in some time, and for this reason, I am recommending to my colleagues who are seeking some solution to many of the problems which are facing this country, in this era of deteriorating morals, increasing disrespect for our moral and legal laws, increasing instances of mob violence, marches, sit-ins, lie-ins; and so forth, and an apparent disregard of the laws of God, that they take the time to read this book. It may have the same effect on others that it had on me, to rekindle the feeling of responsibility, which we are prone to forget.

As Officer Jensen points out, "Lawful living does not necessarily imply righteous living. Most people only keep the law because of their fear of the consequences," and "it is a comfort to know that the Lord deals righteously and many a person who having escaped punishment here, will one day be tried by a different kind of judge."

I agree, and I believe many of you will agree with Officer Jensen when he says:

I am convinced that law enforcement is engaged in a losing fight against crime and criminals.

And he backs up this statement with statistics and statements from no less an authority than J. Edgar Hoover. And I am among those who believe as Mr. Jensen believes, "that the general unrest and tension in our land will continue to increase until enough of us are honest enough to face the facts and return to the discipline of the word of God." He said:

Crime has increased five times faster than the population growth, and with the road-

blocks which are constantly and continually being thrown into the path of the law enforcement officer, I am convinced that "the only thing that can stop this tide of lawlessness is for the people of America to return to the simple faith of those who first settled here. There was a faith based on an open Bible. Today we boast of the Bible being the "best seller" yet how little we turn to its pages and live by its precepts.

I could mention the apparent disdain that the majority of the members of our Supreme Court have for the Bible, but I have long since given up hope that the rights of the innocent, the law-abiding and God-fearing citizen, will be protected by this present Court.

Mr. Speaker, I could quote many other succinct passages from this little book, "26 Years on the Losing Side," but I know the Members would receive greater inspiration if they would take the time to enjoy reading and absorbing the suggestions made by Officer Jensen.

CURBSIDE MAILBOXES AT ALL FUTURE COMMUNITY HOUSING DEVELOPMENTS

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. EDWARDS] may extend his remarks at this point in the RECORD and include extraneous matter.

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

There was no objection.

Mr. EDWARDS of California. Mr. Speaker, in 1963 the Post Office Department issued an order requiring all future community housing developments to be equipped with curbside mailboxes. Since that time, the residents of my district, and indeed residents from all over the country, have vigorously protested this order. I have received resolutions in opposition from the city councils of San Jose; Livermore, Milpitas, Fremont, Newark, Hayward, Union City, and Pleasanton. In fact, the city of Pleasanton is investigating the possibility of engaging the Federal Government in a lawsuit to get the Post Office Department to rescind its mailbox order. California newspapers have carried daily stories on the battle between the residents of California and the Post Office Department. On their editorial pages they have sympathized with the protesting citizens.

The objection is one of esthetics—it does not make sense to me or to my constituents to construct new community developments which from their inception plan for a recreational and pleasing atmosphere and then require each home to put up a curbside mailbox which, regardless of the design of the individual box, is an eyesore for the total area.

The Post Office Department has labeled this order an economy measure, and I am in sympathy with the administration's efforts to economize. But in this case, I do not think the economic advantages outweigh marring the landscape of our new residential areas. I feel quite sure that in a few years we will either spend more money tearing down these boxes or else live with another blight on our land-

scape which, with a little forethought, could have been avoided.

I had hoped that public opposition would convince the Post Office Department that this is indeed an unpopular and unwanted measure and that the Department would ultimately change its position. But, unfortunately, this has not been the case—the Post Office Department remains adamant.

Therefore, Mr. Speaker, I am introducing a bill to amend title 39 of the United States Code to provide city delivery mail service on a door delivery service basis for postal patrons receiving curbside delivery service who qualify for door delivery service.

CAUSES OF EYE DISEASE

Mr. PATTEN. Mr. Speaker, I ask unanimous consent that the gentleman from Tennessee [Mr. FULTON] may extend his remarks at this point in the Record and include extraneous matter.

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

There was no objection.

Mr. FULTON of Tennessee. Mr. Speaker, today I have introduced legislation providing for the establishment of a National Eye Institute under the National Institutes of Health.

My own eyes were opened to the pressing need for this legislation upon discovering how very little we really know about eye disease and the extent to which millions of persons suffer to some degree from eye disease.

It is startling to learn, for instance, that more than 80 percent of all loss of vision suffered by persons in this Nation results from diseases whose causes are unknown.

It is startling to learn that in this Nation more than 1 million persons are "functionally blind," that is, they are unable to read ordinary newspaper type even with the aid of glasses.

It is startling to know that nearly 90 million Americans, almost half our total population, have some form of eye trouble; that about 75 million Americans wear glasses full or part time.

I am told that in the year 1963 the cost of caring for the blind totaled \$1 billion but during that year only \$9 million was spent on research in this field and this total is for Government and private research combined.

These figures and data make it all too clear that we are not doing enough to combat eye disease. The causes of blindness largely remain a mystery but that mystery can be solved and the establishment of a National Eye Institute may be the key to the solution.

The bill follows:

H.R. —

A bill to amend the Public Health Service Act to provide for the establishment of a National Eye Institute in the National Institutes of Health

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That title IV of the Public Health Service Act (42 U.S.C.,

ch. 6A, subch. III) is amended by adding at the end thereof the following new part:

"PART F—NATIONAL EYE INSTITUTE

"Establishment of National Eye Institute

"SEC. 451. The Surgeon General is authorized, with the approval of the Secretary, to establish in the Public Health Service an institute for the conduct and support of research and training relating to blinding eye diseases and visual disorders, including research and training in the special health problems and requirements of the blind and in the basic sciences relating to the mechanism of sight and visual function.

"Establishment of Advisory Council

"SEC. 452. (a) The Surgeon General is authorized, with the approval of the Secretary, to establish an advisory council to advise, consult with, and make recommendations to the Surgeon General on matters relating to the activities of the National Eye Institute.

"(b) The provisions relating to the composition, terms of office of members, and reappointment of members of advisory councils under section 432(a) shall be applicable to the council established under this section, except that the Surgeon General, with the approval of the Secretary, may include on such council established under this section such additional ex officio members as he deems necessary.

"(c) Upon appointment of such council, it shall assume all or such part as the Surgeon General may, with the approval of the Secretary, specify of the duties, functions, and powers of the National Advisory Health Council relating to the research or training projects with which such council established under this part is concerned and such portion as the Surgeon General may specify (with such approval) of the duties, functions, and powers of any other advisory council established under this Act relating to such projects.

