The House met at 12 o'clock noon.

Rev. Henry B. Luffbery, D.D., St. Paul's Lutheran Church, Washington, D.C., offered the following prayer:

God of wilderness and promised land, Christ of Calvary and Easter, our jour­ney brings us this day to another inter­section of history and destiny.

As we ponder the uncertain way teach us thankfulness for cherished milestones, for glimpses of the horizon which con­firm our faith, for those wayside shrines that refresh our souls and renew our resolve.

When we step from yesterday's con­crete strip upon today's rugged terrain, when we face again a trackless tomorrow, may we not stumble, Lord, nor tire of the burdens we bear.

In brotherly love light our eyes, to faithful trust tune our hearts—and with the sharp edge of truth blaze our ascending trail. Amen.

THE JOURNAL

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

EL DORADO NATIONAL FOREST— DESOLATION WILDERNESS AREA

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

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

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, today I am introducing legislation to designate approximately 63,500 acres of the El Dorado National Forest in California as the Desolation Wilderness Area. As a member of the House of Representatives Committee on Interior and Insular Affairs and its Subcommittee on National Parks and Recreation, I had a substantial role in the creation of the national wilderness preservation sys­tem a few years ago. I am delighted, therefore, that one of the areas to be designated under this legislation would be an important wilderness region in the Second Congressional District.

The proposed Desolation Wilderness Area which includes most of the Desolation Primitive Area and 22,725 acres of contiguous national forest land is an outstanding example of the rugged beauty of the Sierra Nevada range.

Located in the high mountains far from the hustle and bustle of civilization this is an area of peace and tranquillity. Here man can put behind him the cares, toils, and troubles of his everyday life and return to the mountains and to the country, to nature in our land as it was first created by our Maker. Here he can enjoy unmarred by civilization the majestic splendor of the mountains.

It was to set aside such areas as this that the sweeping legislation was ini­tially conceived and enacted by this Congress. It is my feeling that the Deso­lation Wilderness will serve this purpose excellently.

Accordingly, the Congress established the principal of multiple use of our na­tional forests. This includes all functions, including recreation, mining, grazing, and timber production. The wilderness seeker likes this multiple use and it is appropriate that those areas such as this which are most suitable for wilderness designation are set aside.

Mr. Speaker, the U.S. Forest Service, in considering the conversion of the ex­isting Desolation Valley Primitive Area and adjacent national forest lands to the wilderness designation, has reviewed this proposal with State and local agencies and with the public as a whole. A public hearing was held in Placerville, Calif., about a year ago with a general expres­sion of support for the wilderness design­ation. The wilderness legislation has been reviewed by the Board of Supervisors of El Dorado County, and all interested Federal De­partments and State and local government­al agencies have been consulted.

Accordingly, Mr. Speaker, I hope that Congress will have an opportunity to take early action on the proposal which I introduce here today to establish the Desolation Wilderness. I say this not only on behalf of the people of the Second Congressional District, but for those of all of northern California, for this pro­posed wilderness is located just west of Lake Tahoe within reach of wilderness seekers from throughout northern areas of our State.

THE LATE DR. MARTIN LUTHER KING

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

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

There was no objection.

Mr. RYAN. Mr. Speaker, yesterday I attended the funeral services for the Reverend Dr. Martin Luther King, Jr., in Atlanta. I am sure that my constitu­ents wanted me there to bear witness for them.

During yesterday's proceedings of the House there were two roll calls and three quorum calls. Had I been present I would have voted "nay" on roll No. 92 and "yea" on roll No. 93.

LET US WALK TOGETHER—TRIBUTE TO REV. DR. MARTIN LUTHER KING, JR.

Mr. NIX. 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

CIVIL AERONAUTICS BOARD

the request of the gentleman from Pennsylvania?

There was no objection.

Mr. NIX. Mr. Speaker, last week, for the first time in modern history, the world witnessed the extraordinary death of a distinguished American of African descent, Rev. Dr. Martin Luther King, Jr. As an advocate of one of the basic principles of a society of law and order—nonviolence—he nonetheless died in the advocacy of that creed.

While many may have disagreed with the tenacity of his faith and its uncompromising pursuit, his death did command the headlines the world over. Indeed, Congressmen, Governors, mayors, and sharecroppers from janitor and janitor to Vice President and millionaire to make their pilgrimage of respect.

All were there—U.S. Senators, U.S. Congressmen, Governors, mayors, foreign dignitaries alongside the unnamed, the lowly and the unemployed. Indeed, the measure of this slightly built black man's greatness is calibrated by the thousands of messages of condolences and the tenacity of his faith and its uncomplimentary of occupations from janitor and sharecropper to Vice President and millionaire to make their pilgrimage of respect.

As Members of this highest and most respected legislative body, we are to consider today the 1968 civil rights bill. I ask no one to vote for this piece of legislation, but rather, as legislators, to examine their consciences.

As a supporter of President Johnson, I hope the Members will not act in haste, but look at the other side of the question. This bill is so far reaching, covering open housing, riot control, gun control, American Indians, and civil obedience. Even though it originated as a House bill, the Senate added open housing, gun legislation and rights of the American Indian. Congressman Bill Colmer was right when he said this bill is being considered today 'under the gun.'

The open housing provision in this bill takes away the rights of an individual to dispose of his property in any way that he sees fit. This provision is not going to improve any living conditions; it only hinders the economic manner and makes him subject to civil suit.

The gun section of this bill is not clear and certainly should be debated on the floor. Innocent people could be arrested crossing State lines because of the way this gun section of the bill is worded.

Congressman Bill Colmer, chairman of the Rules Committee, should be commended for holding this piece of legislation up for almost a month in his committee.

I urge the Members of the House not to act in haste, but look at the other side of the coin; the private homeowner and the taxpaying American citizens who if you pass this bill will be further penalized by his country for being a good citizen.

APPEAL FOR HUBERT HUMPHREY TO BE PRESIDENTIAL CANDIDATE

Mr. SISK. 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 California?

There was no objection.

Mr. SISK. Mr. Speaker, the events of the past week have placed in perspective the shocking depths of the cleavages which divide this Nation on our domestic policies, just as the events of the previous months had demonstrated the cleavages which divide the President's greatness, which he decided not to run, his withdrawal from the field left a void which I do not believe any of the heretofore declared candidates can fill.

I earnestly hope that the Vice President of the United States, HUBERT HUMPHREY, will make himself available as a candidate for this office. I realize that it is not for him to seek the nomination, but I do believe there is any other American who can draw the country together and bring unity out of discord.

The Vice President's experience as a legislator and as a member of the inner circle of the national policy branch are too well known to recount here. His background as a mayor qualifies him exceptionally well to know and understand the problems of the urban areas, which certainly are the focal point of our current domestic crisis.

I know I speak for millions of Americans when I express the hope that the Vice President will not unduly delay his decision on this matter, and for the sake of future generations of Americans and people everywhere, I fervently hope his decision will be in the affirmative.

SUPPORT FOR MAYOR WASHINGTON DURING CRISIS

Mr. HOLIFIELD. 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 California?

There was no objection.

Mr. HOLIFIELD. Mr. Speaker, last year I had the privilege of helping to manage the reorganization plan which established the present mayor-council form of government for the District of Columbia. This plan, which was the President's proposal, has in the last few days been severely tested by events in the District of Columbia. The men whom the President appointed to fill the posts set up under the plan, in particular Mayor Washington and Deputy Mayor Fletcher, have given service to this community without precedent. In our gravest hour, they have given us their finest effort.

I know that I am not alone in commending the Mayor for his courage and leadership during this dark period. I know that I am not alone in commending the hundreds of businessmen, private individuals and members of the police, National Guard, and Army units for their heroic service to the Nation's Capital. What happened here was a breakdown in our ability to think and act as...
a community. If we will it, out of this can come a renewed dedication to be a community.

To the President, the Mayor, and Destroyed Mayors, to the members of the City Council, I thank you for your efforts through many sleepless nights to give this city the essential continuity of leadership so desperately needed.

MARTIN LUTHER KING, JR.

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

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

There was no objection.

Mr. GILBERT. Mr. Speaker, yesterday I attended the funeral of Dr. Martin Luther King, Jr. It was an honor I would have preferred to forgo. I would have preferred that Dr. Luther King live to continue his great work in behalf of his country. He was a great American and a great patriot. It is amazing that in just a few short years he made such a magnificent impact that his name was known and revered around the world, in the capitals of powerful nations and in the mudhuts of impoverished peasants.

Martin Luther King was an inspiration to all of us. He brought honor to America. Even more important, he brought us a great man like Dr. Martin Luther King, Jr., is difficult to express in mere words. It is amazing that in the request of the gentlewoman from Hawaii?

There was no objection.

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

The SPEAKER. Is there objection to the request of the gentlewoman from Hawaii?

There was no objection.

Mrs. MINK. Mr. Speaker, tribute to a great man like Dr. Martin Luther King, Jr., is difficult to express in mere words. Yesterday I participated in the funeral procession in Atlanta, Ga., to express my esteem and respect for this great religious and spiritual leader and to underscore my own personal determination to make his life’s dream of freedom and equality for our fellow Americans a reality.

Our Nation is not likely to see soon the emergence of such a leader among men who by the sheer strength of his foreboding, in the benefit of his words could capture the conscience of all men of good will and dramatize the work that we must do in order to make real the American’s creed of freedom from oppression.

His words sung deep into the hearts of Americans, and we must now rise to his challenge to create a society where all men may enjoy the blessings of liberty and opportunity.

An eloquent voice for justice has been silenced. Those who will now count among the living will be those who will be unwilling to transform their record for him into actions which will achieve the goals to which this Nation has been since its inception dedicated.

The tragedy is that men must still die to win freedom and equality in America. Dr. King is dead; so long as he lived he bore the cross of our conflict, of our conscience and of our guilt. Sad that he should have died before his dream came true. The dream has to only that, when America’s pride was in its ideals of liberty and justice for all.

The time has come for America to free its soul of prejudice and to rewrite the chapters of our noble history so that human dignity can be the basis of our mode of life and the creed of our country.

DR. FREDERICK SEITZ TO BE NEW PRESIDENT OF ROCKEFELLER UNIVERSITY

Mr. DADDARIO. 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 Connecticut?

There was no objection.

Mr. DADDARIO. Mr. Speaker, on April 4 it was announced by Rockefeller University in New York that Frederick Seitz will be the next president of that institution in the near future. Rockefeller University is to be congratulated upon its choice, but those of us in Washington are aware that Dr. Seitz has worked with Dr. Seitz for a number of years as president of the National Academy of Sciences will most certainly miss him.

While Dr. Seitz will remain as a part-time president of the Academy until that post is subsequently filled, his principal duties will lie with the university in New York.

I should like to point out, Mr. Speaker, that it was under Dr. Seitz’ tenure and with his vision that the Academy has been able to forgo. I would have preferred that Dr. Luther King live to continue his great work in behalf of his country. He was a great American and a great patriot. It is amazing that in just a few short years he made such a magnificent impact that his name was known and revered around the world, in the capitals of powerful nations and in the mudhuts of impoverished peasants.

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I should like to point out, Mr. Speaker, that it was under Dr. Seitz’ tenure and with his vision that the Academy has been able to conclude, for the first time in history, contractual arrangements with the Academy. These arrangements have to date been very poorly supported. Dr. Seitz will change, the mechanisms which he helped develop with the Academy will remain. We are grateful for this.

Mr. Speaker, I should like to incorporate the following brief biography of Dr. Seitz at this point:

Frederick Seitz was born in San Francisco, California, on July 4, 1911. After attending the University of California at Berkeley, he entered Stanford University and graduated with an A.B. degree in mathematics in 1932. He earned a Ph.D. in physics at Princeton University in 1934 and remained there for another year as a Proctor Fellow. Since then he has been successively instructor in physics, 1938-39; associate professor, University of Rochester; research physicist, General Electric Company, 1937-39; assistant professor, then associate professor, University of Pennsylvania, 1939-42; and professor and chairman of the physics department, Car­

OUNCEMENT: Mr. Chairman, on April 5 carried an article which this Nation has been since its inception dedicated.

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INTERNATIONAL BIOLOGICAL PROGRAM AND GROWING PROBLEM OF PLANETARY ECOLOGY

Mr. DADDARIO. 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 Connecticut?

There was no objection.

Mr. DADDARIO. Mr. Speaker, the Washington Post on April 5 carried an editorial based on a report issued by the Subcommittee on Science, Research, and Development of the Committee on Science and Astronautics. That report deals with the international biological program and the growing problem of our planetary ecology.

As the editorial points out, these programs have to date been very poorly supported by the Federal Government, even though the administration has an-
nounced its support and created the administrative machinery to carry the program out. The amount of money necessary to get the program underway is extremely small in relation to the crucial nature of the problems it seeks to cope with. Yet, so far we have not been willing to provide the necessary funds.

If we fail in this, our failure could be amongst the most devastating in history, even in comparison to present political, military and social dilemmas.

Mr. Speaker, the editorial is as follows:

**BIological Mysteries**

The International Biological Program has had little of the fanfare that accompanied the International Geophysical Year, perhaps because it is harder to put a finger on what the IBP is all about. But a thoughtful report of a House subcommittee on science, research and development underlines its importance and recommends that the Federal Government provide its programs with more support than they have yet received.

The International Biological Program, which was set up by scientists all over the world, is to help us learn more about what we are doing to the living systems of the earth. The lack of knowledge about what modern living and scientific advancements do to the balance of nature is frightening. Dr. David Gates, for example, told the subcommittee, "We do not understand the dynamics of a forest, a lake, a prairie, or even a desert, nor are we proceeding rapidly enough toward this understanding. . . . We will go down in history as an elegant technological society stricken with social and ecological integration for lack of ecological understanding."

The fact that we do not understand what happens in the living systems of the earth has not been a matter of neglect, but is now a crisis. It was obviously, an end to fishing. But it also means an end to the food supply of certain species of birds and, eventually, the end of whatever role these birds play in the rest of nature. And we don't really know what that role is as it affects agriculture and forestry. Similarly, the mass destruction of acres of forests and of grasslands has some effect on the cycle of oxygen and carbon dioxide in the air. But we don't know exactly what that effect is and we don't know whether we are approaching the point at which the earth's atmosphere becomes so different in its composition that the plants we now know can no longer survive.

The list of problems of this type is endless, but the present destruction of forests and by the machines they devise so great that in time the average temperature of the earth's atmosphere will rise to the danger point? Are we dumping so many pollutants into the atmosphere that the entire weather pattern will be drastically altered? Are we killing off so many species of animals and plants that eventually the world will be populated merely by man and the specific things he devises to destroy them?

It is questions like these that the IBP is attempting to confront. Its requests to the Government for aid have been small in terms of what it hopes to achieve—it is asking $200 million over five years. The subcommittee has recommended that it get $3 to $5 million the first year as a starter. Surely, the priority for such an amount can be found somewhere inside a Federal budget that is not only my vote, but my wholehearted approval, because it was an act as the title stated "to prescribe penalties for certain acts of violence or intimidation." The bill preserved and guaranteed some of the freedoms of the Negro race, the freedom to peacefully speak out in behalf of the cause of civil rights.

The United States has been known, since its inception, as the land of the free, and many of our freedoms are bestowed on our citizens do not meet with the approval of the majority of the people, but nevertheless, the majority of the people feel that every citizen is entitled to his basic freedoms whether we like them or not.

Yes, our citizens have the right and the freedom to criticize their own Government, even to the point of slurring and derogating this legislation. Congressmen, their Governors, and even the President of the United States.

The black power advocates are free to vote the black power planks, and by the same token, the white supremacy advocates may vent their venom on the Negro race.

The Supreme Court has ruled that every citizen who deny God Almighty may insist that the majority must give in to their freedom to the extent that prayers are denied in school.

Traditionally, the ownership and controlling of private property has been one of the basic rights and freedoms of this Nation of ours. The early immigrants came across the seas because they had the right to own and control their own land and homes. This has been the basic stimulus for the defense of our country.

Today, under consideration, we have a proposal to tear down this great basic freedom. I do not deny the high motives expressed for the passage of this legislation, but do these ends justify the drastic means, and will anything of any magnitude be accomplished, other than this precedent of destruction of this basic freedom? I have always been back to haunt us in the years to come?

As I stated it the beginning, the bill which we passed to protect civil rights workers in the peaceful exercise of their duties had my vote. The other body has placed in the bill what is known as the open housing section. If you have read the bill, and I doubt if all the Members have read this bill, and I am sure many of the editorial writers have not, one section is completely unnecessary and meaningless. I refer to that portion dealing with property owned by the Federal Government which had been built, in whole or in part, with the aid of loans, advances, grants, or contributions made by the Federal Government. This is basically FHA and VA financed housing. We all know the section dealing with the aged and elderly financed by loans and grants under the Housing and Urban Development Agency. This housing was "open" by Executive order of the late President, and I think rightly so, since all taxpayers' money was being used in this regard.

The balance of the section is an assault on the freedom of contract; and, yes, even thought.

Do you know that this applies, not to just buildings in being, but applies to vacant land as well, because the bill

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Mr. ABBITT. 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 Texas?

There was no objection.

Mr. ABBITT. Mr. Speaker, when H.R. 2516 passed the House last year, it had
states that it includes “any vacant land which is offered for sale or lease for the construction or location thereon of any such housing, building, structure, or portion thereof.” I think all of you familiar with the situation will agree with me that the Supreme Court will agree that the Court will consider any vacant land subject to these provisions.

Some of you are under the impression that all owner-occupied, single-family dwelling is exempt. Read the bill, for after December 31, 1969, there will be no exemptions as a matter of practical application.

The other body also placed an amendment to this bill a section in which they endeavor to deal with militants, black and white, who conduct instruction in the making of firearms or explosive or incendiary devices. This section is so worded that it affects every lawful manufacturer of firearms in this country, including those who are making arms for our fighting men in Vietnam. It is so worded that the Attorney General of the United States could stop the shipment of every shotgun or hunting rifle in the United States.

We should not act hastily on accepting these body’s amendments. Did they not spend several months on these amendments? Should we not at least spend more than 1 hour on the consideration of these amendments? Due to the basic right of all citizens involved herein, the courageous thing to do is to send the bill to conference where these amendments can be considered with deliberation.

I will have no disrespect for those who see differently than I do in this regard, because that is the very basis of my argument here today, that it is your basic freedom to think as you please, but by the same token, let us preserve it for all the Nation.

WE ARE CALLED UPON TO MAKE A BEGINNING IN STRUGGLE FOR CIVIL RIGHTS

Mr. CORMAN. 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 California?

There was no objection.

Mr. CORMAN. Mr. Speaker, the events of the past 4 days have taken a terrible toll of human life and property. A man who worked for the peaceful attainment of liberty and equality has been murdered. Our city streets have once again been torn by violence, burning, and looting. Seldom, if ever, have we been faced with a domestic problem approaching the critical proportions of the present crisis.

Every man has a choice, Mr. Speaker. A white man can, as one did in Memphis, commit murder for what appears to have been a racist cause. Or a black man can feel sorrow and shame for the inequality and injustice which besets many Americans and go about doing something constructive to improve the situation.

A black man can join the forces of hatred and racism too. He can “get a gun” and take to the streets. Or a black man can remember the words of Dr. Martin Luther King, who time and again pleaded for nonviolent efforts to attain equality for Negro Americans. We in the Congress have a similarly profound choice, Mr. Speaker. We can sit and deplore, for whatever reason is most comfortable, the havoc that is shaking this Nation. We have done that often enough.

Or we can stand up and furnish the leaders necessary to end the vicious and deep-rooted causes of racial hatred and fear—causes so recently set out in the report of the President’s Commission on Civil Disorders.

We can continue to deplore—but have we not had our fill of that? Are we not at long last ready to take up the hard and costly battle for equal justice and to realize that this is to be no “limited war”?

In the House of Representatives today there is a bill which, if written into law, make a beginning on the road to victory. It would be nothing more than a beginning—and this should be recognized, because there can be no comfort taken in any false hope that the battle we join will be brief. But a beginning is what we are called upon to make today. Making the beginning—promptly—will serve at least to show our citizens, black and white, that it is your basic freedom to think as you please, but by the same token, let us preserve it for all the Nation.

WE SHOULD NOT CONSIDER CIVIL RIGHTS LEGISLATION UNDER PRESENT SENSITIVE CIRCUMSTANCES

Mr. BURLESON. 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 Texas?

There was no objection.

Mr. BURLESON. Mr. Speaker, obviously the House is proceeding today under sensitive circumstances. Frankly, in my opinion we should not be in session at all and specifically, we should not be considering a bill of the House of Representatives to take that first step—now—before any thought is given to an Easter recess—by approving the amended bill H.R. 2816.

IT IS IMPOSSIBLE FOR CIVIL RIGHTS LEGISLATION TO RECEIVE RATIONAL CONSIDERATION IN PRESENT CIRCUMSTANCES

Mr. HUNGATE. 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 Missouri?

There was no objection.

Mr. HUNGATE. Mr. Speaker, we meet in the midst of 13,000 troops called to protect life and property against the threat of imminent destruction. Three blocks from this Chamber shops and stores are boarded up against further pillaging. Three blocks from the White House buildings are looted and burned. This may be the way to move this Congress. It is not the way to move this Congressman.

I think it would be inappropriate, under the circumstances, if necessary, to consider legislation for the strengthening of the police and the levying of troops or taxes for their support. But if a similar otherwise a time or place for calm, deliberate legislative decisions.

If an example is wanted of legislative lightning followed by administrative molasses, see the Gulf of Tonkin resolution. A joint session of Congress is presently inadvisable. The President cannot even go to a funeral in safety. Civil disorder is a national epidemic. It does not spare the 20 States who already possessed civil rights legislation with open housing provisions, many of them stronger than that under consideration here. Their effects in New York, California, and New Jersey have been less than overwhelming.

It can be argued that those who would salve consciences with legislation, the benefit of which would be long in coming, if indeed, they ever appear as advertised, do more to disillusions the disadvantaged than those who adamantly oppose such proposed legislation.

I think particularly of those who would support a people’s greatest aspirations with everything except money. These are the same people whose concern for economy and detail would lead them to search
for a needle in a haystack, if it was their

This country has real problems that it will take real money and real taxes to solve. I believe it is Congressmen who get different letters from different people when the time for that action is here.

While the complaint is doubtless well intended, I think it ill behooves the House to dispose of legislation in 1 hour which occupied the Senate for months. I have supported, and urge all of you who support this bill today, to give substantial and farm legislation to aid those areas where 50 percent of the Americans in poverty live. Can a nation which grants a $20 million tax benefit to one corporation afford $10 million to supplement the rent of those in ghettos so that they may have not only the right to move but the money with which to do it? Can a nation which can afford to lose $12 million on the Sequential in Illinois, Mr. Perci, a nation afford $10 million for better housing for its citizens over a 1-year period?

Under present circumstances, it is impossible for this legislation to receive the rational consideration it deserves. Therefore, I shall vote against the previous question and if the bill is nonetheless to be considered at this time, my vote shall be "present."

PROPOSED LEGISLATION DENIES LENDER AUTHORITY TO DETERMINE WHETHER OR NOT TO MAKE LOAN

Mr. WAGGONNER. 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. WAGGONNER. Mr. Speaker, time is going to be so limited during the debate on this bill that I want to bring in this 1 minute the attention of the House to something that few Members know is in the bill. Before we vote, I want Members to get the bill and read it—which I know some have not done. Turn to page 28, section 805, which is the section entitled "Discrimination in the Financing of Housing." Read it, because, gentlemen, it is so written that I want to make it clear that Congress did not intend to deny any lender authority in making the determination whether or not he can make a loan.

There are some other factors in which discrimination is involved, but the basic decision of whether or not a loan will be made should be totally denied to any lender.

My colleagues, this bill must at least go to conference for clarification. You are giving Lincoln and King the grace to do less. Even a member of the Rules Committee said he was afraid of what would happen if we do not pass this bill. He made this statement when I was before that body on Monday last. Do not make this House a second-class legislative body. You should at least have a part in writing this legislation and then vote for it or against it on the basis of merit and not emotion.

EMERGENCY FAMILY LOAN PROGRAMS FOR VICTIMS OF CURRENT CIVIL DISORDERS

Mr. FARBSTEIN. 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 New York?

There was no objection.

Mr. FARBSTEIN. Mr. Speaker, yesterday, I called on the Acting Director of the Office of Economic Opportunity to present the emergency family loan programs for victims of current civil disorders in Washington and other cities who desperately require this assistance.

The Senate has shown that one of the most pressing problems faced by low-income families, not on welfare, in a crisis situation, is the need for money to buy such basic staples as food, clothing, medicine, and housing. Time is of the essence. These persons usually have little or no savings. They possess no financial reserves to cushion the blow of a crisis.

In my opinion, the family emergency loan program which I originally sponsored is one of the most useful antipoverty programs in the Nation. In this time of crisis, I can think of no more responsive or decisive act the Government can take to meet the urgent needs of families than to establish immediately this program in disaster areas. I urge the Office of Economic Opportunity to make funds available at once.

Funds of the Small Business Administration have been made available for business damages resulting from the recent disorders. Surely the Government has a responsibility to help the victims of the disorders. There is authority in the Economic Opportunity Act to do so. Last year, of $8 million set aside for this purpose, $1 million was authorized in July 17 States, $2½ million being allocated therefrom; the balance of $5½ million which should have been used for those programs throughout the entire Nation were diverted to other areas of the antipoverty program. I urge an allocation of at least $10 million to be distributed throughout those areas in the Nation where these emergency loans are required.

PRESERVATION OF THE INTEGRITY OF CONGRESS

Mr. POOL. 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 Texas?

There was no objection.

Mr. POOL. Mr. Speaker, on the civil rights bill we will have 1 hour of debate. Being more or less a junior Member of the House, I probably will not have
any time allotted to me to talk, so I want to read to the House two paragraphs of a letter I received today. It is in opposition to the civil rights bill.

The integrity of Congress must be preserved, for Congress, it appears, is the only place left for the people to look for redress of grievances of our American system of due process of law and the recognition of the rights of its citizens as individuals. In the past, many of our national leaders are so ambitious for block votes that they are willing to pour further fuel on the fire in order to win those groupings which are making destruction and violence so widespread throughout the country.

Congress stands in the legislature out of fear in response to threats. The advocates of more so-called "Civil Rights Legislation" should be told in no uncertain terms by Congress that the first order of business is a cessation of violence and disregard of the laws of the land.

I agree with my constituent who wrote these words, I pray we have the stamina to stop this unconstitutional bill.

WASHINGTON DAILY NEWS COMMENTS PRESIDENT JOHNSON'S PLEA FOR UNITY

Mr. NEDZIK, 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 Michigan?

There was no objection.

Mr. NEDZIK, Mr. Speaker, President Johnson them other day in the Washington Daily News—"made a noble move" to end the divisiveness which threatens the future of America.

By eliminating the Presidency from politics, Lyndon Johnson has made a bid to restore unity where there is now disunity, common purpose where there is now partisan division.

The strength of our country, now as in the past, lies in the unity of our people. This is not the unity of common means, but of shared dreams, not of identical solutions but united purpose. Only through this unity can our country try to the enormous challenges of this decade.

Abroad we seek an honorable solution to a bloody war. At home we seek national reconciliation for a nation rent with division and torn with racial anguish. United we cannot fail, divided we cannot succeed.

President Johnson has set an example for the Nation of devotion to peace and unity which all Americans must emulate.

In the troubled days ahead we must debate, but never delay, we must discuss, but never divide, in our attempt to bring economic stability and a sense of national purpose to the Nation and a just peace to the world.

As the Washington Daily News put it, President Johnson "has put it up to the rest of us to do our part." I am certain that the American people will not falter before the challenges of today—tomorrow.

I include in the Record the editorial from the Washington Daily News.

The Penman's Commentary

President Johnson's speech has been a man of surprises—but never before did he, or any President, drop such a spectacular surprise on the American people as Mr. Johnson delivered Sunday night.

He not only said he would not run for reelection—he would not accept renomination on the Democratic ticket.

His statement was as irreconcilable as such a statement can be.

Since becoming President in 1963, indeed throughout his career, Mr. Johnson has been a consensus man.

His decision not to run again clearly was an extreme bid—the most extreme he could make, for the American people. His purpose was to eliminate himself as a divisive factor.

"I have decided," he said, "that I should not permit the Presidency to become involved in partisan divisions that are developing this year."

He followed that by reiterating a philosophy he often has extolled: "Whatever the trials and tests ahead, the strength of the country will lie . . . in the unity of the people.

The unity Mr. Johnson seeks obviously is the unity demanded to bring the bloody, frustrating, prolonged war in Vietnam to a just conclusion.

Coupling his withdrawal from the Presidential contest with his new appeal to North Vietnam for an end to the war, Mr. Johnson was making an unprecedented gesture to persuade the nation his own devotion to peace.

Although he is a man of complex character and his motives have not always been clear, Mr. Johnson's action in this amazing instance hardly can be suspected of anything other than what he said it was: To regain for the next 10 months some of the consensus to which he has been so beholden, especially as applied to the war effort.

But the question is—an enormous question—whether it will work.

It may soften the personal attacks on Mr. Johnson by his anti-war critics. It should erase the suspicions, which inevitably would have arisen if he were a candidate, that his war policies were geared to the election.

But Mr. Johnson has made a lame duck of himself.

Hanoi has not listened to his reasoning or any of his proposals up to now. Is Ho Chi Minh any more likely to listen to a President whom he knows will be out of office within the year?

Of late, Mr. Johnson has had increasing difficulty in persuading Congress to support any of his proposals. Will his withdrawal from the Presidential race enhance his influence in Congress? It is not likely.

Nevertheless, Mr. Johnson has made a noble move. The magnanimity in his purpose cannot be disparaged.

The consequences are not at once predictable. But, one way or another, they are apt to be substantial.

We hope, and we think the President's action changes, the results he intended: That the debate in the coming political campaign be constructive, and not merely petty; that the people understand that unity as they did in World War II to push more than ever for a just conclusion of the war; and action in Congress to bring economic stability on the homefront—higher taxes and reduced spending.

Mr. Johnson at least has put it up to the rest of us to do our part.

ATTENDANCE AT FUNERALS FOR POLITICAL PURPOSES

Mr. HAYS, 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 Ohio?

There was no objection.

Mr. HAYS. Mr. Speaker, I despise violence, and I believe the most cowardly form of violence is assassination.

I have met the family and friends of Dr. Martin Luther King, who was struck down by a cowardly assassin's bullet.

Some people asked me why I did not go to the funeral yesterday, and I replied it would be completely out of character for me had I gone. I have never made a practice of going to funerals in my own constituency except to see close friends. I believe the bereaved family wants only close personal friends near them in time of deep grief.

I just do not believe funerals ought to be used for political purposes by announced presidential candidates. I thought the most poignant thing I heard about the funeral of Dr. King yesterday was the Negro woman who was a member of his church who traveled around and was unable to find a seat, she said, because of all the rich white people who had come in to be present in front of the television cameras.

ATTENDANCE AT THE FUNERAL OF DR. KING

Mr. CONVYERS, 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 Maryland?

There was no objection.

Mr. CONVYERS. Mr. Speaker, on behalf of all of those Members who came to Atlanta to participate in the last rites for Dr. King, I want to thank them from the bottom of my heart. I do not know of anybody who was down there to make political mileage out of traveling under those very adverse circumstances. They came because certain that their work had been identified in death with the great principles of what I considered to be one of America's great leaders, not black leaders but the leaders of our time. It was tremendous; I think it was moving, that so many people came there yesterday, not just from the political sphere but concerned Americans at all levels of our life.

Yes, Mr. Speaker, the church was overflowing. Certainly there were many more present than the several thousand people who were able to get in. Many of the dignitaries, including the Members of Congress, who were unable to get in, because we asked that only personal friends of the family be admitted to the church services. Most of the congressional delegation present were not inside the church at all, but, instead, joined some thousands in the march to the Morehouse campus to participate in the last rites conducted there.

Mr. O'HARA of Illinois. Mr. Speaker, will the gentleman yield?

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

Mr. O'HARA of Illinois. Mr. Speaker, I feel—and I know I speak for many Members of the House in this—that we owe a great debt of gratitude to the distinguished gentleman from Michigan,
Mr. CONYERS, who made it possible for this body to be represented at the funeral of Dr. Martin Luther King yesterday. I estimated there were 60 of us on the plane that left Washington early in the morning and were in attendance at the funeral and at the ceremonies at Morehouse College. I believe the vast majority of the membership of the House were pleased that this historic body was represented at a funeral that in a large sense redefined this country to its mission. It could not have happened had it not been for the pioneering, the planning, and the hard, earnest work of the gentleman from Michigan.

Mr. CONYERS. I thank the gentleman from Illinois.

Mr. BURTON of California. Mr. Speaker, will the gentleman yield?

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

Mr. BURTON of California. Mr. Speaker, I, too, would like to add my word of commendation to our distinguished colleague, my friend, the gentleman from Michigan. Mr. Conyers. His efforts have made it possible for the congressional delegation, some 70 or so members, to attend the most moving and impressive services for Dr. King in Atlanta yesterday.

I was happy to join with him and my colleagues in this personal expression of sympathy to Dr. King's family and of respect for all that this heroic man stood for. Dr. Martin Luther King, Jr., a man of peace, a man of God, a leader of his people and of this Nation is dead. He was taken from among us cruelly and stealthily by an assassin's bullet. Yes, Dr. King lived the spirit will march on. His concern for humanity and the dignity of the person made his advocacy of nonviolence inevitable. A man of reason, he challenged men to act with justice. A man of God, he saw clearly and challenged others to see the spark of divinity in each man which makes sacred human life and gives dignity to our humanity. This concern caused him to be jailed. It also caused him to be honored with the Nobel Peace Award. It was natural that this man of peace, so sought after at home should speak out so clearly and eloquently against the injustice and brutality of the war in Vietnam. Dr. King lived the Sermon on the Mount and the words, Blessed are the peacemakers.

Martin Luther King was the apostle of nonviolence and peace, and his life, his words, his deeds and his martyr's death will testify to the power of the nonviolent confrontation inevitable. We shall overcome bigot and prejudice. We shall overcome hatred which has led us to tragedy. Freedom will ring out.

We shall overcome injustice and enslaving poverty.

We shall overcome bigotry and prejudice.

We shall overcome the vestiges of hatred which have led us to tragedy.

In Dr. King's words—

from the prodigious hilltops of New Hampshire. Let freedom ring from the mighty mountain peaks of California. But not only that, let freedom ring from Stone Mountain of Georgia.

Let freedom ring from Lookout Mountain of Tennessee.

Let freedom ring from every hill and molehill of Mississippi. From every mountain-top, let freedom ring. And when we allow freedom to ring, when we let it ring from every village, from every hamlet, from every poorSoutherner, from every negro community, we will be able to speed up that day when all of God's children, black men and white men, Jews and Gentiles, Protestants and Catholics, will be able to join hands and sing in the words of the old Negro spiritual: "Free at last! Free at last! Thank God Almighty, we are free at last!"

As we consider the civil rights bill today, we have the opportunity to take one more step toward the fulfillment of Dr. King's dream and one more step toward freedom.

OPPOSITION TO PASSAGE OF CIVIL RIGHTS BILL

Mr. TUCK. Mr. Speaker, I ask unanimous consent to address the House for a purpose to recall and extend my remarks, and to include another letter.

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

There was no objection.

Mr. TUCK. Mr. Speaker, I rise in opposition to taking up H.R. 2516 at this time and also in opposition to the passage of the bill at any time.

Legislation of an emotional nature should never be acted upon by the Congress at a time when we are faced with tensions such as those which now exist throughout the Nation and particularly here in Washington. Laws should be considered and acted upon only in an atmosphere of careful and thoughtful deliberation.

The so-called civil rights bill now before us as we debate these issues, is highly objectionable to those who have regard for the principles of liberty embodied in the Constitution. The loss of life and human suffering both have been terrific in recent years. In fact, we have had trouble, as I predicted we would, ever since the passage of the first civil rights bill in 1957. Millions of dollars in property loss has been sustained.

The horrendous situation which now exists is accentuated by what appears to be a complete and abject surrender of the executive and legislative departments of our Government to these ruthless racists, looters, thieves, and incendiaries whose real object is to pillage and plunder and also destroy the Government of the United States. We say that this bill today is an open and written invitation to these despicable groups and characters to multiply and increase the harm and evil which they have already done.

The slaying of Martin Luther King, Jr., was a cruel and wanton act. The perpetrator thereof should be apprehended and given the extreme penalty of the law. It is my fervent hope that this senseless murderer will be brought to justice speedily. I deplore violence. The killing of
of King was indeed unfortunate. The man who committed this crime has done a great disservice to our country, and his act serves to exacerbate the racial tensions and hatreds which were already intolerable throughout the Nation.

I have heartfelt sympathy for the bereaved family of the deceased. However, in expressing sympathy, the bereaved family, the Nation should not overlook certain outstanding characteristics of the life and career of Martin Luther King, Jr.

I am of the opinion that he openly advocated nonviolence, he fomented discord and strife between the races. Violence followed in his wake wherever he went, North or South, until he himself fell a victim to violence. He who sows the seed of sin shall reap and harvest a whirlwind of evil. I believe with the Bible that he who takes up the sword shall perish by the sword.

The victim of murder preached compliance only with the laws he approved of and thus was in contempt of statutes not to his liking. Hence, he and his followers, his sons, and his in-law family, flouted the time-honored concepts of this Nation, which is one of laws and not of men.

In one of his last public utterances, he openly advocated the destruction of interstate commerce. This bill, which the President mentioned to violate a solemn court injunction. At the same time, he was planning to invade Washington with a horde of the hosts of evil. To disrupt and stay the wheels of the Government of the United States. Every sensible person knows, as he himself must have known, that such an act would result in wholesale property destruction, bloodstream, and death to this beleaguered city.

This man trampled upon the laws of our country with impunity, and the Stokely Carmichaels and the Rap Browns were spawned in the waters of hate agitated by his public utterances.

Thus it is discouraging to observe the extent to which the President of the United States and others in high political office have lost perspective in this period of turbulence. The candidates for President have lost perspective in this period of turbulence. The candidates for Presidential office have lost perspective in this period of turbulence. The candidates for President have lost perspective in this period of turbulence. The candidates for Presidential office have lost perspective in this period of turbulence. The candidates for Presidential office have lost perspective in this period of turbulence. The candidates for President have lost perspective in this period of turbulence. The candidates for Presidential office have lost perspective in this period of turbulence. The candidates for Presidential office have lost perspective in this period of turbulence. The candidates for President have lost perspective in this period of turbulence. The candidates for Presidential office have lost perspective in this period of turbulence. The candidates for President have lost perspective in this period of turbulence. The candidates for Presidential office have lost perspective in this period of turbulence. The candidates for President have lost perspective in this period of turbulence. The candidates for Presidential office have lost perspective...

I do not think we need this bill, and I am convinced that its promoters have taken fact in the part of the changes which the Senate has made.

My main reason for disapproving of this horrendous measure is my desire to preserve our time-honored American freedom, a goal that has been a guiding light with me throughout my long years in public life. This bill strikes a serious blow at our liberty. Its proponents say that it is aimed at eliminating discrimination, while it goes to enslave our citizens. Wherever they constitute the measure's worst features.

Despite this, our leadership, with encouragement from the White House, is suggesting that we accept them en masse without further study.

I hope that the American people will insist upon a rigid and firm adherence to justice and to a prompt and resolute enforcement of all the laws at every level of government. Our Nation has already adopted has done the country tremendous damage. I cannot acquire in the sense that we should add evil to the already mischievous legislation now on the statute books and thus stir into a maelstrom the seething cauldron of social unrest that already has reached serious proportions and threatens to get worse.

The provision made in 1967 that the adoption of the initial so-called Civil Rights bill would be marked by countless future years of irritation and acrimony. I pointed out that such a statement was not that it would exacerbate whatever tensions and prejudices were already in existence.

The proponents of this bill have maintained that the legislation was needed because it would bring peace and tranquility. Where is the proof of this? It is not to be found. The proponents have not shown that the legislation would bring peace and tranquility.

I cannot see that the legislation of this nature which has successfully passed through the Congress and which I have constantly opposed has done us one lota of good. On the contrary, in my opinion it has done us grave harm by bringing on boundless troubles, and threats of threat of force with activities protected by Federal law.

This bill has been in the Senate since last year. It was almost completely rewritten, making it a more punitive bill than was the one we considered first. We now have under consideration is involved in non-commercial operations.

The power to enter into a contract willingly and without fraud or duress has always been my understanding that the Constitution and the laws of this nation guarantee to every person, a right even if, in so doing, another person would lose a degree of freedom that is deeply rooted in our traditions and in our common law. It would mean that the Federal Government could give one person a certain right even if, in doing so, another person would lose a degree of freedom.

The Constitution grants no such powers. The power to enter into a contract willingly and without fraud or duress has always been my understanding that the Constitution and the laws of this nation guarantee to every person, a right even if, in so doing, another person would lose a degree of freedom that is deeply rooted in our traditions and in our common law. It would mean that the Federal Government could give one person a certain right even if, in doing so, another person would lose a degree of freedom.

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invasion of the field of private rights that this bill involves, the only hope that a sensible society has is that it will not be enforceable. It will serve only, as have its predecessors, to create new sources of unrest and discord in a society that is already suffering from nervous prostration and is on the verge of anarchy.

The bill prescribes punishment for interfering with persons in the enjoyment of certain rights, including voting, enrollment in public schools and colleges, participation in Federal programs, and use of common carriers and facilities. This is clearly aimed at protecting the civil rights workers who go from place to place fomenting strife and discord and stirring up racial violence.

However, I must commend it for the provision that the law and to dissent from the past practices of hindering and impeding them. Law enforcement is a local responsibility. Without exception, I feel that states are capable and desirous of enforcing the law on a local basis. This can be accomplished if they are protected from the vicious outside agitators and if they are not encouraged to ignore our community mores, resulting in the chaos which has occurred in some of our larger cities during the past several years.

Our safety and our liberty depend on the excellence of local and state law enforcement. The anti-riot provision of this bill in no way impedes or usurps local law enforcement, but rather would give force and support to it. I hope such legislation will be voted into law.

As for the other provisions of H.R. 2516, I recognize Title X as worthy of consideration, although the matter taken up therein is one that should be handled by the states and not by the Federal Government.

Rather than concentrate on housing, the Government could employ to assist in the suppression of crime would be to support the states and localities in their efforts to enforce the law and to deal with the extraneous practices of hindering and impeding them.

Surveys have shown that much of the crime that occurs is due to the welfare of our nation goes unreported simply because people feel the police could do nothing about it. We need laws to offset this sense of public helplessness and to arm our law enforcement officers so that they can stop the wave of crime. H.R. 2516, with the exception of the provisions I have cited as worthy of consideration, would place us further within the power of the demonstrators and looters and make us even more their victims.

Let us help the people and the police, not the lawbreakers.

What has happened to our American statesmanship that we have created such conditions as now exist in this country? In the April issue of Liberty magazine there appeared an article sponsored by a large American industry containing the following passage which I commend to you for your consideration:

"We pamper criminals and hamper police, when the police are all that save us from bandits and looters and make us even more their victims.

We spend billions to get to the moon, for some ridiculous 'prestige', instead of using the money we need in our debt and make us safe and sound for ever.

For voters at home we placate our enemies abroad and attack our friends (and how we need our friends)!

"We concentrate more and more power in a central government (too often of little consequence) and so weaken the local governments—which are the very essence of democracy and freedom.

"We spend billions for foreign aid and let prosperous foreigners who owe us billions spend our money to deprive us of our dangerously-needed gold.

"Common sense used to be the outstanding trait of Americans. In Heaven's name, what has happened to it?"

PROPOSED NATIONAL RESERVE OF GRAIN PRODUCTS

Mr. OLSEN. 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 Montana?

There was no objection.

Mr. OLSEN. Mr. Speaker, today I am introducing legislation which would provide for the establishment of a national reserve of grain products. This legislation is identical to the McGovern bill which was introduced in the Senate during the last session.

Although there are many things which must be done in the area of legislation to make it possible for our farmers to share more fully in the benefits of the agricultural program, legislation enacted in the last several Congresses has effectively eliminated the burdensome surplus which plagued our agricultural producers during the 1950's.

The elimination of these surpluses has been beneficial to our farmers, but it has also accentuated the need for our country to maintain a strategic reserve of agricultural products to protect our citizens against drought or natural disasters which are a constant threat to agriculture throughout the world.

The United States has established strategic reserves of nearly every commodity, a shortage of which could threaten the Nation's security and welfare. I share the view of many of my colleagues in the Congress, and our leading farm organizations, that we must now look toward the future and include food—the most vital of all commodities—in the national security stockpile.

I do not think it is possible for us to expect our farmers to carry the burden of excess supplies which we need for our national safety. As the record will show, a very slight increase in excess supplies can drive down farm prices by 5 to 10 percent. Therefore, if our farmers would attempt to provide the stockpile which our country needs, without the protection
which this legislation would provide, they would be unfairly penalized.

I submit, Mr. Speaker, that this legislation would work hand in hand with existing farm legislation. If our Government would make the provisions for a necessary reserve and if these provisions provide the protection for our producers which is absolutely necessary, I feel certain it would result in a better support for stability for both the agricultural industry and consumers and better price stability for our farmers.

My bill would establish an interim, farmer-owned and operated, farmer-controlled, commodity of wheat, feed grains, and soybeans. It would direct the Department of Agriculture to provide the Congress with data from which it can determine the proper sized long-term reserve which they deserve and must have.

In addition, it would authorize the Secretary of the Agriculture to make contracts with producers on a pro rata basis, as practicable, to put 200 million bushels of wheat, 500 million bushels of corn or other feed grains and 75 million bushels of soybeans on the market, under producer control, either on their farms or in elevators.

Mr. Speaker, this Congress must continue to protect the welfare of this Nation—particularly our small, family farmers—with improved motives is, I believe, a particularly small, family farmers-with improved motives of other people, the motives continue to protect the welfare of this Nation with the problems which we face. I believe this legislation would give legislation and imaginative legislation the request of the gentleman from Montana?

The Speaker. Is there objection to the request of the gentleman from Montana?

There was no objection.

Mr. Speaker. Mr. Olsen, I think there can be a unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

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

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

There was no objection.

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

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

There was no objection.

Mr. JOELSON. Mr. Speaker, I did not attend the funeral of the Reverend Dr. Martin Luther King, but today or tomorrow I shall present a resolution by voting for the pending civil rights resolution. I have not had the opportunity to deliver a funeral oration, but I hope to speak, in fact, in one syllable, when I say "aye" for the resolution.

Mr. Speaker, I believe that there can still be good will in this country and hope for a more harmonious tomorrow.

Mr. Speaker, I yield back the balance of my time.

ARSON, LOOTING, AND DEMOCRACY

Mr. BENNETT. 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 Florida?

There was no objection.

Mr. BENNETT. Mr. Speaker, recent editorials in my district have attracted more attention than the following by my constituent, George Wachendorf, business editor of the Florida Times-Union. I think it should be widely read and we should not pass off lightly the comments he ably makes. I include it herewith:

"Arson, Looting, and Democracy" (By George Wachendorf)

One of the fascinating things about the free marketplace is the way it reflects the complexion of society.

At the moment, for instance, the so-called protection industries—those which manufacture weapons in support against fire and crime—are considered prime growth areas. At the same time, a trend is emerging in real estate development with the popularity of lawless areas and home projects ringed with fences manned by armed guards, which reflect the increasing breaching of law and order, as individual criminal acts and mass civil disorders are concerned. And it certainly is authorities that they hate Age, the dirty substantial home was a fortress and every man trained to arms.

The point has been made that what is being attempted in this country is the establishment of something unique in the history of the world—total democracy. Haretofore, in every democratic society, a depressed and suppressed portion of the population with little share in the benefits of the society.

The effort is a worthy one, perhaps, but the course of recent events begins to cast doubt not only on whether it can succeed, but on whether it will ultimately do our form of government to the death.

In the wake of the most recent riots, there has been an increase in numbers to talk about the pressing necessity of establishing government-financed riot insurance, and the curious idea that a declared riot-control policy which essentially abandons the concept of protecting property.

In Washington where the spectacle of looting on the streets of wheeled and employed individuals coupled with a goodly amount of self-satisfaction on the part of authorities that those who broke the law will be by restricting the use of firearms by police and troops even at the cost of letting arsonists and looters escape.

When Mayor Daley of Chicago advocated a policy of shooting to kill arsonists and shooting to maim looters a storm broke aboard his head on the ground, con­eating a policy of indiscriminate shooting.

What is happening is the logical extension of the curious idea that "human rights" and "property rights" are somehow mutually exclusive. As if the right to peaceful possession of one's property is not the life and well-being of the citizenry of regular periods of uninterrupted control policy which essentially abandons the concept of protecting property.

It is the job of any government to protect its citizens in the enjoyment of their property. But ours seems to be moving to the position that the life and well-being of the looter and arsonist are of greater concern than the rights of the men they are unlawfully attacking.

Not only that, but that it is somehow the responsibility of the peaceful majority to pay for the damage wrought by the minority—and no back talk either. Next to the currently developing doctrine "Alice in Wonderland" is a study in irrational thought.

What seems to be the held of those involved in asuring a sizable proportion of the citizenry of regular periods of uninterrupted the society that society are organized only to regularise the relations of man to man. And that government-blessed anarchy is not civi­lising.

If there is anything that history teaches, it is that when a government grows too weak to maintain itself, it is that when a government grows too weak to maintain itself, it is that when a government grows too weak to maintain itself, it is that there is anything that history teaches, it is that when a government grows too weak to maintain itself, it is that when a government grows too weak to maintain itself, it is that when a government grows too weak to maintain itself, it is that when a government grows too weak to maintain itself, it is that there is anything that history teaches, it is that when a government grows too weak to maintain itself, it is that when a government grows too weak to maintain itself, it is that when a government grows too weak to maintain itself, it is that there is anything that history teaches, it is that when a government grows too weak to maintain itself, it is that when a government grows too weak to maintain itself, it is that when a government grows too weak to maintain itself, it is that there is anything that history teaches, it is that when a government grows too weak to maintain itself.
not provide a life free from the fear of violence, democracy will have to give way to a form of government that can.

I wholeheartedly concur in these comments about the gentleman from Michigan as they are well discerned and truly earned. I join with thousands of other conservationists in the United States to say to John Dingell, "Thanks for a job well done."

The 125TH ANNIVERSARY OF ST. PAUL'S LUTHERAN CHURCH

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

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

There was no objection.

Mr. SCHWEIKER. Mr. Speaker, one of the most distinguished churches in Washington, St. Paul's Lutheran Church on Connecticut Avenue, will begin on Easter Sunday the celebration of its 125th anniversary.

Dr. Luffbery, who at the invitation of our Chaplain offered the opening prayer for today's session of the House, is the pastor of St. Paul's. Under his outstanding leadership, St. Paul's has continued to grow and to be involved in our nation and in its membership as well. The congregation of St. Paul's is most fortunate to have such a dedicated person as Dr. Luffbery serve their church at this most critical time.

At their Easter services this coming Sunday, Dr. Luffbery will read a proclamation commerorating this historic observance of the 125th year of their founding. I congratulate Dr. Luffbery on his excellent work and extend my best wishes to him and to the entire congregation of St. Paul's Lutheran Church.

I would like to include in the Record at this point the proclamation commemorating this important occasion:

A PROCLAMATION
To the residents of the City and environs of Washington, District of Columbia, and to our brothers in faith throughout the Land:
We, the members of St. Paul's English Lutheran Church, in gratitude to Almighty God for his constant blessing and unfailing providence, do hereby proclaim the observance of the One Hundred Twenty-Fifth Anniversary of our congregation's founding. The celebration thereof shall begin on Easter Sunday in the Year of Our Lord One Thousand Eighty-Eight, and shall culminate in the dedication of an edifice for the religious education of the youth of our congregation and community on the first Sunday after Easter of the ensuing year. As we now rejoice in the labors and fruit of our forefather's faithfulness, and as we confess that our茬ed faith in Christ inspires His Church today, we would share with our neighbors and fellow-Christians the Services and other events planned to commemorate this anniversary. We invite them one and all, in glad and thankful heart, to join with the church in giving grace and guidance of the Lord upon all religious institutions and endeavors, upon the government and the people of this great nation, and upon all men of faith and good will wherever they may dwell.

Published and proclaimed on behalf of St. Paul's English Lutheran Church, witness my hand and the seal of the congregation, April 10, 1968.

[SEAL]  HENRY B. LUFFBERRY, Pastor and President of the Congregation.

THE LATE DR. MARTIN LUTHER KING

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

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

There was no objection.

Mr. BIESTER. Mr. Speaker, our country has witnessed, in recent days, a series of tragic events. The assassination of Dr. Martin Luther King was a shock to the Nation. This criminal act gave rise to a wave of violence. Many of our cities, including Washington, were and are affiliated with arson, looting, and other forms of lawlessness.

The vast majority of our citizens, persons of all races, view these events with profound sadness. The damage has been done. The struggle for equality of opportunity—never an easy one—is now all the more difficult.

But we cannot simply throw up our hands in despair. We must not permit the voices of unreason—the apologies of violence or repression—to prevail.

The problems which beset our Nation are so grave that no single measure can represent more than a modest step toward solution. Still, positive steps can and must be taken.

Now pending in this House is the civil rights bill already passed by the other body.

The differences between the first part of the bill passed by this body and the rights protection portion of the bill adopted by the other body are minor.

The need for a Federal law forbidding racial discrimination in the sale and rental of housing is unmistakable. Prompt action on this measure will hearten all those who put their trust in the rule of law.

We simply cannot justify further delay. We must act immediately and adopt the civil rights bill of 1968. Let us demonstrate that our system of law is responsive to the needs of the country. Let us make clear that the violence of the few will not dissuade us from meeting the just grievances of millions of our people.

LEVITT & SONS—AMERICAN FREE ENTERPRISE AT ITS FINEST

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

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

There was no objection.

Mr. CAHILL. Mr. Speaker, I am pleased to inform the House of Representatives that today Levitt & Sons, the
Mr. HALL. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, to revise and extend my remarks, and to include extraneous matter.

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

There was no objection.

Mr. HALL. Mr. Speaker, while the smoke is still rising from the ruins it may be, from a new open housing law and the various other enigmatic events of the past week with any hope for perspective and objectivity. But so many events have been set in motion that are designed to influence the Congress, that Members of this body are not afforded the luxury of waiting for the clearer vision that hindsight always affords. It is already clear that while the President and the extreme black militants may have little, if anything, in common they both believe the House of Representatives should pass immediately the Senate amendments to the open housing civil rights bill. This is a bill which has very little resemblance to the lengthy and highly controversial measure that has been returned to us. The national television networks, or at least those who guide its editorial policies, would now have the very real advantage of others having abandoned due process, and give unquestioned approval to a measure which the Members of this body have never seen, and whose particulars we would be prohibited from debating.

It may well be that the steamroller will engulf the Congress just as it has, erroneously in my opinion, engulfed the mass media, or at least a significant proportion of their editorial judgment. It is their duty to be swept up by the uncertain currents of emotion, currents which might just as easily have carried us in the opposite direction in the wake of mass disorders and riots across the land. Let us therefore review the events that have happened and try to relate them to our duties as we are given the light to see those duties.

Mr. HALL. Mr. Speaker, yesterday, a cowardly act of murder took the life of Martin Luther King. From what we are told by the Attorney General, the slaying was the act of a single deranged individual. My hope is apprehended and punished to the full extent of the law. But, the reaction to the slaying suggests that many otherwise reasonable people have chosen to lose sight of what King was trying to accomplish, and was trying to accomplish.

He was not there campaigning for an open-housing law. He was leading a campaign to force the city to give in to the demands of the Garbage Collectors' Union. He was not claiming not a civil rights dispute. Furthermore, the main issue dividing the city and the union negotiators was not discrimination in employment, but whether or not the city would agree to a “checkoff” of union dues. That King lent the support of the Southern Christian Leadership Conference to a labor-management dispute, surely does not automatically render the dispute from what it was; an effort to force the city to do something for one group of city employees that it does not do for any other group of city employees, white or black.

Point No. 2 is that in the course of trying to pressure the city of Memphis to give in to the demands, King announced his clear intention to violate a Federal court injunction and lead a mass march on city hall. A former Member of this body was denied access to this building by the head of the Department of Defense, and perhaps the most significant civil rights leader, a Federal court injunction? Would Congress, or the courts be as lenient to those who might wish to nonviolently disobey an open housing law?

Have we reached a point in history where it is all right for some persons to defy some laws with which they do not agree? Is it not at least a slight incongruity that the flags are flying at half-mast for one who expressed contempt for the law, and a Federal court injunction? Would Congress, or the courts be aslenient to those who might wish to nonviolently disobey an open housing law?

We have a very real problem here which is a long history of nonviolent law enforcement. The reaction of the advocates of nonviolence was violence. If the first and immediate reaction was grief, and I think we would agree it was, what followed was an orgy—an orgy of looting, sniping, mass destruction on a scale that threatened the very seat of government itself. Along with many of you, I watched the atmosphere of a "Roman holiday" that was swept through the streets of Washington. I did not see people crying as they set the torch and carried out their booty. If a wake seemed more appropriate, what happened took more the form of a celebration. Open housing did not seem to be on the minds of thousands of people, as much as free stereo and hi-fi sets, television sets, rawhide and Senator, and shoes, and other assorted booty.

Suddenly here was an occasion when everybody could take for the asking. And the calls of the moderate leaders of the Negro community went unheeded and ignored.

Crystal ball gazing is always a hazardous occupation, but I frankly doubt if the open housing bill had been signed into law as a result of what we witnessed would have been appreciably different. After all Congress has adopted numerous civil rights laws in the past few years and the riots have occurred. And the Civil Rights Act of 1964 was followed 2 years later by Watts, and then Detroit and Newark.

So the theory that passing laws will appease those bent on destruction is a very tenuous theory indeed. And the theory that passing laws without due process, as an automatic response to riots, will prevent riots is an exercise in absurdity. It will only further convey proof to the Negro community that the more you riot the more you get, and when an insatiable appetite is to be filled there is no end to the things to be gotten. In fact, if the commentators are already telling us that open housing has been in effect in a long series of “tributes” that will have to be paid to quell the mobs. I am not convinced that their judgment is any more sound than their colleagues who announced over TV in Washington that looters were being allowed to loot without interference by the police, and thereby probably doubled and tripled the number of looters. It was a sickening and possibly suppressed story that had to be told, but later, not when the very act of telling it compounded the problems of the law enforcement, inadequate as it was.

The other inadequacies of dealing with the Washington riots should, must, and will be investigated and revealed, but that is not my purpose in speaking today. We have lived through curfews, martial law, and looting before, and in other places throughout the world, and I could not believe that authorities could be so helpless as they were here in the Nation's Capital. It is much easier to exercise authority in one's own country, and perhaps the word “authority,” and detract not one whit from the dedication and long hours of police, firemen, and soldiers.
Mr. Speaker, if there was serious objection, I submit that we should not act upon the bill under consideration. 

Are we to jump on the bandwagon, are we to rush in without the slightest consideration for the merits and the meaning of the bill? Are we to rush in without due process? 

Is the representative process in our Republic and in the U.S. House of Representatives only the rubber stamp of the Senators or the rubber stamp of the American people? 

The American people are looking to us to keep our heads when apparently we may lose all our reason. 

Are we to be the catalyst that caused the Representative process in our Republic and in the U.S. House of Representatives to commit its own cowardly act of ignoring due process? 

Today constitutional and representative government are on trial. The only test we face is whether representative government will survive, if indeed whether or not we are deserving of the name representative. It is incomprehensible to believe that the other body of Congress has not. The refusal to have the stigma of being passed in an atmosphere of tension. If it is bad, then it is worse. 

We are moving through dangerous and perilous times. Let us at least have the wisdom to consider this legislation in the arena of public debate, with adequate time and with adequate information, with prudent recognition of what the bill does, and with recognition of the fact that those who now beseech us to jump on the bandwagon, are themselves uncertain and unknowing of its basic provisions. 

There is a great healing task that lies ahead, but let our effort be to bind the wounds, and not reopen them. 

CIVIL RIGHTS BILL

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

Mr. Speaker, is there objection to the request of the gentleman from South Carolina? 

There was no objection.

Mr. WATSON. Mr. Speaker and my colleagues of the House, is it not great to be a Member of the greatest deliberative body in the world—the U.S. House of Representatives? 

But today we are being asked to consider and to vote on a matter of such importance and magnitude, affecting the lives and property of every American, that but for the U.S. House of Representatives, you and I would be only being granted 8 seconds a piece in order to debate this measure. The Senate spent 40 days—and this House of Representatives has 1 hour, which will average out at 8 seconds per Member. 

Can we go back home and tell the American people that this is a great deliberative body? 

Mr. Speaker, may I just read two paragraphs from a letter I received from a minister. He said:

"All Presbyterian ministers are being asked to write their congressmen urging them to pass the Civil Rights bill, and not to recess until this action is taken."

I am writing you to request an opposite action.

This is the part of his letter that I hope you will listen to carefully. He said:

"Even if this bill is right and proper, it should not be acted upon in the present state of affairs. I am sure you agree that far-reaching legislation should not be passed as a memorial to a person, nor should it be extracted by torch and gun."

There is an element in our country which seems determined to use it for their program. They have leaped upon the present situation and seem determined to use it for their ends.

If this legislation is good, then it ought not to have the stigma of being passed in an atmosphere of tension. If it is bad, then it is worse.

Mr. Speaker, our acts today will neither stop nor start riots. Enforcement of existing law is not enough. 

Today constitutional and representative government are on trial. The only test we face is whether representative government will survive, if indeed whether or not we are deserving of the name representative. It is incomprehensible to believe that the other body of Congress has not. The refusal to have the stigma of being passed in an atmosphere of tension. If it is bad, then it is worse.

We are moving through dangerous and perilous times. Let us at least have the wisdom to consider this legislation in the arena of public debate, with adequate time and with adequate information, with prudent recognition of what the bill does, and with recognition of the fact that those who now beseech us to jump on the bandwagon, are themselves uncertain and unknowing of its basic provisions.

There is a great healing task that lies ahead, but let our effort be to bind the wounds, and not reopen them.

CIVIL RIGHTS BILL

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

Mr. Speaker, is there objection to the request of the gentleman from Iowa? 

There was no objection.

Mr. WATSON. Mr. Speaker, nearly 15,000 troops are quartered in and near the Nation's Capital today. 

They are here in an attempt to put an end to the arson, looting, and anarchy that has brought death and hundreds of millions of dollars in damage to Washington and scores of other cities across the Nation.

It is in this climate of lawlessness—of contempt for law and order—that the House of Representatives is being called upon today to approve a bill, many of the provisions of which have never before been considered by the House Members.

To approve this legislation today means setting aside all orderly procedures. It means a capitulation to those who have nothing but contempt for law and order.

It will be a shameful day in the Nation's history if on this day the House of Representatives spinelessly capitulates and if it does I suggest that the U.S. flag be promptly lowered to half staff in mourning for this once great Nation.

CIVIL RIGHTS BILL SHOULD BE REFERRED TO THE JUDICIARY COMMITTEE OR TO CONFERENCE COMMITTEE

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

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

There was no objection.

Mr. HARRISON. Mr. Speaker, the House of Representatives has been directed to vote straight up or straight down on the Senate-passed civil rights bill that carries the number: H.R. 2516.

That number is the same as a civil rights bill which passed the House August 16, 1967, with my concurring vote, but the contents of the measure bear no
American Indians—the Shoshone and Arapahoe of Wyoming and the citizens of more than 280 other tribes in our country—have long noted the need for protections that would prevent a home from being sold without their consent. These protections are essential to ensuring that no American is deprived of their property without due process of law, and that every American is entitled to the same rights and protections as their fellow citizens.

The heart of the newly contrived H.R. 2516 is the civil rights bill. This provision violates the rights of the seller of a home in deference to the exclusive rights of the buyer. How can the Constitution protect the rights of the buyer when their rights are not protected by the Constitution? How can a man be protected in his home if the government of the United States is allowed to take it away from him? How can we expect the government to protect the rights of the American if the government is allowed to violate those rights?

The Senate has not considered the massive changes in Federal law contained in this measure. The Senate has not considered the immediate and long-range effects this bill will have on the lives of Americans of all races. The Senate has not considered the importance of protecting the rights of the American. The Senate has not considered the importance of protecting the rights of the American in a democracy.

The House has not been consulted on the broader programs of civil rights legislation of which this will be a part. But the House is expected to buy this weighty and poorly phrased pig in a poke with neither debate nor dissent, neither hearings nor amendments.

In short, the House of Representatives is expected to engage in a blank check endorsement to the Senate passed bill even though the House has not held hearings on a single one of the Senate amendments. The House has not considered the massive changes in Federal law contained in this measure.

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of course, I will vote for the legislation, but I believe that it is wrong to use this particular procedure.

PROPOSED LEGISLATION WILL REMARK ON THE CHAOTIC SITUATION IN REAL ESTATE MARKET

Mr. SCOTT. 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 Virginia?

There was no objection.

Mr. SCOTT. Mr. Speaker, my mail is overwhelmingly in opposition to H.R. 2516 and some of the letters from constituents who support the bill indicate they do not believe in Government discrimination in housing. Certainly, I do not believe in the Government discriminating against any citizen. However, I am very much alarmed, shocked, disappointed, and angered with the various news commentators, but particularly the Attorney General of the United States and others who have stated that the property of a native-born citizen, he has this right. If a Buddhist chooses to sell his property to a Jew, he has this right. If a foreign-born citizen chooses to sell his property to a native-born citizen, he has this right. If there is prejudice existing in this country, and I am sure there is, that prejudice is in the mind of the individual citizen, and I do not believe this Congress has the power to remove prejudice by enacting legislation. The Government should be colorblind in all of its dealings with its citizens, but we have to distinguish between the actions of the Government and the private actions of our citizens.

Referring to a more specific matter, section 810 on page 34 of the bill provides that any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur may file a complaint with the Secretary. Now can you imagine the length of time it will take the Secretary of Housing and Urban Development under this bill to process and act upon a petition? Some of the petitions that would be filed if the bill is enacted would be valid ones. Undoubtedly, some would be invalid and without merit.

A property owner would not be able to dispose of his property during this interval for the practical reason that no one would buy a piece of property when there was a cloud upon the title or the right of the owner to dispose of it. In my opinion, Mr. Speaker, this would result in a chaotic situation in the real estate market throughout the country. This bill requires careful consideration by the appropriate committee of this House, and should not be acted upon without thorough consideration by the House committee. If it is adopted without amendment it will come home to haunt each of us. Therefore, I hope this House will vote down the previous question, and that the House will be permitted to work its will in the matter.

CIVIL RIGHTS LEGISLATION WAS NOT DELAYED IN HOUSE OF REPRESENTATIVES

Mr. CUNNINGHAM. 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 Nebraska?

There was no objection.

Mr. CUNNINGHAM. Mr. Speaker, I am not going to comment upon how anybody should vote on this measure. I have made up my mind, and that will be recorded in the Record.

However, I am very much alarmed, shocked, disappointed, and angered with the various news commentators, but particularly the Attorney General of the United States, who has stated on several nationally televised programs when they and he not only inferred but came right out and said the delay in this measure is due to the action of the House of Representatives. How irresponsible and untruthful they were.

We passed the original civil rights bill last year, in August. It is not the House of Representatives that is responsible for delay. The delay occurred in the other body. I wish people who are getting up and saying on radio and TV and writing in newspapers that the House of Representatives is responsible for delaying this legislation would discontinue their unjust criticism of the House, because I think we have acted in a responsible manner. It is not our fault that this legislation comes before us at this late date and in this emotional atmosphere. Where were these commentators and officials in the executive branch when our civil rights bill left the House last August and was buttoned up in the other body?

Mr. Speaker, the conduct of the persons mentioned above is inexcusable.

STORY OF AMERICA IS CHRONICLE OF EFFORT TO APPLY WITH PERFECTION THE CONCEPT OF EQUALITY

Mr. FINDLEY. 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. FINDLEY. Mr. Speaker, the story of America is essentially the chronicle of our efforts to apply with perfection the concept of equality. None of the steps taken has been in itself perfect, and I daresay what we do today will not be perfect. But I am proud of the role that America has fulfilled throughout this long period in which we have sought to apply this concept with perfection.

I am proud, also, of my colleague, the gentleman from Illinois [Mr. Anderson], who yesterday played an important role in the action of the Rules Committee. I am confident and hopeful that when this day is done the past which once again have played a major part in progressive legislation in civil rights.

THE ‘LITTLE MAN’ WINS

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

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

There was no objection.

Mr. CLEVELAND. Mr. Speaker, for a long time I have worried, as our Federal Government has grown in size and scope, that the ‘little man,’ the ordinary citizen was becoming lost in the shuffle; that he was becoming a number rather than a person and that it was increasingly difficult for him to gain a sympathetic ear from our vast governmental bureaucracy.

This week I had a heartening experience which really made my admittedly shaky faith in our governmental functions, and I would like to relate this experience to my colleagues.

A constituent of mine, listening to his radio in a small New Hampshire community some 500 miles from Washington, heard an announcement that was offensive to him. He felt it was derogatory to the American free enterprise system. As a businessman and taxpayer, he was paying for this message.

He complained to his Congressman and to the Peace Corps, I am sure there were other complaints, that his was not the only one. But the point is that, in this case anyway, the little man apparently won his battle and made his point with the large governmental agency.

Because this week, I received the following letter from Mr. Brent Ashbranner, Acting Director of the Peace Corps, confirming that the offending announcement had indeed been withdrawn;

PEACE CORPS.
Washington, April 1, 1968.

HON. JAMES C. CLEVELAND, House of Representatives
Dear Congressman: Mr. Vaughan is presently out of the city and in his absence I am replying to your letter of March 15, in which you request information for a constituent regarding a Peace Corps advertisement.

We have recently reviewed our series of radio announcements, specifically the one to which you refer, and are currently preparing a new series.

We have found that the commercial you mention is subject to misinterpretation, and the Advertising Council, which prepares spot advertisements for us as a public service, has
A TRIBUTE TO DR. MARTIN LUTHER KING, JR.

Mr. HALPERN. 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 New York?

There was no objection.

Mr. HALPERN. Mr. Speaker, during the past few days, from one end of this earth to the other, Dr. Martin Luther King has been memorialized in a manner befitting the life he led and the cause for which he strove. The senseless act of murder that stilled his voice cannot kill his words nor dim his dream.

Applying his symbolic philosophy of achieving goals of equal justice for all, Martin Luther King was a champion of justice, a revered leader whose vision and indomitable spirit gave profound meaning to the cause of human rights.

From the moment he first led the Montgomery bus boycott in 1956—through the Albany, Ga., demonstrations, the renowned 1964 March on Washington—the renowned 1960 March on Washington, the fall terms in Birmingham and Albany—through all this Dr. King counseled peace and justice—and in so doing served not only the cause of equality but the American cause as well.

Out of the intensity of Dr. King’s crusade sprang the civil rights bills of 1957, 1960, 1964, and 1965, proclaiming the equality of opportunity as it affected voting rights, public accommodations, employment, and education.

In tribute to his work for justice, coupled with his appeals for peace, in 1964 Dr. King was awarded the Nobel Peace Prize. The trium Selma to Montgomery, the fall terms in Birmingham and Albany—through all this Dr. King counseled peace and justice—and in so doing served not only the cause of equality but the American cause as well.

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Out of the intensity of Dr. King’s crusade sprang the civil rights bills of 1957, 1960, 1964, and 1965, proclaiming the equality of opportunity as it affected voting rights, public accommodations, employment, and education.
The city of Baltimore, Md., is one of the many cities which experienced rioting, fires burning, and looting this week. The Baltimore Sun of April 10 ran an extensive treatment of the disorder which struck that city in the last several days. To emphasize the urgent need for a new approach to our civil re-

sponsibilities and to bring wider public attention to the tragic experience which has visited this historic city recently, I place the above-mentioned account in the Record.

BACKBONE OF RIOTS BROKEN IN CITY, OFFICIALS SAY—LOOTINGS, FIRES DROP, BUT SOME SNIPING CONTINUES—DEATH TOLL, BOXES TO 6—50 POLICE AMONG 600 HURT IN 4-DAY UNEASE—ARRESTS NEAR 5,000 MARK—BANKS TO OPEN DOORS TODAY—GUARD TROOPS TOLD TO REMOVE BAYONETS FROM RIFLES

Military and governmental officials re-

ported last night that the backbone of the riots that have swept Baltimore for five days and four nights had been broken. But sporadic lootings and fire bombings con-

tinued—and reports of sniping were increas-

ing.

The death toll from the disturbances rose to six with the suffocation of a 74-year-old man who was found dead in an apartment above a store fire lit by an arsonist.

The injury list rose to about 600. It in-

cluded 50 members of the Baltimore Police Department.

CITY FIRES, 1,150

Since Saturday, firemen have responded to more than 1,150 fires and blazes that have burned out hundreds of houses and homes throughout the inner city. Lootings jumped over the 1,150 mark last night.

The number of 5,000—most of them for violations of the nightly curfew.

Despite all the troubles, strong efforts were made to get the city on as normal a footing as possible under the circumstances.

Public schools reopened. So did downtown department stores and several shopping centers that had been shuttered against the rampagers.

GENERAL REASONS TO OPEN

The Baltimore Orioles were given the go-

ahead to start another American League sea-

son this afternoon at Memorial Stadium.

All banks will be open for business today after a two-day break due to the riots.

Authorities relaxed the 7 P.M. to 5 A.M.
curfew to allow nightshift workers at fac-

tories to report to their jobs.

One sign that the tension was easing—

10,875 regular Army and National Guard troops patrolling the city were instructed by Lt. Gen. Robert H. York, their command-

ning officer, to "bare rifles," tuck away the

bayonets that they had affixed to their fire-

arms.

Another sign—some children in a North-

east Baltimore area where children had been in the vanguard of the looters, were flying their kites under a clear blue sky yesterday afternoon.

But authorities took grim notice of the

growing restiveness of some white neigh-

borhoods bordering inner city Negro areas.

SHOOTING, BEATING INCIDENT

For example there was a shooting and

beating incident sparked by white toughs in West Baltimore yesterday.

But all-in-all, authorities expressed op-

timism yesterday in their estimate of the situation as of this evening.

They pointed out, for example, that the 210 lootings logged by 9 P.M. yesterday to-

taled just one more than those reported
during a single two-hour period Sunday night.

ATTITUDES "SOFTER"

The bitter attitudes of Monday's surfing mobs had given way to something "softer," as one high National official put it.

And Negro militants themselves were spreading the word through the ghettos to "cool it."

Rumors, as they always do in times of strife, have been flying. A white gang was reported to have shot, Stokely Carmichael, the black militant, who was fomenting strife. The Ku Klux Klan was said to be about to march. They were not founded on fact.

Here are some of the facts that did come out during the day:

1. Under the direction of William Donald Schaefer, president of the City Council, the Small Business Administration is collecting a list of near-unanimous consent to extend my re-

veal to our national security.

However, they must be prepared to show, if
directed, that the riots—and not their own dilatory tactics—caused their past-deadline filings.

Emergency food supplies—much of it from the Federal Government's surplus—flowed into the city by the ton. In addition, sev-

eral independent agencies started collecting food and clothing for distribution to inner city residents.

Scarcities of milk and gasoline developed during the day.

In response to requests from authori-

ties in Delaware, where disturbances are also taking place, Governor Agnew added Cecil county to the list of subdivisions where the 7 P.M. to 5 A.M. curfew is in effect.

The other subdivisions are Baltimore city and Baltimore, Howard, Harford and Anne Arundel counties.

RIOT SIDE-EFFECTS

Baltimore hospitals, incidentally, have had to take into more than 35 victims of riot side-effects—alcoholics, deranged and in need of help, from their normal supplies, gone into delir-

ium tremens. They are being treated with massive doses of vitamin B-12 and paral-

dehydro.

The number of direct casualties of the riot-

ing—hospitals and those admitted to have had to admit, to have been remarkably low—19.

But talk of what is being done, what has been done, and what remains to be done be-

fore real peace is restored is subordinated to the overriding interest in what happens on the streets from hour to hour.

Everyone hailed the news that not a single piece of fire equipment was away from its station from 9:30 until 10 o'clock last night as another sign that the city was "over the hump."

Lootings dropped to fewer than 10 an hour at any point, and very few arrests were re-

ported.

COURTS WORK OVERTIME

As they have for three days, the courts went overtime to clear the backlog of the criminal cases arising from the rioting.

More than 80 per cent of those booked last Saturday had been tried by late last night.

Governor Agnew and his staff stood by in Annapolis, taking frequent reports from Mayor D'Alesandro and the police on the hour-by-hour state of affairs in the city.

They are also keeping a close eye on the rest of the State, looking for signs of rest-

lessness that could develop into trouble.
CONGRESSIONAL RECORD—HOUSE

April 10, 1968

BUNCH TAKES TOUR

Frunce E. Burch, State attorney general of Maryland, who concluded his uninvited diplomatic tour of the scene State liaison with military authorities took another of his frequent tours of the inner city.

"It's as quiet as it can be," he said.

Maj. Gen. George M. Gelston,adjutant general of Maryland, who directed National Guardsmen, was fondly remembered by residents of the city.

\[...\]

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tton, his cheek streaming blood from a push against the sidewalk as he struggled to escape.

As the night wore on, it was evident that the pace was slackening from that of Sunday and Monday.

One veteran of many racial disturbances theorized that the hooligans were running out of steam, getting a little bit bored at what was becoming old-hat, looting and burning.

But there were some still loose (hundreds were in jail) who were up to no good.

Two Negro men were flushed from their hiding place in a back yard. They were placed under arrest, but no weapons were found.

At about the same time, someone was firing a shotgun near the corner of a row house on Longwood street, near North Avenue. The riflemen made his escape before police surrounded the house and searched it from floor to ceiling.

TWO AMONG RIOTERS

Reports of persons from outside of Maryland taking a large role in the four days of Baltimore violence continued yesterday, although one top State Police official says his officers "unquestionably" have been involved.

"Some looters unquestionably have come out of Maryland," Maj. Thomas Smith, who heads the State Police intelligence unit, said yesterday.

"We've seen a lot of Virginia tags riding around," he said. Other policemen and news­men have reported an unusually high number of cars with license plates from New Jersey and Washington.

SOME ARRESTED

There have been some out-of-state arrests already. In the flood of paper­work in the courts no reliable estimate is available on how many.

One case is that of Robert B. Watts, who has been sitting in Central Municipal Court, said he had not noticed any out-of-state directly involved in the rioting.

"On top to bottom for them," he said.

Judge Watts is a Negro. A court clerk at Central Municipal Court said he remembered "a few Negroes," and added that they all had valid reasons for being in Baltimore.

Two who got caught were young Washing­tonians. Two Negroes, 60 days in jail both, were fined for violating the curfew Monday night after police found two empty gasoline cans and an oil can in their car.

Judge William J. O'Connell, who sentenced them, said that their stories "just test the credulity of the most credulous."

The two were Herlin Davis, Jr., 21, an apprentice pressman, and James Brockman, 22. They said they were going to Philadelphia to visit Brockman's aunt. Their car was having fuel pump trouble, they said, explaining the cans. They were arrested at Lombard street and Central avenue.

LUNCH COUNTER GIVES FREE FOOD TO POLICE

A merchant whose lunch counter was almost burned out early in the rioting has been providing free coffee, stews and sandwiches to all comers at the West side command post ever since.

Samuel Kurland cleaned up the mess left by a fire bomb, then got his lunch counter and two sons, 3 months and a year old, knowing nowhere else to go, Mr. Kurland gave her a half-dozen cans of evaporated milk and police arranged for an escort to get her home safely after the curfew.

SEND THE BILL TO CONFERENCE

Mr. DOLE. 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 Kansas?

There was no objection.

Mr. DOLE. Mr. Speaker, the key vote today will be whether or not the civil rights bill, H.R. 2516, should go to conference. I shall vote to send it to conference because of the many amendments added by the Senate which have not been fully debated in the House. The Senate added provisions on rights of Indians, housing, a civil disorders section which includes provisions dealing with the transportation of explosives and incendiary devices, as well as other provisions.

If the previous question is voted down tonight, I urge my colleagues to support the motion which will be offered by the gentleman from California (Mr. SMITH). As everyone here knows if the vote on the previous question is in the affirmative then a second vote will be on the question of accepting the Senate amendments.

It seems certain, because of recent events, that the House will not today vote to send this highly controversial measure to conference and only by a small margin. It is possible that event will I vote to accept the Senate amendments.

My mail reflects that the so-called fair housing section is the most controversial it is not. In my opinion, the most important or far-reaching provision in the bill. The riot section, which passed this House by a vote of 347 to 70 on July 19, 1967, is still almost intact. With little or no changes and except at a few busy spots in an all-time high in our country the antihousing provision, if properly administered and strictly enforced will put an immediate end to the activities of Stokley Car­michael and his followers and others. At that event, will I vote to accept the Senate amendments.

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THE CIVIL RIGHTS BILL

Mr. LLOYD. 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 Utah?

There was no objection.

Mr. LLOYD. Mr. Speaker, a decent re­spect to the opinions of the citizens of the Utah Second Congressional District, and perhaps to my family and friends, requires that I should explain my views for the decision which I have made in the matter of the civil rights bill which will come before us today which includes title VIII covering the subject of open housing.

This issue of open housing has divided the people of my district more than any issue of my knowledge in 8 years in the Utah State Senate and more than 3 years in the House of Representatives. At the same time, it has challenged me to assemble and analyze the individual opinions of my constituents, more than 500 of whom have personally communicated their views to me.

After a careful, full assembly and analyze the hard evidence and analysis which make up this issue a situation approaching a national emer­gency.

As a Member of the U.S. House of Repre­sentatives in 1964, I supported the civil rights bill of that year which was designed to eliminate discrimination in the fields of education, employment, public accommodations, and voting, among others. At that time, and later, I voiced my opinion that to extend this legislation to the field of housing would be an undue infringement upon the property rights of the individual.

Social and economic changes in the United States since that date have brought me to an opposite conclusion.

In the long weeks we have spent to write Negro youths to risk their lives in defense of this country. How can I, therefore, vote against elimin­ating a discrimination which faces them when they return home?

In the past week we have had burning, rioting, and looting in the Nation's Capital and in other cities of the Nation in the wake of the assassination of Dr. Martin Luther King. Effective law en­forcement has become an emergency need of this country, perhaps more than ever before in our history. How can I, therefore, insist upon, and work for com­promises which will result in weak­ening law enforcement when the fact of dis­crimination in housing gives the Negro American an excuse, however false, that he is entitled to violate the law because of the discrimination which exists against him. If the majority of the Members of Congress were to vote flatly against elimination of discrimination in housing, I think it is entirely possible that within a few months there would be a black movement across the dome of the Capitol of the United States during the last week might de­velop into hot flames which would spread across the Nation.

There are more than 22 million Ne­groes in America. This exceeds the entire population of Canada. This minority group against whom discrimination in the housing field has been accepted in the past is very much more numerous in Canada. We can either have a nation divided into hostile camps of black and white, or we can learn to live in harmony together.

The House does not send the bill to conference unless it is confident that the antihousing section coupled with the civil disorders section can be helpful in curbing civil strife in the weeks and months ahead.
which I have received from the people I represent has voiced opposition to this legislation, and I cannot avoid my responsibility to the people whom I represent. Granted that some of this mail has been inspired by organizations who are more interested in inflaming passions than enlightening and urging citizens to reason, there are still hundreds of sincere, thoughtful, and worried citizens who have written me out of their personal convictions that they consider this bill an unwarranted invasion of their personal rights, and I must respect their thoughtful judgment.

Today there will be two votes. The first will be a vote on whether or not we should vote on the Senate-passed civil rights legislation as passed by the Senate has never had the opportunity to be exposed to the natural legislative process of committee hearings; and third, because there exists a conflict between the real estate industry, the real estate industry, which I believe can be reduced by a House-Senate conference. As a matter of fact, this bill before us today was originally a House of Representatives bill, and if this motion should prevail, how will we have an opportunity of amending or further conference with the Senate. I think there are good reasons why I should vote against this motion. First, out of respect to the majority of my constituents, I will vote against it.

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

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

There was no objection.

Mr. ALBERT. Mr. Speaker, in a 1 minute speech a few minutes ago my distinguished friend the gentleman from Iowa (Mr. Ross) did express the same concern which we all share about the rioting and disorders which have been taking place in this city and elsewhere across the Nation, stated that he hoped that the House would not capitulate to that activity.

Now, let us get the record straight. On Thursday afternoon, before the tragic death of Dr. King, before the first tragic act of rioting had taken place in the city of Washington or elsewhere, the program for this week was announced. It was announced at that time, before any of these events, that H.R. 2515, to provide greater safety and order to the Senate-passed legislation, and made an eloquent appeal for national unity which without which the nation would be in great danger.

Who would it be who would be capitulating to the unfortunate events to which the gentleman from Iowa referred if we changed the program at this time?

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

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

There was no objection.

Mr. FEIGHAN. Mr. Speaker, the Cleveland Plain Dealer praises President Johnson's sacrifice. President Johnson has made an eloquent appeal for national unity.

During this time of challenge for America we must show the reason and responsibility displayed by President Johnson with a drive for peace and for his eloquent appeal for national unity.

Mr. FEIGHAN. Mr. Speaker, the Cleveland Plain Dealer praises President Johnson for the 'statesmanship with which he coupled his political withdrawal with a new drive for peace' and for his eloquent appeal for national unity.

The President's ultimate sacrifice could set an example of selfless devotion to a country which will end the rancor and division in our land. His renewed attempt at peace could help end the war which has polluted our political discussion.

Together, this Nation under President Johnson carved out legislative milestones which set a standard of creativity and compassion for future generations to emulate.

Mr. FEIGHAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Record and include an address.

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

There was no objection.

Mr. FEIGHAN. Mr. Speaker, perhaps the greatest problem confronting all mankind today is how to translate the word 'brotherhood' into reality.

One of the many people who has been working tirelessly to achieve this objec-
The National Conference of Christians and Jews is honored by the award conferred upon me. I accept with sentiments of deep gratitude and with the conviction that further recognition will be of great benefit towards my benevolence towards me, more than it does to my merits.

It gives me added pleasure to receive the award in my native city of Cleveland, and to receive it on the very day of my transfer seven years ago to the See of Philadelphia. The reception I received there was the high level of brotherly love practiced in Cleveland easily qualified me for citizenship in Philadelphia—the City of Brotherly Love.

Cleveland has been a microcosm of various nationalities, ethnic groups, creeds, colors and cultures. The people of Cleveland were not prepared for this, and were rather un­ sensitive to the suggestion of purifying the alleged dross of alienism in a melting pot. They were unwilling to trade their rich cultural heritage, their ancestral identity for an amorphous americanism. They chose to preserve the best elements of their traditions and to integrate them into that great mosaic which is Cleveland, and which is America. They lived according to the motto—"If Purl­ hase the one—"Unity out of the widest diversity."

Living according to this motto, they gave living proof that economic, social, racial, ethnic, religious differences are not a necessary cause of strife. They lived in peace and harmony sharing each others joys and sorrows. They maintained their identity out of the widest diversity. They became a living reality. Whatever concept of the world without his own prior knowledge or consent, and he would be disen­ trust committed to preserve not only the purity of faith, but faith in God itself.

Now, four centuries later, seeing the advances of the natural sciences, the various corporations, the world of commerce, the telephone, radio, television, electric light and power, air and space travel. There has been comparable progress in some areas of human relations. We have moved from isolated, seeing the interest and involvement. The movement away from God still en­ joys a measure of popularity. The "God is Dead" cliche which recently made profitable the books that predicted the death of organized religion, has become a fashion, not a necessary cause of strife. They lived in peace and harmony sharing each others joys and sorrows. They maintained their identity out of the widest diversity. They became a living reality. Whatever concept of the world without his own prior knowledge or consent, and he would be disen­ trust committed to preserve not only the purity of faith, but faith in God itself. Now, four centuries later, seeing the advances of the natural sciences, the various corporations, the world of commerce, the telephone, radio, television, electric light and power, air and space travel. There has been comparable progress in some areas of human relations. We have moved from isolated, seeing the interest and involvement. The movement away from God still enjoys a measure of popularity. The "God is Dead" cliche which recently made profitable the books that predicted the death of organized religion, has become a fashion.

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BABY ADDRESS BY CARDINAL KROL

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regarded by some as purveyors of weak senti­
mentality which cannot survive in the free­
speech and unbridled creativity of the market place.
They are regarded by others as enemies to the
policy of Church-State separation, as if they
were, no matter how strong, an obstacle to civil
forces, including religious ones, for the good
of mankind and for the common good. Still
other influences work from the values of the
order, to civil rights, etc., as cause for anxious
concern about possible infiltration of com­
mittee ideas into law making.

It is well to recall that Communism takes
advantage of any weakness, any fault in so­
ciety, to represent itself as the only possible
remedy for such weaknesses. The stated ulti­
mate objectives of Communism are to pro­
mote man's betterment, liberation, and to
insure justice, equality, peace and plenty for
all. These objectives are promised to all who
submit in total obedience to the elite corps of
social engineers. Communism for all its
anti-God and anti-religion propaganda, is in
fact an inviolate religion and as such is a
tragic fiction.

Common is the inhumanity of man's sense of mis­
ion and his ambition for creativity. It in­
volves him in an effort to achieve a tran­
scendental goal beyond and better than the
world appears to offer. Such promised oppor­
tunities have attracted intellectuals even at
the price of treason to their own country. The
state of religious idealism of man is to
improve the lot of man, and to
establish a social order—not according to
religious idealism of man, but according to materialistic philo­
osophies, which accord all right and power to the
State, rather than to men.

The 40 year efforts of the Conference of
Christians and Jews to establish a social
order in which human relations will be gov­
erned by the religious ideal of brotherhood and
justice, have been a signal service to God,
to man and to Country. No nation can sur­
vive which permits and cannot afford the amount of laws, no amount of welfare pro­
grams can preserve social order and good
human relations. Our love for man, to be
embracing all, must derive from the love of God. We cannot claim ties
of brotherhood unless we acknowledge a Common Father.

I take occasion to congratulate the Confer­
ence on this its 40th anniversary. I pray that
it will in your progress in promoting good human relations may exceed what I know today in the success of your em­
bellishments of God on earth and His presence in
heaven.

Again I thank you for the signal award, for
your kind words and remarks. I thank all of you for your kind and patient attention.

Mr. Louis B. Seltzer, retired editor of the
Cleveland Press, wrote an article for the
dinner program which vividly de­
scribed the career of Cardinal Krol. This
article follows:

He was the fourth child of Polish immi­
grants who settled on Cleveland's South­
ern Side. They named him John J. Krol.

John grew up like any other Cleveland boy—had his fun, had his fights, his parental disciplines that he had to put up
with and all of course to reach goals.

He went to Cathedral Latin High School.
Next he attended St. Mary's Seminary and
the Cathedral College here. It wasn't
really that simple. He and his mother would
go out hanging wallpaper to earn that extra
money for schooling.

As a young cleric, he became the auxiliary bishop in Clevel­
and, there was a splendid reception one time at the Bratenahl home of the late Archbishop Edward Hoban. An alpine rib roast of beef ter­
might have been served. It is a man named Krol presided, carving meat
flashing.

"Why, bishop, you do that like a profes­
sional," one of the guests remarked.

He had been a meat-cutter, a butcher for one of the major food stores during those character­
formative years.

Today Cleveland's John J. Krol is, of course, the Monsignor of the Pope.

As a young priest, Archbishop Hoban

"Scribes the career of discipline, learned he must work and
your cordial reception and I thank all of you.

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of our scientific and technological devel­
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As a young cleric, he became the auxiliary bishop in Clevel­
and, there was a splendid reception one time at the Bratenahl home of the late Archbishop Edward Hoban. An alpine rib roast of beef ter­m...
Mr. GERALD R. FORD. Mr. Speaker, will the gentleman yield?

Mr. BINGHAM. I will be glad to yield to the gentleman from Michigan.