"Functions

"SEC. 453. The Surgeon General shall, through the National Eye Institute established under this part, carry out the purposes of section 301 with respect to the conduct and support of research with respect to blinding eye diseases and visual disorders, including the special health problems and requirements of the blind and the mechanism of sight and visual function, except that the Surgeon General shall, with the approval of the Secretary, determine the areas in which and the extent to which he will carry out such purposes of section 301 through such Institute or an institute established by or under other provisions of this Act, or both of them, when both such institutes have functions with respect to the same subject matter. The Surgeon General is also authorized to provide training and instruction and establish and maintain traineeships and fellowships, in the National Eye Institute and elsewhere in matters relating to diagnosis, prevention, and treatment of blinding eye diseases and visual disorders with such stipends and allowances (including travel and subsistence expenses) for trainees and fellows as he deems necessary, and, in addition, provide for such training, instruction, and traineeships and for such fellowships through grants to public or other nonprofit institutions."

SELECTIVE SERVICE AND HIGHER EDUCATION

The SPEAKER. Under previous order of the House, the gentleman from Ohio [Mr. FEIGHAN] is recognized for 5 minutes.

Mr. FEIGHAN. Mr. Speaker, every family in America is keenly aware of the selective service law.

The draft is a very real and personal thing for every young man throughout the country.

Hundreds of thousands of our finest youths are now fighting in Vietnam, and hundreds of thousands of others are serving the United States in farflung outposts throughout the world.

It is the recognized responsibility of Congress to assure that the draft is as fair, impartial, and democratic as possible.

Several reviews of the selective service law are now in progress. When they are completed, it will be the duty of Congress to evaluate them and decide what changes, if any, in the present law and procedures would be in the national interest.

In an effort to obtain information and advice that will assist us in assessing this problem, I asked the presidents of the leading colleges and universities in my district, and also the president of Ohio State University, to advise me whether they considered the present selective service law to be fair and equitable, and what improvements, if any, they would suggest.

I will include their replies, for the consideration of my colleagues and others interested in this matter:

JOHN CARROLL UNIVERSITY,
Cleveland, Ohio, July 6, 1966.

HON. MICHAEL A. FEIGHAN,
House of Representatives, Congress of the
United States, Washington, D.C.

DEAR CONGRESSMAN FEIGHAN: Your invitation to an expression of judgment in the current review of the national Selective Service Act is gratifying to have. Military strength can never be adequate or stable unless it is the outcome of an overall manpower policy that assures similar strength in all aspects of the complex interlocking of industrial and educational activities that contribute to it. I respond to your inquiry, therefore, as evidencing an interest in defining military needs not in a narrow, isolated sense but as the climax of indispensable supporting forces.

We live in an era of constant flux, of burgeoning material development, of social evolution, of scientific discovery, of unstable international relations, of bursting industrial growth. Amid such an environment any nation would be nearsighted, foolish, and doomed to decline if it clung to a *status quo* attitude for the guidance of its future. The democratic state, which seeks to preserve fundamental human rights and opportunities along with national welfare, must be especially responsive to changing conditions.

It seems important to me, therefore, that our manpower needs should be undergoing review at this time. Whole new industries have been born, a great diversity of new educational programs have come into being, and the base of our national planning has been enormously broadened since the Selective Service System was passed in 1948.

While we make this study for possible updating and improvement, however, let us not lose sight of the fact that this piece of legislation has proved a remarkably flexible instrument in dealing with the difficult conditions steadily imposed on it. That is to say, let us recognize and preserve the enlightened thinking that went into its underlying principles even though we perhaps find it necessary to modify some aspects in the interest of continuing effectiveness.

Two of these principles assert themselves immediately as valid:

1. Military strength is produced by a combination of supporting strengths: civic, social, industrial, scientific, educational, and financial.

2. The obligation to national service must be developed not by identity of assignment but by diversification that provides our country with a balanced use of individual talents in their most effective and needed spheres.

Let me develop each of these points briefly. We are only beginning to realize the enormous, even revolutionary, power generated by an effective combination of university-spawned research, an educated citizenry, industrial technology, and public need. The modern military machine is a product of that combination, and the combination must continue to support it. More than ever before, therefore, the education of our citizens is one of our most important national resources. The Selective Service System recognizes that fact, and any amendments to it should not impair the steady functioning of our advanced educational processes. As Time says in its issue of May 6: "... the bets are down: the U. S. is relying more heavily than ever on college education to shape its destiny."

Secondly, it would be a wasteful misinterpretation of humanity and of democracy to write legislation founded on identity of talent. The old psychological tenet puts it strikingly: "Nothing is so unequal as the equal treatment of unequals." Let us not confuse democracy of opportunity and obligation, which we must have, with democracy of talent, which the Lord did not provide. Our national assignments, therefore, must be a harmonizing of two considerations: (1) the national need as discerned in manifold industrial, social, civic, and military activities; (2) the special, but different, talents that each individual has whereby he can respond to that need.

I feel, therefore, that there should be clear recognition that the obligation to national service rests equally on every citizen, but that we can best utilize each person by selective assignment according to his abilities and potential as interpreted in relation to national need. Substantially this seems to be the thinking behind the recent statement by the American Council on Education, which supports selectivity, an insistence that deferment be understood literally, and that federal review of manpower policies always be open to judicious review. I hope that the Congress will find a path that very objectively leads to a successful compromise among uniform obligation, individual talent, and diverse needs.

Sincerely yours,

H. E. DUNN, S.J.,
President.

CLEVELAND STATE UNIVERSITY,
Cleveland, Ohio, July 13, 1966.

HON. MICHAEL A. FEIGHAN,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FEIGHAN: This is in reply to your letter of June 23, 1966 asking for my views on the Selective Service Act. I have been delayed in responding because of several extended trips out of the city.

The Board of Directors of the American Council on Education late last month unanimously adopted a statement confirming support of the selective service system, and I agree with that position. I would urge, however, along the same lines stated in the position of the American Council on Education, that criteria for determining student deferments should be applied literally and uniformly throughout the nation and that

national manpower needs and policies should be reassessed most critically in the light of present and future civilian and military manpower requirements.

The intrinsically difficult task of selecting men to serve in the military services during a period of partial mobilization is amply demonstrated by the Defense Department's study of the draft and the questions which the recently appointed President's Commission on Selective Service will try to answer, and as well by the hearings by the House Committee on Armed Services.

I am enclosing a copy of the statement issued by the Board of Directors of the American Council on Education, to which I subscribe.

With kindest regards,
Sincerely,

HAROLD L. ENARSON.

WESTERN RESERVE UNIVERSITY,
Cleveland, Ohio, July 5, 1966.

HON. MICHAEL A. FEIGHAN,
House Office Building,
Washington, D.C.

MY DEAR MR. FEIGHAN: I have your letter of June 23, 1966, in which you ask me to comment on the National Selective Service Act. I have thought about the matter at length but fear that I have little to offer of a constructive nature.