Mr. GERALD R. FORD. I received the same communication to which the gentleman refers, and as I looked over the memorandum from the group, they endorsed fair housing legislation by the provision of Federal reinsurance by which we can make private insurance for normal risks available to all. Because of the urgency of this matter, the Subcommittee on Housing will give the urban insurance legislation, including the administration bill, H.R. 1565, the bill introduced by the gentleman from Pennsylvania, Congressman Moorehead, H.R. 1565, and other pending bills their first attention.

Mr. Speaker, the Subcommittee on Housing will go into executive session on Thursday, April 25. These bills provide that Federal reinsurance could go into effect the day the bill is signed into law. It is our hope that action on this legislation can be expedited and I am sure that when it is brought to the floor, it will receive the overwhelming support of the House.

SUPPORTING H.R. 2516

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

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

There was no objection.

Mr. KARTH. Mr. Speaker, I rise to support, with enthusiasm and conviction, H.R. 2516 and its objectives.

I have for a long time supported and attempted to implement by legislation the rights and privileges all Americans are inherently entitled to under the Constitution of the United States.

While a member of the Minnesota State Legislature I, 13 years ago, was the sole author of an open housing bill. Since then our State has passed such legislation; legislation of a character similar to what is before us today. Yes, there are some differences, but in each area that those differences appear the Minnesota law is of greater force and effect. I am proud of that.

I am hopeful that this body, the greatest deliberative body in the world, will speedily pass H.R. 2516.

RESPONSE TO THE MINORITY LEADER

Mr. MONAGAN. 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 Connecticut?

There was no objection.
April 10, 1968

CONGRESSIONAL RECORD — HOUSE 9551

LYNDON JOHNSON AS PRESIDENT

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

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

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, on April 3, four letters appeared on the editorial pages of the Chicago Tribune under the heading: "L. B. J.: 'Won't Run.'" I should like to read one sentence from each of these letters.

And here is the request of the gentleman from Illinois?

I merely want to say this: that I recognize, as well as anyone, that it is certainly a tragic sequence or juxtaposition of events that brings us to the consideration of this matter today following the funeral of Dr. Martin Luther King, Jr.

LYNDON JOHNSON AS PRESIDENT

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

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

There was no objection.

Mr. ANNUNZIO. Mr. Speaker, my office, as well as the offices of many of the other Members, is being inundated with telegrams and letters stating that "you must pass this civil rights bill today."

Mr. Speaker, I have made a study of the open housing laws that are now in effect in the States of Pennsylvania and New York, and they each have a much tougher law today than this proposed Federal law. Neither in the State of New York nor the State of Pennsylvania can a real estate broker or an owner discriminate in the sale of real estate. An individual can just discriminate in the rental of two-family houses.

The bill that will be before us permits an owner to discriminate in the sale of his home. But the people in this country have been sold a bill of goods that, if this bill passes, then everything will be fine, and that you can withdraw the troops from participation with the policemen in handling the civil disorders in residential districts where riots are occurring today.

As I say, Mr. Speaker, we have a much stronger fair housing law in the States of New York and Pennsylvania than this bill before us. I do not believe the passage of this bill will make one iota of difference in this Nation one way or the other as far as riots are concerned. As I say, the people misunderstand this bill. This is not the great, great civil rights bill that the people have been led to believe. And I hope the people of this Nation realize that this bill does not do as much good as the people think it will do.

As I say, the passage of this bill will not stop riots. To stop the rioting you must have a return to the Christian principles of honor, good will, integrity, things like that. That is what will stop the rioting.

CONSIDERATION OF THE CIVIL RIGHTS BILL

Mr. ANDERSON 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. ANDERSON of Illinois. Mr. Speaker, I have just been informed that no time will be available to me today under the rule to present my viewpoint on the legislation we shall be considering. I merely want to say this: that I recognize, as well as anyone, that it is certainly a tragic sequence or juxtaposition of events that brings us to the consideration of this matter today following the funeral of Dr. Martin Luther King, Jr.

This happens to be one of those ironic, almost macabre twists of fate, but because of that fact it is being unfairly alleged in many quarters that this House today is acting in some undue haste, is acting under duress, or under the stress of some overwhelming emotion.

I would merely make the record abundantly clear of this House doing the only thing that the Committee on Rules met on the 19th of March and at that time decided to conduct hearings on this resolution and vote on the 9th of April. The decision was made on the 9th day and not following the death of Dr. King.

It was well known on the 19th of March that the leadership of this House fully intended to schedule this matter for debate and consideration on the 16th of April.

So let no one be under any illusion that we are operating today in anyasma of fear or under duress. We are acting in the normal course of legislative events.

Mr. Speaker, let no one say that we are doing what we are doing today because we are coerced or intimidated that this House today is acting in some undue haste, is acting under duress, or under the stress of some overwhelming emotion.

We certainly do not want to reward them. I am seeking to reward the Negro schoolteacher in my district who not long ago answered some 100 ads in vain seeking a home or an apartment and who in each and every case was turned away.

I am seeking to afford an advantage to and to benefit the young engineer who finally found a position commensurate with his educational abilities and then sadly confessed to me, "I am going to have to leave the community because I cannot find a place suitable for my family in which to live."

That is why I am going to vote for this legislation today—and not under duress and not because I want to reward any of the rioters in our country.

THE CIVIL RIGHTS ACT OF 1968

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

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

There was no objection.

Mr. TAFT. Mr. Speaker, I urge support of H.R. 2516, as reported to the House, because I believe that it is right.

It is right because there should be no privilege in America allowing any person to discriminate on account of race, color, or national origin, against another's equality of opportunity. Racial discrimination in housing has had and still has that effect. To fail to speak out against it would be to condone and to relegate to hopelessness any solution of America's most serious problem in any way consistent with our traditions and the spirit of our people.

The waves of today's stormy seas of controversy and disorder must not turn us from our course. But the course cannot be held without recognizing the tides and currents moving all of us. To reject this measure today will be to undermine those who are seeking solutions through the powers of reason and justice. Responsible Negro leaders are on the spot today—whether we like it or not. Our action can help them build attitudes and progress with order and justice.

It can help such leadership to a rear guard action from which it may not recover. This would leave us all to the unpleasant but almost certain alternative of violence and repression. I cannot and will not believe that such an alternative can prevail. But the road back to reason and reality would be one filled with misery for all Americans. It can and must be avoided. Passage of this measure will be a step in the right direction.

CAPITULATION ON CIVIL RIGHTS

Mr. SNYDER. 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 Kentucky?

There was no objection.

Mr. SNYDER. Mr. Speaker, I yield to the gentleman from Iowa [Mr. Gross].

Mr. GROSS. Mr. Speaker, in response to the gentleman from Oklahoma [Mr. Albert] and his comments a few moments ago, let me say to him that the record will be written here today by his vote and by the votes of others, whether there is capitulation to coercion.

CIVIL RIGHTS LEGISLATION

Mr. MYERS. 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 Indiana?

There was no objection.

Mr. MYERS. Mr. Speaker, I came here today like many others, with an open mind, to hear the discussion and then vote. I had no intention of speaking, knowing that under the rule granted, we only had 8 seconds each for debate, and we would say much in 8 seconds, but after listening to some of the discussion here today, it became necessary to speak. About the timing in bringing this bill up today and talking about how the bill is not a lawyer's bill, after reading this bill and considering its questionable drafting, I find comfort that I am not. I can read. We have heard talk about the wisdom in bringing the bill to the floor today. Some have spoken today have discussed whether it should come up today or not. I do not think the question is whether it is being brought to the floor because of the tragic events of last week. I think it is the question of timing, and whether it should now come to the floor in view of what happened last week. The question today is, Should we still consider this legislation with national emotions and the tension in this House being what it is?

I am a farmer. I remember once I decided early in the season I would plant a large field of corn. When the first snow fell, I didn't plant on that day. Is our country not fogged today?

CIVIL RIGHTS MEASURE MUST PASS

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

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

There was no objection.

Mr. REIFEL. Mr. Speaker, I did not intend to come to the well of the House today with this bill that has been referred to as having some provisions affecting Indians will be brought before us. Interestingly enough, there are hardly any Indians in my district, and very few Negroes. I have asked to include with my remarks some statements on that matter as having reference to Indians. I think it would have been better had this been considered through the regular Interior and Insular Affairs Committee.

However, the bill to which it is attached is too important to take a chance on having it defeated in the other body if it should go to a conference. I remember as a child 7 or 8 years of age going to a nearby town with my father and mother, who was a full-blooded Indian, and as my father sat by a pot-bellied stove talking to the owner of the hotel where my mother and her children were bedded down for the night, I heard the hotel operator say to my father, "Can she and her children stay in our hotel?"

That is the kind of hurt that can come to millions of boys and girls in this country, and I am sure that most of the Members of this body who have never had such a hurt down in their hearts for their children or their grandchildren may not understand this. That is why I appeal to you today that when this bill comes to a vote, vote "aye" on the previous question, because we shall have tears away at least one hurt from the hearts, the minds, and the souls of little children all across this land of ours, which I think is one of the greatest in the world.
April 10, 1968

CONGRESSIONAL RECORD—HOUSE

9553

only after a jury trial is requested by the defendant.

In addition, Mr. Speaker, by providing for a writ of habeas corpus from the Federal court, the bill would assure effective enforcement of these fundamental rights.

The second most important provision of this bill is the revision of Public Law 280 passed by the 83d Congress. That law permits States to assume jurisdiction over Indian tribes without any way consulting with the tribes affected. Three States have exercised this power over the objection of affected tribes. A fourth, my own State of South Dakota, attempted such an exercise but was prevented from completing the takeover by a vigorous referendum effort in 1964.

Mr. Speaker, I know of no Indian tribe in this country which has not bitterly opposed the request of the gentleman from Texas? There was no objection.

Mr. ASPINALL. 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 Colorado?

There was no objection.

Mr. ASPINALL. Mr. Speaker, I had no intention of coming to the well of the House at this time to speak on the matter that is scheduled to come before us later this afternoon. However, the bill has to do, in sections 2 to 7 inclusive thereof, with Indian rights matters before my committee. We have already had a day’s hearing on the matter. May I say that I have no greater respect for any Member of this body than I do for the Indians of this country which has not bitterly opposed the request of the gentleman from Texas? There was no objection.

Mr. Speaker, I strongly urge Members to vote "aye" on the previous question and on the question of passage of the bill.

INDIANS WOULD LIKE TO BE HEARD ON CIVIL RIGHTS MEASURE

Mr. ASPINALL. 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 Colorado?

There was no objection.

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Mr. Speaker, I strongly urge Members to vote "aye" on the previous question and on the question of passage of the bill.

CIVIL RIGHTS BILL

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

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

There was no objection.

Mr. BEVILL. Mr. Speaker, I rise to voice my strong opposition to the civil rights bill, H.R. 2516.

I am particularly disturbed over the Senate-passed open-housing provision, or so-called fair-housing section of the bill.

The open-housing provision of this bill would, in my opinion, violate the rights of U.S. citizens as guaranteed by the 14th amendment of our Constitution. It would mean, in effect, that the homes of our people, the very foundation of our freedom, would no longer belong exclusively to them. It would mean that the so-called "right" of the homeowner to the terms of his property: That the Government would have the right to dictate to him the terms of disposal.

The notion that one man has the right to purchase any property he pleases is a completely false notion. For this would also mean that the property owner has a "duty" to sell his home to the buyer, whether he wants to or not.

Mr. Speaker, the U.S. Constitution clearly provides safeguards which protect the property of every U.S. citizen. I am convinced that any open-housing law would only lead to further Government intervention in the private affairs of our citizens. The tendency for the Federal Government to interfere with private individuals is frighteningly apparent in this measure for open-housing legislation. The provisions of this section of the bill are so weighted in favor of the buyer that just about the only right the homeowner retains is the right to defend himself. He pays all of the Government picks up the tab for his accuser.

In addition, Mr. Speaker, the obvious question of political expediency controls to surround this bill. Thoroughly through the recent rhetoric surrounding this provision of the bill is a thinly veiled attempt to appease certain minority groups in this country.

It is time we stopped trying to placate these minority groups at the expense of the majority of people of this country. This bill really stems from the recent tide of protest and agitation started by the so-called militant civil rights leaders.

Mr. Speaker, appeasement is not the answer. Apppeasement will never solve our problems.

We all agree that every citizen in this great Nation of ours should have—yes must have—an equal opportunity to pursue the rights promised him by the framers of our Constitution. But this further intrusion on one of our most basic rights is not the answer.

One need only to read his daily newspaper to realize this.

The record speaks for itself. The more so-called civil rights legislation Congress passes, the more militant the civil rights groups have become. More and more appropriations by Congress to minority groups are met with more and more threats and destructive riots—riots started by these same minority groups. We are trying to help.

The argument for open housing totally ignores the real needs of these minority groups. An open-housing law will only serve to affect the wrong majority of the very people it proposes to aid.

In this case, the results of this open-housing provision would most likely have the reverse effect, increasing dissatisfaction and bitterness from those who expect promises to magically remove them from the crowded living quarters of the cities to the comfort of suburban living.

In this country, Mr. Speaker, government among men has always been based on the general consent of the majority. This bill would be a distressing departure from this long-held course. It has been said—and wisely so—that where there are no property rights there are no human rights.

If the property rights of the citizens of this country are to be protected, this bill must be defeated.

REFEREAL OF H.R. 16358, NATIONAL GALLERY OF ART, TO COMMITTEE ON PUBLIC WORKS

Mr. BURLESON. Mr. Speaker, H.R. 16358, a bill introduced by the distinguished chairman of the Public Works Committee, the gentleman from Maryland [Mr. FALLOWS], and the gentleman from Illinois [Mr. GAVEN], introduced on April 1, was referred to the Committee on Public Works Administration. I ask unanimous consent that the bill be referred to the Committee on Public Works Administration.

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

There was no objection.

PROVIDING FOR AGREEING TO SENATE AMENDMENT TO H.R. 2516. PENALTIES FOR INTERFERENCE WITH CIVIL RIGHTS

Mr. MADDOX. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1100 and ask for its immediate consideration.

CALL OF THE HOUSE

Mr. WAGGONNER. 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. 94]

Ashley, Jones, Mo. Pogue, Ashmore, Kansas Runion, Shinholmes Finus, Kastenmeier, Minn. Foley, King, Calif. Teague, Tex. Hathaway, King, N. Y. Irvin, Pasman

The SPEAKER. On this rolcall, 416 Members have answered to their names, a quorum.

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

PROVIDING FOR AGREEING TO SENATE AMENDMENT TO H.R. 2516. PENALTIES FOR INTERFERENCE WITH CIVIL RIGHTS

The SPEAKER. The Clerk will report the resolution.

The Clerk read the resolution, as follows:

The resolution provides safeguards which protect the property of every U.S. citizen. The tendency for the Federal Government to interfere with private individuals is frighteningly apparent in this measure for open-housing legislation. The provisions of this section of the bill are so weighted in favor of the buyer that just about the only right the homeowner retains is the right to defend himself. He pays all of the Government picks up the tab for his accuser.

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It is time we stopped trying to placate these minority groups at the expense of the majority of people of this country. This bill really stems from the recent tide of protest and agitation started by the so-called militant civil rights leaders.

Mr. Speaker, appeasement is not the answer. Apppeasement will never solve our problems.

We all agree that every citizen in this great Nation of ours should have—yes must have—an equal opportunity to pursue the rights promised him by the framers of our Constitution. But this further intrusion on one of our most basic rights is not the answer.

One need only to read his daily newspaper to realize this.

The record speaks for itself. The more so-called civil rights legislation Congress passes, the more militant the civil rights groups have become. More and more appropriations by Congress to minority groups are met with more and more threats and destructive riots—riots started by these same minority groups. We are trying to help.

The argument for open housing totally ignores the real needs of these minority groups. An open-housing law will only serve to affect the wrong majority of the very people it proposes to aid.

In this case, the results of this open-housing provision would most likely have the reverse effect, increasing dissatisfaction and bitterness from those who expect promises to magically remove them from the crowded living quarters of the cities to the comfort of suburban living.

In this country, Mr. Speaker, government among men has always been based on the general consent of the majority. This bill would be a distressing departure from this long-held course. It has been said—and wisely so—that where there are no property rights there are no human rights.

If the property rights of the citizens of this country are to be protected, this bill must be defeated.
Resolved, That, immediately upon the adoption of this resolution, the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, shall be referred to the Committee on Standards of Official Conduct, with the purpose of any remarks or statements there- to, be, and the same hereby is, taken from the Speaker’s table, to the end that the Senate, with full authority, be, and the same is hereby, agreed to.

The SPEAKER. The Chair desires to state, and this is not to be considered as admonishing anyone in the gallery, that any manifestation of approval or disapproval of any remarks or speeches made by a Member on the floor of the House is contrary to the rules of the House.

The Chair knows that the guests of the House in the galleries will respect the rules of the House of Representatives.

Mr. MADDEN. Mr. Speaker, I yield 30 minutes to the gentleman from California (Mr. Sarra), pending which I yield myself 6 minutes.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may revise and extend their remarks during the debate on the resolution.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. MADDEN. Mr. Speaker, I wish to commend the gentleman from New York, Chairman Celler; the gentleman from Ohio, Minority Leader McCulloch; and members of the Judiciary Committee for their outstanding work on this legislation. Their committee reported civil rights legislation in June 29, 1967, and the antitrust legislation was passed by our body on July 19, 1967. The legislation has been over in the other body and after delay and extended debate passed the Senate by a vote of 71 to 20 a few weeks ago.

This resolution provides for 1 hour of debate. Under the procedure of the “previous question” our Members can vote to accept or reject the Senate bill H.R. 2516.

If the previous question is voted down, this legislation is almost certain to be sent back to the other body for probably certain delay, filibustering, and stagnation. I think the Senate doubt will mean no civil rights, housing, or antitrust bill in the 90th Congress.

The highly financed real estate lobby during the last few weeks has, through telegrams, letters, and telephone, been bombarding many Members to vote against this legislation.

Twenty-two States have fair housing laws.

Two hundred and twenty-five Members represent districts entirely covered by State fair housing laws.

Two hundred and ninety-three of our communities are representing congressional districts covered by either local or State fair housing laws.

What is needed to end housing discrimination is a universal Federal law with uniform coverage so there will be a single antitrust law that will go everywhere—buyers, sellers, and real estate brokers.

Many witnesses before the Senate committee, including real estate brokers, said that the existing discrimination contributes to social unrest and riots. In terms of education, personal habits, income—large or small—Negro families would still be compelled to live in the ghettos or some other racially segregated neighborhood. These families have no place to dwell but the slum or ghetto under the present conditions.

Last August many prominent State and nationally known realtors testified that the enactment of a Federal fair housing law would eliminate the pressure on them to discriminate against groups of our citizens by reason of race. W. Evans Buchanan, Washington, D.C., former president of the National Association of Real Estate Boards, said:

The fair housing provisions are needed by the real estate industry as a means of eliminating unconscionable practices in protecting those who choose to do business on a non-discriminatory basis.

Participants in FHA and VA programs are now pledged to the policies and practice of nondiscrimination under the provisions of the Executive Order 11063. Enactment of this law will provide a mechanism for the conduct so greatly needed in today’s real estate market.

Many business firms and organizations would long since have discontinued practices of discrimination except for their fear of adverse economic consequences stemming from consumer resentment and retaliation on racial and religious prejudices.

With a national law commanding the acceptance of all, the entire industry will sell or rent without discrimination and without fear of economic reprisal.

Elliot N. Couden, Seattle, Wash., real estate broker; president of Couden Agency, Inc.; member of the Seattle Retail Real Estate Association; and National Association of Realtors and the National Association of Real Estate Boards, said:

A universal law would remove many of the shackles and impasses in the real estate business to all clients suffering a reasonably well-grounded apprehension that their efforts will result in intimidation from other realtors and economic attrition from other clients. This legislation frees all parties from coercion, probably the greatest single element in the minority housing syndrome.

Fred Kramer, Chicago, Ill., president of Draper, Kramer & Company, and mortgage banking business, which manages some 15,000 residential units, said:

I think it is to the interest of all of us in the real estate business to be put on an equal basis when it comes to accepting minority groups as buyers, borrowers, or tenants.

Edward Durchslag, Chicago, Ill., in the real estate business on city’s South Side for three decades, said:

The real estate business, our various communities, as well as the country as a whole would benefit from the enactment of fair housing legislation.

Ken Rothchild, St. Paul, Minn., president of the Minnesota Mortgage Bankers Association, said:

Minnesota open housing laws have not hurt the real estate business. It has been a great benefit, and fear among the real estate people and none of their fears have been justified. . . . Realtors and apartment managers have been forced to improve conditions and greater demand for their products. The entire community has benefited from rapidly improving housing and housing conditions and from reduced racial tensions.

Among other realtors who testified in support of a national open housing law was Philip M. Klutznick, Chicago, Ill., senior partner, Klutznick Enterprises; managing partner, KIC Venture, Ltd.; president of Old Oaks and River Oaks regional shopping centers; and president of Oak Brook Utility Co., all of metropolitan Chicago; chairman of the board of the American Bank and Trust Co., of New York City—page 394.

U.S. Attorney General Ramsey Clark said he had “no doubt whatsoever” about the constitutionality of the proposal—Senate hearings, page 7. Also testifying to the constitutionality of the legislation were the deans of three major law schools: Rev. Robert F. Drinan, S.J., of Boston College Law School; Jefferson B. Fordham, of the University of Pennsylvania Law School; and Polk, of Yale Law School—Senate hearings, page 127.

Finally, the constitutional authority of Congress to enact fair housing legislation was confirmed by a committee consisting of some 30 constitutional experts and legal scholars headed by Mr. Sol Rabinkin, of the Anti-Defamation League of B’nai B’rith—Senate hearings, page 253-254.

In last night’s Evening Star, a news account stated:

Sixty leading lawyers, including seven who have headed the American Bar Association, supporting the Senate-passed open housing legislation.

In a statement released yesterday, the lawyers that maintain that American society ruled by law requires that the law itself must be just to all people.

Mr. Speaker, on Sunday, March 3, of this year, the television program “Meet the Press” had as guests six mayors from large metropolitan cities which were vicinaries it major race riots in 1967.

Last year 40 or more other cities suffered great destruction by riots and the mayors of those cities would no doubt have found the same theme in the discussions which appeared on the television program.

I think it is well for the Members to have a few quotations from mayors who participated in the “Meet the Press” program.

Mayor Ivan Allen, Jr., Atlanta, Ga.: I think it is a universal problem or a national problem. I feel that racial discrimination and segregation plus the immigration of millions of Negro citizens into the urban centers of America have created the most serious domestic problem that the nation has ever been confronted with. Because of it, it gets down to an opportunity for good housing, reasonable housing, job opportunity, and adequate education. Nothing else will go away from the basics of the problem, we always get back to the fact that both the people in the cities, the people in the country—Negro—in this country have been deprived of the full opportunity to be a full American citizen.

Unfortunately, I would have to say to you that in the last eight or ten months the gap between white and Negro has vastly increased all over the country. This is indeed unfortunate. It behooves leadership at all levels to try to close that gap, to try to make the necessary steps to make a Negro citizen a full American citizen so that he can be accepted. It is a responsibility of leadership to provide sufficient funds—in this instance both at a local and I hope it will be recognized—at a
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state level and certainly at a federal level, to implement this type of program, these types of programs that are recommended in this report.

Mayor Sam Yorty, Los Angeles, Calif.: There were a lot of people who didn't recognize the plight of the Negro and the discrimination, but when they finally wanted to find somebody to blame for what had happened when they hadn't been consulted or been part of it all. Because the newspapers in my community didn't even have a Negro reporter to go and report the facts. Then suddenly they started claiming that I was the Negro Mayor and had completely integrated the Los Angeles City Government in 1961.

We have a City Human Relations Commission which I never could have gotten authorized before the riots, but I think that the best things that are happening as a result of a merging Negro leadership, with the help of some of the President's programs, I think the President deserves more credit than he gets for seeing this problem and trying to get some finance, but the Industrial Union Department of the AFL-CIO has gone to the Watts riot area, south-central Los Angeles, that I think is truly effective and may be a model for the nation.

Mayor Carl B. Stokes, Cleveland, Ohio: The burden has been placed on the Negro continuously to, "Pull yourself up by your bootstraps." The very people who do not have any roots. This is the first time now that things are truly happening as a result of the focus, the burden on the primary party that is responsible. I can show you volumes of things that I have written all year long about why "Why don't you do for yourself?" while at the same time the institution precludes you from doing it. I have to have to prepare myself and those who have prepared themselves and then tried to break into the white corporate ranks or into the white university structures on the basis of business.

I reject the position that in order to meet these problems you have to resolve the Viet Nam question. I think that this is something that has come about over a long period of time in this country, and I doubt very much whether there is any kind of a future for the city of Newark.

I don't think you can blame this mess on the government. The highest tax rate of any city in the country, and unless the Federal Government and State Government step in and say that we are going to have to have both the property tax. I think that the report outlines what the needs are as far as education in Newark. We need school construction generally, because all of our schools are antiquated.

We did not have a new school built for almost 30 years, and then Mayor Cavanagh became Mayor in Newark, so I am sure that this indication will show you what the needs are as far as school construction is concerned in my community.

I have practically spent our city bankrupt trying to meet the problems in our community. We have reached our bonded capacity, the last five years we have limited the amount of money in education as we were before I became Mayor.

We have the highest tax rate of any city in the country, and unless the Federal Government and State Government step in and say that this is something that has come about over a long period of time in this country, I doubt very much whether there is any kind of a future for the city of Newark.

I don't think you can blame this mess on the government. Everyone is responsible but no one does anything.

Mayor Henry W. Maier, Milwaukee, Wis.: The white power structure has not done enough to alleviate the conditions of the ghetto. I think that it can be said, certainly, that in the last 10 years, not that the middle and the influential and wealthy of our community have done in years past what they ought to be doing to alleviate the conditions of the ghetto.

Nationally we should take money from the space program, from agriculture, possible from the military, and devote these resources to the problems of our cities. I have also introduced a program designed—called—"The War on Poverty," which has a War on Poverty Bill designed to bring resources of the metropolitan area, including the suburbs, to bear on many of our basic problems.

The report strikes at the very heart of what I was talking about earlier in supporting the resolution in the National League of Cities and what I have been trying to do in our locality and in our state. The report says that you cannot finance the central cities off the property tax. I think that the report outlines very clearly that we have got to have a state action, we have got to have a state action, we have got to have a state action if we are going to move against city problems.

Mayor Jerome P. Cavanagh, Detroit, Mich.: The Council authorized a $7 million emergency appropriation, which was approved by the other body-approved by the other body, and inserted in the bill for police equipment.

I think one of the very damaging things happening in this country today is the whole question of fear and rumors that are spreading throughout the country, the riots.

We need a degree of sanity in this nation, and, unfortunately, the fears and the rumors and the spreading of the violence the riots, and so on, just don't help at all.

I hope it has the effect upon our national government of altering the way we have in America, and that is a national urban policy.

Numerous complaints have been made by some Members of Congress that the executive department is gradually usurping the powers of the legislative branch.

Could it be possible that the executive leadership keeps pace with the modern progress, changing conditions, and mid-century demands of our expanding population of 200 million people? I hope this bill can keep pace with the America of the 1970 period.

As recent as 5 or 10 years ago America could not visualize our Vice President, representing the United States of America, to major presidential candidates of both political parties, former Vice President Richard Nixon, Governor Rockefeller, Governor Romney, Senator Kennedy, Senator McCarthy, and many other Governors, Congressmen, mayors, Cabinet members, ambassadors, and other dignitaries, attending the funeral of a private citizen, grandson of a slave, in the city of Atlanta the other day.

This great representative of the down-trodlen of all races, Rev. Dr. Martin Luther King, Jr., fought for and supported legislation similar to the bill which we are debating today.

I hope this legislation is enacted and sent to the President for signature without further delay and postponement.

Mr. Speaker, I reserve the balance of my time.

The SPEAKER. The gentleman from Indiana has 8½ minutes.

The Chair recognizes the gentleman from California [Mr. Smirnoff].

Mr. SMIRNOFF. Mr. Speaker, I yield myself 9 minutes.

Mr. Speaker, may I explain the parliamentary situation as I understand it here today.

House Resolution 1100 has been approved by the Rules Committee and is now before us. There will be 1 hour of debate, one-half controlled by the gentleman from Indiana [Mr. Maasen] and one-half controlled by me. I am sorry we did not have more time for debate, with the result that there are a number of Members I could not yield time to.

House Resolution 1100 calls for taking up H.R. 2829 from the Speaker's desk and if he will accept the bill as amended by the other body—approve of the same—and thus send it to the White House for signature. No changes whatsoever can be going on.

I will ask that the previous question be voted down. That is, I will ask for a "no" vote on the previous question. Should that request prevail—that is, should the previous question be voted down—then I assume that I will be recognized for 1 hour to present an alternative proposal.

My substitute proposal will be precisely as follows:

Strike out all after the resolving clause of House Resolution 1100 and insert in lieu thereof the following:

"That immediately upon the adoption of the resolution this bill (H.R. 2829) to prescribe penalties for certain acts of violence or intimidation, and for other purposes, with the amendment I propose, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendment be accepted, and this conference is requested to send a conference with the Senate upon the disagreeing votes of the two Houses."

This means only that H.R. 2829 will go to conference.

I would not anticipate that the additional hour would be used on the amendment. I am certain that everyone knows
the situation, so that debate at that time would not be necessary. I would anticipate that the previous question on the amendment and the resolution could be moved in rather short order. However, if anyone insists on time, I will be as accommodating as possible.

Now, Mr. Speaker, may I review the history on this situation. H.R. 421, the so-called antiriot legislation, was introduced in the House on the opening day of this 90th Congress in the 1967-1968 session—last year. No hearings were held or scheduled by the Judiciary Committee, and indications were that no hearings were contemplated to be scheduled. Accordingly, on June 14, 1967, last year, the distinguished chairman of the House Rules Committee, the gentleman from Mississippi [Mr. COMER], served notice to file a substitute amendment and the resolution could be passed 326 to 93.

Mr. Speaker, as you know, the other body held hearings and reported H.R. 421 along with civil rights language. It was politely suggested that it would be preferable for the two subject matters to be separated. That if so, and if the antiriot legislation proceeded in accordance with the regular procedure, the civil rights legislation, if in a separate bill, would proceed in accordance with the regular procedure. The Judiciary Committee followed the procedure, and H.R. 421 passed 347 to 70 and subsequently H.R. 2516 passed 326 to 93. Both bills then went to the other body.

Mr. Speaker, for interfering with the rights of another person to vote, to secure employment, or to use a real estate broker or agent, and does not advertise in any manner to indicate a preference based on race, color, religion, or national origin. They base this view on the assumption that even an oral statement indicating racial or religious preferences would subject a family to the penalties of the law. Real estate brokers contend that this provision "discriminates" against them.

Also exempt from the provisions of the bill are owners who rent not more than three single-family houses, and owners of one-to-four-family apartments, one of which is owner-occupied. But any owner of a single-family home or a small apartment could lose his exemption by employing a broker, by advertising so as to indicate a preference, or by having more than one house within any 24-month period.

The enforcement provisions are: Any offended party may file a complaint with the Secretary of Housing and Urban Development who has authority to work out programs of voluntary compliance. If unsuccessful, the alleged offended party may go into a district court to seek an injunction or other court order. The court may award to the plaintiff actual damages and $1,000 punitive damages together with court costs and reasonable attorney's fees. The other body added an amendment designed to assure Indians that the Bill of Rights applies to them in their relationship with tribal courts.

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I am looking straight at some of the Members now when I say this. I have lived with them all my life, and I have never known Negro friend or Negro enemy. As a matter of fact, throughout my entire life the truth is the vast majority of the Negroes in this country, at least 90 percent of them, are decent, law-abiding citizens, and we of this color have not been blackmailed by that minority of 10 percent.

So do not talk to me about the democratic process when we are being blackmailed as we are, and it is perfectly clear why: because these anarchists, these blacksmearers, have been following the process of violence, blackmail, and threats, and believe that this Congress, day in and day out, will yield to their threats.

Every previous bill we have had since I have been here, beginning with the 87th Congress, having to do with civil rights, has been defeated. But it would do away with divestment, it would do away with discrimination, it would put everybody on an equal footing, and I do not have to worry about these things any more.

Let me tell the Members truthfully that you cannot get rid of second-class citizenship with a civil rights bill because no man in this country is a second-class citizen who does not think he is one, and who does not act like one.

Let me tell you something else. This bill, I fear, adds another burning ember to the fire. I have here a re-production of an item which appeared in this morning's Washington Post that proves to me and should prove to you that this is not the end, because they will just be asking for more.

Here is the article:

NEGRO RULE IN GHETTO REJECTED IN BOSTON

BOSTON, April 9.—Mayor Kevin H. White today rejected as contrary to his policy for black ownership of community businesses and black control of schools and social and recreational facilities.

In a list of 21 "demands" made public Monday, the United Front, a coalition of community groups in the Boston Negro area, asked that race relations organizations and the white community at large immediately make $100 million available to the black community.

In addition the Front also demanded that "all white-owned and white-controlled businesses in the Negro community be closed until further notice while the transfer of the ownership of these businesses to the black community is being negotiated through the United Front."

In a statement today, the Mayor said of this proposal: "I will not by one word or one act add to the delusion that it is rational, workable or dignified either for black or white."

"Negroism is obscene by whomever it is proposed, black or white; and social reform rarely benefits from expropriation."

SPEAKER. The time for yielding. I want to pay him this compliment. I would respond to the gentleman from Ohio (Mr. McCulloch). 

MR. McCULLOCH. I yield to the gentleman.

MR. ANDERSON of Illinois. Mr. Speaker, will the gentleman yield?

MR. MCCULLOCH. I yield to the gentleman.

MR. ANDERSON of Illinois. Mr. Speaker, first let me thank the gentleman from Ohio for yielding. I say that this is the most important factor so far as my own personal judgment on this matter is concerned.

I want to say that I think the violence that has stirred the soul and conscience of America, that has blinded us to our responsibility here today. Rather I would dare to hope that it has illumined that responsibility and has helped us to see more clearly and more vividly than the House has ever before. I think it is time that we would try to translate into living reality the idea of equality of opportunity in housing.

Mr. Speaker, that I would argue that perhaps if I said that I do not see, personally, this particular piece of legislation as any memorial to the dead, I see it rather as that cloud and that pillar that will guide the way back to equal opportunity.

I would respond to the gentleman from Louisiana by saying that those who have deserted our Capital City during these past few days do not mourn the spirit of Martin Luther King. They are the excrescence of conditions that for all too long have been left unattended in our society.

In voting for this bill today, we do not vote to reward them—we vote rather to reward that 90 percent, of whom he spoke—the decent, honest and law-abiding citizens who would, if they could, relieve the tension and escape the prison of the ghettos. It is unfortunate that the idea has gained currency that in acting today on civil rights the House is doing so in a magnanimous and unreasoning haste.

Indeed, I have received literally hundreds of letters and wires from all over the country imploring me not to legislate under the emotional distress of Dr. King's assassination. Instead of this chronology of events leading up today can quickly dispel this wholly false illusion that we are so acting. The Senate passed H.R. 2516 with certain amendments after on March 19 a motion was made during an executive session of the Committee on Rules to begin hearings the next day on H.R. 1100, a resolution to trust our political leaders to schedule a final vote in the committee on March 26. I resisted that motion because I felt a longer period of time should be provided for the airing of the extensive amount of new material inserted in the House bill by the Senate amendments. A majority of the Rules Committee sustained that position, and a substitute resolution which provided that the Rules Committee would vote on H.R. 1100 on April 9 was adopted. It was clearly understood on that day that it was the desire and intention of the House leadership to schedule the matter immediately thereafter for a vote on the floor of the House. Thus on March 19 it was clearly understood that this Congress, you and I, are being blackmailed for the matter immediately thereafter for a vote on the floor of the House. There were more than 2 weeks prior to the tragic event which occurred on April 4 which we had planned.

It will be argued that because of the riots of the past 5 days we will by our approval of this bill convey the impression that we are rewarding rioters.

Mr. Speaker, when you and I voted on in the House on April 10 or prior to the planned Easter recess. This was, therefore, more than 2 weeks prior to the tragic event which occurred on April 4 which we had planned.

In voting for this bill I seek rather to reward and encourage the millions of decent, hardworking, loyal, black Americans who do not riot and burn. I seek to give them the hope that the dream of owning a home in the suburbs or a decent apartment in the city will not be denied to them. I seek to encourage the young Negro schoolteacher in my own home community who answered more than 100 advertisements for a house or apartment only to be told that the color of her skin was the reason for her failure. I seek to encourage the young Negro schoolteacher in my own home community who answered more than 100 advertisements for a house or apartment only to be told that the color of his skin. I seek to encourage the young engineer who found a position owned a home in the suburbs or a decent apartment in the city will not be denied to them. I seek to encourage the young Negro schoolteacher in my own home community who answered more than 100 advertisements for a house or apartment only to be told that the color of her skin was the reason for her failure. I seek to encourage the young Negro schoolteacher in my own home community who answered more than 100 advertisements for a house or apartment only to be told that the color of his skin. I seek to encourage the young engineer who found a position owned a home in the suburbs or a decent apartment in the city will not be denied to them. I seek to encourage the young Negro schoolteacher in my own home community who answered more than 100 advertisements for a house or apartment only to be told that the color of his skin.

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I thank the distinguished gentleman for yielding.

Mr. McCulloch. Mr. Speaker, I rise in support of House Resolution 1100. The adoption of this resolution would enact the law H.R. 2516 as written by the other body.

I think we should recall that the landmark civil rights bills in 1960 and in 1964 were enacted by means of similar resolutions by House concurrence in the amendments of the other body. I hope that the landmark legislation of this year follows the same process.

Negro revolution and defuse the social separate the sane and sensible Negroes Michael. If we would put out the fire s of dynamite which has exploded in city.

I would respectfully suggest to this house that we are not simply knocking under pressure or the voices of unbridled fear and hysteria if we seek to do that which we believe in our hearts is right and just. I legislate today not out of fear, but out of deep concern that I fear one of two real choices we face in the near future. We can continue the Gadarene slide into an endless cycle of riot and disorder, or we can begin the slow and patient ascent toward that yet distant goal of equality of opportunity for all Americans regardless of race or color. Then perhaps we can dare hope as John Addington Symonds wrote:

These things shall be—a lofter race
That are the world's bulwark shall rise
With flame of freedom in their souls
And light of knowledge in their eyes.

Paul tells us in his letter to the Hebrews that it was by faith that Abraham knew that, if we seek to do that which we believe in our hearts is right and just. I legislate today not out of fear, but out of deep concern that I fear one of two real choices we face in the near future. We can continue the Gadarene slide into an endless cycle of riot and disorder, or we can begin the slow and patient ascent toward that yet distant goal of equality of opportunity for all Americans regardless of race or color. Then perhaps we can dare hope as John Addington Symonds wrote:

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The ghettos unless the minorities can find homes and domiciles outside the me­
dinas and the mellahs. They will remain shut up in slum quarters if they cannot, because of racial discrimination and ostracism, change their abode. Shut up in unenlightened, crowded, rat-infested tenements, they vegetate and breed racism.

The voice of Leviticus says:

Proclaim liberty throughout the land to all the inhabitants thereof.

That voice did not say liberty to some and not to others. It said to all the in­
habitants. It did not say liberty to those outside of Harlem, Watts, and Bedford­
Stuyvesant, but not to those inside. He said:

Proclaim liberty throughout the land to all inhabitants of the land.

The President's Advisory Commission on Civil Disorders said:

What white Americans have never fully understood—but what the Negro can never forget—is that white society is deeply im­
plicated in the ghetto. White institutions created it. White institutions maintain it, and white society condones it.

I say now white institutions must level the ghettos. I adopt a series of strate­
gies for action that will produce quick and visible progress. We need fair hous­
ing. It is a small key that will open a large door. There is indeed greatness and

liberty to those inside. He said:

prosecutorial authority by the Attorney

February 21, 1968

Title VII of the bill, entitled “Fair Housing,” is designed to assure all persons an equal opportunity to buy or rent housing without discrimination because of race, color, religion, or national origin.

The goal of “a decent home and a suitable living environment for every American family” proclaimed in the National Housing Act of 1949 has not been achieved. The late President Kennedy, in November 1962, issued Executive Order 11063, which established a Committee on Equal Housing Opportunity, and for­

bade discrimination in recent FHA or VA insured housing. Today, some 22 States, the District of Columbia, Puerto Rico, the Virgin Islands, and a large number of municipalities have enacted fair housing laws which prohibit dis­

rimination in private housing transactions, but nevertheless, it is plain that the com­
bined efforts of State and local laws, Ex­
ecutive orders, as well as actions by pri­


casualties, to assure due process in the ad-

charge of the House Committee on Edu­

cation and Labor,

protests. Wolves sand tigers may be a better protection for a lamb than a dozen laws. The rules can be better shaped by public opinion that by penal statutes.

Congressional Record—House

TITLES II TO VII

Mr. Speaker, titles II through VII of the Senate amendment to H.R. 2516 con­
cern protecting the rights of American Indians. In these titles, the Senate amendments establish a bill of rights for American Indians and provide for assumption by States of civil and criminal jurisdiction over Indian country with the consent of the Indian tribes affected.

Title II creates a “bill of rights” for Indians in relation to their tribes similar to the Bill of Rights in the Constitution that applies to other citizens’ relation to the Federal Government. Provisions of title II would go into effect 1 year fol­

owing the date of enactment in order to facilitate compliance with its terms by Indian tribes.

Title III authorizes and directs the Secretary of the Interior to draft a model code to govern the courts of Indian of­
fenses, to assure due process in the ad­
administration of justice by such courts and to implement the rights specified in title II. It is anticipated that this model code would supplement the present code of offenses and procedures regulating the administration of justice now contained in title 25, Code of Federal Regulations, which was established more than 30 years ago. In preparing this code, the Secretary of the Interior coordinated efforts of Indian tribes, including Indian tribes, and interested agencies of the United States.

Title IV amends Public Law 83-280—67 Stat. 586—which conferred to certain States and the District of Columbia jurisdiction over offenses and procedures regulating the Indian country. Title IV provides for U.S. consent to the assumption by any State of criminal and civil jurisdiction over Indian tribes, with the consent of the tribes affected. Thus, Public Law 280 is modified by requiring tribal consent as a precondition to a State's assumption of jurisdiction.

Title V amends the Major Crimes Act—18 U.S.C. 1153—by adding "assault resulting in serious bodily injury" to the list of Federal offenses.

Title VI establishes a new rule governing approval by the Secretary of the Interior of applications of Indian tribes to enter into compacts with the United States for the employment of legal counsel to represent tribal members in any case in which the United States is a party or a partner in a joint venture, for the purpose of protecting the individual rights of such members. The approval of such applications shall be made only after a hearing conducted by the Secretary or the Commissioner.

Title VII amends the power of the Secretary of the Interior to revise, compile, and republish materials relating to Indian constitutional rights and Indian laws and treaties.

**TITLE VIII**

Title VIII, entitled, "Fair Housing," bans discrimination on grounds of race, color, religion, or national origin in the rental, sale, or financing of residential housing subject to certain specified exceptions. I shall briefly outline the coverage involved:

First. Upon enactment, the bill would cover by statute the types of housing now subject to prohibition on discrimination under Executive Order No. 11063. This includes housing owned or operated by the Federal Government; provided in whole or in part with the aid of loans insured or guaranteed by the Federal Government; and urban renewal redevelopment housing receiving Federal financial assistance. Among the provisions applying these provisions cover housing provided with FHA or VA mortgage insurance or guarantees, housing in urban renewal areas, senior citizens' housing, and low-rent public housing.

Second. After December 31, 1968, the bill would cover other housing, subject, however, to three exceptions:

Single-family house sold by owner: Any single-family house sold or furnished by a private owner who owns no more than three such single-family houses. In the case of the sale of a single-family house by an owner who is not the resident nor the most recent resident there in, this exemption applies only with respect to one such sale within a 24-month period.

Murphy exemption: Rooms or units in dwellings of four of fewer family units where the owner actually occupies one of the units as his living quarters.

Religious and private club exemption: Housing for religious, charitable, educational, or commercial purposes, furnished to members of religious organizations, associations, or societies or members of private clubs.

Third. After December 31, 1959, the single-family house sale or rental exemption would continue only if the sale or rental is made without the use of the facilities of a real estate broker or other person in the business of selling or renting dwellings, and, without the publication or posting of any notice or advertisement indicating an intention to discriminate. Thus, the bill prohibits the use of a professional real estate dealer or similar person to help accomplish the owner's desire to discriminate. The bill assumes that when an individual uses the public mechanisms of the real estate industry to effect a sale he should not be permitted to require that industry be used to carry out his discriminatory purpose. Such sales are to be regarded as public offerings.

Mr. Speaker, the bill H.R. 14765, the Civil Rights Act of 1966, which passed the House on August 9, 1966, prohibited almost the exact same type of conduct with respect to housing discrimination as would be prohibited by H.R. 2516, as amended by the Senate. One difference is that the 1966 bill authorized real estate brokers, agents, or salesmen to discriminate with respect to the sale, rental, or lease of a dwelling whenever instructions in writing were received from the owner of such a dwelling specifying that the broker, agent, or salesman do so.

In contrast, the present bill expressly exempts single-family houses sold or rented by a private owner if such person is his own landlord. In 1970, the single-family home exemption remains effective only where the home is sold or rented without the assistance of a broker or a person in the business of selling or renting dwellings. I believe the proposed statute will be more easily enforced since the lines between exempt housing and covered housing are made more clear. In our 1968 bill, discrimination might or might not be authorized by a seller, so that even in the case of sales by real estate agents a potential buyer or lessee could not know whether or not a refusal to deal with him was discriminatory.

H.R. 2516 authorizes no discrimination; all it does is exempt certain types of dwellings. In this respect it resembles State fair housing statutes far more than did the 1966 bill. This bill prohibits discrimination by the Federal Government. In virtually all cases because it is believed that when an individual uses the real estate industry to effect a sale, the transaction must be of a public character.

The 1966 bill might have had the effect of encouraging real estate dealers to continue discriminating and to seek "authorization" to discriminate from their clients. Although the 1966 bill did prohibit soliciting such written authorizations, there can be no doubt that covert communication, for example, a "request" from a potential buyer or lessee, would be encouraged by such a provision. In other words, the 1966 bill created a loophole.

**Enforcement:** H.R. 2516 provides three major types of enforcement: Administrative conciliation, private suits, and suits by the Attorney General for a pattern or practice of discrimination.

Administrative conciliation: The Department of Housing and Urban Development would have conciliation authority to resolve complaints alleging discriminatory housing practices. A person aggrieved files his complaint within 180 days after filing of the complaint to investigate the matter and give notice to the person aggrieved whether he intended to resolve it. If the Secretary decides to resolve a complaint, he would engage in informal conference and conciliation proceedings. If the aggrieved person alleged to have committed the discriminatory housing practice, and attempt to bring an end to such practice by that means. If conciliation failed, or if the Secretary declined to resolve the charge or otherwise did not act within the 30-day period, the aggrieved person would have 30 days in which to file a civil action in either a State or Federal court.

If the complaint alleges acts constituting a violation of State or local law, and that law provides rights and remedies substantially equivalent to the rights and remedies provided in the bill, the aggrieved person would be required to refer the matter to the appropriate State or local agency, who would have at least 30 days to act on the matter before the Secretary begins conciliation proceedings. In States with substantially equivalent rights and remedies any suit filed following failure of conciliation efforts would have to be brought in the State or local court.

Both the Secretary and the party charged have power to subpoena records, documents, individuals and other evidence or possible sources of evidence.

In addition to his conciliation function, the Secretary would be required to make studies and to publish reports with respect to the nature and extent of discriminatory housing practices in the United States. He would also be directed to cooperate with and to render technical assistance to Federal, State, local, and private agencies which were carrying on programs to prevent or eliminate discrimination.

The Secretary of Housing and Urban Development would be authorized to administer HUD programs and activities in a matter affirmatively to further the policies of the bill.

**Private civil actions:** In addition to administrative procedures, the bill authorizes immediate civil suits by private persons within 180 days after the alleged discriminatory housing practice occurred in any appropriate District Court, a court or appropriate State or local court of general jurisdiction. The bill further provides that any sale, encumbrance, or rental consummated prior to a court or-
der issued under this act and involving a bona fide purchaser, encumbrancee, or tenant, shall not be affected. In such circumstances as the court deems just, the bill authorizes the appointment of an attorney for the plaintiff and the commencement of the action without the payment of fees, costs, or security. The court is authorized to issue a permanent or temporary injunction, or other appropriate remedy, to enjoin, restrain, or prevent any actual or threatened violation of any of the rights granted by this bill, or any damages and not more than $1,000 in punitive damages, together with court costs and reasonable attorney fees.

Suit by the Attorney General: The title also provides that the Attorney General, under H.R. 2518, authorizes the Attorney General to institute civil actions for preventive relief whenever he has reasonable cause to believe that any group or person of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights granted by this bill, or whenever he has reasonable cause to believe that any group of persons has been denied such rights in a case of general public importance.

Finally, title VIII specifically provides that (1) no person shall be confined to involuntary servitude; (2) no person shall be denied equal protection of the laws; (3) no person shall be deprived of life, liberty, or property without due process of law, 2 takes property without due process of law, 2 (4) the State may not deny to any person within its jurisdiction the equal protection of the laws; 3 (5) every person has a right to live free from sex discrimination; 4 (6) every person has a right to live free from race discrimination; 5 (7) every person shall have the same protection under the laws; 6 and (8) every person has the same chance as every other American to learn and grow, to work and share in society, to develop their abilities—physical, mental and spiritual—and to pursue their individual happiness.

Title IX

Title IX, prevention of intimidation in fair housing cases: Title IX, using language similar to that found in title I of the bill, protects persons from forcible interference or injury because of race, color, religion, or national origin, and because they were seeking to sell or acquire housing, to finance or occupy a dwelling, or to exercise other rights connected with housing. The title also prohibits forcible interference with those who would aid or encourage others to exercise these rights or lawfully speak or act in defense of these rights. The criminal offenses described and the graded penalties provided in title IX are similar to those stated in title I of the bill.

Title X

Title X establishes three new Federal offenses and provides a penalty of a fine of $10,000, imprisonment up to 5 years, or both. The three new offenses are:

1. First, teaching or demonstrating the use or making of any firearm or explosive or incendiary device, knowing or having reason to know, or intending that it will be unlawfully employed for use in or in furtherance of a civil disorder which may in any way or degree obstruct, delay, or adversely affect commerce, or the conduct or performance of any federal protected function;

2. Second, transporting or manufacturing in any place a firearm or explosive or incendiary device, knowing or having reason to know, or intending that it will be used unlawfully in furtherance of a civil disorder; and

3. Third, committing or attempting to commit any act to obstruct, impede, or interfere with any firearm or law enforcement officer lawfully engaged in the lawful performance of his duties incident to and during the commission of a civil disorder which in any way or degree obstructs, delays, or adversely affects commerce for the conduct or performance of any function of a federal protected function.

"Civil disorder" is defined as "any public disturbance involving acts of violence by assemblages of three or more persons, which causes an immediate danger of or results in damage to the property or person of any individual."

Mr. Speaker, President Johnson 2 years ago described the challenge which we confront in these words: The task is to give 20 million Negroes the same chance as every other American to learn and grow, to work and share in society, to develop their abilities—physical, mental and spiritual—and to pursue their individual happiness.

The bill which we debate today embodies essential and fundamental principles basic to the human rights and dignity of every person.

Mr. Speaker, I include at the end of my remarks a memorandum describing the constitutionality of the fair housing provisions of this legislation under the 14th amendment and the commerce clause of the Constitution.

Constitutionality of Federal Fair Housing Legislation Under the 14th and the Commerce Clause

The proposed Fair Housing title of H.R. 2516, as amended by the Senate, would prohibit discrimination on account of race, color, religion, or national origin in the sale, rental, or lease of privately owned, State or local law that grants or protects the same rights. The bill authorizes the appointment of an attorney to represent the State or local law that grants or protects the same rights. The bill authorizes the appointment of an attorney to represent the person or group of persons denied such rights in a case of general public importance.

The clause of the Fourteenth Amendment which is of principal interest here is the Equal Protection Clause.

"No State shall . . . deny to any person within its jurisdiction the equal protection of the laws."

Every student of the law is familiar with the court's use of the Equal Protection Clause to prevent state action which would violate federal rights. The Supreme Court has not hesitated to enjoin States from segregating their schools, 7 from denying jury service to Negroes, 8 individuals of the Mexican ancestry from being denied the right to vote in primary elections, 9 among other examples.

The power of Congress to enjoin the Equal Protection Clause, however, is probably less familiar. It derives from Section 5 of the Fourteenth Amendment, which provides that:

"The Congress shall have power to enforce by appropriate legislation, the provisions of this article [i.e., of this Amendment]."

Perhaps the best known examples of legislation enacted (in part) to enforce the Equal Protection Clause are the Civil Rights statutes enacted during Reconstruction days, imposing criminal penalties for violations of constitutional rights. 10 A more recent example is the Civil Rights Act of 1965, conferring voting rights on certain citizens unable to read or understand English, thereby enabling Negroes to exercise the full force of its constitutional clauses. In its discussion of this act and its court acted by a 5 to 4 majority, 3 of the 5 judges ruling on grounds other than the constitutionality of the Fourteenth Amendment, Section 1, second sentence, third clause.


Strader v. West Virginia, 100 U.S. 303 (1880).


536 (1948).


79 Stat. 439 (43 U.S.C. 1973b (e)).
validly enact to enforce the Equal Protection Clause, one of which is of interest here.14

1. Federal legislation under the Equal Protection Clause may be based on Congress' determination that racial obstacles to the admission of persons securing the equal benefits of govern-

ment.

Section 4(e) of the Voting Rights Act of 1965 provides that no person educated in an accredited school in the territories, the District of Columbia or the Commonwealth of Puerto Rico in which the predominant classroom language was other than English shall be denied the right to vote in any election for the purpose of choosing or removing the qualified persons to hold office in such territories, District of Columbia or Commonwealth.

The District of Columbia and Puerto Rico are not states, but they are territories of the United States. Therefore, the District of Columbia and Puerto Rico are not subject to the Fourteenth Amendment to the Constitution of the United States, but they are subject to the enforcement of the Fourteenth Amendment by Congress. Congress has the power to enforce the equal protection clause of the Fourteenth Amendment by legislation. Congress has the power to legislate in areas where the states have no authority under the Fourteenth Amendment.

2. Federal legislation under the Equal Protection Clause may also be based on a finding of past or present unconstitutional discriminatory government action.

There is a second basis under the Fourteenth Amendment for a finding of past or present unconstitutional discriminatory government action. The amendment authorizes Congress to enforce its provisions, one of which is the Equal Protection Clause. Enforcement of this clause traditionally includes both the prevention of violations and the punishment of violations. The punishment of violations includes the prevention of past violations. The prevention of violations includes the enforcement of the rights of persons within their jurisdictions the equal protection of the laws, and if the enforcement of the rights of persons within their jurisdictions the effective in the ghetto, although it is there that it is lacking.

It follows that if the States in the past denied to persons within their jurisdictions the equal protection of the laws, and if the enforcement of the rights of persons within their jurisdictions the effective in the ghetto, although it is there that it is lacking, it follows that the Federal and State governments were cooperating to enforce segregation in public housing. Lower federal courts approved such effects of past discrimination.

FHA's espousal of the racial restrictive covenant helped spread it throughout the country. The principal intended beneficiaries of the provision were the Spanish-speaking families of Puerto Rican origin. It was employed in the States where Federal housing laws were being enforced. It hindered the disenfranchised from securing governmental benefits. Their parents were more interested in housing than in voting.

One kind of Federal legislation was Local housing laws that were discriminatory. Local ordinances with the same effect, although operating more deviously, were still being enacted and operating in 1956. The other kind is Federal legislation to correct the effects of past or present unconstitutional discriminatory government action.

Throughout these years the Federal and State governments were cooperating to enforce segregation in public housing. Lower federal courts approved such effects of past discrimination. At the same time, the Federal and State governments were cooperating to enforce segregation in public housing. Lower federal courts approved such effects of past discrimination. At the same time, the Federal and State governments were cooperating to enforce segregation in public housing. Lower federal courts approved such effects of past discrimination.
April 10, 1968

CONGRESSIONAL RECORD — HOUSE

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Although the opinion of the Court in the Guest v. Harris case does not directly answer the question, six of the Justices, three in each of two separate opinions, stated their belief that Section 5 of the Fourteenth Amendment empowers Congress to pass laws to prevent interference with Fourteenth Amendment rights—even when the interference is accomplished without state action. Justice Clark, in a concurring opinion, said:

"There now can be no doubt that the framers of Section 5 empower the Congress to enact laws punishing all conspiracies—with or without state action—that interfere with Fourteenth Amendment rights."

And Justice Brennan wrote:

"Section 5 authorizes Congress to make laws to correct constitutional deficiencies. It is necessary to protect a right created by and arising under the Amendment; and Congress is thus fully empowered to determine that punishment of private conspiracies interfering with the exercise of such a right is necessary to its full protection."

By the same reasoning, Congress has the power, under Section 5, to pass laws prohibiting private discrimination in the housing market. Private laws like those would provide a "remedy to achieve civil and political equality for all citizens."**

B. The commerce clause

Housing is one of America's principal inducements to interstate commerce. In 1966, $21 billion moved across state lines to the economy,** considerably more, for example, than the $19.9 billion contributed by the steel industry, the $15 billion by the automobile industry, the $12 billion by the petroleum industry, or the $8.4 billion by the electrical machinery industry. The largest single investment in American homes is the home.

A large portion of housing materials is shipped in interstate commerce. Fortу-one million tons of lumber and finished wood products are shipped in the United States in excess of domestic production each year. In 1963, forty-three per cent of this material was shipped 500 miles or more. Nine million tons of millwork and wood products were shipped in 1963 and 51 percent of it traveled 300 miles or more. Seven per cent of all the brick that was shipped traveled 500 miles or more. In NLRB v. Denver Building and Construction Trades Council, the Supreme Court held that the NLRB had jurisdiction over a construction dispute in the building trades because the disagreement might have prevented building materials from crossing state lines.

Much of the financing of housing crosses state lines. In 1965, 2.4 million out of a total of 14.5 million one-family owner-occupied or non-owner-occupied units were located in a State other than that of the mortgage lender.** The proportion was only slightly less for multiple dwellings. 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.** Almost 40 percent of

**383 U.S. 745, 762.

**Id.; at 733.

**Id., at 732.

**Id., at 732.

**Statistical Abstract of the United States, 1969 Table 454. p. 322.


**Ibid.

**Ibid. 411 U.S. 745, 762.

**Ibid., at 733.

**Id., at 732.

**Id.; at 732.

**Id., at 733.

**Id., at 733.

**Id., at 732.

**Id., at 732.

**Ibid.

**Ibid.

**Ibid.

**Ibid.

**Ibid.

**Ibid.

**Ibid.

**Ibid.

**Ibid.
all the nonfarm mortgages on property located in California were given to secure loans the funds for which came from outside the State. Each year one family out of every thirty in the population moves its place of residence to a different State.38

The significance of these statistics was illustrated by the testimony last year of Mr. William J. Levitt to Subcommittee No. 5 of the House Judiciary Committee. Mr. Levitt is the President of Levitt & Sons, Inc., a major builder of homes, and is a supporter of fair housing legislation. He testified:

"People are not interested in the materials that go into our houses come from across state lines."

"With the possible exception of the New York Community that we are building now, every other community in which we build receives its financing from a state other than the one in which it is located."

"75 to 80 percent" of Levitt & Sons' advertising is interstate.

"Out-of-State purchasers [of our housing] run from about 35 to 40 percent, on the low side, and 70 percent, on the high side."

Discrimination in housing affects this interstate commerce in several ways. The concentration of one ethnic group to other ethnic groups to older homes in ghettos restricts the number of new homes which are built and consequently reduces the amount of building activity, which is a vital economic element which moves across state lines. Negroes, especially in those professions or in business, are less likely to change their place of residence to another state when housing discrimination would force them to move their families into ghettos; the results is both to reduce the interstate movement of individuals and to hinder the efficient allocation of labor among the interstate components of the economy.40

The Commerce Clause grants Congress plenary power to protect interstate commerce from adverse effects such as these.41 The power is not restricted to goods or persons in transit. It extends to all activities which affect interstate commerce, even if the goods or persons engaged in the activities are not then, or may never be, traveling in commerce.42 The power exists even when the effect is caused by a single act and when taken individually, they would be insignificant. It is sufficient if the effects, taken as a whole, are present in measurable amounts. And it does not matter that when Congress exercises its power under the Commerce Clause, its motives are not solely to protect commerce. It can as valid act for moral purposes.43

Mr. SMITH of California, Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. GOODELL].

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

Mr. GOODELL. Mr. Speaker, I yield to the gentleman from Minnesota.

Mr. MacGregor. Mr. Speaker, I rise in support of this resolution and this bill not because it represents the last answer to the problems of discrimination nor because it is the perfect response to the inequities it seeks to correct. I harbor no such illusions. I will vote for this legislation before us today because, despite its several imperfections, it will make a law both sound and just— and an extremely important and worthy addition to the body of civil rights legislation adopted by the Congress in 1957, 1960, and 1964, and in 1965.

Clause VIII, dealing with fair housing, is the most controversial portion of this legislation, yet it is a subject which was thoroughly debated by this body in the recent past. In 1966 a fair housing amendment was passed in the Senate, but died quietly in the Senate. During that debate many of you supported my efforts to substitute, for the House amendment which was eventually adopted, more civil libertarian language which would have outlawed discrimination in all sales, including owner-occupied, single-family dwellings.

At the time I stated that a man's home is indeed his castle, but when he leaves it and offers it for sale, it cannot be conditioned that in his absence it continues to be his castle. I have heard or read nothing since that would lead me to believe otherwise. With regard to rental housing, is the most controversial portion of this legislation, yet it is a subject which was thoroughly debated by this body in the recent past. In 1966 a fair housing amendment was passed in the Senate, but died quietly in the Senate. During that debate many of you supported my efforts to substitute, for the House amendment which was eventually adopted, more civil libertarian language which would have outlawed discrimination in all sales, including owner-occupied, single-family dwellings.

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Yet I am convinced from a careful reading of the debate in the other body on this legislation that the Senate at the present time would oppose any effort on our part to strengthen this provision. So many of us find ourselves faced with the imperfect choice of accepting this provision or no provision at all during this session of Congress. While I would prefer a ban on discrimination in the sale of all housing, I will vote today for a compromise which excludes single-family house sales and rentals by an owner who acts without the assistance of any real estate broker, agent, or salesman.

Fourteen States and the District of Columbia already have laws more comprehensive in their coverage than title VIII. Recently before two States have coverage approximately equal to what is called for in this legislation. In addition, many municipalities have acted on their own to adopt open occupancy ordinances where the States have to date failed to adopt fair housing laws.

Now it is our turn to respond—not to any criminal act or to the civil disorder of the moment, although the moment has something to say about this problem—but rather to the continuing trauma of discrimination which affronts the dignity of man. How bitter it must be to find that although your bank balance is ample, your credit rating is good, your character above reproach, you may not improve your family's housing because your skin is not white. For this reason it is incumbent upon our Nation that effective open housing legislation such as this becomes the law of the land without further delay. In so doing we will have taken another important step toward the creation of a nation of one people, one land of freedom and social justice for not just some but for all our citizens.

Mr. GOODELL. Mr. Speaker, this is a time of painful divisions within our States, and they are not partisan divisions but they are divisions between sincere men of conviction. We are told that we should reject the Senate bill because it is not perfectly drafted. Admittedly it could be improved. We are told if it contains things it should not. Admittedly it does.

We are told legislative procedure requires us to send this bill to conference. I say to the Members the Senate bill, after careful study of our best experts and my study, is acceptable to me. It is a sound piece of legislation and essential. Our legislative procedure is to serve us, not to betray us or to shackle us to failure and ineffectuality.

We must not today be swept by the emotional tides of the hour. Martin Luther King in one of his last writings said:

"Violence is not only immoral and repugnant, it is pragmatically barren."

Some would be guided to vote for bad legislation because of the cruel pathos of the assassination. That is wrong. Others would be guided to vote against legislation because of the rioting roiling in our streets. That is equally wrong.

In my considered judgment, if this bill goes to conference, it will be jeopardized. This is enough. Open housing legislation should be passed. In fairness, it is long overdue. I implore my colleagues to resist the temptation to react to the passion of the moment. Our solemn responsibility impels us to rise above the passions of the hour, and that means we must accept the Senate bill without sending it to conference. We must do so because it is a step forward, albeit a step much upheavals, but simply because it is right.
OPEN HOUSING: THE HOUR OF DECISION

Americans, as a nation and a people, are just now awakening to the terrifying impact of a nation in crisis. Confronted by internal dissenion at home and external threats abroad, we have experienced a powerful nation and people in history—toss and turn with the tides of social discontent, see the injustice of hope denied, and grope with the burdens of a war unending. In the year just passed, we saw added to the conflict abroad a deep and distressing scar at home as our cities—one after another—erupted in the turmoil of crisis.

For America, this is the hour of decision. We look inwardly during this hour, deep into the recesses of our conscience—

Searching to face squarely an issue which has gnawed at the vitals of our Nation for over a century;

Wondering how best to extend to all Americans the liberty and equality envisioned in the "American dream"; and

Hopkins in the end to perpetuate and better our democracy which has been a beacon of inspiration to the world for almost 200 years.

To perpetuate and better our democracy, some would close a lid tightly on the past into the reality of the future. We must resolve the issue before us and call that justice.

The situation confronting us poses only two realistic alternatives. We may either accept the Senate version of the civil rights bill or send the bill to conference committee for resolution of House and Senate differences on the bill. I must candidly admit that there are good and considered reasons for pursuing either of these two ways.

Some would send the bill to conference because of a firm desire to fulfill legislative precedent through resolving House and Senate differences on a bill which passed in considerably different forms. Others would send the bill to conference to perfect weaknesses in the legislation. And obviously others would send the bill to conference to bury it in a jungle from which it could not be resurrected. In discussing the merits of this legislation, I wish to respond to those who want to fulfill legislative precedent and also to perfect legislation.

For those who believe that legislative precedent demands sending this bill to conference, I would remind them that on two previous occasions, in 1960 and 1964, the House of Representatives accepted, without further consideration, Senate versions of civil rights bills.

For those who believe this legislation needs to be improved, I wish to respond by saying the bill is not perfect in every detail, but neither is any piece of legislation.

Objections are raised because title I of the Senate version covers the legislation to 1962 as approved by the House in 1967. There is considerable feeling, however, that H.R. 2518 and H.R. 421 should be combined. In fact Republican members of the Judiciary Committee expressed bills in committee reports on each of these bills. I personally commend the other body for combining these two ideas in the same piece of legislation.

Objections are raised about the portions of the bill pertaining to firearms control. I am here constrained to support the view of Senator Roman Hruska of Nebraska, who as author of this portion of the bill advises that major sportsmen's groups endorse the firearms provisions.

Objections come from those who believe that previous civil rights bills have not really been constructive contributions to the extension of liberty and equality for all and that we now experience a paradox of greater equality for some and lesser liberty for others. The perilous paradox of greater equality for some and lesser liberty for others causes expedient shifts from the ballot to the bullet. No democracy can long tolerate shifts from the ballot to the bullet. Such expedient solutions of democracy's strength. The key to democracy's strength is the ballot, and when that fails, democracy fails. The undercurrent of tension can only be resolved, and the key to democracy's strength pre-
served, when every American feels, senses, and knows that he has the same stake in the “American dream” as every other American.

We vote in this body on this issue—whether we accept the Senate version of the bill or send the bill to conference—will be interpreted—rightly or wrongly—as a vote for or against the extension of all Americans' rights. But a history which has not been stopped in its gradual, substantive and symbolic progression toward liberty and equality for all men.

In the recent years we have seen a rapid acceleration of the pace toward liberty and equality as the U.S. Congress has approved four further extensions of human freedom in the Civil Rights Acts of 1957, 1960, 1964, and the Voting Rights Act of 1965. On these pieces of legislation, as indeed on the one before us now, the House of Representatives seriously sought to produce meaningful legislation which would be in keeping with the great history of extending the rights of liberty and equality to all men.

During those legislative battles, disturbed as they were by conflicting convictions on principle, I am proud of my party’s record—the party of Lincoln—which recorded overwhelming support for these landmark legislative acts. The Civil Rights Act of 1866 received the support of 90 percent, 91 percent, and 80 percent of House Republicans. And 82 percent supported the Voting Rights Act of 1965, giving Republicans in the House of Representatives an overall support average of 85 percent for our four most recent Civil Rights Acts, a much higher percentage of support than that given by the other party.

I believe the civil rights legislation and to do so in such a tense, emotional atmosphere that it is necessary to station troops throughout and around this Capitol Building. Not only are troops stationed around this Capitol Building, but thousands are still on duty on the streets of this city. Fires are still smoldering in this and in most of the other 115 cities where violence has erupted and arson, murder, and looting occurred. Curfews are still in effect. Many people fear for their lives, and Members have been threatened. And the entire nation still mourns the death of Dr. King.

Yet, Mr. Speaker, we are asked to legislate in a sane and reasonable manner on this bill today. The press has already reported that currently 35 Members will be voting their emotions today rather than their reason. Heaven help our people if this is true—if our emotions are to replace our reasoning.

In the awaiting congressional recess I urge my colleagues to have supported many civil rights bills since coming to this Congress. I have voted for legislation to guarantee that the civil rights of all would be protected in voting, in the Armed Forces, in public accommodations, in education, in training programs, in public facilities, in public accommodations, in restaurants, in barber shops, in travel, in education, in training programs, in securing employment, and in all Government agencies. I voted for the Civil Rights Commission, the Community Relations Service, the Equal Employment Opportunity Commission, and, yes, I voted for the Equal Rights Amendment.

I have voted for the protection of property, for the protection of the citizen. I have supported many civil rights bills since coming to this Congress. I have voted for legislation to guarantee that the civil rights of all would be protected in voting, in the Armed Forces, in public accommodations, in education, in training programs, in securing employment, and in all Government agencies. I voted for the Civil Rights Commission, the Community Relations Service, the Equal Employment Opportunity Commission, and, yes, I voted for the Equal Rights Amendment.

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ment, I need only to say that the "provisions" of the 14th amendment prohibit State discrimination, not private discrimination, and the only right which exists under the 14th amendment is to be treated equally by the State. It does not extend to the property rights of private citizens.

Mr. Speaker, as I pointed out before the Rules Committee, if the nebulous, fuzzy reasoning being put forth by the advocates of this legislation can be applied to real property, why can it not be applied to personal property?

There are many people among us who say we must do something and do it now, or greater violence will erupt in our cities. Let me simply remind those individuals that the fair housing legislation did not stop or prevent the outbreaks of violence in our Nation's Capital, which has a fair housing statute, nor did it stop the outbreak of violence in Twenty-five States. Twenty-five States have open housing laws. I would caution these individuals not to make any rash political promises that this legislation or any future legislation will stop the problems facing our Nation. On the contrary, I believe very deeply that the many unfilled promises which have been made in the past to those in which they have raised have had more to do with the unrest and destruction in this country than any other single factor, with the possible exception of our failure to enforce existing laws. Let us not repeat these same mistakes forever.

Mr. CRAMER. Mr. Speaker, I refuse to be stumped into legislating hastily and unwisely as if under the gun. The right of the individuals involved in this bill, and legislation affecting their rights, to conceive in haste, can do violence where good is intended.

I intend to vote against the previous question. I stand here that open housing may adopt a rule to permit amendment and needed consideration of this bill or can send the bill to conference for necessary deliberation.

Who with any logic can say that the House should approve without examination or chance to amend this bill? The House sent the Senate one bill, H.R. 2516, containing 3½ pages on nonviolence and nonintimidation. The Senate added to my antiriot bill, as section 2101(b) is senseless, unclear, and could be the basis for challenging its constitutionality.

As the drafter of the substitute for H.R. 2516 the bill protecting against acts of violence which was adopted in the Judiciary Subcommittee and passed the House by this procedure should rubber-stamped in the name of the Speaker.

"Lawfully" was stricken from this bill, with the result that those exercising their rights need not be doing so lawfully before they are entitled to protection. Thus, those who are unlawfully—at perhaps even rioting—could claim the protection of this bill. This was heatedly debated in the Judiciary Committee and on the floor of the House in 1966 and again in 1967 and was rightly maintained that any act must be lawful before it is entitled to be protected under the bill.

Racial motivation was stricken out as an element of certain crimes created by the bill under title I.

These three examples alone should mandate a conference or House deliberation under orderly procedure.

We recently sent the excise tax bill to conference because of the numerous amendments added by the Senate, calling the Senate bill the Easter basket bill, but when equally substantive changes and additions to the acts of violence bills are made by the Senate the Rules Committee urges this House not to send it to conference. It is still the Easter season. We have two Easter baskets full, nearly, of carefully examined amendments containing many hurriedly considered "goodies." When one is labeled "civil rights" we are asked to accept it without fully examining or considering what is in it. Then when it is labeled "lawfully" we are asked to send it to conference for consideration. This does not make sense to me. Consistency appears no longer to have any virtue. I refuse to be stumped in this fashion.

A list of some 12 major changes made in the House bills, H.R. 2516 and H.R. 421 that alone clearly mandate that they be sent to conference or be subject to an open rule, amendment, and debate in the House follows:

\[\text{CONGRESSIONAL RECORD—HOUSE 9567}\]

April 10, 1968

(1) In House passed H.R. 2516, a person who was protected from "interference with freedom of religion or assembly" by the antiriot bill, H.R. 421, as amended by the Senate, was "lawfully." Section 245(a) of Title I of the Senate bill provides this protection whether acting unlawfully or not, by striking the word "lawfully." (Bill was4 already debated in Committee and it was resolved to include it in 1966 and 1967.) Thus one acting unlawfully, with violence and intimidation on his part, or drunk and disorderly, still would be protected—yes, even if his action was illegal.

(2) The necessary criminal element of racial motivation or intent to discriminate
The anti-riot bill to the Celler bill, H.R. 2516, as Chapter 102 on page 827 of the U.S. Congress House of Representatives report 95-170, titled "The Forgotten Man: A Record of the Worst Totalitarian System Ever Declared," was introduced on March 11, 1968. It was passed the House with my support by a vote of 347 to 70, July 19, 1967.

It is also true that the Senate has added an Indian bill of rights. However, instead of the American dream—of opportunity, equality, and the American Indian—this bill slumbered in the Senate for 7 months.

It is quite true the Senate changed the bill. It added antiriot provisions, but these reflect H.R. 421 which also passed the House by a vote of 347 to 70, July 19, 1967.

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is no assurance that a Senate-House conference committee would act promptly and why are we not rewarding rioters?

It should also be noted that the Civil Rights Act of 1964 which originated in the House, despite significant Senate changes was not sent to conference.

The battle for freedom and for equality of opportunity is not going to be won in the Halls of Congress. It will have to be won in the minds and the hearts of men.

Mr. RUMSFELD. Mr. Speaker, I support the Open Housing Act of 1968.

We have heard statements today urging support for this legislation as a memorial to the slain civil rights leader, Dr. Martin Luther King, Jr. We have heard suggestions that this bill should be passed to prevent further riots and civil disorders. Conversely, we have heard that the legislation should be opposed lest it be considered appeasement to rioters or a reward for lawbreakers. It also has been said that the bill should be defeated today and considered at some point in the future when the troops have left this city and the fires of this week’s disorders are finally quenched. I find none of these arguments persuasive. It is not for the House of Representatives today to bestow rewards or to dispense punishment, however much deserved.

My vote today will be cast not because of the pressures of the moment, but in spite of it. It will be cast not out of fear, but from conviction and concern. It is a vote of the spirit.

It should also be noted that the Civil Rights Act of 1964 which originated in the House, despite significant Senate changes was not sent to conference. My answer to the debate on this measure also invite attention. But I have spoken and reported at length on previous occasions on the three major civil rights bills I have previously supported. During my 6 years in Congress my record and my reasons for my record have been made abundantly clear.

In voting now to approve this bill are we yielding to pressure? Are we merely decorating the grave of a departed and greatly respected leader, Martin Luther King, Jr.? Are we rewarding rioters?

I rise in support of the resolution before the House to-day to bestow rewards or to dispense punishment, however much deserved.

I recognize that this legislation is not perfect—few bills are. Possibly, under different circumstances, perfection could be sought. For me the argument that the parliamentary process of being used is improper. On two previous occasions, in 1960 and again in 1964, the House, without requesting a conference, adopted amendments to the previously House-approved civil rights bills. It is well known that the difficulty of achieving cloture in the other body makes this a necessary procedure for civil rights legislation. It is my view that this legislation is the best that can be achieved.

Let me say further, that I recognize that this legislation will not end discrimination. It is but a step in the direction of providing for housing patterns in the present difficulties which result from the growing patchwork of State and local laws on this subject—each with different application.

More importantly, as in the case referred to by the gentleman from Illinois, [Mr. Anderson], it will help the Negro schools. The Negro who had to turn down a job because housing was not available; and returning Negro Vietnam veteran who might be told housing is not available to him. And, it will help their aspirations, their dreams for themselves and their families. It will contribute to the realization of those hopes, of those aspirations, their initiative, and their motivations. Is there any way to measure the loss to our society in past decades which has resulted from the dulling of those hopes, of those aspirations, and of the initiative of many Negro Americans who would be impeded by the possibility of getting out of the ghetto?

Admittedly, this legislation, as has been said, will not open up a highway from the ghetto to the suburbs. It will still be a difficult, and tortuous path at best. However, the most compelling argument for me is my belief that ours will be a stronger and healthier nation for having said to all of our citizens that their futures are in their hands, that by their energy and their initiative they can reasonably raise their hopes, their aspirations, and their dreams of themselves and their families. And, I feel that the presence of at least, a chance of attaining what so many can take for granted.

Today, we do not say there is the sky, it is yours, but we can say there is a path and it can be yours. I know of no better hope for the future of this Nation than for its people, all of its people, to be able to reasonably aspire to fulfill their best hopes for the future. The dignity of each man requires it. No man should ask for more; no man deserves less.

Mr. Hanley. Mr. Speaker, I rise in support of the resolution before us. There are some in the minority who would tend that the action we propose today on the floor of the House is a new departure from the historical role which the Federal Government has played in preserving the individual and securing, the civil rights of citizens. There are those on the other hand who would deny that the Congress has indeed even played the type role it should have played. I say to both of those contentions that they are wrong.

The Congress has been in the forefront on the civil rights movement for years. We have gradually broken down the barriers to the Negro and the white. We have made us a divided society. Only 2 weeks ago, President Johnson told us of
the forces of divisiveness at work within America. We know they are at work. And we know that unless we face up to our responsibilities as legislators these forces will remain at work.

I have always supported every civil rights bill to come before this body since I have been a Member of Congress, and I say that what we are considering today is not a departure from our traditional role, it is rather a natural extension of the duty of Congress to blaze a trail toward harmony and justice for all citizens. And so I will support the passage of the civil rights bill before us.

Mr. Speaker, the House of New York has had language similar to that contained in the instant bill on the books for 20 years. What we are asking the Congress today to do is to guarantee to the citizens of every State the same rights as those guaranteed in my own home State. Nothing more, nothing less.

I ask my colleagues to consider this measure on the basis of its own merits, not on the basis of the emotional orgy through which we are now going.

I am going to vote for this measure because I believe that every American citizen has the right, given by God and guaranteed by our Constitution, to move freely within this land and to find for himself and his family a place to live which he can afford and which will permit him the type of security now enjoyed by the overwhelming majority of Americans.

Mr. Speaker, we have a great country. Not the least of its greatness stems from our willingness to permit all Americans to share in that greatness.

Mr. GROVER. Mr. Speaker, last year the House of Representatives passed and sent to the Senate a bill making it a Federal crime to interfere with the legitimate and peaceful exercise of one's civil rights.

This bill also contained severe penalties for certain activities and travel with intent to provoke riots and civil disorder. The Senate added to the House-passed legislation a section barring discrimination in the sale or rental of real estate and a bill of rights for the American Indian.

The misunderstandings and emotion associated with this open housing section have made it one of the most difficult votes in my 6 years in Congress.

I could dismiss it by pointing out that a man's home is his castle—and this bill does not take away from him his right to sell his home to whom he chooses and on his own terms.

The balance between the age-old rights inherent in real property ownership and equal protection under the law is one delicate and intricate and not easily dismissed or lightly justified.

Mr. Speaker, I do not mean to imply that the section is constitutional, but that extension or amendment in the future to further restrict the rights of the individual homeowner would be of doubtful constitutionality.

My thoughts on this open housing provision have been formulated over the last several weeks and are in no way related to the tragedy of Memphis, since for some time I have been troubled with the fact and prospect of voting on this bill which, while it restricts the customer selectivity of the realtor, the builder, and the mortgagee, affords a choice to some 100,000 soldiers of ethnic minorities who have been fighting for me and my country's freedom in Vietnam.

Mr. ROSENTHAL. Mr. Speaker, this has been a week of deep tragedy for our Nation. A great man of peace and courage was murdered, and our cities reacted in anguished violence. Some fear that Dr. Martin Luther King's dream of a day when all Americans will be joined in brotherhood has been shattered.

But we who shared Dr. King's dream share it yet today—with reawakened commitment to working toward its reality. In the shadow of this past week's events, we cannot overestimate the size or complexity of the task ahead of us, nor the importance of beginning our work immediately.

The New York Times editorial spoke for us all today when it said:

Martin Luther King, the man of peace, evoked the very best in Americans of every race and creed. He gave us an example of courage in the face of silence and searing grief. Yesterday in Atlanta gave expression to the deepest and angriest and mostunifunded and united nation. United? It must be unified.

This is the legacy of Martin Luther King, as it was his vision. The people of this country cannot fail him now. The concept of racial inferiority and racial discrimination is insidious if the United States is to survive. It is the fundamental question, and Dr. King, apostle of brotherhood, understood it as such.

In all its power and all its majesty these United States must move to make his vision a reality.

Even in the midst of this crisis, private citizens have demonstrated their desire to share in the reintegration of the Dr. King with reedication to the fight against poverty and racial discrimination. We in Congress cannot do less. We in Congress cannot do less. We must, without further delay, pass the civil rights bill not as a final tribute to Dr. King but as the first step to H.R. 421, which I supported some months ago on the floor.

The provisions against riots were contained in H.R. 421, which I supported some months ago on the floor. It is a vital part of the measure now before us—a part which it appears we cannot separate from other provisions.

The provisions against riots in this bill are well known to us here in Washington today. We deplore the death and destruction that has been wrought in this Capital City. H.R. 2516 will outlaw many activities contributing to the recent riots and will provide just punishment for those guilty of such reprehensible conduct.

The provisions against riots were contained in H.R. 421, which I supported some months ago on the floor. It is a vital part of the measure now before us—a part which it appears we cannot separate from other provisions.

Mr. Speaker, offenses such as those included in the antiriot provisions of the bill are well known to us here in Washington today. We deplore the death and destruction that has been wrought in this Capital City. H.R. 2516 will outlaw many activities contributing to the recent riots and will provide just punishment for those guilty of such reprehensible conduct.

The provisions against riots were contained in H.R. 421, which I supported some months ago on the floor. It is a vital part of the measure now before us—a part which it appears we cannot separate from other provisions.

Another vital part of this measure, which I, too, have desired has been added in the Senate. The amendments of the Senate have had amendments, is title I, providing for the protection of those assisting in the exercise of civil rights. This part of the bill prohibits interference with those who assist in the registration of voters and in voting, or assisting in the enjoyment of other rights such as public accommodations, education, jury service, and many other privileges and opportunities. This measure received overwhelming support in the House in the first session of the 99th Congress. It became the concurrence of this House today.

Mr. Speaker, it is high time that this body provide by Federal law for the protection of law enforcement officials, firemen, and other public officials and workers upon which the other body has added amendments, is title I, providing for the protection of those assisting in the exercise of civil rights. This part of the bill prohibits interference with those who assist in the registration of voters and in voting, or assisting in the enjoyment of other rights such as public accommodations, education, jury service, and many other privileges and opportunities. This measure received overwhelming support in the House in the first session of the 99th Congress. It became the concurrence of this House today.

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Mr. Speaker, a new section added by the other body also makes it a Federal offense to teach or demonstrate to others the use or application of any firearm or explosive or incendiary device which he knows or has reason to know might be used in a civil disorder. It also imposes penalties on those who transport or manufacture firearms or explosives, having knowledge that the same will be used in a civil disorder in the furtherance of a civil disorder.

The provisions of this part of the bill are much more comprehensive than this brief statement can indicate. Nevertheless, they are substantially the same as those provided for in the earlier House and Senate versions. Having knowledge that the same will be used in a civil disorder is far more easily admitted in a civil disorder.

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In reaching my decision to vote for the previous question, I have endeavored not to be influenced by emotional appeals. At the same time, I have refused to accept the suggestion that I should vote against the previous question as retribution for the violent and destructive events that followed the slaying of Dr. Martin Luther King. My judgment is based on the principles of the objectives of this part of the bill, and the right to be heard, and to be heard for the right reason. It is my understanding that open housing legislation enacted by our States in the past has served its greatest purpose. The earlier House version established in H.R. 2516. Applauded throughout the Nation.

Mr. Speaker, I am in wholehearted agreement with the objectives of this part of the bill, and I am satisfied with the language in which the other body has adopted the same. It is my understanding that open housing legislation enacted by some of our States has had a very minor effect in reducing segregation, but that in the main it has been a step in the right direction. The psychological, persuasive, and educational aspects which may result.

It is truly said that we cannot legislate peace. We can only achieve peace through legislation, express our attitude and encourage others to adopt similar attitudes of compassion, understanding, and equity. A genuine awakening is needed to encourage respect for our fellow man based on character and other qualities, disassociated from questions of race or color. If enactment of this measure encourages and promotes such a change, then it will be used to heal the wounds of the passions that have made smoking rubble out of widespread sections of Detroit, Los Angeles, Newark, and scores of other cities.

Genuine racial equality in the United States demands the passage of fair housing legislation. To many Negroes housing discrimination makes meaningless any attempt to finish school, to get a good job, to adopt the standards of respectability associated with responsible citizenship.

"Why should I?" a Negro asked in a ghetto would ask, "Will it get me a white house?"

"Why should I?" a Negro asked in a ghetto would ask, "Will it get me a white house?"

To other Negroes — to those who have struggled to achieve middle-class status — housing discrimination shatters the dream they have worked to fulfill.

One Negro couple, residents of a small Midwest city, cited in a sociological study sought fruitlessly for 3 years to buy a house in the kind of neighborhood they wanted. Both are bright, educated, and articulate. The man is an industrial chemist; his wife, a college graduate in home economics. Both in search of a home. Discouraged and embittered after 3 years of effort, they finally had to settle for an apartment in a low-rent housing project.

I am prepared to withstand the abuses which will follow until I shall cast today, with the conviction that my decision is based on reason and motivated by a desire for human justice.
Massachusetts by black and white people alike, these laws have proved groundless the conventional fears people express about fair housing legislation. These fears that it would erode property values, fears that it would exacerbate racial tensions, fears that it would bring a tide of impoverished Negroes into the suburbs. The Massachusetts laws provide ample evidence that fair housing legislation works and works well.

The fair housing laws proposed in H.R. 2516, like the Massachusetts laws, would be aimed at eradicating racial prejudice in the real estate market.

W. Evans Buchanan, former president of the National Association of Builders, in testimony before the Congress said:

"Many housing firms and organizations would lose many of the shackles and impasses we in the real estate business are subjected to... Many real estate salesmen and brokers who would voluntarily provide equal service to all clients suffer a reasonably well-grounded apprehension that their efforts will result in intimidation from real estate and economic action from potential clients. This legislation would free all parties from coercion, probably the greatest single element in the minority housing syndrome.

A national fair housing law, it seems clear, would be as welcome in many real estate firms as it would be in the black ghettos.

The other provisions of H.R. 2516—one to strengthen Federal protection for civil rights workers, another to safeguard the constitutional rights of Indians, still another to combat riots—would be equally valuable.

Certainly if Martin King stood for anything it was that all people of whatever skin tone have fundamental rights. As I have said on occasion for the past 10 years, Negroes and all others should have the right to the protection of law. It is fitting that Levitt & Sons of New York should today print the following modification of their longstanding policy respecting freedom:

Levitt Pays Tribute to Dr. King in Ded—NOT EMPTY PHRASES

For many years our housing policy has been to abide by local law or custom. As customarily there have been Levitt communities that have been integrated and others that were not.

During those years, however, we have constantly urged both the Executive and Legislative branch of the Federal Government to act to make desegregation the law of the land. Our policy has been a matter of record in testimony before Congressional committees and White House meetings as well.

So far there is no law or executive order eliminating segregation in the United States and we shall wait any longer for such action to occur.

As a tribute to Dr. King this Company has added once and for all a law eliminating segregation any place it builds—whether it be the United States, or any other country in the world.

We ask all our colleagues to adopt a similar policy without delay. The forces of bigotry and prejudice must not be permitted to prevail any longer, and we urge all builders, large and small alike—to do their part in making America once again the ideal of the world.

It is fitting that this great international corporation should do their duty by burying Dr. King's funeral eulogize not only Dr. King but call out to its brethren in the construction and home sales industry throughout the country to lay down the burden of custom and for sake the Ku Klux Klan cross of bigotry.

Twenty percent of the House and Senate went to Georgia yesterday for the purpose of holding out hope to 10 to 12 million Negroes and millions of others in the American melting pot that there is promise for a better world in these United States—through law.

Carmichael sounded his black power revolution to destroy capitalism last August, and it was no surprise to see him try to jump to the forefront immediately on King's demise. Carmichael cannot survive in an atmosphere of hope while progress toward equality is being made. Rabble rousers can appeal only to the lunatic fringes of the right and left.

We have the opportunity in this House today to show the world further hope on a national scale. We should forthwith enact the omnibus civil rights bill of 1963 with fair housing provisions.

The most fundamental right an individual can have while providing his services is to work. In an interstate commerce labor pool is to be able to buy, rent or lease a house or apartment other than in a terminal ghetto like Oakland or Watts in California.

Two hundred and ninety-three Members of Congress already represent States or cities that have a type of fair housing law in force. Heaven and earth will hardly come tumbling down because of the enactment of a Federal uniform law. What does it gain this Nation as an alternative to bottle up in congested, overpopulated ghettos 10 million dark-skinned people—only letting them out to work in a suburban factory or household.

This Nation has a heritage of freedom and equality of opportunity. This heritage is worth more than the laws before.

Some conservatives on the right cling to that heritage of yesteryear believing that it has application only to the sons and daughters of the American Revolution.

The "right" preaches respect for the flag. Their respect is for the flag and government of yesterday, being generally oblivious to the changes in employment, industry, and politics demanded by a population explosion and imply that the flag of today is socialistic.

Our young people in the ghettos are not as well educated as the flag of yesterday and they are a bit uncomprehending that the flag of today is little more than a constitutional myth of anachronizable right and wrong.

I think that this bill before us today can turn on again a light of hope—its effect, however, will be primarily symbolism.

Hundreds of cities, States, and Nations have similar laws in effect. In California we enacted our first "fair housing" law in 1959; our Rumford Act followed in 1963. We have enjoyed fair accommodations in our State since 1952 and fair employment practices since 1958.

The mere enactment of laws setting forth in a practical way the meaning of the term "freedom" in the Constitution and the Bill of Rights has been a great help in minority problems. Contrary to popular belief, civil rights legislation once enacted is not widely utilized. In California with 20 million people and over 1 million Negroes and millions of others in Mississippi—there are only a few hundred complaints filed before administrative boards every year and only a handful of these ever get into the courts.

Carmichael failed to stimulate the oppressed to use legislation which legislators enact, they would "self-help" themselves under law into better living accommodations.

There is no doubt that this Nation has profound housing needs in the cities and subject poverty in parts of rural America. We have tried "survival of the fittest." The problem is that the poor and handicapped do not die.

It may well be that OEO, HEW, HUD, and the Department of Labor do not currently have all the solutions.

For those who say fair housing is not a partial answer, you tell me what steps should be taken to bottle up in 5–10, or 50-year time frame. You tell me how this Nation will achieve our constitutional objectives without some assist from the Congress and legislative bodies throughout the land.