I believe that the provisions of the present draft law are in the national interest, but I do not feel that it can be described as being also fair and equitable. It is in the national interest because it does produce, in a basically democratic way, the necessary manpower to meet our military requirements; on the other hand, it is not equitable inasmuch as there is substantial discrepancy in the liability for military service between groups and between individuals within particular groups. As an illustration of discrepancy between groups, I would cite that an unmarried man is more liable for service than a married man; a healthy man is more liable for service than one with some physical disability; a student is less liable for immediate service than a non-student. As an illustration of the lack of equity between individuals in a particular group, I would cite the difference in liability of a young man resident in an area where there is a large pool of draft-eligible individuals in contrast to the young man resident in an area where the pool was very limited. A second illustration would be the prospect of liability for military service of the individual with a key skill, such as a physician, as against an individual with skill of little or no military value. Of course, there are many other points which one could use to demonstrate inequity, but all of these are known to you and have been widely publicized.

Perhaps the central question is, can any selective service system be truly equitable and fair? By definition, such a plan is "selective" and therefore inequitable. The only program which could be described as absolutely fair and equitable would be one in which every citizen of the country would be treated exactly the same without regard to sex, age, marital status, health, mental competence, social utility, and military usefulness. If this observation is correct, then the Congress must consider the draft law chiefly from the point of view of the national interest. If the national interest is served, then we may come as close to our objective of fairness and equity as possible since that which best serves the national interest, best serves every citizen of the nation.

You ask for my suggestion about improvement of the present Selective Service law. On this point I find myself with no suggestions for basic change. However, I do feel that a review of the policies of deferment will be useful. Perhaps a careful study of the

priorities of skills from the point of view of both military necessity and social utility would result in a more logical program of deferment so that each young man would give his service at a point in his career which would best serve the overall national interest.

Sincerely yours,

JOHN S. MILLIS,
President.

OHIO STATE UNIVERSITY,
Columbus, Ohio, July 6, 1966.

HON. MICHAEL A. FEIGHAN,
Member, Congress of the United States,
House Office Building, Washington, D.C.

DEAR CONGRESSMAN FEIGHAN: Without benefit of a personally conducted study and analysis of the selective service system, I would desire to respond to your inquiry by concurring in the following resolution adopted by the Board of Directors of the American Council on Education of which national organization this institution is a member:

"The American Council on Education, through its Board of Directors and Commission on Federal Relations, affirms support of current Selective Service procedures for determining the deferment and the induction of students. We do so out of concern for an adequate supply of qualified manpower for both the civilian and the military needs of the country.

"The nation is confronted with both present and future needs for trained manpower for military and civilian purposes. Selective Service policies inevitably represent a compromise between these needs. It is, therefore, unrealistic to speak either of total deferment or of no deferment for students.

"We believe that the use of the dual criteria of rank in class and college qualification tests to provide guidance to local boards in determining student status represents the best procedure so far devised for meeting the nation's manpower needs.

"In affirming our support, we make two essential qualifications.

"First, we believe strongly that the word deferment should be construed literally. We stated in 1950, and reaffirm today, that students are deferred for the national not individual welfare. They should accept deferment with the understanding that they may eventually be required to make their trained talent available in the service of the nation.

"Second, we believe that manpower policies, with particular emphasis on their relationship to the operation of the Selective Service system, should be reviewed promptly by the Federal government in the light of the nation's present and prospective military and civilian manpower needs. Our support for current Selective Service policies reflects our conviction that alternate proposals so far advanced provide less satisfactory solutions, but we do not foreclose the possibility that the review we are recommending may result in the development of better policies.

"We understand that the Department of Defense has engaged in a study of Selective Service policies. It is our hope that the results of this study will be related to the more comprehensive review here proposed. The American Council on Education stands ready to assist in this review."

In the interim, I am aware that the report of the Department of Defense has been issued and further, that in addition to your congressional review, some advisory study for the executive appears eminent. I am confident that resultant studied conclusions within the spirit of the above resolution would establish an equitable answer to a most difficult national issue.

Thank you for your interest in my opinion.

Sincerely,

NOVICE G. FAWCETT,
President, the Ohio State University.

BALDWIN-WALLACE COLLEGE,
Berea, Ohio, June 30, 1966.

HON. MICHAEL A. FEIGHAN,
Congress of the United States,
House of Representatives,
Washington, D.C.

DEAR MR. FEIGHAN: Your recent letter to Dr. A. B. Bonds, Jr., President of Baldwin-Wallace College, was received after his departure to Europe and the Middle East for the summer. While I am sure that Dr. Bonds supports the present selective service law and believes that it is in the national interest, I am not familiar with his suggestions for improving the present law.

Weaknesses are to be found in any system designed to handle millions of cases. It is to be hoped that you and other members of Congress will continue to keep the long term welfare of the country in the forefront so that the supply of well educated young men will not be drained off to meet a temporary need.

Please be assured of our interest and support.

Sincerely yours,

ROBERT W. FITCHER,
Vice President for Student Affairs.

THE 14TH ANNIVERSARY OF THE COMMONWEALTH OF PUERTO RICO

The SPEAKER. Under previous order of the House, the gentleman from New York [Mr. RYAN] is recognized for 10 minutes.

Mr. RYAN. Mr. Speaker, today is the 14th anniversary of the Commonwealth of Puerto Rico, a great and unique experiment. On July 25, 1952, Puerto Rico became a self-governing Commonwealth. We cannot look back on the intervening years without feeling profound respect and admiration for the people of Puerto Rico. Their future is bright, for their democratic status has been coupled with an economic boom unequalled in the Western Hemisphere.

It was not always so. Sometime before the close of World War II Luis Muñoz Marín realized that Puerto Rico's destiny lay within the context both of American democracy and Puerto Rican self-help. He, and a number of associates, who were to remain dedicated followers, agreed that the island's salvation called for a drastic expansion of its economy from a fluctuating, precarious base in sugar to a great diversity of industrial projects. Thus was born Operation Bootstrap.

From the beginning, and especially after Luis Muñoz-Marín first assumed the governorship in 1949, the project has met with almost uninterrupted success. As of May 1965, 60 of America's largest industrial corporations were operating one or more plants in Puerto Rico. Among the leaders are Kayser-Roth Corp., with 12, and General Electric and Consolidated Cigar Corp., with 8 each. These 60 mainland companies, along with about 400 other firms from the States, have invested more than \$800 million in Puerto Rico. By the end of 1964, a total of more than 1,100 new factories, attracted in large measure by long-term local tax exemptions, had been opened since the inauguration of Operation Bootstrap. Approximately 100,000 Puerto Ricans work in these and similar Government-assisted plants, with a total weekly payroll of \$3 million. Per capita

annual income on the island in 1964 was \$830, as compared to \$120 in 1940. The average family income rose in the same period from \$611 to \$3,827; and is expected, in terms of 1955 dollars, to rise to about \$6,000 by 1975.

Although wages in Puerto Rican manufacturing plants are still only about half as high as those for mainland workers, they are higher than those accorded their British and West German counterparts. Such relative prosperity has enabled Puerto Rico to become the mainland's fifth best customer. Puerto Rican purchases of U.S. products rose from \$300 million in the late 1940's to considerably more than \$600 million a decade later, and totaled \$1¼ million in 1964.

On a per capita basis, Puerto Ricans buy more from the United States than do Canadians, who constitute America's biggest customer; and on an aggregate basis, more than do the people of such huge countries as Brazil and Argentina combined. New York State alone in fiscal 1964 realized a total of \$141 million in income, as well as the creation of 16,000 jobs, from sales to Puerto Rico. These figures represent an increase of 60 percent in 4 years.

The United States, in turn, has been Puerto Rico's best customer. Island shipments to the mainland over a recent 5-year period increased by 49 percent. Trade with other countries, too, has risen, with exports soaring from \$6 million to \$25 million in a decade, and imports during the same period climbing from \$23 million to \$46 million.

In terms of public power, Puerto Rico's future is bright indeed. Situated on the west coast, at Rincon, Latin America's first nuclear powerplant daily generates some 50,000 kilowatts for the island's power lines. From all sources, sales of electric power in Puerto Rico rose during the decade from 1954 to 1964 from \$17,825,000 to \$65,865,000. Generating capacity simultaneously increased from 202,560 kilowatts to 733,920 kilowatts.

Mr. Speaker, these developments, as well as the soaring tourist trade and the acceleration in home construction, give promise that Puerto Rico will maintain the fastest economic growth in the Western Hemisphere. The boom in the tourist trade has been spectacular. It is expected that visitors will be enchanted to the extent of leaving behind well over \$100 million this year alone, which is some \$90 million more than was spent only 10 years ago. During this same period, housing production has tripled. Two out of three Puerto Rican families now own their homes.

Raphael Durand, Administrator of the Economic Development Administration, predicts continuous progress:

I foresee the development here of a scientific and technological complex on the style of Cambridge, Mass., and Palo Alto, California. This would give Puerto Rico new direction and new dimensions. We have the climate, the facilities, and the talent to make this a success.

With respect to its own government, the Commonwealth is similar to States of the Union. The Constitution divides the powers of government between the

three coordinate branches—legislative, executive, judicial—each of which checks and balances the other. The Puerto Rican people elect their own Governor and members of the house and senate. The Governor appoints the supreme court justices with the advice and consent of the senate.

The Commonwealth is governed by Federal law and participates in most Federal programs such as social security and housing. Puerto Ricans are subject to draft into the U.S. armed services. Sixty thousand Puerto Rican soldiers, sailors, and airmen fought in Korea, and 54,000 of them were volunteers. Puerto Rico's 65th Infantry Regiment has an outstanding record of combat service.

Puerto Ricans do not pay Federal income tax on income derived within the Commonwealth. This exemption accords with the honored American principle of "no taxation without representation." Puerto Ricans do—by mutual agreement of Congress and the Puerto Rican Legislature—pay certain Federal taxes such as social security.

Puerto Rico has its own judiciary. Until 1961, appeals from the Commonwealth supreme court went to a U.S. court of appeals, but now they go straight to the U.S. Supreme Court.

The Spanish name for the Commonwealth—Estado Libre Asociado—is most accurately translated as "Associated Free State." The constitution of 1952 enhances both the value of the political bond with the United States and the value of maximum self-government.

Puerto Ricans set an example for other Americans in regard to fulfilling the primary responsibility of democratic citizenship. They give careful thought to political issues. And then they go to the polls and vote. Over 80 percent of the registered voters in the Commonwealth cast their ballots in 1964. And this degree of political participation is by no means unusual.

I look forward to the findings of the United States-Puerto Rico Commission on the Status of Puerto Rico. I cosponsored the bill which created this Commission. It is scheduled to submit a final report by this September 30, on its studies of "all factors which may have a bearing on the present and future relationship between the United States and Puerto Rico." But we can be sure of one finding: the Puerto Rican people are overwhelmingly in favor of continuing their close ties with the United States.

Mr. Speaker, the people of Puerto Rico have proved—and will continue to prove—that democracy can work. I believe that every Member will join me in congratulating our fellow citizens in the Commonwealth on the 14th anniversary of their successful experiment in democratic self-government.

Mr. Speaker, this occasion also affords me the opportunity to pay tribute to our esteemed colleague, the Honorable Santiago Polanco-Abreu, the Resident Commissioner of the Commonwealth of Puerto Rico. It has been a pleasure to serve with him and to observe his conscientious dedication to the service of

the people of Puerto Rico. His companionship is enjoyable, and his contribution to the deliberations of the Congress a credit to Puerto Rico.

HISTORY WILL NEVER ABSOLVE CASTRO

The SPEAKER. Under previous order of the House, the gentleman from Florida [Mr. ROGERS] is recognized for 5 minutes.

Mr. ROGERS of Florida. Mr. Speaker, we are on the eve of a day that stands like a giant tombstone casting a shadow on free people everywhere—a day when historians can hark back in citing the death of a nation. The enslavement of a people. The end of a democracy. The extinction of a free society.

That day—July 26—is the day Fidel Castro uses as the birthday of his revolution. Shortly after that day he presumptuously addressed himself to history through a military court of law and said his deeds would be absolved by history. "History will absolve me," Castro told the court before which he stood for leading an aborted coup on July 26, 1953, aimed at the overthrow of the Cuban Government.

In retrospect, history might well have absolved Fidel Castro for what he had done up to that point—in the name of democracy, in the name of freedom, and in the name of Cuban liberty.

But for what he has done since January 1, 1959, he cannot be absolved—not by history, not by the people of the United States and not by any member of a free society.

History will not absolve Fidel Castro for denying Cubans their democratic principles.

History will not absolve Fidel Castro for converting a democracy into a host for the Communist parasite.

Nor will history absolve Fidel Castro for desecrating a once proud land into an isolated island of hopelessness.

History could never absolve an individual who has created such oppressive conditions that the people of Cuba—the very lifeblood of a nation—would voluntarily exile themselves rather than abandon their personal freedoms.

Tomorrow Fidel Castro will work himself into a frenzy in an attempt to absolve himself before his own people. History is long in coming. The needs of the Cuban people are not so distant.

Castro will tomorrow try and fill empty stomachs with promises. This is not a cause of celebration. And he will try and dredge up a new picture of the future for people who have had new futures painted each July 26 for the past 8 years. None of those futures have been realized.