We bask in America reading of the revolutionary problems Red China is experiencing with her Red guards. Some hope and expect China's imminent collapse.

Would not we thrill to have 10 percent of the Russian population fomenting a revolution from Moscow to Vladivostok.

The Soviets, no doubt, clap their hands seeing the manifestation of rights disunity in this capitalist democracy.

No, the death of King or Kennedy or men like them will not put to sleep this movement of self-expression of peoples' rights and aspirations. Those who fear amortization to all Americans, the right of the vote, the right to a decent night's lodging or a fair meal in a restaurant of the right to a job with a fair day's pay, the values which those constitutional commitment is currently being tested.

As I walked in Atlanta yesterday and sang the "Battle Hymn of the Republic" with mostly black Americans, I felt clos-
er to my American heritage than ever I did before that time.

We were marching through Georgia yesterday 100 years after Sherman—
to provide all Americans a measure of equal protection under the law.

As a member of Wisconsin, Mr. Speaker, I rise in support of H.R. 2516 as passed by the Senate and urge that this bill be accepted by the House without
amendment.

The events of the past few days have thrown a shadow over this Congress and this country. How ironic that in a land which stands for freedom, especially the freedom to express oneself openly, a life based on nonviolence should be snuffed out in a violent way by a 'hidden sniper.'

The aftermath of that event in Mem­phis—events in major cities throughout this country marked by civil insurrection and violence—does disservice to that for which Dr. Martin Luther King stood. I reject those extremists, both black and white, from the man who pulled the trigger in Memphis to Stokely Carmichael here in Washington, who is quoted as saying:

"Black people have to survive, and the only way they will survive is by getting guns."

There is no excuse for violence, law­lessness, or insurrection in a nation founded on laws and not men. The law must be upheld if our Republic is to sur­vive and prosper. In the past few days the law and perhaps the very fabric of our society have been in jeopardy, and I am reminded of the words of Prime Minister Nehru after the assassination of Mahatma Gandhi:

"The first thing to remember is that none of us misbehaves because he is angry. We have to behave like strong and determined people, determined to face all the perils that sur­round us, determined to carry out the mandate that our great leader has given us, re­membering always, as I believe, his spirit looks upon us and sees us, nothing would displease his soul so much as to see the man who pulled the trigger in any small behavior or any violence.

Our task here today, Mr. Speaker, is to debate and decide upon a course of action relating to a law for this country. It is not, in my judgment, appropriate to de­side the merits of legislation either as to individual liberty and opportunity, and that is what, in my judgment, must be con­sidere[d] today.

The bill we are considering has a num­ber of provisions. Title I, the antiriot section, embraces areas covered in H.R. 421 and H.R. 2516, both of which passed the House in 1967. The inflammatory statements of men like Rap Brown and Stokely Carmichael would, I believe, be covered by the title I provisions. The right of an owner to sell his home is protected by the Constitution, has limits. To para­phrase Justice Holmes:

"The right does not extend to those who would shout "fire" in a crowded theater."

And in my opinion, parts of America today are "crowded theaters" in which the Brown Deers, the Welsh Browns, and others are shouting "fire." "This cannot be tolerated.

Titles II through VII deal with rights of American Indians and are provisions which Title X provides some regulation of the use of firearms in con­nection with civil disorders. Titles VIII and IX are the provisions adopted by the other body, under the leadership of Sen­ator Dirksen of Illinois, which relates to open housing.

In Wisconsin, during the 1965 legis­lature, I was an author and cosponsor of assembly bill No. 852 which became part of chapter 109 of 1965. The legis­lation established Wisconsin's open housing law and was designed to insure "that all persons shall have an equal opportunity for housing, regardless of race, color, national origin, ancestry." In addition to the State open housing law, which relates primarily to the business of housing, a number of local municipalities have adopted fair housing ordinances and housing regulations.

Brown Deer, Fox Point, Madison, Me­nomee Falls, Milwaukee, Whitefish Bay, Shorewood, Bayside, Beloit, and Mequon, which is in the Sixth District and whose ordinance covers the sale of single-family units.

Those who oppose the open housing sections of H.R. 2516 refer to it often as forced housing. I disagree. This provision in no way forces an individ­ual homeowner to sell to any person. What it does say is that you must treat equally all persons who are in the market for housing, housing, because of one reason—race—to sell or rent property. All of the legitimate criteria which a homeowner uses to judge the prospective buyer remain unimpaired. The policy established by this legislation does not mean that one lowers the terms of sale or rent, standards of social be­havior or conditions related to family size, the keeping of family pets, and the like. It does mean, however, that these terms, standards, and conditions must be applied equally to all people. In addi­tion, under the provisions of this legis­lation the burden of proof rests with the person alleging discrimination, who must in any court case which arises under this law, prove discrimination. Under our system of individual freedom, this bill seeks to maintain a system of fundamental in­dividual rights and assure equality of opportunity for all our citizens. In a statement issued on April 5, I joined with other Members of the House in saying:

"It is an affront to human dignity for any American to find that even though his bank balance is ample, his credit rating is good, and the character of his family is above re­course, he is unable to buy better housing because his skin is not white."

Another of the objections that has been raised against this legislation is that as one citizen stated:

"The particular measure in question ex­cludes from the law family owned and oc­cupied homes purchased without the aid of a real estate broker."

He went on to state:

"Obviously, this measure will discourage home owners from using the services of a professional broker. What I ask of this board is that this measure not only dis­criminates against the real estate brokers of this nation but in effect, also abridge[s] the same ownership rights of con­tract as to how he shall sell his home to best advantage."

The Wisconsin law which I shall dis­cuss in a moment, basically covers the business of housing. The realtor is a pro­fessional—an expert—whose knowledge and judgment has been relied on for years by those wishing to determine and obtain the fair market value for their property. The provisions of this bill will place an undue burden upon the realtor is without foundation. Surely, the realtor will con­tinue to provide a needed service and the value to a community of all citizens who wish to sell their property with the benefit of the realtor's expert counsel. Many brokers would, I believe, welcome the freedom to sell property without discrimination to those who wish to buy and need housing. This legislation would support them. We learned in Wisconsin during our consideration of our law that pressures within a community multitudes prevented a builder or realtor from providing a service to minorities because of the fear of business losses. Under this legislation (H.R. 2516), all who are in the business of housing will be treated equally. And each will, as they have in the past, merit the support of those with whom they deal on the basis of the service they provide.

In the Wisconsin open-housing law, hearings were provided for conciliation and conciliation. The administrative remedies, through the State department of industry, labor, and human relations, were constructed in a way applicable to all par­ties. In H.R. 2516, the Secretary of Hous­ing and Urban Development is author­ized to educate, persuade, and conciliate in order to eliminate discriminatory housing practices. If the Secretary is un­successful, the sole recourse is to the court—State or Federal. This concept is one I support wholeheartedly since it guarantees, in my opinion, the full rem­edy of the law and of a fair trial. In addition, H.R. 2516 provides that the full weight of State and local fair-hous­ing laws is applicable, and the Secretary is required, under section 8(c), to notify the appropriate State or local agency of a complaint filed with him. Furthermore, section 898(c) provides that conciliation shall be held in the locality where the alleged discriminatory act took place. The safeguards provided by the bill we are considering today are important and effective, as are those provisions which require persuasion, education, and con­ciliation.

As this bill (H.R. 2516) passed the other body, men such as Senators...
The quest of equal opportunity for all has stirred the conscience of every thinking American. It is one of the most important issues facing the Nation, both on the national as well as on the local level—it is part of the very fabric of our free society. It cannot be ignored. It will not go away. The question merits the deepest concern of every American today.

I concur and therefore urge the adoption of H.R. 2516 by the House today.

Mr. BROTZMAN. Mr. Speaker, I consider this bill carefully and objectively. Like all complex legislation, the measures in H.R. 2516 is full of details. However, on balance, I felt the national interest demanded action now and further delay with the possibility of inaction if the measure had gone back to the Senate would have been unacceptable.

Features of the bill that are particularly needed as demonstrated by recent events, include:

First, it establishes Federal penalties against crossing State lines, or using the instrumentalities of interstate commerce, to incite riots; it also makes it unlawful to interfere with the lives or safety of those who engage in bona fide, nonviolent civil rights efforts.

Second, it establishes a Federal law extending the right of equal opportunity of property ownership to all our citizens—a right that has been long and fully recognized by the laws of the State of Colorado.

Mr. FISHER. Mr. Speaker, I am opposed to the pending bill, and I shall vote to send it to conference. As I see it the right of a person to choose the person to whom he sells or rents his private property is one of our most sacred and cherished of all civil rights. Yet, by a Senate amendment which is in this legislation, the right of a citizen to choose the person to whom he may not sell his home to whomsoever he pleases, is not so weak and spineless as to capitulate before the pressure of public opinion. The Congress does not operate that way, even though the planners at Flossmore seem to have thought so.

Mr. Speaker, there has been much said here about the late Martin Luther King. His record and his philosophy are quite well known. He preached nonviolence, yet in scores of instances he led marches and demonstrations which triggered violence and bloodshed. Indeed exactly 1 week before King was killed he promoted and led a march in Memphis—not in any way related to racial integration, but rather to forces within Negro to be shot and killed and 63 injured.

That very day, at a press conference in Memphis he was quoted as saying: "Riots are part of the ugly atmosphere of our society now."

King became notorious for advocating civil disobedience that is, the right of citizens to violate a law with which he disagreed. Although a court injunction had been issued to prohibit another Memphis march by King, he openly declared if the ordinance were passed he would willfully defy and violate it. He served many jail terms for such violations of laws and decrees.

It will be recalled that King was a very disinherited person. At a New York demonstration he openly assailed the United States—our own Government—as "the greatest purveyor of violence in the world today."

To head the pending April 22 march on Washington, King chose Rev. Bernard Lafayette, an anti-Vietnam and civil rights activist; and Rev. Andrew Young, a long-time King associate who said the demonstration would symbolize "racism, materialism and economic exploitation."

In a Reader's Digest article, William Schulz reports that King recently encountered a person in the Nation's most notorious black powerites: H. Rap Brown, the demagogic chairman of the Student Nonviolent Coordinating Committee, now under indictment for inciting a riot in Cambridge, Md., and Stuart Carmichael, the self-professed revolutionary who globetrotted across the Communist world from Havana to Helsinki last year to declare his movement to overthrow the "imperialist, capitalist, racist structure of the United States."

What took place at these meetings with the two anarchists, reports Schulz, is not known. According to Andrew Young and Stuart Carmichael and Brown: "If you can't adopt nonviolence and join us, let us try our way until the first of August. And if you fall, then we can take over with another approach."

Thus, according to Andrew Young, one of King's chosen leaders for the Washington march, King in effect told the extremists that he wanted to first try to avoid violence, but if his mission was not a success without violence, then Carmichael and Brown could take over and use their own techniques—which means violence and more violence.

If this Congress is to use the memory of the late Martin Luther King as an inspiration for the enactment of this legislation, it is well that the Members ponder King's record and his long association with activities which resulted in massive violence and crime.

Mr. MACHEN. Mr. Speaker, I rise today to present to my colleagues the basis for their vote in opposition to the rule and to H.R. 2516. As we are well aware, H.R. 2516 passed this body by an overwhelming margin last year. When the other body completed its consideration of this bill a short time ago, many different amendments had been added, rendering the bill barely recognizable as the bill we have passed. Yet today, we are asked to vote "yes" or "no" as to whether we accept these amendments, which are the result of a conference committee or other meaningful exchange of views between members of each body so that the bill would represent the will of both houses rather than the will of the one that personally objects to such a procedure.

As I have stated repeatedly, I believe that the answer to the problem of providing fair housing is not to impose it by Federal legislative fiat but instead for community organizations and other groups to join together to take an affirmative step toward solving the problem such as has occurred in Prince Georges County, Md.

A Federal legislative fiat on this issue can do little more than fan the flames of racial prejudice which already are burning so hotly. The issue of fair housing is, I believe, bound inextricably to the local community and should be settled through affirmative action at that level. I would be the last person to deny any man the right to purchase the home of his choice provided he has the means to deal with persons who defy and violate it. He served many jail terms for such violations of laws and decrees.

Title I of the bill, providing for the protection of persons engaged in federally protected activities from interference, threat of injury or intimidation related to their work, was added to H.R. 2516 and explains that it was added to H.R. 2516 and explains that it was added to H.R. 2516 in order to protect public employees from the pressure of union officials who do not wish to have them vote for that bill in opposition to H.R. 2516. In addition, this title also has a section dealing with riots. I believe that this section of title I would give us the authority to stop organized criminal activity that occurs in interstate or foreign commerce with the intent of inciting to riot, committing any act in furtherance of a riot, promoting a riot, and aiding and abet-
ting any person in inciting to riot. I believe that the definition of riot which is contained in this bill will go a long way toward giving us the enforcement tools we need to prevent such outrages as that which occurred in the District of Columbia and other cities throughout the country during the past week. It has made us aware of the notoriety of lawlessness which struck many of our large cities last summer as well and I believe firmly that lawlessness such as this cannot be tolerated. We cannot be permitted to have a haphazard executive for looking and killing. There is no justification for such activities. These criminal actions are an outrage to civilized life, an affront to democracy, and an insult to law and order. They are born of contempt for the law; they thrive on chaos; and they must be stopped. I strongly support this section of title I of H.R. 2516.

Titles II through VII of this bill deal with the rights of Indians as regards tribal self-government and certain rights guaranteeing the rights promulgated and guaranteed by the Constitution. Title VII contains provision for our governing courts of Indian offenses and achieve many other aims. While I must confess that I am not completely familiar with all the problems faced by American Indians, I would like to see our committee dealing with those problems be permitted to complete their hearings and make a report on the problems of the Indians together with a legislative bill as a whole.

Title X of H.R. 2516 receives my full support. This title provides penalties of $10,000 fine or imprisonment or 5 years or both for anyone who conspires to monopolize the application of any firearm or explosive for the purpose of creating a civil disorder. In the final analysis, public support is the only effective tool for the suppression of any form of violence or anarchy. This is demonstrated by the other side of the coin, the fact that the biggest strides in the civil rights movement have been made by lawful and legal means. The average American is a moderate. He will shy away from the left as well as from the right and as one observer has said, "So long as the moderate can remain an alternative—think!"

This is what we must do—as citizens and as leaders whose responsibility is to help our fellow Americans. We know that often the negative criticisms do not constitute a policy—either foreign or domestic.

Neither "Quit Vietnam" nor "black power" provide any answers. What is needed is discussion of the issues, give and take on both sides and open-mindedness.

This Nation has to cease tearing itself apart. I have in the past 3 years constantly supported programs that are imaginative, creative and provide equal opportunities for all. I mention some of these items merely to point out that my deep convictions against the open occupancy is not anti-anybody such as:

- The amendments to the Economic Opportunity Act and the Higher Education Act and the amended Elementary and Secondary Education Act amendments, and the Higher Education Act have set up and implemented programs to motivate, train, and educate the less fortunate of our people.

The demonstration cities legislation has established the machinery for abolishing slums in our cities. We have had the minimum wage bill to strike at the heart of the problem of the working poor.

The Voting Rights Act of 1965 has made it possible for the number of Negro voters in Southern States to be doubled since the time of the law's enactment.

Medicare and the accompanying social security amendments have raised the quality of life for our older people—many of them poor and hopeless.

All of these constructive and exciting programs have been made possible by the support of the American people who believed in the constitutional guarantees of equality for all, and who for all time would be willing to spend any American to find that even though his bank balance is ample, his credit rating is good, and the character of his family above reproach, he still cannot buy or rent better housing because his skin is not white.

I have no illusions that the passage of this bill will in some way stop the riots, nor is it the sole answer to the inter-racial misunderstanding which exists today in the United States.

The report and findings of the President's Advisory Commission on Civil Disorders has made it clear that the problem of discrimination is much more complex and difficult than many of us had fully realized.

The rejection and humiliation which result from housing discrimination prowl among the subconscious feelings. This brooding hostility can be eased with the knowledge that the Negro is able to better himself and can do better for himself. It is this hope of the ability to do better that will erase the frustrations which now exist. This civil rights legislation is an important step toward assuring all our citizens the opportunity to fully participate in the life of our country.

Neither do I have any illusions that this bill will magically solve all the housing problems of Negroes. The truth of the matter is, as we all well know, only a few Negro families have adequate financial resources—will be able to escape to the clean cool air of the suburbs. We have had enough experience in the North to know that some of our total population which already have fair housing laws to know that the dangers and fears so often expressed with regard to this legislation just have not materialized.

This bill may be not much more than the symbolic knocking down of a barrier and the assertion of simple justice and reaffirmation of human dignity too long denied. But it has powerful meaning for all of us.

We have been for some years now, and more so today than ever, in a period of...
great moral crisis in this country. A great segment of our population have grievances for which they seek redress. Their efforts for redress, if denied, have only been converted from apathy to violence. Today there can be little doubt in anyone’s mind that our country, our democracy, our way of life is perhaps at the most important crossroad in its history.

Shall we, the majority, react in fear and frustration? Will we allow the riots to drive the United States to a police state? Must we turn to the politics of repression? I hope and pray not; to do so would mean that this course is unthinkable for our country.

Of course, we cannot supinely succumb to threats of violence or actual violence by individuals or groups. We must have efficient and firm law enforcement at the local level supported when requested by the State and Federal Governments. Indeed this civil rights bill contains important provisions similar to those in my bill H.R. 4228, which will provide a new tool to Federal law enforcement officials in preventing future riots.

But stringent law enforcement must be helped by voluntary community Federal actions by making law abiding citizens out of the majority of those who have serious, meaningful grievances in our society. Only thus can we isolate the trouble and drive the unscrupulous destroyer of our society.

The passage of this bill today represents at best a compromise between those who wanted stronger legislation and those who wanted nothing at all. It is indeed a compromise in 1968 even more fully than it did in 1966 because I know that this country can no longer wait for a decision.

Mr. MINSHALL. Mr. Speaker, I have devoted my life and the lives of my colleagues in the community to protecting the civil rights and freedoms of American citizens. In 1957 I voted for the first civil rights bill to be enacted by Congress in nearly a century; I have voted for subsequent civil rights bills to come before the House—six in all.

Last August I voted for the civil rights bill which we in the House passed and then this legislation, in all, but it did not contain the crucial provision of the open housing section of the civil rights bill. But let me say also that when this timetable was decided upon, Dr. Martin Luther King had not been struck down by a cowardly assassin’s bullet, more than 100 American cities had not just days before suffered losses of life and property, and the National Capital of the United States had not become an armed camp in which a semblance of order is being maintained only through the use of Federal troops.

We cannot possibly act on this legislation today in the prevailing atmosphere of violence—with helmed troops and machineguns guarding the Capitol Building—with the rational debate and reasoned judgment that is essential to the processes of a democracy.

Proposers of this bill cry “urgency.” But this is not the time for hasty and emotional action. We should act on this bill only after order has been clearly and unmistakably restored.

Any action by this House today will bear the impression—which no words of ours can refute—that we are acting on the premise of the logic of force and that we are responding to threats rather than the will of the people we represent. If we act on this bill today—no matter what the result—we will not be able to dispel charges that our action does not represent the best judgment of the Congress. If the bill is approved, there will be widespread charges that it was done under the threat of violence and that there will be some truth in such charges.

If the bill is defeated, it will be alleged that it was due to “backlash.” And there will be some truth in these charges, too.

I have personal knowledge of private businesses, large and small, that were destroyed because of threats of firebombing or worse. I am sure most of us here know of similar incidents.

What is deplorable is that anonymous threats can force a man to close his business for fear of its destruction or worse, it is not difficult to understand how those individuals feel they are helpless either to obey the criminal order to close.

Any such arrogant action and a private citizen’s acquiescence to it is to be deplored. But we are talking about individuals dealing with secret, faceless criminals.

The U.S. Congress should have no such fear and should succumb to no such blackmail. We represent all the people of the United States. We are not to be afraid to defend and uphold. We will simply be victims of the ignorance, the fear, and the creed and creeds and colors—not just a vociferous few who prefer the bomb to rationality.

If we succumb and act as all on this issue has much to do with present circumstances, in my opinion we are not truly representing the people who elected us or our country or its Constitution which we have sworn to defend and uphold. We will simply be victims of our ignorance, of racism, and a sense of expediency which serves no one and discards all.

I will, therefore, vote against the previous question in the hope that this legislation will be sent to conference where conferees of the House and Senate can properly deliberate and consider all of the Senate amendments, the deletions made in the Senate from the House-passed bill and their report upon will be brought back to House for final action.

Mr. HENDERSON. Mr. Speaker, once again the Members of this body are called upon to vote on a so-called civil rights bill, and again I will vote in opposition to its enactment. Like those before it, this bill will not accomplish what its proponents say it will, but rather, in my opinion, will do more harm than good.

Last Friday morning—the morning after the senseless murder of Dr. Martin Luther King, Jr.—I appeared on a television program in eastern North Carolina and when asked about Dr. King’s death, I responded that above all, it was a time for all of our people to remain calm, and I reminded the audience of President Johnson’s timely plea for national unity, and as we debate this issue, I urge this House to act calmly and to demonstrate, as best we can, the real unity of the American people.

If every Member of this body will judge the bill now before us on its merits—will weigh the value of any concrete benefits it can bring for United States people, the infringement of property rights—he cannot conclude that it is worthwhile. As a practical matter, how many Negroes can afford to buy homes in Spring Valley here in Washington or in Montgomery County, whether they have that right or not?
This bill is so like its predecessors, the Civil Rights Act of 1964 and the Voting Rights Act of 1965. It promises much; it raises expectations; but in the end it provides no real solutions to our racial problems which are matters of economics. Those Negroes throughout this land who are restless and volatile feel that they are outside the economic mainstream of American life.

I believe there are two things that must be done before we can hope to reach a long-term solution to our racial problems.

First, we can and we must be concerned with maintaining law and order and preserving an orderly society. We cannot and we must not continue to condemn violence and pretend that "demonstrations" do not breed violence.

Second, we must seek long-range solutions to the economic plight of all of the Negroes, white and black. Not just jobless, handout, make-work programs, which are self-defeating in that they make no provision for instilling motivation, but instead stifle the pride and self-reliance that will enable their success.

We must create a coalition of government and the private sector, at all levels, to make a new and concerted effort to bring our poverty-level citizens into the mainstream of American life by encouraging them to seek education and training; by making more effort to hire them in jobs which are qualified to do; and by insuring the promotion of those who are worthy of promotion.

The bill before us does nothing to achieve either of these basic goals and offers little more than a false hope and a pretense.

Mr. COHELAN. Mr. Speaker, I had planned today to address the House on the merits and the urgency of passing the open housing and civil rights protective legislation. I will proceed with those remarks today, but first I must share with you the deep disappointment and regret I have felt over the last 6 unhappy days. These last 6 days have brought an abject shame on this country.

First the coldblooded murder of Dr. King.

The shame and the tragedy could not have been greater, as an apostle of a peace that all people could have their equal rights, a man who believed the country could and would meet its challenges and provide for its people, was violently struck down.

That violence begot more violence.

In scores of cities, in the Nation's Capital, men have been killed, homes and businesses destroyed, thousands of families have been disrupted. Helmed and armed troops patrol our major cities.

As the Palm Sunday weekend of murder, pillage, and destruction unfolded, I could not help asking myself, "What will it take to awake this great country to the anger, frustration, and despair that afflicts it?"

Many of us, but not a majority, have long recognized the smoldering violence, discrimination, and deprivation which exist everyday, but erupt only now and then. But today I am a little heartened. My mail, which has been running strongly in opposition to the open housing bill, is suddenly filled with letters and telegrams urging prompt constructive action and passage of the bill. It is my fervent hope that this outpouring marks an awakening, not only in my district, but in the whole Nation.

Certainly we have neglected a massive segment of our population.

We have let our schools fail to educate. At a time when the fruits of formal schooling are more than ever critical to the better schools. Their frustration, that we have failed to adequately teach even the rudiments to many of our people.

In a time of increasing mechanization and advancing technology we have allowed many of our people to be passed by—not educated nor trained and consequently jobless or underemployed.

We have not made our minority Americans to thrust them together in the inwards of our cities and forced out to the fastidiously backwaters of America.

We have closed out palliatives, we have experimented and we have helped a little.

But the cancer of neglect pervades deep and far through our social fabric. We have not yet determined as a nation to put our shoulders to the wheel— to make this country for all of us what it is for most of us.

The events of the last few days have set us reeling. It will take some time to sort things out and to get about the business of rebuilding and constructively preventing a recurrence.

But we must not let the oplite of time allow us to forget or diminish the urgency and the necessity of what faces us. What I am most fearful of is that in a week, or a month, or a year, we will again settle back to our past indifference to the lives of many of our citizens. And then, we can only watch, fume, more fire, more tearing asunder.

Let us not forget the lessons of the Commission on Civil Disorders. The typical rioting ghetto resident is not the unemployed or the worst educated. On the contrary, he has completed 11 years of public school and has a job. These people are caught in the abyss to bring the reality to the promises of better jobs, better housing, better schools. Their frustration, their alienation from the mainstream, is at the root of their behavior. Our job is to bridge the abyss to bring the reality to the promises.

There are no short answers. There are not even any sure steps. But several matters now pending before the Congress deserve renewed consideration and support.

The civil rights bill, the strengthened equal employment opportunity measures, the summer supplemental appropriation, the OEO appropriation, police training assistance, and gun control are all matters now pending. Affirmative and prompt action on them should be taken.

The Senate-passed civil rights bill will bring our poverty-level citizens into the economic mainstream of our Nation by encouraging them to seek education and training; by making more effort to hire them in jobs which are qualified to do; and by insuring the promotion of those who are worthy of promotion.

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Certainly it is time.
ments adopted by the other body is inconceivable; 1 hour to understand the intricate details of such a far-reaching piece of legislation cannot be justified; 1 hour to be controlled, not by the committee members as a group, but by the Rules Committee, is not conducive to intelligent consideration of this issue; 1 hour to literally rewrite the real property laws of this Nation is unthinkable; 1 hour, divided 30 minutes for the Democrats and 30 minutes for the Republicans, does not give the Members of this august body time to stand up and be recognized, much less time to say anything worthwhile.

Mr. Speaker, this is no way to legislate. This procedure destroys the integrity of the people's branch of the Government. It takes away from the people's representatives the opportunity to fully explore the multitude of issues involved in this very complex piece of legislation.

Everyone in this Chamber knows why this legislation is being rushed through today. I ask you, my colleagues, you cannot buy off the people with a passage of a bill. And if you do in this instance, what will you offer them after the next riot? Where does this process end? And perhaps the worst aspect of this approach is the knowledge that others in this Nation are being sold another bill of goods. This bill is not going to solve their problems; it is not even going to come close. And one day when this becomes painfully evident, the repercussions will be tremendous.

Mr. Speaker, because of the way this bill has been brought to the floor and because I am not wise enough to understand it without thorough debate, I will vote against the previous question in the hope that the bill will go to conference and then come back here for further consideration, when there is less emotion, a better understanding of the bill, and when the Judiciary Committee will be in a better position to explain all of the details.

In the meantime, all I can say is, this is a heck of a way to run a railroad.

Mr. Speaker, in Congress we are faced with a most difficult decision, a decision which will directly affect the lives of millions of Americans. Should we or should we not today take action on the civil rights bill of 1968, H.R. 2516.

Much can be said in support of the need for positive legislation to better the plight of our Nation's more unfortunate citizens. Equality and justice must be taken to correct many of the present inequities which exist. But I ask you, should not legislation of the importance of that presently before us be subjected to a thorough and fair review by Members of the U.S. House of Representatives. Must we act in haste to legislate a bill, the ramifications of which will materially affect and alter the lives of millions of Americans?

The situation as I see it is one of re- flex. We have read the papers, we have watched the happenings of the past week on television, and we have heard many eloquent and moving pleas for immediate and responsive action. Action now, not tomorrow, not a week or a month from now, but now. No democratic body should be asked to legislate on a basis of "act now, amend later." The incidents of the past week should not preempt the normal workings of our legislative process.

There are many sections of this bill which most of us actively support, yet there are some areas with which we are concerned. Would it not be best at this point in time, to refer this bill to conference, whereby this legislation can be fully reviewed as it no doubt would have been had it not been for the peculiar circumstances of the week preceding.

Mr. Griffin. Mr. Speaker, I oppose House Resolution 1100 which adopts, without proper time for debate, the amendments to H.R. 2516 added by the other body.

The manifestation of civil disobedience visited upon our cities in the last few days is shocking testimony to the futility of acting by neglect, by passing civil rights laws. Despite the efforts of millions of Americans—in both public and private sectors—to improve the lot of Negroes, there is still loose on society a lawless element—a disregard for discipline and orderly government. Unfortunately, Negro leaders have inflamed the minds of their own race by preaching hatred of the white race in a most subtle and effective way.

A vigorous advocate of civil disobedience was recently slain. While murder is the most heinous of all crimes of violence, it can never be the excuse for rioting, looting, or killing black leaders. Criminals of all types must be brought before the bar of justice and dealt with in accord with the law; otherwise, our system breaks down and anarchy results.

As a responsible legislative body we have the duty to preserve our system as one of laws and not of men, and we have the further duty of demanding the enforcement of laws against looting as well as murder.

The bill before the House will not benefit the American people. It will only cause further grief. Mischief will be the total result of the open housing section, because the cards are stacked against the property owner and in favor of the agitator. Other sections of the bill are equally repugnant to our Constitution and our historic tradition of local self-government.

Here, once again, the Congress seeks to impose on the American people a course of human conduct alien to their nature and their instincts. Such a gesture will cause further conflict, divisiveness and agony.

Mr. Speaker, I believe the greatest contribution we could make would be to call a moratorium on civil rights and other racially oriented legislation. We should stop, think and ponder this question: Where are we and where are we going? If we proceed in our present direction, we are headed for race war. I hope and pray that will not be the fate of this nation's destiny, but it will be unless sanity returns to our native land.

Mr. Matsunaga. Mr. Speaker, while I am more than willing that the Civil Rights Act of 1968 shall be enacted into law as a memorial to the late Dr. Martin Luther King, Jr., I am today supporting the measure because it is the right thing to do.

By enacting this legislation today, we will be denying living proof to the citizens of our own country, that the policy of this Government is firmly and unashamedly based on the principles laid down by our Founding Fathers—that all men, regardless of race, color, religion or national origin are created equal and shall be granted equal opportunities to develop to their optimum capacities.

By the passage of this bill, we will have put to rest the worry that in the citizens of our own country that not only by policy, but also by the very laws of the land, ours is a republic designed to be "one Nation under God, indivisible, with liberty and justice for all."

Mr. Frelinghuysen. Mr. Speaker, some have suggested that we vote for the civil rights bill under consideration today as a memorial to Dr. Martin Luther King, Jr. Although I had planned to vote for the bill as it passed the Senate before the tragic death of Dr. King, it is my hope that there will be those in this body who will be moved by the events of the past week to support this bill.

Last night in the evening paper I read of the death of an 18-year-old marine in Vietnam. This boy was a typical American soldier in almost every respect: he attended local District of Columbia public schools, he was a Scout, holder of several medals and citations. Only his picture told you that he was a Negro. Can we not also make this bill a memorial to this young lad who gave his most precious possession, his life, for us? How many millions of his fellow black citizens are there who have served country without question, who have obeyed the law, and carried their full share of the responsibilities of citizenship, to whom we can dedicate this bill?

These Black Americans have faith in us and in our system, and they are waiting to reaffirm that faith by our vote today. I do not think we will fail to reach out our hand and say to them: "Come on, we can work things out."

Mr. Cowger. Mr. Speaker, I intend to support and to vote for the Senate-passed civil rights bill of 1968. This legislation seeks to protect certain fundamental individual rights and assure equality of opportunity for all of our citizens. I am convinced that the controversial housing section is absolutely necessary at this time. Any American should have the right to buy or to rent housing suitable for his family, and housing should be unless sanity returns to our native land.

I have had considerable experience in drafting civil rights legislation on the local level. During the 4 years that I served as mayor of one of our largest cities, I encountered political difficulties in passing local ordinances guaranteeing equal opportunity for all our citizens. In Louisville, Ky., in 1963, we passed the first public accommodations ordinance guaranteeing equal opportunity in the South. This was followed by a fair employment ordinance, also the first in the South. Then, in 1965, we proclaimed by ordinance a statement of principle that every individual have the
right to buy or rent housing of his choice. Last year our board of aldermen passed an even stronger ordinance in this field of open housing. To date we have been unable to find even one case of discrimination in housing, public accommodations, or employment, in order to test our ordinances in court. I think, by and large, that you will find that the controversy over housing is almost exclusively an emotional issue. Yes, I agree that a man's home is his castle, but when he offers it for sale or rent to the public, that means everyone, regardless of their race or color.

During the years from 1961 through 1965 every major city in the United States was going through great social change. I think that because we were willing to go to court and face problems in Louisville, our city enjoyed for those 4 years unprecedented good race relations. There were no Marches, sit-ins, or stand-ins. Not one brick or bottle was thrown. Nor was there one bloody head in Louisville, Ky.

Today Congress has an opportunity—and yes, even the responsibility—of voting for the passage of a good civil rights bill which the American people demand. If I could have had my experiences in city hall they would have given me the idea that civil rights were a battle that had been fought for years. Why is there a battle? What is the enemy? Why don't we win?

I endorse the provisions of this bill which by law would prohibit discrimination in all housing owned by the Federal Government or provided in whole or part by loans grants from the Government or even on loans insured by the Government.

I do not endorse the provisions of this bill which would open up the possibility of the individual homeowner who might have his own ideas on how best to dispose of his own private property.

I do not like the impression being created here today that our racial enemies—owners are exempt from civil action, because the moment they put their home up for sale through a real estate broker or agent, this exemption is nullified.

We have considered a bill that is a contradiction of our own birthright, for we founded this Nation with the expressed purpose of establishing a community based on the principles of equality among men and individual freedom for all; the fact that more than 180 years after our birth we are still striving to redeem those principles shows there should be a sobering effect on us all.

The reality rarely fits the dream, and while we all profess to believe in equality of opportunity and equal justice under law, we must realize that these basic rights have been denied to a large segment of our people, and having realized this painful truth we must act without delay to make the wrong right.

The civil rights bill before us today will be a significant step in this direction.

We deliberate on this legislation at a time of great racial strife in our land—strife which has brought flames to our cities in the past few days, but strife which has existed long before the cities erupted into violence. It is also a time of mourning, for the Nation has lost one of its great leaders—a black man who fought for the black people, but more important, an American who fought for the life of his country.

The violence that took Dr. King's life, and the violence that erupted because of racial strife in both black and white racism, neither of which Dr. King believed in, and both of which are contrary to the principles for which he lived and died.

There are those on one extreme who now say that Congress should not pay blackmail and reward violence by passing this bill. On the other extreme are those who demand that Congress pass this bill in expiation for the murder of Dr. King. Neither argument should be the basis for our deliberations here today.

This bill should be passed for the simple reason that it is right. It will not reward any group; it is merely a long overdue attempt to provide all citizens the equal protection of the law as promised in the 14th amendment. Those who would oppose the bill are probably the same who opposed it before the violence; the fires in our cities merely provided additional support for a position they held long before.

The need for this bill existed long before the violence in our cities, and long before the tragic death of Dr. King; the need has existed from the day we declared to the world that we were to be a nation dedicated to the proposition that all men are born equal.

This civil rights bill has three basic parts. The first provides protection against interference with certain federally protected activities, such as voting, serving on a Federal jury, or working for the Federal Government. I cannot imagine any one of my colleagues, or any one of my constituents, not wanting to be protected against interference with his right to serve as a juror or work for the Federal Government. And yet today many Americans, specifically our Negro Americans, are denied this basic protection. There can be no reasonable selection for opposing this part of the bill.

The second part deals with the rights of Indians. Racial discrimination in general has placed a black mark on America's conscience, but no part of that discrimination has been worse than our treatment of the first American—the Indian. This group has suffered more than any other without hope of ever suffering more. Today, the second part of the bill provides Indians with basic civil rights which are now guaranteed most other Americans, and there can be no reasonable objection to extending this coverage, these rights, to the Indian.

The third part of the bill deals with open housing, and has received the most attention—and the least rational consideration from the public—of any other part.

To begin with, many States already have open-housing laws. My own State of New York has an open-housing law which is broader in its application than this proposed Federal law, and yet there are those in New York who still fear the effects of this proposed Federal law which would have no impact on their lives.

Many white people fear that their property values will decrease as a result of integration, but studies have proven this to be untrue, and in fact have found that in a large percentage of cases property values have increased after integration.

Another argument advanced in opposition to this section of the bill is that it forces homeowners to sell their property to Negroes or anyone else. It would merely prohibit them from using a real estate agent or some other person to discriminate against prospective buyers on racial grounds. It would make the buyer's financial capability the dominant consideration, not the color of his skin.

The most important aspect of the open housing section is that it would remove the psychological barrier now faced by Negroes when they look for a new home, the thinking of looking for a new home. It would say to them that if they have the financial resources to buy a house, racial considerations will not enter into the picture. It is, in effect, a symbolic gesture as much as it is a means of acquiring better housing.

Mr. Speaker, as I said before, this bill need not be considered in the passionate heat of racial violence, and it need not be considered in the sad memory of the death of Dr. King; it stands on its own merits and should be passed because it is right.

Certainly Dr. King fought for the civil rights contained in this bill, and he more than any man, has led this Nation toward its goal of equality for all men. But we should not pass it because of his death; rather, we should pass it as a tribute to his life.

I urge my colleagues to support this bill.

Mr. BUSH. Mr. Speaker, I want to commend the Rules Committee for bringing this bill to the floor. I do not consider this legislating under the gun—rather I think it best that we not change our
normal legislative schedule in view of the recent rioting.

I would like to see this bill sent to conference. I am particularly concerned about the housing section. Although the individual home owner is exempt, he ought to have the right to sell or rent through a real estate agent. The way the bill is now written, it is difficult for the party of the property.

Mr. Speaker, I rise to urge acceptance of the amendments of the
other body in order that the pending civil rights legislation may become law. Perhaps today we can summon the discipline necessary to discuss aspects of this legislation apart from the life and death of Dr. Martin Luther King. We deal at this moment with a parliamentary question. But it is a parliamentary question not without substantive importance; thus there is temptation for both opponents and advocates to address themselves to the ages.

It is a temptation I hope we resist. Relevant and unemotional argumentation is so badly needed on this subject at these times. Reduced to fundamentals the decisions we make are simple: shall we pass this legislation, and, shall we pass it now?

The bill is not flawless now. It will not be flawless later. Since my first election in 1960 I believe I have supported every civil rights bill to come before Congress. Never have I been more satisfied. Always there has been questionable language, imprecise phrases, and general belief that given more time a better bill could be written.

I have felt that when debate has been fast and furious I have felt this when debate droned interminably on issues which had been carved over, session after session. And always the time has come when we have failed to relinquish new laws to the test of experience. Our job has been to make "yes" or "no" decisions on balance, in full recognition that neither the status quo nor the remedies before us were forbidden.

When these times have come we obtain a measure of strength from the knowledge that the system recognizes the possibility of legislative overreach. If mistakes are made, we have both the right and the responsibility to correct them. Were this not so, it is doubtful we would have courage enough to permit any new law to escape our Chamber.

One must argue that shocking events and massive civil disturbances, such as we have known in Washington in recent days, should not influence our judgment. But always the time has come when we must come from the advance of the momentous happenings beyond question.

Mr. Speaker, the legislation before the House this afternoon presents a basic framework to protect and strengthen rights that are essential to the preservation of the greatness of our country. Therefore I urge the prompt passage of this bill.

Mr. TENZER. Mr. Speaker, I rise in support of House Resolution 110 to adopt the Senate version of the civil rights bill, H.R. 2516.

The legislation before the House this afternoon presents a basic framework for protecting the human rights of all citizens guaranteed by the Constitution. There is nothing in H.R. 2516 which should be repugnant to any American who believes in the principles upon which this Nation was founded.

The tragic and senseless assassination...
of Dr. Martin Luther King, who lived and guided the civil rights movement by the principle of nonviolence, has brought freedom and democracy can make no distinction with respect to providing equal treatment to all citizens. This must be the principle which guides our action this afternoon and I urge my colleagues to support and accept the Senate passed version of the civil rights bill.

The civil rights of the past week must be met with firmness and with a speedy restoration of law and order but with understanding and with a new commitment to provide a better life for every American.

No one condemns the actions of those who participated in the burning, looting and sniping which occurred throughout the Nation. We do not use this illegal action on the part of a minority of irresponsible persons as an excuse for turning our back on our fellow Americans who have not had equal opportunity to live as other Americans live today. We must work as other Americans work— to improve their educational, social and economic status as other Americans have had.

Now is the time for the Congress and for the Nation to undertake a new commitment—a commitment to mobilize our resources at every level to meet the challenge of the ghettos. The United States Government has kept other commitments and has mobilized its resources to meet other challenges—this challenge too calls for the mobilization of men of good will in and out of government. The challenge must be met.

Whether or not the Vietnam war is brought to a conclusion through successful peace negotiations, and we pray that our efforts will succeed, we must provide the resources and the will to meet our commitments at home.

Let the Congress take the first step—a very small step indeed—by passing the civil rights bill and thus call upon all the people to join in a new commitment starting immediately, to guarantee to every American the opportunity to achieve a better life for himself and for his family.

The events of this past week are now facts of history. Let us take the steps which will write additional pages of history to record that this week also marked the beginning of an era in which our Nation, united in purpose and resolve, began the battle to free the captives of our own ghettos, by helping them to free themselves.

Now is the time for this new commitment and I urge my colleagues to join in announcing the determination of Congress to keep that commitment.

I support the Civil Rights Act of 1968 as another answer to the cry for justice for our 20 million Negro citizens. I support this legislation because I believe it is right—I believe it is in the best tradition of our democracy to do so—and I urge my colleagues to join in support of House Resolution 1100.

Mr. SIKES. Mr. Speaker, a few days ago the House had before it a bill which had been amended by the Senate to strengthen America's fiscal stature. It combines a tax raise with budget cuts and other features to the point where the Congress can hope to achieve in this field during the entire session, and more than the Congress was able to achieve, despite a yearlong effort, in the last session. The Administration bill will not pass. There was no fight to have it approved in toto. I find it difficult to comprehend the difference in the significance of that measure and the one now before us. Whether or not the Administration and Congress should be as concerned with protecting the savings and the earnings and the financial security of 200 million people and the recovery of the dollar worldwide as they are with H.R. 2516 which rewards 20 million people and is punitive to 180 million.

Why is it that this measure cannot be handled under the same legislative processes? Why is it necessary that the Congress surrender to pressure and the threat of violence? The fact that mobs burned and looted their way across a dozen of the States, the Nation has a right to ask for this great deliberative body to haul down its flag. There is no requirement that we, too, accept mob rule.

Why cannot the Congress face up to the fact that about 25 per cent of the ugly display in the past week which we have seen is wanton destructiveness—not a search for a better life. The Federal Government has done more for its citizens than has any other land under heaven. Now we have seen these great efforts and these huge expenditures rewarded by the burning and looting and mob violence. And if it had not been stopped here by force, the mob would have burned down the Capital City of the United States and very probably its Capitol building. This spirit the Congress is asked to approve and encourage and reward today.

I saw nothing last week to indicate the rioters were carrying on the work of Dr. Martin Luther King or venerating the principles credited to him. I saw mobs out to loot and destroy, and they were not stopped by appeals to reason by their President or their leaders. It took 12,000 troops in the Nation to a harassed Capitol Police force to stop the destruction. It is a stern application of force and not appeals—not promises of more money on top of huge amounts already poured into the ghettos. It is a very small step indeed—by passing the bill we can do more to fulfill the hopes and dreams of the American people, and I hope it will not be wasted on the Congress today.

This is a time for men to show courage, a time for men to see this Nation's peril and who will seek to save our land— not help to destroy it by gutting its constitutional processes. Passage of this bill in the irresponsible way which is sought through the legislative process is the last thing that I have with you. Send this bill to conference. Let reasonable men attempt to bring us a sounder measure. There is a tomorrow—there is no requirement that this bill be passed today.

We therefore come before you with the simple conviction that legislation such as that before the House is a moral issue, a moral issue. It is an act of justice, aiming more fully to implement our democratic ideal that all men are equal before the law and our religious conviction that we are the children of one Eternal Father.
Let us determine who they are to benefit. Are they for all the people, or just for targets of the troublemakers? Would Stokely Carmichael be required to observe the law of the land? Apparently, he is above the laws other Americans must observe. He has preached riot and insurrection throughout the world. He violated curfew in Washington last week, and no one dared touch him. He is in violation of the anti-riot section of the District’s new crime bill. This, I am told, the Department of Justice has refused to carry, and that is the Department’s way of saying they are looking the other way and hoping the problem will disappear.

This legislation for the few will help to bring a revolution in November much more far-reaching than the protest movements which influence the House today. Again I plead with you. Do not be driven to legislative chaos. Give the Congress time to know what it is doing. Give the conferrees a chance to bring us and the Nation a better bill.

Mr. KORNEGAY. Mr. Speaker, the pulse of the Nation’s body politic has quickened throughout the Nation. The atmosphere is tense throughout the land.

We are here today being asked to legislate while troops in full battle gear, carrying rifles, guard this Chamber and the Capitol Building. Federal troops are augmented by police officers, also heavily armed. There is fear and apprehension that the Capitol may be attacked.

We are all supercharged with emotion, and fear and hysteria is rampant throughout the body politic.

This, I contend, is not the proper climate in which to legislate on any issue let alone one that is as highly controversial and that arouses emotions as does the one under consideration. The issue before us, I submit, is one that serves to further divide the Nation as well as those of us in this Chamber.

Sound reason is being abandoned in the rush to pass a bill on a half-baked proposal that has not been considered by any legislative committee of this body. We are pressed into urgency by those who would have us adopt, almost sight unseen, a bill which contains provisions adopted by the other body.

This is not a time for ill-considered action on a measure of the magnitude of the civil rights bill. It is more a time for reasoned debate and searching judgment in an atmosphere of calm.

I urge that this body exercise restraint and reasoned judgment in this perilous time.

Until inflamed passions subside, we should not be forced into voting on this highly controversial and far-reaching measure. With this in mind, I will vote to send the bill to conference where it will be given at least some consideration by a number of the people before being called up for final vote.