Yet the future he projects are but hazy visions of 8-year-old memories. Memories of times long past. Times never to be repeated under Fidel Castro's Communist dictatorship.

History will unravel the lies that Castro reports tomorrow. History will strip aside the trumped-up statistics he hopes to use as a feeble crutch for a faltering people and the idle words which he

hopes will prove to hungry listeners that they are not hungry.

And history will negate Castro's claims that Cuba is on its feet and not tottering on the brink of economic disaster.

History is a clairvoyant writer of truths. Not of idle slogans nor of passionate promises.

It is sheer folly for Fidel Castro to anticipate absolution for history or from freemen now and down through the ages to come.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FULTON of Pennsylvania (at the request of Mr. GERALD R. FORD), for the period July 25 through July 28, 1966, to attend the conference in Geneva, Switzerland, with the members of the U.S. delegation who are working out the treaty on peaceful uses of outer space.

Mr. HARDY (at the request of Mr. DOWNING), for Monday, July 25; Tuesday, July 26; and Wednesday, July 27, on account of illness.

Mr. PEPPER (at the request of Mr. ALBERT), for today, on account of official business.

Mr. KEE (at the request of Mr. STAGGERS), for week beginning July 25, 1966, and extending through July 31, 1966, on account of illness in the family.

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. GLENN ANDREWS (at the request of Mr. REINECKE), for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

Mr. ASHBROOK (at the request of Mr. REINECKE), for 15 minutes, today; and to revise and extend his remarks and to include extraneous matter.

Mr. FINDLEY (at the request of Mr. REINECKE), for 20 minutes, today; and to revise and extend his remarks and to include extraneous matter.

Mr. BURTON of Utah (at the request of Mr. REINECKE), for 10 minutes, today; and to revise and extend his remarks and to include extraneous matter.

Mr. FEIGHAN (at the request of Mr. PATTEN), for 5 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. RYAN (at the request of Mr. PATTEN), for 10 minutes, today; to revise and extend his remarks and to include extraneous matter.

Mr. ROGERS of Florida (at the request of Mr. PATTEN), for 5 minutes today; 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. CELLER and to include a more detailed description of the bill H.R. 14765, and a memorandum prepared at his re-

quest by the Department of Justice outlining the constitutionality of various titles of the bill.

Mr. DAVIS of Wisconsin.

Mr. TEAGUE of Texas.

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

Mr. HORTON in two instances.

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

Mr. COHELAN.

Mr. MACKIE.

Mr. FOGARTY in two instances.

Mr. WOLFF.

Mr. RIVERS of South Carolina.

Mr. ANNUNZIO.

Mr. RONCALIO in two instances.

Mr. EVINS of Tennessee in two instances.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table, and, under the rule, referred as follows:

S. 1681. An act to provide for uniform, fair, and equitable treatment of persons, businesses, or farms displaced by Federal and federally assisted programs; to the Committee on Public Works.

ENROLLED BILLS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that the committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 139. An act to provide for the striking of medals to commemorate the 1,000th anniversary of the founding of Poland; and

H.R. 14324. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2822. An act to amend various provisions of the laws administered by the Farm Credit Administration to improve operations thereunder, and for other purposes.

ADJOURNMENT

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

The motion was agreed to; accordingly (at 4 o'clock and 59 minutes p.m.) the House adjourned until tomorrow, Tuesday, July 26, 1966, 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:

2583. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement on several watershed projects, pursuant to the authority vested in the President by section 5 of the Watershed Protec-

tion and Flood Prevention Act, as amended (16 U.S.C. 1005), and delegated to the Director of the Bureau of the Budget by Executive Order No. 10654, of January 20, 1956; to the Committee on Agriculture.

2584. A letter from the Assistant Secretary, Export-Import Bank of Washington, transmitting a report of the amount of Export-Import Bank insurance and guarantees on U.S. exports to Yugoslavia for the month of June 1966, pursuant to the provisions of title III of the Foreign Assistance and Related Agencies Appropriations Act of 1966, and to the Presidential determination of February 4, 1964; to the Committee on Foreign Affairs.

2585. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting a list of applicants for conditional entry into the United States, pursuant to the provisions of section 203(e)(7) of the Immigration and Nationality Act; to the Committee on the Judiciary.

2586. A letter from the Attorney General, transmitting a draft of proposed legislation to provide for the appointment of U.S. marshals by the Attorney General; to the Committee on the Judiciary.

2587. A letter from the Acting Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 21, 1966, submitting a report, together with accompanying papers and an illustration, on a review of the reports on Skagit River, Wash., requested by a resolution of the Committee on Public Works, House of Representatives, adopted May 13, 1947; to the Committee on Public Works.

2588. A letter from the Acting Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 17, 1966, submitting a report, together with accompanying papers and an illustration, on a letter report on La Pointe Harbor, Wis., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 31, 1957; no authorization by Congress is recommended as the desired improvements have been approved for accomplishment under the provisions of section 107 of the River and Harbor Act of 1960; to the Committee on Public Works.

2589. A letter from the Acting Secretary of the Army, transmitting a letter from the Chief of Engineers, Department of the Army, dated June 15, 1966, submitting a report, together with accompanying papers and an illustration, on a letter report on Nansmond River, Va., requested by a resolution of the Committee on Public Works, House of Representatives, adopted July 19, 1956; to the Committee on Public Works.

2590. A letter from the Acting Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement on several watersheds, pursuant to the authority vested in the President by section 5 of the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and delegated to the Director of the Bureau of the Budget by Executive Order 10654 of January 20, 1956; to the Committee on Public Works.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RIVERS of South Carolina: Committee on Armed Services. S. 3105. An act to authorize certain construction at military installations, and for other purposes; with amendment (Rept. No. 1763). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE: Committee on Armed Services. H.R. 11984. A bill to amend section 701 of title 10, United States Code, to authorize additional accumulation of leave in certain foreign areas (Rept. No. 1764). Referred to the Committee of the Whole House on the State of the Union.

Mr. PRICE: Committee on Armed Services. H.R. 15748. A bill to amend title 10, United States Code, to authorize a special 30-day period of leave for a member of a uniformed service who voluntarily extends his tour of duty in a hostile fire area (Rept. No. 1765). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.J. Res. 561. Joint resolution to authorize the Secretary of the Army to furnish memorial headstones or markers to commemorate those civilians who lost their lives aboard the submarine U.S. Ship *Thresher* (Rept. No. 1766). Referred to the Committee of the Whole House on the State of the Union.

Mr. CELLER: Committee on the Judiciary. Report on refugee problems in Vietnam, India, and Hong Kong, British Crown Colony (Rept. No. 1769). Referred to the Committee of the Whole House on the State of the Union.