Mr. ERLENBROCK. Mr. Speaker, how many times have you been appalled by stories telling how a citizen was beaten, eve­n when the citizen was watched and none gave a helping hand?

How many times have you wondered how Americans can idly watch a fellow citizen suffer, never lifting a finger to help, never even sending for help, and sometimes even feigning ignorance of the need?

Certainly all Members of the House have found my bewilderment at the callous indifference of men to the needs of other men.

These, too, have been the emotions of some Americans concerning another subject—the right of any American to enjoy the fruit of his labor, the opportunity to buy a house in any community, anywhere in these United States. And it has been the Congress that has been so unresponsive to the needs of these Americans. Congress has been seemingly indifferent while some communities, communities like Wheaton and Willow in my district, have responded and have adopted local open housing ordinances, laws whose effect ends at the municipal boundary.

Two years ago, the House approved an open housing bill in the Senate. This year the other body has approved an open housing bill, and there are some here who would like this bill to die. Mr. Speaker, the bill before us, H.R. 2516, is not wholly to my liking. On open housing, I prefer the provisions which the House of Representatives passed in 1966 and for which I voted willingly.

We have been betrayed by the other body, carrying, as it does, its load of amendments, the majority leadership sent it to the Rules Committee with a request that it come to the floor promptly and that it not be sent to conference.

I presented the argument that the House of Representatives must accept the other body’s version; and I sensed hearing the President criticize this House because the measure has been held by our Rules Committee for 3 weeks. The implication has been that the House of Representatives is not doing its job. I have listened to the people in my district, have argued the issue with a number of my colleagues; and my attitude has changed.

Right here, let me set the sequence of events straight. The senseless and brutal killing of Dr. Martin Luther King was not a consideration in my decision. He was murdered on the evening of April 4. I had made up my mind prior to that time, and I found that a number of my fellow Republicans had come to a similar point of view.

We met—20 of us—on Wednesday, April 3, and again on Thursday morning, the 4th; and we framed a letter to our colleagues. This letter was reproduced that afternoon in order to be ready for distribution Friday, the 5th.

We had decided that the bill’s faults are minor in relation to its importance; and had decided that one resolution of it is not of a major nature, is of less consequence, in the long run, than the enunciation of the rights of our fellow men.

In buying a house, this bill says that a man’s bankroll and his credit rating—not the color of his skin—are major factors in his choice. Some of my constituents argue that this would deprive them of the right to sell to a person of their choosing. I find no such right enunciated in our Constitution or our laws, but I must concede it is a right which is implied in the ownership of property.

In a free society, however, all of us have many rights; and one man’s rights do occasionally collide with another’s. When that occurs, the one right must yield and the other right must take precedence. The price of property is the market price. The buyer’s interest, however, is human. Will this property give his family an opportunity to grow? Are there good schools nearby? Is it convenient to procedure from this chamber or to procedure from this chamber.

If the seller has a right to the best price the market will allow him, and the buyer has a right to purchase the best house he can afford, then it seems to me that everybody’s real interests are taken care of.

Let me make another point about the nature of real property. A century ago, when there were a number of severe few restrictions on it. As we have become more an urban Nation, however, we have found it necessary to place many limitations on the owners of property—set­beings, covenants, and the like. A few restrictions on open housing are necessary.

If one owned a lot, these people said, he could build a house on it, or a blacksmith shop, or a factory. But that opinion has few proponent today.

It seems to me that these restrictions on the ways a man may use his property are a much greater invasion of his rights than a law which says he must sell to whoever will pay his price.

I do not understand that passage of this bill will be a cure-all. It seems unlikely that either the fears of its foes or the hopes of its proponents will be realized. The fears of the troublemakers are genuine, but I am sure that the hopes of those who have open housing laws persuades me that any changes resulting from this law will be gradual. I have not seen any abrupt changes in housing patterns in any of these States and communities.

I believe we should pass this bill because of the needs of the decent, hard­working, clean-living Negro families. They are the vast majority of colored people. This law will afford better housing to a few of them, and will give re­assurances to others—reassurances of a greater amount of the services that they and their children can have a better life, one worth striving for.

I have nothing but scorn for the riot­ers and thieves and arsonists who have scarred so many of our cities in recent days: but I have great admiration for the Negroes who have resisted the im­pulse to violence, who have resisted the temptation to steal and to burn, and who
have stayed calm in the face of great provocation.

Passage of this bill will not end the strife. I wish it were so. But passage of this bill is a step forward. It puts America one step closer to the promise of the republic that all men are equal and have equal rights to the pursuit of happiness. Let us take that step for all Americans, in all communities, in all States.

Mr. BROPHY, of Virginia. Mr. Speaker, the legislation this House has under consideration today is either right or wrong, good law or bad law. There should be no other consideration in passing or defeating it. I reject it that it is morally necessary that we pass it. I reject the plea that we must pass it as a memorial to the late Martin Luther King, however one may view his life and efforts.

If we are obliged to act in memory of Dr. King, then I submit that the next time a policeman or fireman, or an innocent citizen, is slain in a riot caused by agitators, this House is obligated to pass legislation another memorial for the dead, making it mandatory that all police, National Guardsmen and militia men shoot to kill each and every looter or rioter henceforth.

No, Mr. Speaker. I laid it on the line and I will go on.

If morality is involved in this legislation, where were the moralists during the past 11 years of civil rights legislation— from the day of the famous Supreme Court decisions, excluding those areas not clouded by a rifle shot in the night, who would receive the careful and section-by-section scrutiny all bills must have.

We are all, each of us, less because of the armament arising from the recent return from Vietnam in a flag-draped casket.

The golden rule for the Congress of the Golden Rule for the Congress of the Golden Rule for the Congress of the United States, the Constitution of the United States, and the many governments large and small which guide us? The answer is obvious. People are involved, not morality. People of different races, different ethnic backgrounds, different educational levels, different economic status—people as diverse and as radically different as the trees which grow on our streets or the fish that swim in our seas.

People with different likes, dislikes, prejudices, hates, loves, and yearnings.

If morality is involved, why half integrated housing, partial integrated housing, class integrated housing? Why not all the way integrated housing?

Why should owner-occupied, multi-family housing be excluded and a non-owner-occupied multi-family building be included? Why should one group be permitted to arbitrarily discriminate when another cannot?

Why should an owner of a single home be permitted to discriminate as an individual but not if he uses the services of a professional, a real estate agent in the field in order to sell his home?

I raise the question, too, Mr. Speaker, of who runs America? The majority of our citizens, or the minority? Or the children, whom he pleases.

I urge, Mr. Speaker, that neither this Congress, nor American people ever reach the point where the blackjack replaces the mace, the chicken the valiant and soaring eagle, the mauling fear of retaliation at the polls the courage we need to show, now more than ever before in our times.

Mr. BRAY. Mr. Speaker, before the U.S. Congress or any legislative body can hope to honestly carry out its duty in considering these huge issues, the same measures must be placed into their proper perspective.

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innocent, he faces the possibility of having the Federal Government bring its immense legal resources to bear against him and he may even have to bear the expenses of his own defense actions. This could be as damaging to the Negro as to the individual.

The appropriate committee of the House of Representatives has had no chance to study or write a report on this bill for submission to the other Members of the House. The only explanation of the differences—the only information given to me to aid me in my consideration of this measure—has been a memo from the minority staff of the Committee on the Judiciary. This same memo, 23 pages long on legal size paper, raises questions on practically every page.

There is, as matters now stand, without referral of this bill to the appropriate committee, or to a conference committee, no chance whatsoever that the feelings and will of the House may become a part of this legislation. We must consider it today under the "gag rule" with but 1 hour and no amendments permitted.

The arguments for passage of this bill—now, as it is presented to us, in its Senate version, all objections notwithstanding—have come to the attention of the public and personal contact, by letter and telegram, and I am certain all of my colleagues are familiar with them.

First, it is said, passage of the bill will not only calm down present violence in our cities, but serve to head off violence that is sure to come if we do not pass the bill. The second argument says the bill must be passed as a memorial to one man because it is something he and the people he led wanted to see achieved. Note, there is nothing in either argument about the legislative merits or provisions of the bill itself, about its far-reaching implications, about the changes made in the Senate from the House version. We are presented, by these arguments, with a brand new rationale for legislative action; because our city is in flames, and because a man was murdered. A story in the June 16, 1968, issue of Fortune, "100 percent of not view the democratic process but also of the facts of mid-20th century reality.

All of these things are demanded "because"—the relationship to put them on the statute books, it would take a magician to make them work. There is absolutely nothing in the structure of our Government—executive, legislative, or judicial—to do this, and it is the cruelest of delusions to even infer it is within the realm of possibility in the time element allowed.

We cannot and must not legislate other than carefully, soundly, and wisely. We make laws not only for the needs of the moment, but for the hopes of the future. We pass bills not for those who threaten cities with chaos if we do not, but for those who really understand what the constitutional guarantee of the right of peaceful petition and assembly mean. We legislate not alone for those cruelly and brutally slain, but for those who are still living, alone for those in the slum and the ghetto, the uneducated, the untrained, the jobless, those without hope. We also write laws for those who do share in the productive part of society that mankind has so carefully built up over the centuries. You may secure redress of grievances and wrongs without compounding these same grievances and wrongs. But your own efforts to correct them must not be far worse than that which you set out to correct. You sweep a dirty floor—you do not burn the house down.

Second, those in elected or appointed authority, or those who in one way or another are acknowledged, known, and recognized as national spokesmen of one sort or another, gave this no heed. It is a sad commentary on our age to say it became almost fashionable to be able to say you had been jailed for breaking a law.

The method, to be sure, is much more glorious than the process of change through legal means. In the short run, it was probably quicker. But in the long run, it is most certainly bloodier and more destructive, and shot through with the poisonous seeds of the ultimate destruction of a society and its laws.

Is passage of a measure surrounded with such things a fitting memorial to any man? Is passage of a measure under such an atmosphere likely to be taken by any legislative body could be proud? Are we to legislate with one ear cocked for the cries of a mob, with our eyes constantly looking over our shoulders in nervous apprehension of this threat of carnage and destruction? I think not; we are delirious in our duty if we do such things.

I have cast my vote in favor of the Civil Rights Acts of 1957, 1960, and 1964, and for the civil rights legislation...

I did oppose the 1966 Civil Rights Act—which died in the Senate—because I felt its housing provisions, written in an attempt to secure rights for some, could only eventually lead to a massive infringement on the rights of all home-owners, white and Negro alike. I oppose this bill for these and the other reasons I have given. I will vote for the opportunity to send this bill to a conference committee or to the House Judiciary Committee, so a good bill can be worked out. I feel I would be violating my oath of office and the wishes of the people who sent me to the House of Representatives if I acted otherwise.

Mr. ASHBROOK. Mr. Speaker, I rise in opposition to H.R. 2516, the bill which is being taken up in this atmosphere of haste and tension. There are many reasons for opposing this legislation, not the least of which is the Reichstag-type rubberstamp process which is being evidenced here today. I oppose the bill for procedural reasons and I also oppose sections of the bill in principle. Thus, my vote will be nay.

I have received a great deal of correspondence on this proposal. It has been my opportunity to discuss it with many constituents. As a representative of the people, I am certain that the open housing legislation is not supported by most of my constituents.

Many of those who have written in support of this measure have felt that it should be passed as a tribute to or because of the untimely death of Rev. Martin Luther King. I cannot agree with this contention. While I regret as much as anyone else the criminal act which struck him down I cannot make out of the man who was in his place in life. His advocacy of civil disobedience and lawlessness was a hindrance, not a blessing, to this country and its quest for racial peace. On the very eve of his death, he pronounced the violence which he again violate the law on the next day. The U.S. Supreme Court had already in a previous case upheld his jail sentence for violation of court orders and, in its decision, stated:

"This Court cannot hold that the petitioners were constitutionally free to ignore all the procedures of the law and carry their battle to the streets. One may sympathize with the petitioners' impatient commitment to their cause. But respect for judicial process is a small price to pay for the freedom of law, which alone can give abiding meaning to constitutional freedom."

Lawlessness is violence—not nonviolence—to America. Thus, I could not be emotionally swayed by the tragic example of Rev. King. If I were to argue lawlessness which struck him down just as vehemently as I deplored the lawlessness that he advocated and practiced.

A great number of those who wrote favoring open housing—largely those of the academic community and the clergy—are the same people who have been writing urging the Congress to not abdicate its responsibilities by allowing the President to go on and get what he felt to be his irresponsible way in the Vietnam war. Without those who urge that we do just that in the so-called civil rights bill. Many of these same people were now urging that we summarily adopt the Senate amendments without crossing "n" or dotting an "i" or making one change.

I take some pride in being a legislator. Emotionalism has its place but not in the halls of Congress. I voted for the civil rights bill which was sent to the Senate last August. It contained six and one-half pages. The bill returned to us has 50 pages and many provisions that even the proponents admit to be wrong but under the urgenten of the moment they now indicate we should swallow the whole package and not do our legislative duty. This I could not do. I would not do it even if I was privileged to represent the 17th District of Ohio.

Procedurally, therefore, it is my judgment that the bill should go to conference. It is by means of conference that we may produce something which is worthy of support. To abandon the time-tested procedures of this legislative body is to do violence to our system. We should not rubberstamp this bill to the Executive, and to adopt parliamentary expediency under the exigency of the moment is to travel down a dangerous road. The road to Vietnam was paved with well-intentioned expediencies which we are now doing. Even the Tonkin resolution received more time and attention than we are afforded under this restrictive rule. Few people who write and ask me to support this measure would in conscience advocate that only 1 hour be allowed to deliberate this matter on the floor, and, even worse, no amendment, repeal no amendment, be allowed.

"DELIBERATIVE DEFECTS OF H.R. 2516"

I fully understand that it is a mistake to discuss the merits of lack of fairness of the legislation when the majority is willing to act regardless, but I want to point out some of these defects. We pass too much bad legislation. H.R. 2516 will be added to the undistinguished efforts of this body if it is not changed.

First, H.R. 2516 provided in the House version that a person who was protected from "interference with federally protected activities" had to be acting "lawfully." Section 245(a) of title I of the Senate bill provides this protection whether acting lawfully or not by striking out the words: "who is acting lawfully" in the first line of the definition of the word "officer" who is required to protect civil rights workers who are committing unlawful acts. It is not clear whether or not he can even arrest a civil rights worker who is acting lawfully as this might be interfering with him. More important, however, is the capitulation this represents to the lawless element in our society. We need stricter, not looser, enforcement of the law. The Senate amendment cannot be justified under any stretch of the imagination.

Second, the necessary criminal element of racial motivation or intent to discriminate "because of race, color, or national origin" was included in the House bill but removed in the Senate bill which we are now asked to rubberstamp. Proof of racial motivation is not required in cases involving voting, U.S. services or facilities, U.S. employment, U.S. jury service, or U.S. financial programs or activities under section 245 of the bill. The House did not think that there will be an opening wedge for bureaucratic encroachment you have not followed Mr. Weaver as closely as I have.

Third, the Senate bill added the anti- riot portion of H.R. 2516 which was part of title I. I supported this bill when it passed the House as it was identical to my own bill. I voted for the Senate bill. I cannot agree with this section. It created a privileged class by eliminating organized labor activities from the anti-riot section. This particular effort was also made in the House but was voted down decisively. Now we are asked to yield in this vital area where we have already backed down.

Fourth, titles II and VII on Indian rights comprise 11 pages as added on the Senate floor. This has not been the subject of meaningful House hearings and includes the tribe which is opposed by many Indians themselves who fear it might abrogate treaty rights. It is also opposed by the U.S. Department of the Interior which has jurisdiction over Indian affairs.

But few important defects which should not be swept under the rug in this mad rush for passage. However, the most important section, so-called open housing or forced housing, depending how you choose words, just another valid reason to reject this bill under these arbitrary procedures.

OPEN HOUSING OR CLOSED HOUSING

Mr. Speaker, in principle I oppose the section which is termed "open housing." It is hard to conceive of many constitutional rights which remain if we move the Federal Government into transactions which concern the owner's residence property. I have listened to the arguments on both sides. Somehow, the answer has never been found to every problem—take away free choice of our people. I cannot subscribe to the theory that this section is either constitutionally proper or necessary.

First of all, there are many advocates of open housing. I have never seen any statistics that indicate that the only people who are selling homes are those who might want to sell on their own terms to persons of their own choosing. It should be patently clear that there are just as many people selling homes who profess belief in open occupancy as those who might not. What is wrong with letting those who want to purchase a home and have the money to do so, have the same privilege? I suppose this sounds like a radical suggestion but it is clear to me that most of those who want to purchase a home and have the money can do so.

To take away from those who might want to discriminate their right to do so makes no more sense than to take away from all Negroes the right to free speech because a Stokely Carmichael or Ralph Brown uses this freedom of speech to advocate violence and anarchy. I suggest that freedom of property is as basic as...
any freedom as I will later develop in these remarks. No, it does not make sense and this is one more way of eroding basic freedoms.

I would suggest that we have some State open occupancy laws so why not have Federal laws as a specious one. States do not have the vast machinery for harassment and intimidation that the omnipotent Federal Government has. Secretary Weaver has made it clear that he would use such a law as a club.

No matter what valid reason a person has for refusing to sell to a Negro he would need to be careful. A day may come when you know that the man who wants to buy your house is one of the rioters and looters and you do not care to sell to him. You would be hard pressed to get by with this valid criterion even though you applied the same standard to white and Negro alike.

I well recall that the 1964 civil rights bill specifically had a legislative history in Congress which indicated that the fair employment section was not to have a quota system. The education section was not to include bureaucratic definitions of de facto segregation. We now see both of these implemented by the bureaucratic officials despite explicit congressional intent. We must legislate with this background and not on pious hopes. Contractors in Ohio and throughout the Nation have found, for example, that it is not sufficient to comply with the letter of the law and not discriminate in employment. Even though they may never have discriminated they are now forced to go out and hire Negroes if they do not have a sufficient quota. This is the way these laws become enforced and I will not add one more loosely drafted bill to be implemented by Mr. Weaver if my vote makes the difference.

These are but a few of the many valid reasons that I could not in good conscience capitulate to this legislative blackmail. The whole concept of freedom and private property are at stake here. I have my own beliefs on the side of freedom. Those who say that so-called human rights transcend property rights are hard pressed to tell us what human rights are without property rights. Communism proudly proclaims that it has human rights and not property rights and we find that this pretty generally means aims from the government which also tells you what you can and cannot do. A detailed look at the whole concept of property rights is in order.

PROPERTY RIGHTS IN AMERICA

In 1964, I predicted that open housing would be the next step of the Federal Government in its attempt to control our lives. I outlined the process by which private property rights were being eroded and predicted:

Let us honestly look at the next logical step toward open housing. If this approach is adopted here, as I fear it will be, it is only a matter of time until the same compulsory approach is used in respect to marriage, private use and enjoyment of your own home. It will be said that you can use it yourself but not sell it to whomever you want and on the terms you choose. When we reach this point we will have little more than the common law tenantry by sufferance. It will also be said to you that it has been in private circles—that the next logical step to achieve this thing called civil rights will be a Federal law to make it a crime for any offense to move out of an integrated neighborhood. How else can we achieve integration it will be asked.

The supreme right is still the right of the individual. Government tyranny has been the traditional enemy of the individual and that is why constitutional protections are so important and ghetto-type stereotypes are so dangerous. As the late Justice George Sutherland said:

"Freedom is not a mere intellectual abstraction; and it is not merely a word to adorn an oration upon occasions of patriotic rejoicing. It is an intensely practical reality, capable of concrete enjoyment in a multitude of ways day by day.

Our great Americans have echoed the same plea. George Washington said:

"When we resist therefore the concentration of power is power divided into small fragments."

James Madison: "The accumulation of all powers legislative, executive, and judiciary in the same hands, whether of one, of few, or many, and whether hereditary, self appointed, or elective, may justly be pronounced the very definition of tyranny."

Woodrow Wilson: "Liberty has never come from the hands of government. Liberty has always come from the subjects of it. The history of liberty is a history of the limitation of governmental power, not the increase of it. When we resist therefore the concentration of power, we are resisting the processes of death, because concentration of power is what always precedes the destruction of human liberties."

John Locke: "Freedom of men under government is to have a standing rule to live by, common to every one of that society, and to haveliberty to follow it in all things which the rule prescribes not, and not to be subject to the onstant, uncertain, unknown arbitrary, will of another man."

John Adams: "Property must be secured, or liberty cannot exist."

I suppose it is fair to say that few people seem to care about these principles any more. I for one do and will as long as I am able to be part of this body today. We have taken one more giant stride down the path of irresponsibility.

Mr. GILBERT. Mr. Speaker, I support the omnibus civil rights bill before us today and I implore my fellow Congressmen to support it, too. I make this request not out of respect to the late Dr. Martin Luther King, Jr., as much as respect for the distinguished leader. I do not maintain that legislation should be passed for reasons of sentiment. But the death of Martin Luther King brings into sharp relief how vitally important the passage of this legislation is. Martin Luther King lived and died to convey the message to the American people—white and black alike—that racial justice could be achieved in this country by nonviolent means. We in Congress have it in our power to serve the cause of justice. I implore you to vote for this legislation, to prove the truth of the contention that we can create a just society in a peaceful fashion.

I support wholeheartedly the provision for open housing, Mr. Speaker. We cannot forget that we are not only excluding Americans from decent homes of their choice because of their color. Such a system violates our values—our values of freedom and human rights, and even our belief in a free marketplace. Passage of this provision will infringe no one's rights, nor will it cost anyone but the exploiters a penny of their earnings. It will, however, contribute to social harmony in this Nation and, in so doing, will preserve what is important to all of us.

But the bill goes farther to become a balanced package. If, on the one hand, we approve a provision to create a more just society, on the other we enact provisions discouraging irresponsible attempts to disrupt the society we are seeking to ensure. As Mr. Speaker has said, we exclude provisions, which in no way impede the rights of orderly protest but do prevent troublemakers from traveling about stirring up death and disorder. For those who feel that this provision is unwise, I say to the Negroes, let me remind you that we have had a history of white troublemakers, too. Do not forget the disturbances at Little Rock and Clarksburg, Tenn., and elsewhere. This, in my view, is a fair provision, Mr. Speaker, and one which liberals should not hesitate to support.

I remind you also that this bill, for the first time, extends Federal protection to those seeking to exercise their civil rights. This provision has been badly needed. By itself it would make this bill a long way to go. But combined with the other provisions, an omnibus legislation is in every one of its provisions an important asset to the rule of just law in our country. I announce also my approval of the provision to extend the housing rights of the Americans and Canadians. I strongly urge my colleagues to give their support to the measure before us.

Mr. MORTON. Mr. Speaker, during the 8 years I have served in the Congress, I have actively opposed discrimination and segregation wherever it has appeared. I have supported all meaningful civil rights legislation designed to provide equal opportunity, as well as eradicate discrimination among our people. But today, when the so-called civil rights bill of 1968 was brought before the House of Representatives, I was unable to provide my analysis, at the time for open housing, Mr. Speaker. We canslider Mr. Speaker, that it excludes Americans from decent homes of their choice because of their color. Such a system violates our values—our values of freedom and human rights, and even our belief in a free marketplace. Passage of this provision will infringe no one's rights, nor will it cost anyone but the exploiters a penny of their earnings. It will, however, contribute to social harmony in this Nation and, in so doing, will preserve what is important to all of us.

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tempt to satisfy disturbed elements of our society with wild promises; but, like so many programs of the day, it offers little hope of delivering the goods.

The provisions dealing with gun control and drug enforcement are not even discussed in the Senate committee, and they are widely opposed in the House.

The titles dealing with the rights of the individual homeowner and another for the real estate broker. It will not, in my opinion, solve the housing problems faced by minority groups or lead to a better understanding among our people.

This bill may be considered a psychological attempt to placate a small militant element of our society. While it will do little to influence a new lobby—violence and civil disobedience. This was a shabby tribute, indeed, to a great champion of human rights, who gave his life to the cause less than a week ago. Let us hope and pray that in this action a pattern is not being established for the formulation of law in this great country.

No amount of legislation will create equality among men. The opportunity for equality is inherent in democracy. When it fails to become a reality, it is not because there is a lack of law to support our rights. In the evolution of our society which have brought about a degree of inequality among men are not subject to legislation. They can be eliminated only through the development and perfection of the human being himself.

Let us increase the opportunity for individual rights by directing ourselves and our communities toward the development, evaluation and improvement of education across the board. Let us seek the ways and means to increase manyfold the opportunities for improved housing and homeownership. Here Government, in cooperation with private enterprise, can lead the way and provide the tools with which an energetic society will build for itself a structure in which equality is inherent.

Mr. DERWINSKI. Mr. Speaker, I believe the fundamental issue facing us is whether or not the House should depart from established legislative procedure and pass H.R. 2516 this afternoon with Members restricted from offering amendments or even discussing the details of the bill.

There is no doubt in my mind that if this bill is sent to a House-Senate conference, helpful technical adjustments and language clarifications would be produced and a civil rights law in a much better form would be approved by Congress within a month.

In my opinion, House passage of this bill at this time will be interpreted by many individuals as a capitulation to pressure. The precedent that this interpretation will create will then arise again and again to interfere with sound legislative procedures.

In the past I have voted for the section of this bill which prohibits travel or use of any facility in interstate or foreign commerce with an intent to incite a riot or other violent disturbance; the section to make it a crime for anyone, by force or threat of force, to injure, intimidate, or interfere with any person because he is or has been participating in specified federally protected civil rights activities; and, the 1966 civil rights bill which contained an open housing provision. Like all others held in the House of our Indians alleviated and do not have fundamental objections to the sections of the bill dealing with them.

By immediate passage of this complex bill and conference fails to take into count the numerous State and local housing acts which have or are now being processed. There is legitimate doubt as to whether the bill, if properly implemented dealing as it does with a very basic question of property rights. The many examples of successful racial housing adjustments show that local control, planning, and, where necessary, the use of force, produces the desired results within a community.

However, this "package" is such a distortion of legislative procedure and the precedent I refer to is so obvious that I do not believe that this legislation should be passed under the present circumstances at this time.

Mr. BRINKLEY. Mr. Speaker, in the landmark decision of Shelley v. Kraemer, 334 U.S. 1 (1948), the U.S. Supreme Court established the criteria that racially restrictive covenants on land are not enforceable. If there is a willing buyer and a willing seller, the question then became one of exercising the right established. The issue before the House today on H.R. 2516 is whether this principle will be abandoned, thereby jeopardizing the basic commitment of property rights. The decision should emphatically be in the negative.

Mr. RIECHE. Mr. Speaker, the senseless murder of Dr. Martin Luther King has affected us all. It has touched every American who has denounced all Americans. The loss of this young man—only 39 years old—is a national loss that this Nation can ill-afford.

Let justice move swiftly and with a sure hand to find and bring to justice his killer.

But let justice also move with new urgency and conviction to advance the goals that Dr. King represented in his legal attack on our Nation, where each and every citizen is accorded human dignity, equal justice, and equal opportunity. For the American dream says something above all else to Dr. King and to all America, that a man is to be judged on his character, not his color, his race, or any other factor.

Dr. King fought for this national goal—equality and justice—against a dream—with man's greatest weapon. That weapon was the strength of his conviction—the quiet strength and determination nourished and sustained by the truth. It was the truth that the truth was on his side—and the truth would ultimately make all men free.

So he rejected violence—he confronted it with reason, with unyielding faith, with granite determination. And he was right. He was victorious in life, and he continues victorious in death. He was not destroyed by an assassin's bullet; he cannot be murdered—cannot be long suppressed—it will always reassert itself and it will ultimately prevail over any adversity. Those who stand in its way will ultimately be defeated.

But to those who understand, there passes a responsibility. And that is to take on a share of Dr. King's work—to take back our share of this universal struggle to the United States Congress in the hour of his death what we may never have realized while he lived—that he was fighting for us, not against us. He worked to carry our share of the load and we must pick it up.

The America of our ideals is ours to build and we shall overcome. We will overcome—or be overcome. We will either fulfill our destiny or always stand in the shadow of its unfulfilled promise.

To young Negro Americans who return from Vietnam having lost arms and legs, but never their dignity, let us be honored to drink together from the cup of full citizenship, full respect, full and equal partnership in America. And let us offer that same cup to their brothers and sisters, to all our neighbors, to each and every person across our land.

That was Dr. King's dream. That is my dream. That is America's dream. Let us now act to realize it before it is too late.

Mr. HALPERN. Mr. Speaker, we have before us legislation of great significance—a bill to provide all citizens of this Nation with rights fundamental to human dignity.

It is unfortunate that this bill comes up at a time of national stress and emotion. On the surface it might appear that Congress is reacting rather than acting. And that should not be a factor in our deliberations today. The basic principle of the bill is in agreement with the position of the United States regardless of that person's race or color—a right already given by some States and localities, but often blocked by the legislative time table. If anything, it is late—not in terms of days or weeks, but in terms of years and decades.

This measure, H.R. 2516, is long overdue. It will go a long way toward protecting the Federal rights of Negroes and the first amendment rights of civil rights workers from violent interference. It will take a requisite step toward establishing equality of opportunity in the housing market regardless of that person's race or color—a right already given by some States and localities. It will bring the American dream to the own city of New York and the State of New York, both of which have broader laws than contained in H.R. 2516.

The U.S. Government has guaranteed to each person the right to have the franchise—the right to vote under the 15th amendment, for example; the right to attend a nonsegregated school under the 14th amendment; the right to serve in the armed forces; the right to own a home; the right to equal protection of the law. The right to vote under the 15th amendment, for example; the right to attend a nonsegregated school under the 14th amendment; the right to serve in the armed forces; the right to own a home; the right to equal protection of the law. The right to vote under the 15th amendment, for example; the right to attend a nonsegregated school under the 14th amendment; the right to serve in the armed forces; the right to own a home; the right to equal protection of the law.
right to equal employment opportunity by title VII, and other rights. Violent reaction against the exercise of equal rights in recent years has been shocking. Even so, those who try to prevent the realization of rights have often used violence, intimidation, and fear to maintain their supremacy.

I believe Congress should consider this bill on its merits, and that is how Congress should consider it. The passage of this legislation should be carefully considered by the judicial and executive branches as well. The leadership of the nation should strive to prevent any action that would endanger the constitutional rights of all citizens. It is shameful that Congress must endure such pressures. It is shameful that the criminal acts in our Nation are clouding legislative process. This tragic event must spark a recognition of the need to prevent legal tools from being used to deny equal opportunity in education.

Yet I would caution against a beclouding of the issue. This bill is not just an open housing bill, nor is it solely an act to roll back the hand of discrimination. When the so-called antiriot laws were passed in 1967, they were designed to protect human rights. The Reverend Martin Luther King Jr. gave his life as other civil rights martyrs before him for this cause. This list of martyrs is long and honored and should be remembered.

As a member of the party of Abraham Lincoln, I am proud of the legacy of equality, justice, and human dignity that it represents. I would urge my Republican colleagues to fulfill the Lincoln tradition by registering a resounding vote for this bill and it represents. Whether it be the legal armament of the national guardsman or the illegal rifle of the sniper, one is not less fearful for America.
Protection of persons and property is primarily the responsibility of State and local governments. However, we are dealing with rights guaranteed by the Federal Constitution and by the law of the land and are dealing with the failure of State and local governments in many instances to protect these rights from violent interference.

Attacks upon American citizens to deprive them of Federal rights is an attack upon Congress itself, which has made the obligations corresponding to these rights the law of the land. And it is intolerable that the U.S. Government should establish certain civil rights and yet lack sufficient authority to protect those rights from violent interference.

The existing statutory authority under which the Justice Department can prosecute for civil rights crimes—sections 241 and 242 of the Federal Criminal Code, title 18—is inadequate. It is inadequate for three reasons.

First, while its effect is to authorize prosecution of local authorities who commit violence while using the power of their office—under color of law—it remains questionable whether the Justice Department can seek convictions of private individuals who violate rights secured by the 14th amendment and who do so without the cooperation of public officials. And in any case, section 241 applies only to two or more persons acting in concert or in a conspiracy. Thomas Coleman, of Hayneville, Ala., admitted killing Jonathan Daniels and pleaded guilty to murder under a plea bargain made by him with a Lowndes County jury. The Federal Government could not seek an indictment because sections 241 and 242 do not enumerate the specific rights to be protected. And in any case, the Justice Department can seek convictions of private individuals who violate rights as is the right to serve on State juries. Here the obligation to treat citizens in an equal manner is directly, and the Federal Government has unlimited authority to prohibit interference on the part of private individuals whether or not such interference is racial.

The rights enumerated in subparagraphs (2)(A) through (2)(F) of the Senate version are rights binding on individuals. The right to free speech is to be recognized by the States, as is the right to serve in privately owned places of public accommodation without racial discrimination. Included in this second category of rights is the right to service in privately owned places of public accommodation without racial discrimination. This right was established by the 1964 Civil Rights Act.

Second. Protection of persons and property against local disorder is primarily the responsibility of State and local government. Except in extraordinary circumstances, it is not the responsibility of the Federal Government. Every one of the States has an antiriot law, and every State that has been disturbed by riots has demonstrated its determination to restore order and to prosecute those responsible, and the Federal Government has given its cooperation.

Third. It threatens the first amendment right of free speech. Although the rights to disturb the peace and incite to riot are limited to the Federal Government, under the equal protection clause of the 14th amendment, the States are required to recognize the Federal Government's interest in being deprived of these rights because of racial discrimination. Included in this second category of rights is the right to service in privately owned places of public accommodation without racial discrimination. This right was established by titil II of the 1964 Civil Rights Act. Also included is the right to equal opportunity in private employment without regard to race. Title VII of the 1964 Civil Rights Act. Hence, the Senate version protects the second category of rights against interference when such interference is racial.

Mr. Speaker, I would like to make two observations about this distinction between rights in the Senate version. First, the distinction should not weaken the protection of rights in the House version of the bill. Second, there must be no question but that the rights enumerated in the second category—those which are to be protected only against governmental action—are definitely Federal rights. They are rights which are guaranteed by the Federal Constitution or by Federal statute and they are to be safeguarded by the Federal Government against violation.

Mr. Speaker, I would like to turn now to the fair housing law which the Senate has added as title VIII to H.R. 2516, which the House passed last summer, and which two weeks ago the Senate felt to be a fundamental housing policy. The President has added as title VIII to H.R. 2516, which the Senate version has a provision—subparagraph A—prohibition to the provision in the House version prohibiting forcible interference with the exercise of the first amendment rights of speech and assembly as well as the part of civil rights advocates. Civil rights activities like that of James Chaney, Andrew Goodman, and Michael Schwerner, of James Reeb and Viola Liuzzo and Jonathan Daniels would be protected by this provision.

Section 104 of the Senate version is a cause for concern, and I regret that it will not be presented for a separate vote.

In addition to all the information collected by the U.S. Commission on Civil Disorders, it has added as title VIII to H.R. 2516, which the Senate version has a provision—subparagraph A—prohibition to the provision in the House version prohibiting forcible interference with the exercise of the first amendment rights of speech and assembly as well as the part of civil rights advocates. Civil rights activities like that of James Chaney, Andrew Goodman, and Michael Schwerner, of James Reeb and Viola Liuzzo and Jonathan Daniels would be protected by this provision.

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has been accumulating in our cities since the end of World War II.

Open housing is essential if the urban ghetto—and the despair which pervades it—are to be overcome.

Fair housing legislation should signify the willingness of white Americans to welcome black Americans as members of the community. This bill means more than the opportunity for Negroes to acquire decent housing. It should mean equal employment opportunities which must underlie and support everything else we do to achieve the aim of an integrated society.

The Federal Government declared its commitment to the goal of fair housing when President Kennedy signed Executive Order No. 11063, "Equal Opportunity in Housing," on November 20, 1962. But this order covers only federally owned, federally financed, or federally insured housing. We need legislation covering all housing. Moreover, we need fair housing legislation which is enacted by Congress—by the representatives of the people—rather than by an unelected, unaccountable Government agency. Passage of this legislation by Congress should have significant meaning. The genuine integration of communities could weave black and white Americans into the fabric of one society.

The increasing concentration of Negroes in the inner cities and the movement of white people into the suburbs has profound consequences with respect to schools and jobs. This de facto separation of races between city and suburb perpetuates de facto segregation of schools. The educational consequences of such segregation are grave. In its 1966 report entitled "Equality of Educational Opportunity," the Office of Education verified the fact of school segregation, and reported that at the elementary level the average Negro student is more than a year behind the average white student in verbal attainment, and that at the 12th-grade level the average white student has attained a level of education or close to it, while the average Negro student is below the ninth-grade level. Ghetto schools are inferior schools, and de facto segregation in schools will hardly be eliminated until housing segregation is eliminated.

Exclusion of Negroes from the housing market has the effect also of denying Negroes equal job opportunities. A recent study by the National Commission on Fair Housing and Industry reported in 1966 that one-third of the Negroes in housing the business. The two bills define persons in the housing business in somewhat different ways. H.R. 14765 defined persons in the housing business as the following: two or more persons owning one-fifth undivided interest in three or more sale, rental, or lease transactions in a year. H.R. 2516 defines persons in the housing business primarily in terms of ownership—a private individual or owner is one who does not own more than three single-family houses at a time.

H.R. 2516 is a more effective bill than H.R. 14765 inasmuch as the private legislation grants no exemption to real estate brokers. Under the 1966 bill, real estate brokers who have been exempted from the prohibitions against racial discrimination by the criminal provisions of private homeowners who wish to put or rent to white persons. Under the present legislation, if a private homeowner wants to put his house on the market without the services of a broker, he must be prepared to do business in a nondiscriminatory manner because the broker who little Negroes do so. The two bills are alike in forbidding discrimination by institutions in the business of financing real estate transactions, and in prohibiting "block busting" by persons in the real estate business.

I regret that the present bill does not grant to the Secretary of the Department of Housing and Urban Development authority to issue cease-and-desist orders to put an end to discriminatory treatment by persons in the real estate business. H.R. 14765 gave such authority to the Fair Housing Board which that bill created. H.R. 14765 inasmuch as the present legislation, if a private homeowner wants to put his house on the market without the services of a broker, he must be prepared to do business in a nondiscriminatory manner because the broker who little Negroes do so. The two bills are alike in forbidding discrimination by institutions in the business of financing real estate transactions, and in prohibiting "block busting" by persons in the real estate business.

I think that we will find that real estate brokers and those who finance real estate transactions fully comply with the requirements of this fair housing legislation in much the same way as restaurant owners and hotel managers and others in the business of providing public accommodations comply with title IX of the 1964 Civil Rights Act. I think that we will find that persons in the real estate business will welcome this legislation because it will make it possible for them to deal with fairness and personal respect without fear of being put out of business by competitors who discriminate.

Both bills establish the same graduated penalties for interference by force or intimidation with the exercise of the right to equal opportunity in housing. H.R. 14765 included this right among the several rights protected by title V, which dealt with interference. H.R. 2516 provides penalties for intimidation in fair housing cases in title IX. And both bills likewise granted protection to civil rights advocates who exercise the first amendment rights of speech and assembly to support the right to equal treatment in the housing market.

H.R. 2516, as amended by the Senate, has some shortcomings, which I have tried to point out. It will not in and of itself bring racial peace and racial justice to America. But without it, it is difficult to conceive of solutions.

So, for the sake of equality for all, and for the sake of America, let us act.

Mr. CURTIS. Mr. Speaker, when Congress and Reagan have spoken, what is Congress then?

There is no question that our Negro citizens are seriously disadvantaged in obtaining adequate housing. There is also an important correlation between housing and job opportunities. Jobs are caught up in the combined movement of people out of rural areas and the disintegration of the high-rise city. Our Negro citizen is caught up in this great economic upheaval which is being accentuated by a marked shift of job creation away from manufacturing and production into distribution and servicing of which education, health, and recreation are increasing. These matters require the deepest study and probably more wisdom than we as a society collectively possess after we have done our homework to the fullest extent, in order to provide better equality and opportunity for all of our citizens.

Congress in the past few years has had a flurry of activity in passing one law after another with fine labels and great intentions but with little study and debate. The net result has been great promises and little results, with an overall serious resultant that many Negroes believe the promises were insincere in the first place.

I do not believe the promising has been insincere. I believe the trouble lies in Congress, the executive branch of the government, and the courts. I believe they have to do their homework before they have acted. Dogmas have been promoted to combat theories. This irrational approach has been excused on the ground that the current situation is an emergency.

With a limited lifespan it is quite easy for human beings and any particular generation to look upon the problems of its times as emergencies. But these are not emergencies. However, I think the better course of action to meet both emergencies and long-range problems is to take the necessary steps now necessary today. We cannot wait for the necessary legislative experience to do the job properly. We cannot wait for the necessary legislative action to deal with the present condition just as we cannot wait for the necessary study before taking action. Haste does make waste. Pushing the panic button makes matters worse, not better.

I have been digging out my old speeches opposing public housing. In these speeches I said I thought that public housing as it was conceived would produce high-rise slums and would not provide cheap adequate housing for our lower income groups. I also suggested that other social ills could possibly result from taking this approach to the housing problem. Instead of answering these ar-
The Negro has not been alleviated and at least we can then continue searching for effective solutions.

However, we do not have an opportunity to vote for the open housing provision within the provisions relating to Indians, gun trafficking and new crimes in civil rights demonstrations. By sending the matter to conference we could gain the opportunity to argue that against sending the matter to conference is that the Senate conferees might delay the matter unnecessarily. We have had assurances that we can still send the matter to conference. It is also possible that the House still retains the remedy of calling the bill back from conference and proceeding as it is here proposed we do.

In the long run, civil rights bills are set back, not advanced, by undermining the orderly procedures for study, deliberation and debate. The ends do not justify the means; expediency damages the cause of civil rights.

Mr. SCHWENGEL. Mr. Speaker, today we are again dealing with human rights. We call it the civil rights bill, but it is more a human rights bill because it deals with the long-standing philosophy of equality under law and opportunity that concerns individual people who do not have the liberties, rights, and opportunities that other people in our society have. We deal with also with moral principles and with a problem that has its roots deeply ingrained and has long been a problem for people because their skin is of different color. Because of this, we are faced with a moral question we should give priority to its consideration.

In answer to those who say this is not the same bill and that there are provisions that we have never written about, that parts that are poorly written. I say, no, I do not mean this is true. But there is nothing to prevent us from acting with another bill to correct this shortcomings and eliminating that criticism.

I believe we are responding to riots, to the actions of extremists, to the looting and burning; I should like to say, I am responding to the nonviolent philosophy of the large majority of the population of the Negro community. Mr. Speaker, today I will vote to accept the Senate-passed civil rights bill mainly because it includes a fair housing provision.

Mr. Speaker, to close, I must pay tribute to the leadership of this House and especially the leadership of the Judiciary Committee. All of this began in 1865. And the contributions made to civil rights legislation have been influential. There is no doubt that it could be improved. But after studying it in depth, after having my staff and the Legislative Reference Service of the Library of Congress study the same, I have come to the conclusion that despite its defects it is workable and is worthy of support.

I want to make clear that my vote today is not based on any reason than the reasons I have outlined. My decision on this bill was reached last week before the awful tragedy in Memphis. There will be those whose character for Dr. Martin Luther King, Jr. That would be a disservice. This legislation deserves support because it is right, because it is needed.

I believe the fair housing ordinance modeled after the Iowa law.

The fair housing provisions of the Senate-passed bill make clear that State law takes precedence when it is substantially equivalent to Federal law. Therefore, the Iowa law is in no jeopardy. It is broader and more inclusive than the Federal legislation. It is illegal today under Iowa law to discriminate in the sale and rental of housing. So far as Iowans are concerned the legislation before us today will make no difference to realtors, or anyone else selling or renting housing.

In conclusion, I first questioned the advisability of accepting the Senate bill. There is no doubt that it could be improved. But after studying it in depth, after having my staff and the Legislative Reference Service of the Library of Congress study the same, I have come to the conclusion that despite its defects it is workable and is worthy of support.

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with a perceptive mind, but a man with forthright, deep understanding and devotion to law and order and with a keen appreciation of both the importance of law and the nobility of well-written law. I am sure that in every move made by the committee on both sides, the judgments and counsel of William McCulloch has been sought and given. He has also been an example of what it means to be one of the greatest legislators of all time. We in the Congress owe him much and the people, especially those who have always had their rights under law owe him much more.

Often marble monuments are built to our great men and books are written about them but the most important monuments are the daily, unannounced acts of selflessness done by the people who keep our way of life functioning. And I am sure that Bill Kempton will remain one of the greatest legislators of all time. We in the Congress owe him much and the people, especially those who have always had their rights under law owe him much more.

Today we must determine whether H.R. 2516 is the bill that must be done on this subject, and this question of need I have been considering. Whether H.R. 2516 meets the need, we have heard emotional pleas made here today, demanding that these mobs be restrained. They are encouraged in their lawlessness by indulging in their criminal action. America cannot survive by obedience to the mob, or by such sacrificial offering to the rioters and looters.

I have toured the areas of destruction here in Washington—more than 60 blocks of wanton arson, destruction and looting; whole blocks of business buildings gutted and destroyed by fire—yet we have heard emotional pleas made here today, demanding that these mobs be rewarded.

Where are we headed? It may be the full realization of the great fear campaign that brought about the downfall of the government of that nation. America is confronted with a like situation today, nearly 200 years later.

The majority of all Americans want to do right, and regardless of their color, are peaceful and law abiding. They want our laws enforced; they want law and order above all material things; they want rioting and looting prevented by whatever means are necessary. The people are demanding this action. They condemn the orders of officials like the District of Columbia Director of Public Safety, Murphy, who, as the riots and looting began in April, ordered the police not to arrest anyone engaged in looting and rioting. Such action denotes a man who is unworthy of official position of any kind. Officials of similar authority have made the same orders in other cities, during this period of riots, as they have done in prior years under the same circumstances.

The blame for the rioting, looting, arson, and destruction has been, again, laid on America and all it stands for. Why cannot the Members recall the great fear campaign that brought conflagration, looting, bloodshed, arson to France in July 1789, and resulted in the downfall of the government of that nation? America is confronted with a like situation today, nearly 200 years later.