Mr. McMILLAN: Committee on the District of Columbia. H.R. 16337. A bill to amend the District of Columbia Teachers' Salary Act of 1955 to increase the salaries of teachers, school officers, and other employees of the Board of Education of the District of Columbia, and for other purposes; with amendment (Rept. No. 1770). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FEIGHAN: Committee on the Judiciary. H.R. 6606. A bill for the relief of Li Tsu (Nako) Chen; with amendment (Rept. No. 1760). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. H.R. 12950. A bill for the relief of Kazimierz (Casimer) Krzykowski (Rept. No. 1761). Referred to the Committee of the Whole House.

Mr. FEIGHAN: Committee on the Judiciary. S. 2663. An act for the relief of Dinesh Kumar Poddar; with amendment (Rept. No. 1762). Referred to the Committee of the Whole House.

Mr. SENNER: Committee on the Judiciary. H.R. 2671. A bill for the relief of Capt. Lloyd N. Campbell; with amendment (Rept. No. 1767). Referred to the Committee of the Whole House.

Mr. SENNER: Committee on the Judiciary. H.R. 3901. A bill for the relief of Miss Elisabeth von Oberndorff (Rept. No. 1768). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. ANDREWS of North Dakota: H.R. 16459. A bill to establish a National Commission on Reform of Federal Criminal Laws; to the Committee on the Judiciary.

By Mr. BELCHER: H.R. 16460. A bill to place certain lands in trust status for the Pawnee Indian Tribe, Oklahoma; to the Committee on Interior and Insular Affairs.

By Mr. BURKE:

H.R. 16461. A bill to reclassify certain positions in the postal field service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. DOLE:

H.R. 16462. A bill to prohibit desecration of the flag; to the Committee on the Judiciary.

By Mr. WILLIAM D. FORD:

H.R. 16463. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. GIAIMO:

H.R. 16464. A bill to amend title II of the Social Security Act to permit States, under Federal-State agreements, to provide for coverage for hospital insurance benefits for the aged for certain State and local employees whose services are not otherwise covered by the insurance system established by such title; to the Committee on Ways and Means.

By Mr. HANNA:

H.R. 16465. A bill making an appropriation to enable the Post Office Department to extend city delivery service on a door delivery service basis to postal patrons now receiving curbside delivery service who qualify for door delivery service; to the Committee on Appropriations.

By Mr. HATHAWAY:

H.R. 16466. A bill to amend the Internal Revenue Code of 1954 to increase the investment credit allowable with respect to facilities to control water and air pollution, and to permit the amortization of the cost of constructing such facilities within a period of from 1 to 5 years; to the Committee on Ways and Means.

By Mr. MICHEL:

H.R. 16467. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

By Mr. MILLER:

H.R. 16468. A bill to establish the Channel Islands National Park, in the State of California, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. POFF:

H.R. 16469. A bill to exclude from income certain reimbursed moving expenses; to the Committee on Ways and Means.

By Mr. REID of New York:

H.R. 16470. A bill to amend the National Foundation on the Arts and the Humanities Act of 1965; to the Committee on Education and Labor.

By Mr. DORN:

H.R. 16471. A bill to modify the general plan for the comprehensive development of the Savannah River to authorize the construction of the Trotters Shoals Dam and Reservoir, and to give the consent of Congress for the construction of a dam at Middleton Shoals; to the Committee on Public Works.

By Mr. LANDRUM:

H.R. 16472. A bill to modify the general plan for the comprehensive development of the Savannah River to authorize the construction of the Trotters Shoals Dam and Reservoir, and to give the consent of Congress for the construction of a dam at Middleton Shoals; to the Committee on Public Works.

By Mr. JARMAN:

H.R. 16473. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. O'BRIEN:

H.R. 16474. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Florida:

H.R. 16475. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. NELSEN:

H.R. 16476. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HULL:

H.R. 16477. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. WATTS:

H.R. 16478. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to consolidate certain provisions assuring the safety and effectiveness of new animal drugs, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GEORGE W. ANDREWS:

H.R. 16479. A bill to make an assault of a member of the armed services in uniform a Federal crime; to the Committee on the Judiciary.

By Mr. BROOMFIELD:

H.R. 16480. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Corporation, and for other purposes to the Committee on Public Works.

By Mr. BROUHILL of Virginia (by request):

H.R. 16481. A bill to enable the District of Columbia to participate in the health and medical assistance benefits made available by the Social Security Amendments of 1965, and for other purposes; to the Committee on the District of Columbia.

By Mr. DOLE:

H.R. 16482. A bill to provide that certain highways extending from Laredo, Tex., to the point where U.S. Highway 81 crosses the border between North Dakota and Canada shall be known collectively as the "Pan American Highway"; to the Committee on Public Works.

By Mr. FULTON of Tennessee:

H.R. 16483. A bill to provide that certain television and radio receiving tubes be appraised under section 402 of the Tariff Act of 1930; to the Committee on Ways and Means.

By Mr. HUOT:

H.R. 16484. A bill to amend section 416 of the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

By Mr. LAIRD:

H.R. 16485. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the benefits payable thereunder; to the Committee on Ways and Means.

By Mr. MOORHEAD:

H.R. 16486. A bill to authorize the President, during the period during which the 89th Congress is adjourned sine die, to increase certain income tax and withholding rates temporarily; to the Committee on Ways and Means.

By Mr. SCHISLER:

H.R. 16487. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. THOMPSON of Texas:

H.R. 16488. A bill to amend the Internal Revenue Code of 1954 to authorize an in-

centive tax credit allowable with respect to facilities to control water and air pollution, to encourage the construction of such facilities, and to permit the amortization of the cost of constructing such facilities within a period of from 1 to 5 years; to the Committee on Ways and Means.

By Mr. ULLMAN:

H.R. 16489. A bill to provide for the disposition of judgment funds on deposit to the credit of the Confederated Tribes of the Umatilla Indian Reservation; to the Committee on Interior and Insular Affairs:

By Mr. WRIGHT:

H.R. 16490. A bill to amend the Internal Revenue Code of 1954 to make it clear that the income tax exemption for interest on State and local obligations does not extend to obligations issued by a private corporation, regardless of their nature or purpose or any approval given or other action taken with respect to them by a State or municipality; to the Committee on Ways and Means.

By Mr. WILLIS:

H.R. 16491. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. CELLER:

H.R. 16492. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. McCULLOCH:

H.R. 16493. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. MOORE:

H.R. 16494. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. RODINO:

H.R. 16495. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. WHITENER:

H.R. 16496. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. TOLL:

H.R. 16497. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. KASTENMEIER:

H.R. 16498. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. GILBERT:

H.R. 16499. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 16500. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. MATHIAS:

H.R. 16501. A bill to regulate and foster commerce among the States by providing a system for the taxation of interstate commerce; to the Committee on the Judiciary.