Surely this body realizes the result to be expected, if by obeisance to threats, succumbs to blackmail and political pressure by the mob. America cannot survive by obedience to the mob, or by such sacrificial offering to the rioters and looters.

Mr. MATHIAS of Maryland. Mr. Speaker, this House is not a court of law, nor is it a court of justice. It is a court of honor to make awards and lay wreaths. We are the National Legislature. Our task is to discern truth and our aspiration is to guide the footsteps of a great nation. No pettifogging quibbles and no passing passions should divert us from our work or deflect us from our goal.

On the question of need I have been convinced for several years that something must be done. We have so often in history that whenever you give rights, opportunities and advantages to people that are not enjoyed by all the people, not only do the disadvantaged people benefit, but the Nation benefits and the great ideals that we espouse become even greater.

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and by orations by vote-seeking politicians both in and out of Government. They are encouraged by the pitiful Ker­ner Panel report on riots, recently made public. That report, instead of helping to solve the problem, encourages the rioters and looters, I say. The politicians claim they should have, and that the sentiment of our Nation's leadership is to give it to them regardless of the cost either in human lives or in billions of dollars. Those of us who prefer the government for which they are paying so dearly, agree with the people who are demanding law and order, and preserving the peace in our cities and the countryside.

The people want to know why so few rioters and looters are arrested; and they also want to know why the courts of America are without trial and hastily enacted legislation, as well.

The rioters are greatly encouraged in their lawlessness because of the existence of the U.S. Supreme Court, which leads the rioters, looters, and arsonists to believe they are only exercising their “rights.” What else can be expected, so long as law enforcement officers are handcuffed and restricted in their duties by orders from high, and promulgations of the U.S. Supreme Court? When the District of Columbia Direc­tor of Public Safety Murphy was called before the House District of Columbia Committee a few weeks ago to be asked what plans he had to handle the planned riots, and what he planned to do to protect citizens and their property, he said he was prepared to handle it. And how did he handle it? He ordered the police to make no arrests. You saw it on television. The looters grabbed whatever they could from stores and hauled heavy merchandise out the front doors of businesses, waving at the television cameras, as police directed them to keep the traffic in stolen merchandise coming to?
tection which Thomas Jefferson envisaged in the Declaration of Independence.

When Thomas Jefferson wrote into the Declaration of Independence the words, "all men are created equal," he meant that they are endowed by their Creator with certain unalienable rights, that among these rights are life, liberty and the pursuit of happiness," none knew better than Jefferson that the words did not describe conditions as they then existed in the American Colonies. Jefferson knew that all men's rights were not equally protected in the American Colonies and that the British government aborning from this Declaration of Independence was formed. On the contrary, John Adams called the abominable institution of slavery existed in many of the Colonies and some of the Members of the Continental Congress owned slaves; and Jefferson knew that the path to the pursuit of happiness was not equally open to all Americans.

Jefferson knew also that these principles of the Declaration of Independence were not the policies and practices of an America which should burst full grown, like Minerva from the brow of Jove, from the Declaration of Independence. But Jefferson believed that the American Government and the American people to secure equality of rights for all Americans began with a decision of the U.S. Supreme Court in Brown against the Board of Education in 1954. The U.S. Supreme Court has decided in one way or another some 60 cases striking down discrimination against Americans on account of race, color, religion, or national origin. The fight for civil rights, for equal rights for all our people grew in momentum and in intensity in the Congress and throughout the country. America was awakening to the challenge and the necessity that every American be treated like an American.

The really exciting beginning of the dysfunctions of the American Government and the American people to secure equality of rights for all Americans was nearly 175 years before the bonds of slavery were emancipated to the full status of citizenship on July 4, 1866, when John Adams laid upon his deathbed. He aroused himself to inquire if Thomas Jefferson were still alive. When informed that he was, this grand old patriot uttered his last words, "Thank God, Jefferson still lives."

Mr. RHODES of Arizona. H.R. 2516, to provide penalties for interference with civil rights, is, in my opinion, an imperfect piece of legislation. Much of it I can accept and support, but I think Congress has more powerful weapons to support well considered legislation which will have this effect. However, the open housing provisions of this bill are defective in several ways. Just two of them are: First, a person could sell his house and discriminate, but he could not allow a real estate broker to do so, and second, enforcement provisions are almost totally lacking.

In my opinion, these housing provisions will be a great disappointment to the ghetto inhabitant, who expects them to improve his habitat. They will just make him change his address. The provisions dealing with Indians would practically guarantee the separation of the American Indian from the rest of the country in perpetuity. It is particularly ironical that in this bill which is supposed to improve the position of the Negro race, American Indians are further segregated from the mainstream of society. Provisions for allowing States to assume jurisdiction of law and order on Indian lands would be modified to the extent that no State will find it desirable to take on this job. While I am in favor of legislation to control illicit traffic in firearms and to punish those who furnish them to criminals, rioters, and the like, the provisions of this bill are so inaccurately drawn as to make its enforcement very difficult.

Therefore, I must reluctantly oppose this bill.

Mr. MEEDEES, Mr. Speaker, I would like to emphasize briefly the importance of titles II-VII of this bill which are the titles affecting our Indian citizens. I do so because I have a number of constituents who will be affected by these titles, and also because I am a member of the Interior and Insular Affairs Committee and of the Indian Subcommittee which has been considering similar legis-
Mr. Speaker, I strongly urge the Members of the House to vote affirmatively on the previous question and on the question of adoption of this legislation.

Mr. WYMAN. Mr. Speaker, I voted for the civil rights bill that we passed in the first session of this Congress. We sent this bill, 10 pages long, over to the other body and it is back here today 50 pages long. It has added 10 sections, about which this body has never had a single hearing. Such a materially changed bill should go to conference.

Much of the language in H.R. 2516 as it has come to us from the other body is loose, poorly drawn, confusing and of dubious enforceability. It should be carefully redrafted. It should go to conference.

Yet we are faced with here today in this vote a flat refusal by the majority party of this House to permit the Members of this House to provide sound legislation. They force us to vote up or down a civil rights bill that the House has never acted on. They refuse to send the bill to conference. They decline to send it to the Judiciary Committee for hearings on the new titles.

And they do all this literately at the point when the country needs solutions. First, the presence of thousands of troops; and second, the threat of stepped-up violence in the cities of America—unless.

Mr. Speaker, we ought not to pervert the legislative process of this great body by lending ourselves to poor law under duress. Yet, this is precisely what the majority party in control of this House 3 to 2 is forcing upon us. I shall vote to send this bill to conference. If that means that it must go over the Easter recess, so be it. If it means that the Easter recess must be given up and we must stay in session, so much the better. By sending it to conference it will mean that we have not enacted legislation the greater part of which was written on the floor of the other body by happenstance, an improper compromise, what is now a very poorly written bill in many respects.

If the previous question is ordered, I shall vote in favor of this bill because it is important. The original House bill which is the first section is the original bill that we passed in the House, setting penalties for interfering with the exercise of constitutionally guaranteed civil rights. This is important. Another penalty on persons who travel across State lines to incite riots, the subject matter of a bill that I myself have introduced earlier in this Congress H.R. 1494. Still another for teaching the construction or use in interstate commerce of firearms or explosives, intending them to help a riot. These are all important matters, matters which I support. There remains only the controversial additional title inserted by the Senate, title VIII, called fair housing. Much of this title, as presently written, is unenforceable, a great deal of it is unnecessary, and all probability not an insubstantial part of it is unconstitutional because it attempts to impose restraints upon the sale of individually owned homes that have nothing whatever to do with interstate trade and are beyond the power of the Federal Government to control, even if it wanted to, without a constitutional amendment. I hope that at an appropriate future time the High Court will confirm by subsequent decision that a man's private home in America is still his own free castle both in its use and its disposition. I believe more is at issue here than just by voting for the bill on final passage, however, than would be accomplished by leaving all of these important other subjects of needed legislation unattended to.

My vote in favor of this civil rights bill on final passage in no sense constitutes a response to the recent unfortunate murder of a civil rights leader. I would not vote for any legislation which I felt on balance to be contrary to the best interests of the American people. Of significance in connection with the fair housing section of this bill is the fact that its most questionable section and the one of least likely constitutionality by its own terms does not take effect until Decem-

The following is the text of the full speech, which includes some extracted text from the image.
ber 31, 1969. This section would make un­
lawful discrimination in the sale or rent·
al of any private home with the use of a
real estate broker, agent or salesman
and with the publication of an adver­
tisement in a publicly available publ­
lication. Also, the Federal Government’s law-enforce­
ment rules would be reviewed. Remedial legislation would undoubtedly be offered in the next Congress to correct the in­
firmities of this and other sections. I shall offer corrective amendments at an
appropriate future date when hopefully
there is a Congress of the United States
at long last in the hands of a leadership
that will not confess upon the American people the bungling of a Senate that
is a bill to reaffirm our faith in the
This bill has other purposes, Mr. Speaker, all of them worthy. It would add
the negative, and under the pres­
sure of a virtual ultimatum from rabb­
rousers in America.

Mr. Speaker, I am confident that this
November the people of this Nation,
looking after their own interests and
aware of the vital importance of main­
taining integrity and respectability in the
Congress, will elect a Republican House
of Representatives and a Democratic
President to bring to an end the policies of this
Democrat administration and this
Democrat-controlled Congress that have brought for them war, debt, insolvency,
adverse economic conditions, disrepute.
It is a time for action, Mr. Speaker. We
have already waited for too long.
Mr. MINISH. Mr. Speaker, this is no
time for speeches or debate. We have had
more than enough of both. This is a time
for real action. The time has come for
this Nation’s wounds of racial injustice and
enmity and to give finally and un­
reservedly to every American his inalien­
able birthright of life, liberty, and the
pursuit of happiness. These United
States must join together to heal the
ugliness and hatred that do violence to the
vision of our Founding Fathers, a
vision exemplified in the life and works
of Dr. Martin Luther King, Jr.
It was my honor to preside over this
august body on February 10, 1964, during
the vote on the landmark Civil Rights
Act of 1964. The following year it was my
privilege to support the Voting Rights
Act of 1965; then the Civil Rights Act of
1966 passed by the House on August 9,
1966; and, again, the present civil rights
amendments were passed by both the House
on August 16, 1967. I am proud to vote now
for House Resolution 1100, providing
concurrence with the Senate amend­
ments to H.R. 2516, and I urge that this
legislation be enacted as expeditiously as
possible.
With his deep attachment to our con­
stitutional principles, Dr. King, I am
sure, would ask that support for this legis­
lation be carried out the promise of the 14th
amendment to the Constitution by a sense of
justice, not by sentiments
spirng from his martyrdom. The 14th
amendment of our Constitution
must have full and equal meaning for
Americans. Likewise, we betray the
Constitution that we have sworn to
uphold. Like our Founding Fathers, Dr.
King could say:
I refuse to accept the view that mankind
is so tragically bound to the starless midnight
of racism and war that the bright daybreak
of peace and brotherhood can never become
reality.

Members are privileged to hold membership
in the body today must do our part
to make this no longer a dream but a
reality in our time. I urge prompt and
favorable action on the pending resolu­
tion.
Mr. BROWN of Michigan. Mr.
Speaker, my vote on the Civil Rights Act
of 1968 is without question the most diffi­
cult one I have ever cast in my rela­
tively short tenure in the House of Rep­
resentatives. It must be motivated by a sense of
duty and honor, not by sentiments
springing from my party line. The 14th
amendment of our Constitution
must have full and equal meaning for
Americans. Likewise, we betray the
Constitution that we have sworn to
uphold. Like our Founding Fathers, Dr.
King could say:
I refuse to accept the view that mankind
is so tragically bound to the starless midnight
of racism and war that the bright daybreak
of peace and brotherhood can never become
reality.

Now that amendments and the bill receive ap­
proval. Any action by the House other than acceptance of these Senate amend­
ments could render the whole exercise of
this legislation. And, “action” in the context
used here, means the “inaction” of
previous Senate consideration. Why?
Because Members of the Senate, even though not constituting a majority, may
withhold final action on a bill under the
rules of the Senate. And, certain Mem­
ers of the Senate—as in the House—
are unequivocally opposed to the con­
versial portions of this legislation. But
before one calls them bigots, or some other unseemly term, he should remem­ber each such dissenter
is a person of good will, deeply
concerned about his country, and fairly and
critically examining the need of this
legislation. And, in the context used here,
their concerns and objections are
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between the House and Senate versions since all that was included in the bill when it was approved by the House is obviously not in contest today. Likewise, we can forget all differences in the Senate version except for the open housing provision provision. I shouM be oversimplified—that the bill provides that there shall be no discrimination because of race, color, religion, or national origin in the sale or rental of housing—land and its improvements—except by an individual not in the business of selling or renting housing; that is, the single-family homeowner who:

First, owns three or fewer single-family houses;

Second, sells no more than one non-residence in any 24-month period;

Third, sells without the services of a broker; and,

Fourth, sells without any discriminatory advertising.

It should be noted that the bill, in effect, authorizes such a single-family homeowner under the stated conditions to discriminate. The bill apparently does not even deny to such an owner the right to underwrite and reserve the right to approve all sales, their terms, and so forth, so long as the rejection of a sale is not based solely on race, color, religion, or national origin.

Those who write in opposition, generally protest to me that "regardless of whom or what it does cover, or does not cover, such legislation takes from me my basic constitutional right to own my home and property and to sell or not to sell or not rent it to whomever I wish—and that's un-American." It is appropriate, therefore, to examine with as much objectivity as possible, this constitutional right.

The Constitution of the United States not only does not grant a property owner such an unbridled right, the Constitution in fact, actually authorizes a denial of it. The right of governments under the power of eminent domain authorizes the taking of private property for a public purpose without the owner's consent. The owner cannot sell to whom he wishes in the market.

Interpretations of the Constitution and laws passed pursuant to it in the field of zoning, planning, and so forth, effectively deny a sale of property to a whole group of purchasers to which one might otherwise like to sell; and, at the same time, such laws deny to a property owner not only his right to sell to whom he chooses but even deny such owner the right to use the property as he chooses. And, let us not forget, you probably cannot build a house upon your own property if you have more children and need more bedrooms than you have money to build the necessary houses—and forbid if you are trying to build a little house next door for your mother or mother-in-law—if you contemplate doing it on your own residential lot zoned for a single dwelling.

No; our property rights are not half as absolute as we oftentimes think they are or would like to have them. Strangely enough, though, many who take the view that violations of property values because of open housing are the same people who are pleased that the next door neighbor who wanted to operate a pool shop, or a pig sty has had his property rights abridged by zoning laws.

Needless to say, many, if not most, should do some pretty deep soul searching as to whether the effective abridgment of unqualified property rights

Let us assume then, that this legislation is not so contrary to our principles and rights as to preclude consideration and acceptance. Just because legislation is not violative of our fundamental rights should never mean that, therefore, it should be enacted. I have consistently argued that each piece of legislation must first bear the search for its need. Is this legislation necessary?

I have come to the conclusion it is necessary.

Because it will alleviate the housing problem of the ghetto and slum resident. Of course not. The impact of this legislation upon the housing needs of the ghettoite will be miniscule at most. He needs decent housing and an economic opportunity not a chance to live in a "lily white" suburb. And, even to suggest this legislation will improve the lot of the ghetto dweller is to be as demagogic as the one who says those who are here to help us are those who are here to help our poverty stricken who expected panaceas from the empty production promises of those who own the war on poverty program.

Because there have been flagrant discriminatory practices by bigoted whites which makes this a national disgrace comparable to the enslavement that was ended with the Emancipation Proclamation and the 13th and 14th amendments and the 15th amendment.

Not if the complaints which have come to my attention are reflective at all of these discriminatory tactics.

Because Dr. Martin Luther King died as the result of a bullet and failure to pass this legislation will place Negroes in the hands of black militants and America will become an Armageddon of black against white? This may be a justification to some, but I reject it out of hand. Martin Luther King and the law have nothing in common with violent civil disobedience, civil disorders, looting, and burning. And frankly, without legislation if all of us, black and white, and new with those to whom lawlessness, arson, and looting are just as illegal and subject to the same enforcement and punitive measures when prompted or occasioned by a claimed legitimate cause as when committed by a member of the regular hoodlum element in our society with no cause to blame or express except his own personal benefit.

No, my support of this legislation is based upon none of these. I am neither voting with a gun at my head nor do I expect the implementation and enforcement of this legislation to create all the evils some portend for it or do the good others optimistically forecast.

Rather, members of the white community, politicians, and with greater justification, members of the minorities, have made this issue the symbol of our unequal society, especially as this inequality is related to race, color, and national origin. Although we can spend our last dollar on education, job training, housing, and what-have-you, we will never achieve economic equality for all unless, and until, we question invidious discrimination and begin to legislate for equal opportunity for all.

We have recognized this in education, in employment, in public accommodations—in fact, everywhere except in non-Government-related housing.

I believe it is time that we remove the last impediment—or crutch, depending upon one's viewpoint—to an equal opportunity for all—not just to those of us who are giving but to those who should benefit with the property owners. The Constitution of the majority stands on equal footing with a member of the majority. Removal of this last but probably most significant crutch only likewise removes the last excuse for less than equal responsibility under the law.

Mr. CORMAN. Mr. Speaker, when all of us have passed from the scene and history chronicles the progress of this Nation toward racial justice, two giants will stand out—the gentleman from New York, EMMANUEL CELLER, and the gentleman from Ohio, Wm. McCulloch. Each of the 432 of us is privileged to serve with these two great Americans.

In a very short while the Members of this House will be given an opportunity to vote and register their approval of the Senate amendments to H.R. 2516, the pending civil rights bill. As many know, House Resolution 1100 would permit the Members of this House to concur in the Senate amendments and thereby enact into Federal law a historic Federal open housing statute. Along with the chairman of the Judiciary Committee and my committee colleague from Colorado, Mr. ROZELL, I had the privilege of hearing the Rules Committee and testified in support of H.R. 2516, as amended by the other body. We are pleased that the Committee on Rules has given its approval to House Resolution 1100.

H.R. 2516, as amended by the Senate, contains 10 titles. Of course, the interest throughout the country focuses on title VII, the fair housing title of the bill.

Mr. Speaker, the past 20 years has witnessed a vast expansion of new housing and homebuilding. The millions upon millions of new dwelling units have vastly changed the character of our urban residential areas. As our cities have grown, racial segregation has grown within them. Suburbia has come into being and continues its rapid expansion. With our cities, the growth of the suburbs has come a tremendous increase in homeownership.

Except for our Negro citizen, virtually all Americans have been afforded an opportunity to share in these housing developments. Negroes are largely barred to our poverty stricken who expected panaceas.
housing, unlike that of whites, is not limited merely by means, it is limited by color. Desirable housing in our cities and suburbs is too often foreclosed to the individual Negro. Ironically, despite the fact that de jure segregation imposed by some communities, what housing is available to him frequently costs more than comparable housing open to whites.

In January of this year, the President recommended a principle which fair housing legislation posits. He said:

When we speak of overcoming discrimination we speak in terms of groups—Indians, Negroes, Jews, Baptists, Quakers, and other minorities. We refer to statistics, percentages, and trends.

Now is the time to remind ourselves that there are problems of individual human beings—of individual Americans.

Mr. Speaker, housing discrimination means many things to many Negro Americans throughout this Nation:

To Leonard Simmons of Shaker Heights, Ohio, it almost meant the end of his dreams. Since he was a graduate student and instructor at the School of Applied Social Sciences, Western Reserve University, described his frequent experiences trying to find housing before the U.S. Commission on Civil Rights:

I encountered extreme difficulties. In the fall of 1961, I was accepted in the advanced program of the School of Applied Social Sciences at Western Reserve University. At that time, I was employed as a social service director at the School for Social Work. One weekend beginning in July, I would come to Cleveland to try and find a place to live. I looked in the area of the University because I would be attending school there. Also, I was going to be a graduate student and naturally my income would be rather limited. So between the two, I wanted to stay near the University and find something that would not be too expensive. I encountered so much discrimination; I was forced to live where I was considering writing the school and notifying them that I would not be able to attend.

But Simmons, married, and a father, persisted in his search for decent housing for his family and his expectant wife.

Initially, we were thinking in terms of finding an apartment to rent. Many of the people told us that they were unwilling to accept children. I think that this was a factor in many cases. In other instances, I think this was used as a subterfuge because where we knew other Negroes would tell us that the place was not available; it had just been rented or they would have to consult with somebody else about renting the apartment to Negroes.

Nor, Mr. Speaker, were the Simmons' any more successful in buying a house, unless they would be willing to live in an all-Negro neighborhood. Asked how his experiences in seeking housing affected him, Simmons replied:

It has had a devastating effect on me. In order to answer this question adequately, I suppose it is necessary to tell something about the Negro neighborhood where I was born and where I now live—more, Maryland. In Baltimore, at that time, de jure segregation and discrimination was a way of life. There was no aspect of my life that was not affected by de jure segregation. I was born at Johns Hopkins Hospital which at that time was rigidly segregated. When I left the hospital, my parents took me to my home which was in a Negro neighborhood.

I attended a Negro school, worshipped in a Negro church, and even the hospitals I went to were Negro. When I became ill, I was attended by Negro doctors. When family members or friends died, they were buried in Negro cemeteries. My brothers served in a Negro company of the National Guard and Ww II attended a Negro college. Despite all of that, I continued to believe that one day this Nation would be colorless, and that I was living only in a period of transition.

I continued to believe that one day this Nation would be colorless, and that I was living only in a period of transition. Now, I am not nearly as sure as I used to be. I have worked very hard to make myself acceptable. I have worked very hard to get a job, to live in the area where I live. I have gone back to school, to make myself more acceptable. Now, I am not as sure as I used to be. I have worked very hard to make myself acceptable. I have worked very hard to get a job, to live in the area where I live. I have gone back to school, to make myself more acceptable. Now, I am not as sure as I used to be.

For Mrs. Violet Tyson of Philadelphia, Pa., housing discrimination meant that her family's new home was a second choice; because of matters beyond her control, she had to take a house which was not up to her expectations and hopes. When she, her husband and children sought a home by going to while real estate brokers in the Kensington area, they were told that they had to take a house which was not up to her expectations and hopes.

For Mrs. Mary Burke of Philadelphia, a white American, housing discrimination means threats on her life. After she advertised her house for sale in the Philadelphia Tribune, she received six anonymous phone calls, one of which was a bomb threat, and one morning found written on her door, "You won't live until settlement if you sell to Negroes." For Mrs. Burke, housing discrimination means threats on her life.

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Mr. Speaker, the 13th amendment to the Constitution forever barred slavery and involuntary servitude. It was viewed by those who had approved it as abolishing not just enforced service of one person for another, but as a guarantee to all citizens, of the outlawing of all the badges and incidents of slavery. One hundred and three years after its adoption the Congress has yet to remove all the disabilities of that servitude.

Critics of fair housing legislation charge it would invade the privacy of home. But title VIII is aimed not at privacy but at commercial transactions. It would prohibit no one from selling or renting to a relative or to a friend. The bill simply assures that houses put up for sale or rent to the public are in fact for sale or rent to the public. It would assure that anyone who answered an advertisement for housing not be turned away on the basis of his race. It would free the housing market of a barrier which may have been Negro to the buyer but also the white seller. It is not forced housing. It is the opposite—open housing, unrestricted housing.

Mr. Speaker, I earnestly hope that the Senate and this House will endorse the bill today; the questioning and interve­ning members of this House overwhelmingly approve and enact into law this historic legislation.

Mr. DONOHUE. Mr. Speaker, as we begin our consideration of this Senate­ sponsored Civil Rights bill, Messrs. King, Jr.—and the House bill, H.R. 2516, previously approved by this body last August 16, I think it may be well to emphasize that this is a fateful hour in the destiny of our country and that the House is faced with one of the greatest legislative challenges in its existence. It is indeed a most timely time for prompt action than extended eloquence. In view of the tragic events that have followed in the weeks and in the days of recent days, there is a vital need for us, here, to exercise restrained emotion, subdued prejudices, heightened conscience, and supreme undivided love and preservation of America and the free world.

The encouraging eyes of the vast majority of American citizens are focused upon this House today; the questioning eyes of allied and hating peoples abroad are centered upon us during this debate; the cynical eyes of the Communist powers are fastened on the legislative career of our friends, walking with propaganda machines “at the ready,” to see if we can and if we will grant full opportunity to each of our citizens to exercise, and full protection in such exercise of our privileges. Whether we claim to espouse for all peoples every right will also be protected and encouraged.

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urge my colleagues to vote down the previous question. Such a vote would encourage and reassure the people of this Nation during these critical times.

Mr. Speaker, on August 16, 1967, the House passed by a wide margin, a civil rights bill aimed at protecting individual citizens against unlawful injury and intimidation because of race, color, or religion. The House moved with commendable speed in passing this measure because most of us saw an urgent need therefor.

As we all know, the Senate recently passed this bill after much debate. The Senate bill is similar to the House version, but it does add an important provision covering open housing. I hasten to add that in the 86th Congress, the entire individual, not the color of his skin, I have had Negro guests in my home not because they were Negro but because they were my friends whom I loved as decent upright citizens.

I look upon it as a necessary and appropriate act by Congress, one which is long overdue. We must vigorously strive to break down racial barriers wherever they exist. The civil rights legislation we passed last year was aimed particularly at protecting civil rights workers against intimidation and protecting Negro rights in such areas as schooling, housing, voting, jury duty, and the use of public facilities. You and I know that the housing legislation was a needed step forward with legislation providing additionally for open housing for all citizens. The House bill of last year did not include this provision. We now have an opportunity to do so.

It has been estimated that this fair housing provision will open approximately 80 percent of all dwellings in the nation to all citizens by 1970. This means that by 1970, the United States, including millions of single-unit dwellings, will be open to Negroes and other minority groups. This is a major step toward equality. Based as it is upon the dignity of the individual, regard for a race, color, or religion, it is one that will ultimately benefit all citizens.

Mr. Speaker, in a way it is appropriate to look upon this legislation as a tribute to Dr. Martin Luther King, a martyr to the cause of human rights. But I do not look upon passage of this bill as a sentimental act, however, because the mere fact that by holding out hope for millions living in the ghettos, it does not and will not provide the economic base that will allow them to move from the ghetto into other areas.

Only time will tell. Mrs. KELLY. Mr. Speaker, the din of clashing arms fills the air. Violence and ill will are driving the dream of logic, reason, and understanding seem to have lost their appeal.

The fiber of our people, the fabric of our society, the power and the resolve of our Nation, are being severely tested both at home and abroad. These times place heavy demands on all of us.

At home, we have lived with violence or under its dreadful shadow for nearly 2 weeks. Sparked by the tragic and senseless murder of Dr. Martin Luther King, this illegal, as we have declared, senseless and tragic destruction of human lives and material resources in a score or more of our cities.

A time when we are beginning to grope our way out of the woods—when our elective governments, on all levels, were beginning to address themselves to long-neglected problems; when our communities, nations, people were recognizing religious barriers, were joining together in a common effort to help the disadvantaged and the dispossessed; when individuals, young and old, black and white, rich and poor, among us are beginning to unite for a viable, cooperating, healthy society—just at that very moment, the assassin's bullet found its mark, violence flared, and lawlessness reigned.

Before the reaction began to set in and to undo the progress of the past 10 years, and this Nation hesitated on the verge of taking a giant step into the darkness, and ignorance, and prejudice of the past.

I am not an alarmist by nature. Neither am I the permissive type who insists that a child, or an adolescent, will be immediately controlled if you allow him to beat your brains out.

I stand some place in the middle—believing that we must move with the times—having faith in the goodwill and the intelligence of each succeeding generation, admitting to the wrongs of the past, yet insisting, and insisting with every ounce of our conviction in our bones, that you cannot have peace with an ignoramus; you cannot have freedom without responsibility; you cannot achieve a better society by destroying society itself and the law which is the foundation of our freedom. I speak with the memory of a man who wept at Dr. Martin Luther King’s death.

I hoped with the millions who shared his dream of a new America, an America reformed without bloodshed and violence, and I bowed my head in shame that my own Nation would kill two leaders of our time in a single, brief period of 6 years.

But I have never conformed, and I shall never attempt to excuse or justify, those
who, with mindless anger, tear at the very sinews of our society, attempt to set us against each other, defy the law which is their ultimate personal protection, and try to lead us down the path of violence and hate to the denial of everything that has been worthwhile in our country's past.

The time has come to set aright many things in this country and each one of us must play his or her part in this historic process.

An historic part was played in Congress in 1866, when a law was enacted which is Section 1982 of Title 42 of the United States Code. This law provides that "Every citizen of the United States shall have the same right to acquire real property as is enjoyed by white citizens."

A case, Jones against Mayer, was argued by the Attorney General the week of April 1, 1968, which involved the question of whether a developer who is building homes can refuse to sell lots and houses and insist that Negroes purchase them purely on account of race. There were two arguments advanced why he could not—but the Constitution itself would prevent him; and because, even if they were well taken and not prevent him, the statute of 1866 would.

When the Attorney General was asked in court about the effect of the old law as compared with the pending legislation which is being considered on the House floor today, he said that the scope was somewhat different, the remedies and procedures were different, and that the new law was still quite necessary. There is agreement here to this effect that the court would rely on the 1866 statute as much as it would on the stronger measure before us today.

Now, I am called upon to play my part by supporting the legislation before us, to provide penalties for interference with civil rights.

Mr. Speaker, as you know, on August 16, 1967, the House passed H.R. 2516, a bill to establish Federal penalties for forcible interference with enumerated civil rights and for traveling interstate to incite a riot. I sponsored similar legislation and voted for H.R. 2516.

Nobody should think that because of the passage of this legislation, which includes fair housing, antiriot, and Indian rights provisions, the problem is solved but is being sidestepped on the House floor today, consistent with my personal belief and my record of support of past civil rights legislation. I should like to make it clear that enactment of this law will not, in and of itself, cure the social ill at which it is directed. With reference to one of the most controversial sections of this bill which is the one concerning real estate the sale or rental of property, there are still enormous economic and social barriers which must be overcome to accomplish fully the purposes of this legislation. However, the achievement of man's recognition and accepting the inherent rights of all is the ultimate answer.

Mr. ROYBAL. Mr. Speaker, I rise to offer my strong support for H.R. 2516.

I believe this measure will help advance the rights and opportunities of all our citizens.

And I believe it is the kind of legislation that America urgently needs—and that the great majority of Americans want—at this critical hour in the Nation's history.

The tragic events of recent days make it imperative that we put aside all other arguments in the best interest of our beloved country, to try to heal the divisions and conflicts that afflict us, and build for ourselves and for our children a better America where each person is judged as an individual, and not according to his race, or religion, or color, or creed.

Mr. Speaker, I believe the provisions of this measure would help to bring an end to the property rights and commerce clause. The exemption of a residence certainly does not improve the constitutionality of the proposal. The 1968 bill would also be subject to the Interstate commerce clause must be invalid because I could not then and I cannot now see how a house already built and thereby immovable, could be considered commerce and thereby subject to the Interstate commerce clause. The exemption of a residence certainly does not improve the constitutionality of the proposal.

Today we are put in a procedural situation which denied our Committee on Interior and Insular Affairs the right to exercise fully the perfect legitimate jurisdiction which is coequal to the Senate.

Title VIII discriminates against every homeowner in America and every real estate agent, salesmen, or broker. Every person, black or white, who enacts this law is denied the right to protect the interest of their clients and adequately represent them in the sale of their property.

There has been suggested the purpose of Title VIII is to stamp out discrimination in housing. Every single day every one of us in the Congress meets and associates with members of other races and of other ethnic backgrounds whom we would be proud and happy to have as our neighbors. But we should have the freedom of choice to choose the purchaser from whatever race he may come. We should have the right in law to let our neighbors from intrusion in the neighborhood of our disadvantages of whatever race or religion, who will never mow a lawn, repair a single, paint a house, trim the shrubbery or clean the yard of trash and debris. Yes, as I observed, I do have concern for the real estate broker or agent who are denied the right to express their job by the act of legitimate instruction of his client. One hears so much about justice in the bill. The same people should consider the injustices of the bill's requirement that an agent cannot sell a home without being charged with violation of Title VIII.
Mr. Speaker, within title VIII, there is another objectionable aspect of forced housing. There is imposed a very heavy burden on another segment of the business of this nation's financial institutions. Section 805 makes it unlawful to deny a loan because of race, religion, and color. Consider what will happen if a bank that is counseling or refusing to lend to an applicant with marginal credit. Bad credit risks can then charge the bank with discrimination and the burden of proof is on the lending agency to defend itself. The case may be heard in the U.S. District Court without regard to the amount in controversy. The plaintiff can sue as a poor person which means no court costs have to be paid prior to commencing the suit. There is a provision of $1,000 punitive damages but worst of all the plaintiff may be awarded his attorney fees. Thus, the lending institutions can be subjected to considerable hardship. They can wish themselves out of existence for refusing to make a loan even to those who are bad credit risks. But the bill is so inconsistent that what the bill means in any event is that savings and loans, an insurance company can refuse title insurance or fire, casualty and other insurance without discriminating or without subjecting themselves to lawsuits.

The matter of housing is not one of legislation. It is a problem of economics. Those who believe this housing section will relieve racial tensions are basing this belief on facts that the opposite is true when they consider the future, should look at the record which demonstrates otherwise. Just after the Civil Rights Act of 1964 was passed, which had the most extensive applicability to all the problems of minorities, there were riots in Harlem and Brooklyn. Damage ran into millions of dollars; hundreds of people were injured. Remember too this was just 11 days after the President signed the Civil Rights Act into law. If we were to look back at the Voting Rights Act of 1965, another landmark in civil rights legislation. This was signed into law on August 6, 1965. Just a week before on August 5, 1965, and in just 5 short days, the rioting and looting and death in Chicago broke out in Chicago, just 16 days after the President signed the Civil Rights Act of 1966. While this shows the extent as to require the costs have to be paid prior to commencing the suit. There is a provision of $1,000 punitive damages but worst of all the plaintiff may be awarded his attorney fees. Thus, the lending institutions can be subjected to considerable hardship. They can wish themselves out of existence for refusing to make a loan even to those who are bad credit risks. But the bill is so inconsistent that what the bill means in any event is that savings and loans, an insurance company can refuse title insurance or fire, casualty and other insurance without discriminating or without subjecting themselves to lawsuits.

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The Congress declares that the general welfare and security of the Nation require that the Federal Government, under the recognized and feasible goal of a decent home and a suitable living environment for every American family.

In 1962, President John F. Kennedy promulgated Executive Order No. 11063, which was designed to eliminate discrimination in federally assisted housing. This fact that the Federal Government is undertaking to act in this area should not, of itself, be the source of deep concern. What is the source of deep concern is that the enforcement provision of the open occupancy act before us set up such a vast network of Federal enforcement prerogatives that these rights that no citizens can be secure in the knowledge that whatever he does with his property, no matter how well-meaning he may be, the homeowner will still be subject to Federal harassment.

Mr. Speaker, what is proposed here by sponsors of this legislation is that they not only permit a course of action for those who are actually aggrieved, but they also provide a broad basis for action against a homeowner to those persons who have been subjected to harassment that is about to occur (hereafter "person aggrieved") may file a complaint with the Secretary.

Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter "person aggrieved") may file a complaint with the Secretary.

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Furthermore, not only is a homeowner subject to the same kind of harassment, but this bill, unlike any other legislation, subjects a homeowner to a fine of $1,000 and/or a sentence in jail for 1 year if he refuses to cooperate or comply with an order of the Secretary of Housing and Urban Development.

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But I believe that when the American people study this proviso line by line and see, as Mr. Kilpatrick has stated, that unlike establishing a Fair Housing Act, the provisions of this bill, unlike the Fair Housing Act, the proposals before us today gives vast powers to a single person, namely, the Secretary of Housing and Urban Development. He would be vested with breathtaking powers of administration and enforcement.

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In other words, Mr. Speaker, with the kind of harassment that is provided in this legislation, homeowners throughout this country would be forced to pay substantial legal costs in defending themselves with no provision that if they prove themselves innocent of such charges, the cost of the defense would be borne by someone other than themselves.

In the 1966 Civil Rights Act, the House specifically excluded the single family homeowner up to and including a four-flat, and further provided that a real estate agent who is acting on specific and express instructions from an owner selling his home.

Furthermore, one finds very little conclusion in the provision of this act which states that a single family homeowner shall be excluded from coverage if he sells his home without the help of a real estate agent. Rigidity percent of the homes in this country are sold through the services of a real estate agent because the average homeowner does not have the facilities or the ability to sell his own home and receive full value.

Under the provision of this act, after December 31, 1969, the moment a potential home seller retains the services of a real estate agent, he is subject to the full coverage of this act, including all of the enforcement procedures and harassment by disgruntled potential home buyers.

As we read through this whole enforcement section, we find example after example of how the bureaucracy has carefully constructed a network of provisions in this law which, in my honest judgment, will subject every homeowner to a fine of $1,000 and/or a sentence in jail for 1 year if he refuses to cooperate or comply with an order of the Secretary of Housing and Urban Development.

As one who strongly believes in human dignity because my own people, for a thousand years have been the victims of racism and persecution, I am mindful of those who feel a great sense of vulnerability. Here is what Mr. Kilpatrick said about my people.

I am confident the press has merely centered on whether the Members of Congress appear to be for open housing or against it on principle alone. There has been little disposition to get down to specific provisions on a line-to-line basis. But I believe that when the American people study this proviso line by line and see, as Mr. Kilpatrick has stated, that unlike establishing a Fair Housing Board—as was proposed in the 1966 legislation—I am a rascal and an idiot, but I must agree with the conclusions reached by Mr. Kilpatrick in his analysis of this bill.

Mr. Kilpatrick in his article, quite correctly points out that this entire open housing amendment has received relatively little attention in the press as to its basic details.

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He "may issue subpoenas" to compel the attendance of persons before him. Failure to obey the secretary's order would carry a fine of not more than one year, or both.

Mr. Kilpatrick stated further:

How in the name of a free country could any such federal act as this be seriously considered? The answer lies in the hysteria that has thoroughly obsessed with the struggle for some Negro's housing. As the Secretary's order would carry a fine of not more than one year, or both.

Mr. Speaker, I believe it is time to stop and see where this Nation is going and to see how far we have come before we pile any further restrictions on free American citizens.

Less and less attention is being given to the basic rights of all Americans because some Americans have become so thoroughly obsessed with the struggle of the moment. I hope this particular bill before it becomes law.

I am mindful that many States and many local communities have passed fair housing legislation. We in Chicago have a fair housing ordinance which has been on the books for the last 5 years or more. But when you have local laws and State statutes there is a greater degree of protection for the individual citizen against abuses of these ordinances and statutes because the citizen himself is closer to local government.

We must constantly guard against the burgeoning Federal bureaucracy which is protected by civil service laws and which has been growing, whether in any direction from either the executive branch of Government or the legislative branch of Government.

Once the President affixes his signature to this bill once it becomes law, the Federal bureaucracy takes over and with its broad powers then starts moving into community after community with no regard for either the President or the Congress.

I have tried to persuade the House to send the bill to conference so we can correct some of its weaknesses but the House has refused and I hope the Senate will support this bill in its present form.

Mr. Speaker, the text of the Senate open housing amendment to the Civil Rights Act follows:

**TITLE VIII. FAIR HOUSING**

**POLICY**

Sec. 801. It is the policy of the United States to provide within constitutional limitations, for fair housing throughout the United States.

**DEFINITIONS**

... (b) Nothing in section 804 (other than subsection (c)) shall apply to—

(1) any single-family house sold or rented by an owner **Provided**, that such private individual owner does not own more than three such single-family houses at any time: Provided further, That in the case of the sale or rental of such single-family house by an individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale or rental, any reference to this subsection shall apply only with respect to such single-family house and no other dwelling except as exempted by subsection (b).

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(2) rooms or units in dwellings containing living quarters occupied or intended to be occupied by no more than two families, living independently of each other, if the owner actually maintains and occupies one of such living quarters as his residence.

(c) For the purposes of subsection (b), a person shall be rental in the business of selling or renting dwellings if—

(1) he has, within the preceding twelve months, participated as agent, and in three or more transactions involving the sale or rental of any dwelling or any interest therein—

(2) he has, within the preceding twelve months, participated as agent, other than in the sale of his own personal residence in providing sales or rental services or sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein—

(3) he is the owner of any dwelling designed or intended for occupancy by, or occupied by, five or more families.

**DISCRIMINATION IN THE SALE OR RENTAL OF HOUSING**

Sec. 804. As made applicable by section 803 and except as exempted by sections 803(b) and 804, it shall be unlawful—

(a) To refuse to sell or rent after the making of a bona fide offer, or to refuse to enter into any loan or mortgage or insurance or other financial assistance to a person applying therefor for the purpose of purchasing, constructing, or renting any such dwelling or for the purpose of selling or renting any such dwelling if—

(b) Nothing in section 804 (other than subsection (c)) shall apply to—

(1) any single-family house sold or rented by an owner **Provided**, that such private individual owner does not own more than three such single-family houses at any time: Provided further, That in the case of the sale or rental of such single-family house by an individual owner not residing in such house at the time of such sale or who was not the most recent resident of such house prior to such sale or rental, any reference to this subsection shall apply only with respect to such single-family house and no other dwelling except as exempted by subsection (b).

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tiple-listing service, real estate brokers’ organization or other service, organization, or facility relating to the business of selling or renting dwellings, or to discriminate or to discriminate against him in the terms or conditions of such access, membership, or participation, on account of race, color, religion, or national origin.

EXEMPTION

Sec. 807. Nothing in this title shall prohibit a religious organization, association, or society, from limiting, restricting, or excluding him in the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color, or national origin. Nor shall anything in this title prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings for its members or from giving preference to its members.

ADMINISTRATION

Sec. 808. (a) The authority and responsibility for administering this Act shall be in the Secretary of Housing and Urban Development.

(b) The Department of Housing and Urban Development shall be provided an additional Assistant Secretary. The Department shall include a Government Development Act (Public Law 89–174, 79 Stat. 667) is hereby amended by inserting after the word “four,” in section 4(a) of said Act (79 Stat. 668; 8 U.S.C. 624b) and substituting therefor “five;” and (2) striking the proviso in section 7 of said Act (79 Stat. 660; 8 U.S.C. 624(c) and substituting therefor “seven.”

(c) The Secretary may delegate any of his functions, duties, and powers to employees of the Department of Housing and Urban Development or to boards of such employees, including functions, duties, and powers with respect to investigating, conciliating, hearing, determining, ordering, certifying, reporting, or otherwise acting as to any matter under this title.

The Secretary shall serve in the Department of Housing and Urban Development in compliance with sections 3105, 3344, 5362, and 7521 of title 5 U.S.C. Insofar as possible, conciliation meetings shall be held in the cities or other localities where the discriminatory housing practices allegedly occurred. The Secretary shall by rule prescribe such rights of appeal from the decisions of his hearing examiners to other hearing examiners or to other officers in the Department, to boards of officers or to himself, as shall be appropriate and in accordance with section 7521 of title 5 U.S.C.

(d) The Department and the agencies shall administer their programs and activities relating to housing and urban development in such manner as to further the purposes of this title and shall cooperate with the Secretary to further such purposes.

(e) The Secretary of Housing and Urban Development shall—

(1) make studies with respect to the nature and extent of discriminatory housing practices in representative communities, urban, suburban, and rural, throughout the United States;

(2) publish and disseminate reports, recommendations, and information derived from such studies; and cooperate with and render technical assistance to Federal, State, local, and other public or private agencies, organizations, and institutions which are formulating or carrying on programs to prevent or eliminate discriminatory housing practices; and

(3) administer the programs and activities relating to housing and urban development in a manner affirmatively to further the policies of this title.

ENFORCEMENT

Sec. 810. (a) Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irrevocably injured by a discriminatory housing practice that is about to occur (hereafter “person aggrieved”) may file a complaint with the Secretary. Complaints shall be in writing and shall contain such information and be in such form as the Secretary requires. Upon receipt of such complaint the Secretary shall furnish a copy of the same to the person aggrieved and the person or association suspected of having engaged in such discriminatory housing practice or who are about to commit the alleged discriminatory housing practice. Within thirty days after receiving a complaint, or within any extension of time the Secretary may grant for good cause, the Secretary shall, if he finds that a discriminatory housing practice has occurred or is about to occur, take such action as he deems proper.

Amendment relating to unreasonably delayed proceedings.

(b) A complaint under subsection (a) shall be filed within one hundred and eighty days after the discriminatory housing practice alleged to have occurred.

(c) The Secretary shall take no further action with respect to such complaint if the appropriate State or local fair housing law provides a civil action within thirty days from the date the alleged offense has been brought to his attention. Compliance with a proceeding under a State or local fair housing law having substantially the same purpose and effect as this section, the burden of proof shall be on the person aggrieved.

(d) If within thirty days after a complaint is filed with the Secretary or within the period of reference under subsection (c), the Secretary determines that a discriminatory housing practice is alleged to have occurred or be about to occur or in which the respondent resides or transacts business, the Secretary shall make public any information in violation of this subsection to the person aggrieved or to any person who believes that he will be irrevocably injured or who has been injured by a discriminatory housing practice which is substantially equivalent to the rights and remedies provided in this title.

(e) In any proceeding brought pursuant to this title, the burden of proof shall be on the person aggrieved.

(f) Whenever an action filed by an individual, in either Federal or State court, pursuant to this section or section 815, shall come to trial the Secretary shall immediately terminate all efforts to obtain voluntary compliance with the provisions of this section.