By Mr. GLENN ANDREWS:

H.R. 16502. A bill to amend title VI of the Civil Rights Act of 1964 to exclude the school lunch program and the special milk program from its provisions; to the Committee on the Judiciary.

By Mr. BENNETT:

H.R. 16503. A bill to amend the Bank Holding Company Act of 1956, and for other purposes; to the Committee on Banking and Currency.

By Mr. DOW:

H.R. 16504. A bill to amend the Small Business Act to increase the maximum maturity

of regular business loans to 20 years where such loans are made for the construction of facilities; to the Committee on Banking and Currency.

By Mr. DULSKI:

H.R. 16505. A bill to provide for a more conservative capitalization of the St. Lawrence Seaway Development Corporation, and for other purposes; to the Committee on Public Works.

By Mr. DUNCAN of Tennessee:

H.R. 16506. A bill to amend the Internal Revenue Code of 1954 to provide an additional \$3,000 exemption from income tax for amounts received as annuities, pensions, or other retirement benefits; to the Committee on Ways and Means.

By Mr. EDWARDS of California:

H.R. 16507. A bill to amend title 39, United States Code, to provide city delivery mail service on a door delivery service basis for postal patrons receiving curbside delivery service who qualify for door delivery service; to the Committee on Post Office and Civil Service.

By Mr. FRIEDEL:

H.R. 16508. A bill to amend section 402 of the Federal Aviation Act of 1958; to the Committee on Interstate and Foreign Commerce.

H.R. 16509. A bill to amend section 416 of the Federal Aviation Act; to the Committee on Interstate and Foreign Commerce.

By Mr. HANSEN of Idaho:

H.R. 16510. A bill to make certain reclamation project expenses nonreimbursable; to the Committee on Interior and Insular Affairs.

By Mr. JENNINGS:

H.R. 16511. A bill to continue for a temporary period the existing suspension of duty on manganese ore and related products; to the Committee on Ways and Means.

By Mr. SCHEUER:

H.R. 16512. A bill to amend the National School Lunch Act to strengthen and expand food service programs for children; to the Committee on Education and Labor.

By Mr. SCHISLER:

H.R. 16513. A bill to provide a method of compensating individuals for injuries and damages sustained by them in the course of assisting in the apprehension of any person who has committed a Federal crime, and for other purposes; to the Committee on the Judiciary.

By Mr. VIVIAN:

H.R. 16514. A bill to amend title II of the Social Security Act to provide cost-of-living increases in the insurance benefits payable thereunder; to the Committee on Ways and Means.

By Mr. SPRINGER:

H.R. 16515. A bill to provide for a coordinated national safety program and establishment of safety standards for motor vehicles in interstate commerce to reduce traffic accidents and the deaths, injuries, and property damage which occur in such accidents; to the Committee on Interstate and Foreign Commerce.

By Mr. GARMATZ:

H.J. Res. 1219. Joint resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. FASCELL:

H.J. Res. 1220. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. BENNETT:

H.J. Res. 1221. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. FUQUA:

H.J. Res. 1222. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. GIBBONS:

H.J. Res. 1223. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. HALEY:

H.J. Res. 1224. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. HERLONG:

H.J. Res. 1225. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. MATTHEWS:

H.J. Res. 1226. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. ROGERS of Florida:

H.J. Res. 1227. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. SIKES:

H.J. Res. 1228. Joint resolution to provide for the settlement of the labor dispute between certain airlines and certain of their employees; to the Committee on Interstate and Foreign Commerce.

By Mr. BURTON of Utah:

H. Con. Res. 865. Concurrent resolution to provide for a permanent United Nations peacekeeping force; to the Committee on Foreign Affairs.

By Mr. FASCELL:

H. Con. Res. 866. Concurrent resolution expressing the sense of the Congress regarding the treatment of prisoners of war held captive by the Communist regime of North Vietnam; to the Committee on Foreign Affairs.

By Mr. HUNGATE:

H. Con. Res. 867. Concurrent resolution relating to the submission to committees of Congress of watershed improvement plans; to the Committee on Agriculture.

By Mr. RONCALIO:

H. Con. Res. 868. Concurrent resolution to provide for a permanent United Nations peacekeeping force; to the Committee on Foreign Affairs.

By Mr. UTT:

H. Con. Res. 869. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. ANDERSON of Illinois:

H. Con. Res. 870. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. ASHLEY:

H. Con. Res. 871. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. BELL:

H. Con. Res. 872. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. BURTON of Utah:

H. Con. Res. 873. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. CALLAWAY:

H. Con. Res. 874. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. CELLER:

H. Con. Res. 875. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. CRAMER:

H. Con. Res. 876. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. DE LA GARZA:

H. Con. Res. 877. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. DYAL:

H. Con. Res. 878. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. FULTON of Pennsylvania:

H. Con. Res. 879. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. FULTON of Tennessee:

H. Con. Res. 880. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. HANLEY:

H. Con. Res. 881. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. HANSEN of Idaho:

H. Con. Res. 882. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. HORTON:

H. Con. Res. 883. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. JARMAN:

H. Con. Res. 884. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mrs. MAY:

H. Con. Res. 885. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. MOSS:

H. Con. Res. 886. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. MULTER:

H. Con. Res. 887. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. O'NEAL of Georgia:

H. Con. Res. 888. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. PELLY:

H. Con. Res. 889. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. ROYBAL:

H. Con. Res. 890. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. SHRIVER:

H. Con. Res. 891. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. STALBAUM:

H. Con. Res. 892. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. BELCHER:

H. Con. Res. 893. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. EVINS of Tennessee:

H. Con. Res. 894. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. GILLIGAN:

H. Con. Res. 895. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. VIVIAN:

H. Con. Res. 896. Concurrent resolution relating to U.S. military personnel held captive in Vietnam; to the Committee on Foreign Affairs.

By Mr. HANSEN of Idaho:

H. Con. Res. 897. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. WALDIE:

H. Con. Res. 898. Concurrent resolution expressing the sense of the Congress with respect to certain proposed regulations of the Food and Drug Administration relating to the labeling and content of diet foods and diet supplements; to the Committee on Interstate and Foreign Commerce.

By Mr. O'NEAL of Georgia:

H. Res. 928. Resolution to authorize the Committee on the Judiciary to conduct an investigation and study of the moral character of Justice William O. Douglas; to the Committee on Rules.

By Mr. O'NEILL of Massachusetts:

H. Res. 929. Resolution authorizing the Speaker of the House of Representatives to appoint a special committee to investigate and report on campaign expenditures of candidates for the House of Representatives; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

495. The SPEAKER presented a memorial of the Legislature of the State of California, relative to the initiation of a study of the oceanography of Monterey Bay and the surrounding ocean waters and the pollution thereof, which was referred to the Committee on Public Works.

PRIVATE BILLS AND RESOLUTIONS

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

By Mr. CASEY:

H.R. 16516. A bill for the relief of George W. Payne and Jo Nan Payne; to the Committee on the Judiciary.

By Mr. CORMAN:

H.R. 16517. A bill for the relief of Mrs. Esther Sevilla de Soto and her children, Manuel Ricardo Sevilla and Silvia Esther Sevilla; to the Committee on the Judiciary.

By Mr. FINO:

H.R. 16518. A bill for the relief of Stephen O. K. Chen and Ching Nun Ho; to the Committee on the Judiciary.

By Mr. FOLEY:

H.R. 16519. A bill for the relief of Eduard Samuel Farag; to the Committee on the Judiciary.

By Mr. HUNGATE:

H.R. 16520. A bill for the relief of Albert Jenelic; to the Committee on the Judiciary.

By Mr. JOELSON:

H.R. 16521. A bill for the relief of Anjel Turancijan; to the Committee on the Judiciary.

By Mr. McCORMACK:

H.R. 16522. A bill for the relief of Vicente Fernandez Marino; to the Committee on the Judiciary.

By Mr. MORSE:

H.R. 16523. A bill for the relief of Francesco D'Amico; to the Committee on the Judiciary.

By Mr. O'HARA of Illinois:

H.R. 16524. A bill for the relief of Harry Chuen Lee and his wife, Corinna Lee; to the Committee on the Judiciary.

By Mr. ROYBAL:

H.R. 16525. A bill for the relief of Miss Hea Ja Kim; to the Committee on the Judiciary.

By Mr. TUNNEY:

H.R. 16526. A bill for the relief of Mrs. Constanca D. Saso; to the Committee on the Judiciary.

By Mr. WALDIE:

H.R. 16527. A bill for the relief of Luisa Caridad Roque de Rasmussen; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

415. By the SPEAKER: Petition of Henry Stoner, Portland, Oreg., relative to water pollution; to the Committee on Government Operations.

416. Also, petition of Home Owners Enterprises, Inc., Nashville, Tenn., relative to proposed legislation in behalf of one Herbert Key; to the Committee on the Judiciary.

SENATE

MONDAY, JULY 25, 1966

(Legislative day of Friday, July 22, 1966)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Vice President.

Rev. Edward B. Lewis, minister, Capitol Hill Methodist Church, Washington, D.C., offered the following prayer:

O God of the way, the truth, and the life, we are conscious of our need of Thee.

We strive to find the way to peace, to abundant life for all, but we have failed. We are grateful that the way is still before us. Give us guidance.

Truth will stand any test. In a world of many ideologies and opinions, help men of all nations to learn the truth that will give opportunity and hope for mankind. Give us knowledge of basic truth.

Thou hast breathed into each of our beings life. Dear Father, be with these servants of the people as they give their lives in national and international leadership. Give them insight as to the true meaning of life. Inspire and guide these important lives today, we pray in the Master's name. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, July 22, 1966, was dispensed with.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Geisler, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the Committee on Armed Services.

(For nominations this day received, see the end of Senate proceedings.)

JOINT RESOLUTIONS INTRODUCED

By unanimous consent, the following joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. MORSE (for himself and Mr. JAVITS):

S.J. Res. 181. Joint resolution to provide for the settlement of the labor dispute currently existing between certain air carriers and certain of their employees; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. MORSE when he introduced the above joint resolution, which appear under a separate heading.)

By Mr. DIRKSEN (for himself, Mr. COTTON, and Mr. HRUSKA):

S.J. Res. 182. Joint resolution to provide for the settlement of the labor dispute between certain carriers by air and certain of their employees; to the Committee on Labor and Public Welfare.

(See the remarks of Mr. DIRKSEN when he introduced the above joint resolution, which appear under a separate heading.)

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the following subcommittee and committees were authorized to meet during the session of the Senate today:

The Subcommittee on Government Research of the Committee on Government Operations.

The Committee on Labor and Public Welfare.

The Committee on Finance.

The Committee on Post Office and Civil Service.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess—there will be no morning hour—until 10 o'clock tomorrow morning.

The VICE PRESIDENT. Without objection, it is so ordered.

FOREIGN ECONOMIC ASSISTANCE, 1966

The VICE PRESIDENT laid before the Senate the unfinished business.

The Senate resumed the consideration of the bill (S. 3584) to amend further

the Foreign Assistance Act of 1961, as amended, and for other purposes.

Mr. BAYH. Mr. President, I ask unanimous consent that the pending business, the amendment of the Senator from Kentucky [Mr. COOPER], be temporarily laid aside, and that the Chair lay before the Senate my amendment No. 652.

Mr. MANSFIELD. And that the consideration of the amendment of the Senator from Kentucky follow the amendment of Senator BAYH.

The VICE PRESIDENT. The request is that the pending amendment be set aside and that the amendment of the Senator from Kentucky follow the amendment of the Senator from Indiana. Without objection, it is so ordered.

The amendment of the Senator from Indiana will be stated.

The legislative clerk read as follows:

On page 18, line 1, strike out the word "subsection" and substitute the word "subsections".

On page 18, line 5, strike out the quotation marks.

On page 18, between lines 5 and 6, insert the following:

"(f) Funds made available under this Act shall not be used to finance the procurement of iron and steel products for use in Vietnam if the products contain any component acquired by the producer of the commodity in the form in which imported into the country of production from sources other than the United States or a country designated as a limited free world country by code number 901 in the September 1964 Geographic Code Book compiled by the Agency for International Development, at a total cost (delivered to the point of production) that amounts to more than 10 per centum of the lowest price (excluding the cost of ocean transportation and marine insurance) at which the supplier makes the commodity available for export sale (whether or not financed by the Agency for International Development)."

Mr. BAYH. Mr. President, I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, will the Senate yield me such time as it may take me to make a very important statement with regard to the airline strike?

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

THE AIRLINES STRIKE

Mr. MORSE. Mr. President, I introduce a substitute joint resolution for the one that I introduced last Friday, setting forth an alternative proposal for a settlement of the pending airline dispute through legislative action.

Over the weekend, I have participated in conversations and consultations which satisfy me that at this time my new joint resolution for the settlement of this particular case is preferable to the one I introduced Friday. The provisions of my joint resolution of last Friday, along with similar proposals from other Members of Congress, should be considered for purposes of new permanent legislation for the handling of national emergency disputes; these call for more detailed and lengthy hearings by appropriate committees of Congress than time permits.