INVESTIGATION; SUBPOENA; GIVING OF EVIDENCE

Sec. 811. (a) In conducting an investigation the Secretary shall have access at all reasonable times to any records, reports, documents, individuals, and other evidence or possible sources of evidence and may examine, record, and copy such materials and take and record the testimony or statements of such persons as are reasonably necessary for the furtherance of the investigation: Provided, however, That the Secretary first complies with the provisions of the Fourth Amendment relating to unreasonable searches and seizures. The Secretary shall issue subpoenas to compel his access to or the production of such materials, or the appearance and testimony of witnesses, or either of such for a respondent, to the same extent and subject to the same limitations as would apply if the subpoena or interrogatories were issued or served in aid of a civil action in the United States district court for the district in which the investigation is
taking place. The Secretary may administer oaths.
(c) Upon written application to the Secre­tary, a respondent shall be entitled to the issuance of a reasonable number of sub­penas by and in the name of the Secretary to the same end as authorized by law as sub­penas issued by the Secretary himself. Subpenas issued at the request of a respondent shall state the name and address of such respondent and shall state that they were issued at his request.
(d) Within five days after service of a sub­pena upon any person, such person may petition the Secretary to revoke or modify the sub­pena. The Secretary shall grant the petition if he finds that the subpena requires production of evidence which does not relate to any matter under investigation, that it is not sufficiently limited in time or place so as to require production of evidence which does not relate to any matter under investigation.
(e) In case of contumacy or refusal to obey a subpoena, the Secretary or other person appointed by the Secretary shall be entitled to invoke for its enforcement in the United States district courts. Fees payable to a witness summoned by a subpoena issued at the request of a respondent shall be paid by him.
(f) Any person who willfully fails or neglects to attend and testify or to answer any lawful question, or to produce records, accounts, or other documents, or evidence, if in his power to do so, in obedience to the subpoena or lawful order of the Secretary, shall be fined not more than $1,000 or imprisoned not more than one year, or both. Any person who, with intent thereby to mislead the Secretary, makes or causes to be made any false entry or statement of fact in any report, account, record, or other document submitted to the Secretary or to the Secretary's agent, or willfully neglect or fail to make or cause to be made full, true, and correct reports, accounts, records, or other documents, or willfully mutilate, alter, or by any other means falsify any documentary evidence, shall be fined not more than $1,000 or imprisoned not more than one year, or both.
(g) The Attorney General shall conduct all proceedings in the United States district court in which the Secretary participates as a party or as amicus pursuant to this Act.

**ENFORCEMENT BY PRIVATE PERSONS**

Sec. 812. (a) The rights granted by sections 809, 810, and 816 may be enforced by civil actions in appropriate United States district courts without regard to the amount in controversy, including appropriate suits or actions in the local courts of general jurisdiction. A civil action shall be commenced within one hun­dred twenty days after the last day on which discriminatory housing practice occurred; Pro­viding, however, That the court shall continue such civil case brought pursuant to this section or section 810(d) from time to time before bringing it to trial if the court believes that the conciliation efforts of the Secretary are likely to result in satisfactory settlement of the discriminatory housing practice complaint. Where a civil action is brought, the Secretary or to the local or State agency and which practice forms the basis for the action, shall have the right to intervene, in any sale, encumbrance, or rental consum­mated prior to the issuance of any court order issued under the authority of this Act, and involving a bona fide purchaser, encum­brancer, or tenant without actual notice of the existence of the filing of a complaint or civil action, the provisions of this Act shall be affected.

Sec. 812. (b) Upon application by the plaintiff and in such circumstances as the court may deem just, the United States shall be substituted as plaintiff in any such action in which a civil action under this section has been brought may appoint an attorney for the plaintiff under section 506 of the Reorganization Act of 1939, which may also be the practice of the court in any such action. The Secretary shall have the right to intervene, in any such action, in the name of the United States, in the name of any party or as amicus pursuant to subsection 901(a), or participating in any denial of the opportunity to so participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 901(a), or participating in any denial of the opportunity to so participate, shall be fined not more than $1,000, or imprisoned not more than one year, or both; and if death results shall be fineable for any term of years or for life.

Mr. HORTON. Mr. Speaker, I first would like to commend my colleagues on the high quality of discussion and debate that we have conducted on this bill. I am glad that all of my colleagues realize that the eyes of the Nation are on the House today as we decide the fate of H.R. 2516 as it was passed by the Senate.

Many Americans think this bill is a test for the high - quality of discussion and debate. Whether or not we can be responsive to pressing problems which face America. Others, also in great numbers, feel that such important and serious legislation should not be voted upon in an atmosphere of either. I can only speak for myself, but I think that when the Nation is acting to the shock of an assassination and the wanton riots and destruction which ensued.

A more serious problem is that such events outside the sphere of Government should not be permitted to disrupt or postpone action which has already been scheduled by Congress. The Congress on such important legislation. All of us know long before the events of
last weekend that H.R. 2516 was slated for a crucial vote this week. We have all been studying this measure for many, many weeks, and we have all thoroughly read and considered the opinions of our constituents—the people of America. Irresponsible rioters should not be permitted to stall the workings of Congress, any more than they should be permitted to disrupt the lives of peaceful citizens in our cities.

Mr. Speaker, I believe that the provisions of this bill are very much in tune with the landmark legislation in the field of individual rights which Congress has enacted in this decade. H.R. 2516 takes several important steps toward underscoring the determination of Congress and the Federal Government to make good the promise and the philosophy which is bound up in the 13th, 14th, and 15th amendments to the Constitution.

I support this legislation, and I am proud to be among a great many of our colleagues who support it. I have not forgotten our long-overdue legislation to prevent interference with the orderly processes of our American system. Our failure, our inability, our unwillingness to protect the bona fide civil rights movement, has resulted in more and more making the streets of our cities and our Nation unsafe.

Mr. BROWN of Ohio. Mr. Speaker, as so frequently the case with legislation, H.R. 2516, the so-called civil rights bill of 1966, is not perfect. But it contains a number of features which are needed now.

I have examined this complex bill carefully and objectively. I have concluded that the bill should be passed as promptly as possible in the best interest of all our Nation's citizens.

While it is true that several parts of this legislation have not undergone the usual House procedure of careful reexamination by committee since passage by the Senate, it is also true that the vast national attention focused on this legislation has resulted in more careful scrutiny by every individual Member of this body than may be usual.

Title VIII, the open housing section, is generally considered the most controversial feature of this bill. The way this title comes before Congress is of two fundamental principles: the individual right to reside wherever you can afford without discrimination on account of race, creed, or color; and, the individual right to do with the property you own as you see fit. Nothing in this legislation can be construed to force an individual to sell his property to another unwillingly.

But I must point out that I am unhappy with the provisions in this legislation which I feel discriminate against the use of real estate brokers in the handling of homes and I feel the legislation should be corrected in this regard. Whether one can or cannot discriminate regarding his own home should not be dependent upon the use of an agent, but rather it should not be for the business of selling or renting property.

I voted for the House-passed open housing legislation in 1966 which was rejected overwhelmingly. We have not dissuaded me from that position. All Americans with the ambition and ability to improve their station in life should have the opportunity to do so without discrimination. This need is addressed in title VIII of this bill.

The pattern of minority groups throughout our Nation's brief history has been to move into the ghetto and then out of it. After the events of last week, many Negro Americans will have even more motivation to achieve in order to be able to escape to a place of greater safety and opportunity for themselves and their children. So, while the details of this bill, certain features are needed now.

Events of last week attest to the need for legislation to prohibit rioting and violence for whatever purpose. We need legislation to prevent interference with those pursuing their own civil rights or attempting to educate others about their rights. We also need legislation to prevent inciting of violence in the name of civil rights or under whatever pretext. Such an urgent need cannot await delay nor tolerate inaction. These needs must be acted upon as now.

Related to the above necessity to protect the bona fide civil rights movement, while restricting the riots and violence which have taken place, is another legitimate movement, the need for legislation to limit the manufacturing or transporting of firearms, explosives, and incendiaries. I favor advocating or instructing in their use in civil disorders.

This need is addressed in title X of this bill. This is also an appropriate time to improve the situation of the American Indian who has been denied many rights for too long. This need is addressed in titles II through VII of this bill.

Further delay in passage of this legislation could be dangerous. The legislation is legitimate and warranted. Last week made the need urgent. To delay would strengthen the hand and voice of the extremists, the Communists and the advocates of racial discrimination or of the Negro, who would further polarize our Nation and threaten much greater civil disorder and riot in the future.

To delay would threaten the life and property of many more law-abiding citizens, whatever their economic circumstance or whatever their commitment to the cause of civil rights. Delay could mean further disorder and destruction with the inevitable loss of places to work or live.

And, finally, to delay would apparently deprive the Attorney General the authority he seems to feel he needs to more effectively deal with civil riots. For 2 years I have repeatedly urged the prosecution of such individuals. But the administration apparently felt it lacked the authority I prescribed. During this time the situation has grown increasingly worse. Passage of this act should remove that cloud by which the administration has avoided what I deem its duty.

Under no circumstances should legislation be considered as a memorial to an individual, because this is a nation of laws, not of individuals. But it may be appropriate to pass legislation and to do so promptly in the interests of preserving the orderly processes of our American system.

Those who would capitalize most upon our failure to pass this legislation are the same as those who would profit most from the disorders which followed the assassination of Martin Luther King, the Communists and the advocates of racial separation.

And perhaps this is an appropriate point at which to ask whether the administration, the Congress, the news media, or the American people have given any thought to this fact in connection with the recent tragic assassination.

Mrs. DWYER. Mr. Speaker, both simple justice and the equity of the Constitution consider us today to approve both the preferential resolution (H. Res. 1100) and the bill (H.R. 2516) as amended by the Senate including its open housing provisions.

There has been a great deal of misunderstanding, I fear, about what this bill would do in regard to open housing and about the manner in which the bill is considered today. After considerable study, both of the legislation itself and of the objections which have been raised against it, I am personally convinced that the weight of the evidence clearly comes down in favor of the bill and of the preferential resolution which will enable us to vote on the merits.

First, Mr. Speaker, by passing this long-overdue legislation, the House will not—repeat not—be acting hurriedly or emotionally. It will be voting belatedly and I hope soundly on matters of fundamental justice which have been under active consideration in Congress for several years.

As I am sure our colleagues will recall, a majority of the House, of which I was one, voted in favor of open housing legislation in the 89th Congress. Further, because filibusters in the other body have accounted for the ensuing delay.

Contrary to the assumptions of many people, therefore, today's scheduled vote on civil rights has nothing directly to do with the tragic assassination of Dr. Martin Luther King, Jr. or with the disorders which followed. The Senate had finally passed the legislation in March and the House had, prior to Dr. King's death, assigned the bill for consideration today.

By any test, however, approval of this bill is right. Morally, discrimination based on race is wrong.

Constitutionally, the law cannot be—as it is today in many parts of the country—exploited for the purpose of enforcing housing segregation.

We need, irrevocably, to end damage and divide our country unless we honestly strive for equal opportunity and equal rights.

And practically, several States—including the State of New Jersey—already have in force open housing statutes even more comprehensive than the bill before the House. Consequently, passage of this legislation will not change the situation...
in these States—again including New Jersey—in any respect.

Finally, Mr. Speaker, it is useful to remind ourselves that the pending bill is a better balanced piece of legislation than most people seem to realize. In addition to its civil rights provisions, it contains important provisions which will be effective in preventing and controlling any further disorders.

For all these reasons—but with emphasis on the continuing need to do justice and good judgment has refused to other body, not for ourselves in 1 hour on an up- or down basis.

provisions of the Committee on the Judiciary. After 3 months of consideration their Committee on the Judiciary sent to the Senate a four-and-a-half-page document which is quite different from the bill that we passed.

Then in January of this year this bill, as amended by the Senate Committee on the Judiciary, came to the Senate floor. In a dramatic move that body considered the House bill as amended and added two amendments after another, including H.R. 421, which in July of last year was passed in the House by a vote of 347 to 70.

But they did not pass the same bill in substance that the House had approved. The amendment the Senate added is not the bill that we passed. As a matter of fact, they deleted a most important provision which this House in working its will insisted be retained in the legislation by a vote of 2 to 1.

Then there are substantive differences in this bill between what we passed and what the Senate approved. The Senate in its 40 days of deliberations added S. 1843 relating to Indian rights, approved a provision which the House did not include in its version, and added other provisions which were not in the House bill.

Then the other body added a 23-page open housing provision, a provision which is quite different from the one passed here 2 years ago in the House of Representatives. The fair housing legislation passed in 1966 was more narrow in its coverage but more stringent in its enforcement provisions.

The House substituted a more temperate (Mr. Albert) The time of the gentleman from Michigan has expired.

Mr. SMITH of California. Mr. Speaker, I yield the gentleman 1 1/2 additional minutes.

Mr. GERALD R. FORD. I pass no judgment on the two fair housing versions—the House version called the Mathias amendment on the Senate version—but since the House in the 90th Congress has not previously considered such legislation, I believe we should now do so through our House conference.

Of course the Senate added other legislation concerning so-called gun control. It will be said there is no significant difference between what the Senate did and what the House approved in August 1968. I respectfully urge each and every member of the House to give the Senate substitute which treat with Indian rights.

TITLE I—INTERFERENCE WITH FEDERALLY PROTECTED ACTIVITIES

Section 245(b) (1) of the Senate version which treats with the right to work their will insisted be retained in the legislation which is in the House version which is in the House for anyone, whether or not acting under the color of law, by force or threat of force, to injure, harass or intimidate any person because he is or has been participating in specified federally protected activities. However, the Senate version requires that much more be done. It requires the House version requires that it be done only "knowingly." The Senate version divides the enumerated activities into two categories: the first might be called that of greater federal interest; and the second, that of lesser federal interest. But only as to the second category of activities does the Senate version purportedly require that racial motivation (a characteristic derived from race, color, religion or national origin) be proved as an element of the offense. The House version does not divide the enumerated activities into two categories, and requires that racial motivation be proved as to all cases. The Senate version does not mimic the House version in describing the substance of the protected activities. There are thus subtle differences in the two versions.

After considerable debate over a period of many weeks, it was agreed that "attempts to interfere" with a person's federally protected rights were simply too tenuous a basis for prosecution. The Senate version substituted for the House substitute which treat with Indian rights. However, neither did the House version consistently take that position throughout the entire bill. Compare S. 1843 (a) with Sec. 245 (b), (c) and (d).

The House version forbids discrimination on the basis of "political affiliation" in the enumerated areas, whereas the Senate version does not.

After some discussion, the House, in the Committee of the Whole, narrowly defeated (90-90) an amendment to protect business men during riots. However, such protection is contained in the Senate substitute in that portion of the House version which is in the Senate substitute which treat with the intimidation clause that was added by the Senate at subsection 1 of the Sec. 245 (b) as to the Senate substitute which treat with the Senate substitute which treat with Indian rights.

April 10, 1968

MEMORANDUM ON H.R. 2516

This memorandum contains a more complete analysis of H.R. 2516 (as passed by the Senate on March 11, 1968) than that provided in the minority memorandum of March 13, 1968. As in the first memorandum, the Senate substitute is compared to relevant House-passed bills, H.R. 2516, H.R. 14769 of the 89th Congress, and H.R. 14765 of the 89th Congress. However, unlike the first memorandum, this provides an analysis of Title I of the Senate substitute which treat with Indian rights.

Mr. Speaker, over the years the House with forthright and sagacious leader, the gentleman from Michigan has expressed the view in the Committee reports on both of these House bills that the two bills actually reflected two sides of one problem, and that they therefore should be joined together. The Senate has taken the suggested approach.

The first half of Title I is similar to the House version of H.R. 2516. However, there are several differences. Both the House version and the Senate substituted a crime for anyone, whether or not acting under the color of law, by force or threat of force, to injure, harass or intimidate any person because he is or has been participating in specified federally protected activities. However, the Senate version requires that much more be done. It requires the House version requires that it be done only "knowingly." The Senate version divides the enumerated activities into two categories: the first might be called that of greater federal interest; and the second, that of lesser federal interest. But only as to the second category of activities does the Senate version purportedly require that racial motivation (a characteristic derived from race, color, religion or national origin) be proved as an element of the offense. The House version does not divide the enumerated activities into two categories, and requires that racial motivation be proved as to all cases. The Senate version does not mimic the House version in describing the substance of the protected activities. There are thus subtle differences in the two versions.

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to civil rights workers (see Cong. Rec., March 7, 1968, page 5636), it is likewise superfluous and confusing.

It should be noted that the language of the House version is far more clear. The principal sections were not rewritten on the floor. That point is made here. The phraseology like that in proposed section 245(b) (1): "whichever, whether or not acting under color of law, force or by threat of force, willfully intimidates, influences or coerces any person in order to intimidate such person or any other person or any class of persons from participation in the act which such person or such class of persons is engaged in or furthering..." makes it clear that the overt act which is required to be different on those two issues.

The question of this element of an offense. But that requirement and principal sections were not rewritten on 9610 CONGRESSIONAL RECORD- · HOUSE

"...in writing. The House version has no such provision.

The argument would be valid if Title IX had been written to do no more than enforce Title VIII. But Title IX, mirroring the approach of Title VIII, removes the question of whether the overt act is that of an intent to intimidate "any person because of his race..." and because he is... renting... or he is committing an act of occupation of any dwelling...."

Thus the House version makes clear that the overt act which is required to be different on those two issues.

Thirdly, the general importance of civil rights workers (see Cong. Rec., March 7, 1968). The amendment reads:

"Nothing in subparagraph (2) (F) or (4) (A) of this subsection shall apply to the proposition that the civil rights worker provides lodging to transient guests, or to any employee engaging in behalf of such proprietor, with respect to the enjoyment of the goods, services facilities, privileges, advantages, or accommodations of such establishment if such establishment is located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor as his residence.

Thus to provide lodging in a building with five Perhaps the purpose of the amendment was to make it clear that the overt act which is required to be different on those two issues.

The amendment states that the Senate version defines the term "riot" to include a riot, and that the House version makes the mistake of applying the "clear and present danger" doctrine to the definition of "riot." However, the Senate version makes the mistake of applying the "clear and present danger" doctrine to the definition of "riot." For the doctrine sets down a rule by which freedom of speech may not include "advocacy of the use of force or physical violence to bring about social or political change." Thus Congress may limit "speech" where it presents a clear and present danger of a riot.

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The language refers back to (4) (A) whose coverage was truncated by the Cooper amendment. The KKK tenant nor could the KKK intimidate Mrs. Murphy for affording a room to such a tenant.

Thus it should be noted that these last two major differences (racial motivation as an element of the offenses contained in (4) (A) she is not protected by (4) (B)).

The House version of H.R. 2516 probably produced a result through the intermediary of Mrs. Murphy could not intimidate (by force or threat of force) the prospective Negro tenant nor could the KKK intimidate Mrs. Murphy for affording a room to such a tenant.

Finally, Sec. 245(a) (1) of the Senate version states that no prosecution shall be undertaken unless the prosecution is in advance that it is "in the public interest and necessary to secure substantial justice." The House version contains no such provision.

H.R. 421 and the Thurmond-Launche amendment contain material which identifies operative sections. However, the Senate version makes clear that the overt act which is required to be different on those two issues.
This title authorizes the Secretary of the Interior to draft for Congressional consideration a model code governing the courts of Indian affairs. This code would give non- Indian citizens the same rights and protections under Indian law as under Federal law, and more precisely defines the jurisdiction and extent of Indian courts. The bill also amends the Indian Civil Rights Act of 1968 to provide for the appointment of a Public Defender in Indian courts.

TITLE V — OFFENSES WITHIN INDIAN COUNTRY

This title amends the “Major Crimes Act” (18 USC 1153) to include an additional offense prohibited by Indian law, “violent offenses against the person committing bodily injury.” This offense, along with other serious crimes, will be prosecuted in Federal courts, in addition to the Indian courts, if the consent of the Department of Justice is forthcoming. The bill also amends the Indian Civil Rights Act of 1968 to provide for the appointment of a Public Defender in Indian courts.

TITLE V — EMPLOYMENT OF LEGAL COUNSEL

This title provides that when approval of an Indian law or a proposed Indian law is required by the Secretary of the Interior or the Commissioner of Indian Affairs and takes longer than ninety days in forthcoming, such approval shall be deemed granted.

TITLE VII — MATERIALS RELATING TO CONSTITUTIONAL RIGHTS OF INDIANS

This title provides that when the Secretary of the Interior requests materials relating to Indian rights, laws, treaties, and other affirmations, the President shall provide such materials.

TITLE VIII — OPEN HOUSING

This analysis will compare Title IV of the 1969 Civil Rights bill, H.R. 14765, which passed the House on March 11, 1966, with the provisions of Title VI of the Senate version, S. 786, which passed the Senate on March 11, 1966. The analysis will attempt primarily to note the differences in the two approaches.

The House version was more narrow in its scope and more stringent in its enforcement. The House version sought to regulate all forms of discrimination in housing, including discrimination based on race, color, national origin, or sex. The Senate version, on the other hand, focused specifically on discrimination based on race, color, national origin, or sex.

The House version contained more explicit prohibitions and penalties for discrimination, including potential fines and imprisonment. The Senate version, while providing some penalties, was more focused on educating and persuading individuals and businesses to comply with the law.

The House version also contained more explicit provisions for enforcement, including the creation of a Federal Housing Authority to enforce the law. The Senate version, while providing for enforcement, was more focused on education and persuasion, with a stronger emphasis on voluntary compliance.

Since the House version regulated only those in the business of selling, renting, or otherwise not subject to the Federal Government's authority, it was not as comprehensive as the Senate version, which applied to all persons and businesses engaged in the rental of housing.

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renting rooms in the town "homes" (whatever
that may mean) and other kitchens, other­-
wise be "deemed to be in the business" of
renting under section 402(d).
However, the Senate version covers all
classes of dwellings in all transactions except
three. They are as follows:
A. A single-family "house" (whatever that
means) except the one that is in the
family, unless it is clearly a commercial
business. (This exception is provided
only if the following four conditions are true:
(1) he owns three or fewer single-family
houses; (2) he sells no more than one non-resi­
dancy in any one year period,
(3) he sells without the services of a broker;
(4) he sells without any discriminating
advertising.
These conditions present some problems.
The first condition is modified by an at­
tribute clause resembling in purpose those
found in the Internal Revenue Code. That
is, the ownership of an item by one spouse
or relative is attributed to the other spouse
or relative lest some rule be circumvented.
The attribution clause here is very loose in
comparison to IRC attribution sections.
The second condition is phrased in trouble­
some or ambiguous terms. Section 807(b)
shall apply only with respect to one such sale
within any twenty-four month period. What if
two sales are made within twelve months?
Which sale gets the exemption? The first?
Or is it the seller's choice?
The Senate version requires that, "after
notice," there be no discriminatory adver­
tising. What "notice"? By whom? there is
no intimation in the entire Title of what is
meant by "after notice."
However, it is clear that regardless of cir­
cumstances, no one can "make ... any no­
tice, advertisement ... discriminate," sec­tion 804(c). That applies to all offices except
religious and fraternal or similar institu­tions.
However, the Senate version delimits the ex­
emptions are not so clear as they should be
in view of their central importance.
Section 803(b) (2) a co-operative living
co­
apartment condominium would be exempt under
section 803(b) (2) whereas a co-operative

dwelling would not. Since another family
owns a unit, whereas in the latter each fami­
illy owns an undivided quarter which
may not be considered by a court to be a
"co-operative living condominium" for making
such a distinction is not clear.
However, the House version contained a
provision, the section 407(h) which is
substantially similar to section 803(b) (2).
C. 1. A dwelling maintained by a religious

group for a non-commercial purpose, ex­
cept as to both sale and rental.
2. A dwelling maintained as a bona fide
private club for a non-commercial purpose,
extem to as rental only so that preference
may be given to members of such club.
As for the enforcement of the open hous­ing
provision, it was noted earlier that the
House version provided for an administra­
tive enforcement. Senate version provides
Section 809 of the Senate version forbids
housing discrimination on the basis of race, color, etc. in
the financing of housing. So did section 404 of the
House version.
This section of the Senate version forbids
discrimination in the provision of broker­
age services. So did section 408(a) (6) of the
House version.
Section 809 of the open housing provision
requires that the Secretary be given ade­quate
powers to correct the alleged discrimination.
Therefore, the Senate version specifies that the
Secretary's powers are to be used to that end.
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House version.
Mr. CLARK. Mr. Speaker, will the gentleman yield?

Mr. ASPINALL. I yield to the gentleman from Pennsylvania.

Mr. CLARK. Mr. Speaker, we cannot overestimate the seriousness of the action this House is being asked to take today. As many of my colleagues know, I have been speaking out frequently on the subject of law enforcement for several years now, most recently within the past few weeks.

An examination of the Congressional Record will clearly indicate that, unfortunately, my predictions of disaster have come true this past weekend. I have the feeling, however, that the House is still not being heard when I repeat once again that we cannot make any progress in the field of civil rights when we are in a state of anarchy. And we will remain in that state just as long as the policy of nonsupport for our law-enforcement agencies.

Mr. Speaker, if there is an underprivileged community in this country today—and this past weekend it is the police officers of the Nation. They were required to accept unspeakable insults, flagrant injuries, were shot at, and threatened with physical assaults—and then asked to accept it quietly and at the same time be held responsible for the maintenance of law and order.

I say to my colleagues that this intolerable condition must be corrected first—now, before any other action is taken by this House. I, for one, will not be stumped or threatened into precipitous legislative action that will in effect reward looters and incendiaries for their acts and then asked to accept it quietly and at the same time be held responsible for the maintenance of law and order.

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and Prevention and Control of Mobs and Riots," dated April 3, 1967. This document contains the most incredibly inconspicuous and insensible instruction to the troops who have been defending our city in the past 72 hours. I will take a few moments to cite some of these orders, and in full investigation of the origin of this document and if necessary an investigation of the National Guard and the Federal Bureau of Investigation.

Consider some of these orders that were issued a year ago to the men facing the insurrection and civil rebellion of the past few days: "You will fire only when ordered to do so." Thus, no provision for firing in self-defense. "When you fire, you will fire to disable, rather than to kill." Note there is no distinction of category between a civilian looter and a private assault with a deadly weapon. And perhaps most important, each order was signed by them all: "You do not fire solely to protect property." It would seem that the traditional function of the Army and law enforcement agencies to protect life and property has been rendered by some mysterious bureaucratic edict. Go out that door and go down to the ravaged area and see the results of that order.

Talk to the police of the city and hear their stories of allowing looters to walk away unchallenged because they were ordered to. Hear their stories of failure to return fire from deadly snipers because those are what the orders said. To exact, this document of which I speak says: "You simply don't fire at looters. This goes to the principle which says you will not fire solely to protect property."

Mr. Speaker, this is unbelievable in this day and age of civil disobedience. It is beyond my wildest imagination that within a year of the time the people of this Nation saw television and newspaper pictures of a tripod and machine-gun right outside these doors on the very steps of the Capital Building and we still refuse to face the fundamental issue of this moment—the total restoration of law and order first—a job that cannot be done until our police are properly equipped and trained and paid to do their job. When it comes to the conduct of the war in Vietnam we do not stand around and second-guess General Westmoreland. We do not allow the Secretary of Defense to make decrees or issue instructions to the forward observer of a combat team. We assume that our military leaders have the capacity to make the correct decisions. Then we remove them. But we allow, apparently, a civilian commissioner of police—or someone—to tell the Police Chief here, and perhaps all over the country, how to conduct police business in detail.

Mr. Speaker, this city, this Nation, has caused men in uniform to be out in the streets defending us and have left them totally defenseless. We have made a mockery of law enforcement. We have created an underprivileged, defamed, trampled-on minority and have put them into blue uniforms and sent them out on the streets to be shot at like dogs. Why, if any Member suggested such similar treatment for our Negro citizens, or Indians, or Mexican Americans, they would say you are trying to say that Hall is a madman. And yet we not only tolerate such treatment for this miniscule minority in blue, we are now being asked to further emasculate them by passage of this bill. It is time we stood up and demonstrated to the entire Nation that we do not even have the guts ourselves that we demand of them.

Mr. Speaker, let us put to rest once and for all the notion that we can make a pro-Negro or an anti-Negro vote here today. In recent hours more than 92 percent of our Negro citizens responded to a great tragedy with calmness and dignity. They did not flinch to protect the mourning for Dr. King by dancing in the streets and laughing while they burned and looted. The violence and destruction has been caused by less than 5 percent of the population. About 5 percent of the white population who have joined the army of destruction flouting the laws of this Nation. An army of屯men and some Indian citi­zens, of whatever color, have remained calm, if frightened. But this small minority of destroyers that we have permitted to run amuck have caused million­dollar damage and right now our Ways and Means Committee is being asked to pick up the bill. Pick up the bill when our law-enforce­ment people are being ordered to stand by with only the command to do what they are told. And if I shake my head in wonderment it is because we still refuse to see what is right in front of us.

Mr. Speaker, the police of this Nation must protect the vast majority of our citizens. They must know when we send them out into the streets that they are to deal with persons willfully doing vandalism and loot­ing, not merely to disable, but to arrest, de­termine with them for what they are—criminals, insurrectionists, irresponsible, irrational people who must be restrained.

Mr. Speaker, I intend to vote against the provisions of title II and instead pass the other titles. My vote against this bill is not an ordinary vote. It is a vote against the principle which says that we must protect the law-abiding citizens, then I shall continue to oppose legislation in such an atmosphere of fear that will give aid and comfort to the enemies of the law. I hope every Member of this Committee will act their duty to demonstrate as much courage as we have asked of them in recent hours.

Mr. ASPINALL. Mr. Speaker, I oppose the House approval of the Senate amend­ments. This bill will in effect transfer to the President and the Congress matters in controversy in this legislation be sent to a conference committee of the two bodies.

Mr. Speaker, there is a grave danger that by giving our approval to H.R. 2516, as it comes to us from the other body, we may, in fact, be destroying Indian treaty rights in the name of so-called civil rights—trying to aid one minority we are destroying rights of another minority. I am sure there are none among us who desire this.

H.R. 2516, which includes titles II, III, IV, V, VI, and VII, relate to Indian affairs and the language of title III is identical to the language of S. 1843 which has passed the other body and is now pending before the House Commit­tee on Interior and Insular Affairs.

The inclusion of these titles in the civil rights bill would thwart the orderly legis­lative process. They were adopted on the floor of the Senate without hearings by the Committee on Interior and Insular Affairs. The explanation was that these titles are the same as S. 1843, which had been con­sidered and reported by the Judiciary Committee of the other body, and which had passed the other body on December 7, 1967, during the closing days of the last session. S. 1843, however, had been reported by the committee of the other body without any public hearings in the 89th Congress. Another bill, the predecessor bills had been the subjects of hearings in the 89th Congress, S. 1843 is a revised bill and it has not been the subject of any hearings either in the 89th Congress or the 90th Congress.

S. 1843 is now pending before the Inter­ior and Insular Affairs Committee. Hearings on the bill have been sched­uled for sometime to be held by the Sub­committee on Indian Affairs under the able leadership of the gentle­man from Florida [Mr. HALEY]. The first of these hearings were held on March 29, 1968. It would be a travesty on the legislative process that the bill before us pending before us is to be included in the civil rights bill and enacted without any consideration by the committee that has jurisdiction.

I do not want to be understood as raising a jurisdictional issue. I am not. I am raising a question of orderly legis­lative process. While this is not the time to discuss the merits or defects of titles II through VII of H.R. 2516, I have satisfied myself that they contain provisions that merit careful evaluation before they are accepted by the Members of this House. The Interior and Insular Affairs Committee has received from some Indian tribes expressions of alarm and requests for amendments. Some Indian groups are entitled to be heard.

Without in any way expressing an opin­ion regarding the merits of the objec­tions because I believe the formulation of an opinion would be premature, I just mention a few of them as illustrative:

First. One provision of title II provides that in an Indian tribal court a defend­ant in a criminal case shall be entitled to the right to counsel. In an ordinary court of law this would, of course, be a highly desirable provision. A tribal court, however, is not an ordinary court. Neither the judges nor the prosecutors are attorneys. They function in a most informal manner. The fear expressed, which I believe should be evaluated, is that a defense lawyer in that kind of court would so confuse the lay judges with formalistic demands that the whole system might collapse. That fear may or may not be well founded. We should find out.

Second. Another provision of title II fixes a maximum penalty that can be
imposed by a tribal court at $500 and 6 months imprisonment. The split of jurisdiction between tribal groups, State courts, and Federal courts is technical and confusing. Some tribes have indicated that the maximum penalty provided by title II may be too low, or that it is not applicable to cases of serious offenders escaping reasonable punishment.

Third, Trial by jury, although emphasized often, is foreign to the customs of many tribes. Before imposing this requirement in tribal courts, the probable results should be considered.

Other provisions of these Indian titles are completely unrelated to civil liberties, and they do not belong in a civil rights bill. They relate entirely to sound Federal administration of the Indian affairs program. For example, no question of civil rights is involved in the question of whether Indian laws should be collected and published by the Secretary of the Interior, whether a book entitled "Feder­al Indian Law" should be republished, or whether secretarial regulations affecting Indians should be published separately from the publication in the Code of Federal Regulations.

One other provision needs to be noted. Title IV would substantially amend Public Law 280 of the 83d Congress by permitting States to assume partial jurisdic­tion over Indian reservations. The Department of Justice has expressed serious doubt about the wisdom of this action.

Another change would require tribal courts to require a State to assume any jurisdiction. Public Law 280 originated in the Interior and Insular Affairs Committee, and it is our intention to consider these two changes when S. 1849 is scheduled for the Senate.

Mr. Speaker, it is my personal feeling that too many Members of the Federal Congress, and too many of the political spokesmen for any political party of our country, are trying to solve the problems attendant to the civil rights of our people purely from a political, par­tisan, or personal ambitious viewpoint. As individuals we may disagree about the manner of enforcement, but we shall never solve such problems. Just the reverse will be true. We shall continue to magnify and intensify them.

The strong feelings of pro-racial today and the growing fear among our people in their attitudes toward each other is no mere happenstance of the political party or political group. It is to each and every citizen of our nation, of reaching worthwhile objectives. We talk and write too much of things which we are going to do, and then we actually do too little after we have run out of breath and paper.

I am convinced that the great ma­jorities of all races in this Nation of ours wish to grow, to prosper, and to live to­gether. I am also convinced that they wish to do this in an orderly, sane, and peaceful way. They do not want the sky­rocketing salaries of self­denying politicians. They want the evolu­tionary leader, rather than the revolu­tionary one. They want leaders who are dedicated to the end goals of equal op­portunities and freedom for all.

The great majorities of our people fully realize and understand how our fostering of scores of discrimination and in­equities, that we understand and the seriousness of the malady that affects us. They understand also that a nation does not cure these illnesses or maladies overnight. In my opinion, the overwhelming numbers of our people, regardless of race and national origin, know when they are being preyed upon by their fellow man, regardless of who the self­claimed leaders may be. Ac­cordingly, let us be done with overnight cures, with hasty and ill­advised pan­aceas such as continued statutory ver­biage. Rather, let us proceed to furnish within the existing law what those limitations may be, to all and all alike the blessings which this great Nation possesses, realizing that with the acceptance of those blessings or any part of them goes corresponding responsi­bilities.

I repeat—this is not, and should not be, a partisan political controversy. I resent the implication which I sometimes find in the remarks of my colleagues.

Personally, I resent a statement from my fellow public servants which is publicized by the news media as follows:

Any one voting against open housing or any part of this bill, vote against the Republican candidate for the office he seeks in this election year must take the responsibility.

Rather, let us legislate from respect and understanding of each other than from the motivation of fear. I shall an­swer to my own conscience and to my constituents for my action, and not be­cause of fears or reprisals.

Mr. SMITH of California. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois [Mr. ARENAS].

Mr. ARENAS. Mr. Speaker, I most em­phatically believe that we should take a firm, united stand in opposition to the proposed rule to collectively adopt the Senate amendments.

The procedure that is proposed makes a travesty of the whole legislative process. It is tantamount to the House abdi­cating its legislative prerogatives. It is tantamount to our delegating to the Sen­ate, by a rubber stamp process, our duties and responsibilities to the people we represent.

It is not a question as to whether one is for or against open housing. Nor is it a question as to whether one is for or against gun control legislation, antitrust legislation, Indian rights, or any of the provisions which the Senate added to the civil rights bill we passed.

When we come to any of these questions raised by the Senate amend­ments, the House should at least have opportunity to explore in detail just what the Senate proposes in its amendments to the bill we passed and for which I voted.

It is my understanding that the fire­arms section of the Senate amend­ment differs substantially from the bills now before our Committee on Judiciary, and that this amendment is being considered by the Senate Judiciary Com­mittee itself.

By following the procedure now proposed, we are effectively denying to our own Judiciary Committee oppor­tunity to pass upon the adequacy or inadequacy of the firearms amendment to the civil rights bill.

The Senate open housing version differs in many and very material ways from the House version. There are dif­ferences not only as to scope, but also as to manner of enforcement.

Open housing can mean many things. Open housing is a matter of very real concern and delicacy to the people we represent. And the manner of enforce­ment can be as important as the scope of the law. Surely, we recognize that property rights are involved in this issue.

I have here a memorandum prepared by the minority staff of our Judiciary Committee analyzing the differences be­tween the House­passed bill and the Sen­ate­passed bill. It took 24 double­spaced, typewritten pages to outline the many and far­reaching differences be­tween the House version and the Sen­ate­passed bill. But we are called upon to accept the Senate ver­sion, yes or no, without a second thought, even without discussion and much less of any perfecting change.

But as I said at the outset, the question before us is not much a matter of substance. We do not know except by label what the substance is.

The question before us is a matter of procedure. We owe it to ourselves, as well as to our constituents—we owe it to the House, as an equal arm with the Senate in the legislative process—we owe it to the orderly legislative processes—not to approve this extraordinary procedure.

We have many times complained against the practice of the Senate, which has no rule of germaneness, of adding entirely new matter to House­passed bills. We have many times fought against the motions to recommit, but it is unfair, and jockeying us into an impossible posi­tion. Even now some of our Members are complaining that we do not have as large a voice as we should in foreign affairs.

To adopt this rule is to gag ourselves and to gag the people for whom all are supposed to speak. We of the minority have consistently railed against "rubber stamping procedure."

The rights of this House, which is more representative of the people than the Senate can possibly be, are at stake. And this is reason enough that the adoption of any rule to accept the Senate bill should be defeated.

This measure should be sent to con­ference that the members of our commit­tee most familiar with the subject could have opportunity to examine in depth all that is involved, and proceed with the tax bill last week. We rightfully refused to accept the many Senate amendments and sent the bill to con­ference. There is no reason whatever to assume that the Senate will not come to an agreement. There is no basis for the assumption that the bill will die in
Mr. MADDEN. Mr. Speaker, I yield 2½ minutes to the distinguished Speaker of the House of Representatives, the gentleman from Massachusetts [Mr. McCormack].

Mr. McCormack. Mr. Speaker, one of the finest statements for supporting amendments was made by the gentleman from Illinois [Mr. Anderson] when he said:

I have come to this judgment because I believe that as a nation we must turn our face toward the future and not to the past for a principle of separation. We must reaffirm this essential human right to justice and human dignity.

That statement is based on truth and principle. It is based on the constitutinal right of all persons to equal rights and opportunities and respect, and therefore, it is based on the moral law.

I am going to make brief reference to some of the contributions made by American Negroes during our constitutional history.

How many of you know that in the American Revolution that 5,000 Negroes served under Gen. George Washington? Mr. Speaker, in the Indian wars the American Negroes served as an essential part of Andrew Jackson's military forces, and in the War of 1812, American Negroes served and made up a large percentage of the American Navy at sea. In the Civil War, there were nearly a quarter of a million American Negro soldiers and sailors served in the Union forces. There were also Negro troops in the Spanish-American War. Four Negro units of the regular army served at San Juan Hill with the Rough Riders and at the battle of El Caney, and other important military campaigns.

As we start to look at the military history of the American Negro, it is a totalitarian bill which would sacrifice individual freedom on an altar of election-year expediency.

I therefore ask that the House reject it.

Mr. Selden. Mr. Speaker, I yield to the gentleman from Alabama [Mr. Colmer], who has the floor.

Mr. Colmer. I yield to the gentleman from Alabama [Mr. Selden], who has the floor.

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

The SPEAKER. Is there objection to the request of the gentleman from Alabama [Mr. Selden]?

There was no objection.

Mr. Selden. Mr. Speaker, I thank the distinguished gentleman from Mississippi [Mr. Colmer] for yielding to me so that I might express my opposition to House Resolution 1100 and urge its defeat.

It will be recalled that when the Civil Rights Act of 1964 was passed, it was said by some that the House had passed a bill that in recent days has been under a virtual state of siege by looters and burners. The House is being asked to consider yet another civil rights bill by the National Guard that in recent days has been under a virtual state of siege by looters and burners.

The House is being asked—if not in effect ordered and directed by extraordinary parliamentary procedures—to pass another civil rights bill while troops guard the Capital and patrol the streets protecting the Capitol building itself.

I submit that no legislation should be considered under such conditions in a free and democratic society.

The spurious notion has been advanced in recent days that somehow civil rights are as important as, other rights under our system. But the fact is that the foundations of the American system rest on the concept of the individual's right to hold property. The fact that today is one of the most serious infringements on that right ever to be put before an American Congress. This is not a $42,000 death bill which would sacrifice individual freedoms on an altar of election-year expediency.

I therefore ask that the House reject
this highhanded effort to stampeade the U.S. Congress into enacting unwise legislation under conditions of siege.

Mr. COLMER. Mr. Speaker, first, I would like to thank my colleague, the gentleman from Indiana, the author of this resolution, for graciously permitting me this time. I must confess that I feel a bit selfish in taking this much time when only a brief 60 minutes is permitted under the straitjacket in which we find ourselves here today to discuss one of the most momentous questions involving the birthright, the freedom, and the liberties of our people. But we find ourselves in that situation because we will not permit ourselves to act as an equal, coordinate body of the Congress.

We were summoned by the Founding Fathers, when this body was set up to be the important body of Congress, fashioned after the House of Commons. But through a process of erosion of that body has committed itself to become a second-rate body. We hear a great deal about second-class citizens. Are we not putting ourselves in the position of second-class legislators by accepting legislation that has substantial changes and amendments in it under this rule?

It might be well, in order to get the matter in its proper perspective, to briefly review the facts of how this bill evolved. As others, including the gentleman from Michigan [Mr. GERALD FORD], have made reference to it. Permit me to remind you that last year this body, even ourselves and others, including the gentleman from Indiana—Mr. COLMER—have made reference to it. Permit me to remind you that he was not the only gentleman who has made reference to the Constitution and the heritage of free men which has been handed down to us by the Founding Fathers. Even as late as 10 years ago if some bucolic or politician had suggested that the Federal Government could tell a citizen how and under what conditions he could dispose of his property, he would have been scoffed at. What has become normal, I have heard what many times only a few years ago about. "A man's home is his castle." The right of a citizen to acquire, enjoy, and dispose of his property is one of our most sacred heritages as free men in a democratic Republic.

If we pass this bill today, I ask you in all seriousness what the next step will be. Will it be to require the Federal Government to move members of one race, minority or majority, into various sections of our communities to bring about a balance and thus hasten full integration? If you think this is far fetched, then I hate to remind you that when we passed the Federal aid to education bill, even though the Congress refused to write a provision into that bill requiring the bussing of students from one school to another, the courts have taken it upon themselves to do what the Congress maybe thinks to be a part of the education bill. A real imbalance, the fact remains that it is being done today in many cities of our land. Is it fantastic, in view of what the Congress and the courts have done in the past, to suggest that if this bill is taken to be a subsection of the minority group by payment of a certain percentage, if not all, of the purchase price of a home in order to further the forced integration of the races, regardless of whether they wanted to or not?

Mr. Speaker, I realize that the wheel that squeaks is the loudest gets attention, but remember that this proposed legislation has not only a racial imbalance but also sections of our common country. And further realizing that a man's family, his dog, and his home are his most cherished possessions, I doubt seriously that this proposed revolutionary legislation is as popular as some politicians think. I think this is another case of where the politicians have failed to properly evaluate the bill.

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

Mr. COLMER. I yield briefly to my friend, the gentleman from North Carolina [Mr. WHITENER].

Mr. WHITENER. Mr. Speaker, I thank the distinguished gentleman from Mississippi for yielding to me. At this point, I think it is only proper that the gentleman be applauded for his valiant effort to preserve orderly procedure in the consideration of this legislation. The gentleman from Mississippi has been a consistent supporter of the concept that such broad-based legislation as we have before us could be considered in committee before forced down the throats of the Members of this body.

We have heard it said here today that the level of debate is in keeping with the traditions of the House. This contention is not impressive to me since I observe that the entire debate has been a discussion of parliamentary procedures and political philosophies of individual Members. At no time have we heard any discussion of the language of the legislation or of the great legal and constitutional questions involved.

The bill now before us has never been adequately studied by the membership of this House. We should defeat the resolution now before us so that the bill might go to conference where attention can be given to many important issues which it raises.

Mr. Speaker, it was my privilege to testify before the Committee on Rules on March 17, 1968, the Senate, as a part of my remarks at this point in the Record:

STATEMENT OF HON. BASIL L. WHITENER, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NORTH CAROLINA:

Mr. WHITENER. Mr. Chairman and members of the Committee on Rules, I have not heard Mr. Ford's remarks, I would like to point out that in his statement on the first day of hearings he said that the Senate bill contained "many provisions not in the House bill." Of course, in this day and time, it is hard to pick out the understatement of the year. But that statement by Mr. Whitter would be in the context:

I have here a study made by the Library of Congress, Legislative Reference Service, which is a comparison of the open housing provisions of H.R. 14785, as passed by the House on August 26, 1966, and H.R. 2516 as passed in the Senate on March 11, 1968.

A casual reference to that study will indicate that there is a complete difference between the open housing provisions of H.R. 2516 which did not appear in the House bill which we have before us in the 90th Congress.

In view of Mr. Young's question of a few moments ago to Chairman Celler, I think it might be significant to point out that in the bill passed in the 89th Congress which, as Mr. Latta has so well said, was a Congress composed of different personnel to a major degree, the House very specifically wrote into that bill, section 406(e). That section provided:

"Nothing herein is to be construed to prohibit a real estate broker, agent, or salesman, or employee or agent of any real estate broker, agent, or salesman, from complying with a request of the licensee of any real estate broker, agent, or salesman, for the license holder to list or sell any property, or from entering upon the premises of any person not in the business or not otherwise subject to the prohibition of subsection (b) or (e) with respect to the sale, rental, or lease of a dwelling owned by such person so long as the broker, agent, or salesman does not encourage, solicit, or induce the restrictions indicated."

So it seems to me that the House, if we want to talk about what another Congress did in the House, we have a Congress met head on the problem which the gentleman from Texas—Mr. Young—and the gentleman from Florida [Mr. Pepper] pointed out here.
I certainly concur with the gentleman from Florida that one of the elementary principles that we lawyers have always accepted was that a man could do through an agent what he could do himself.

I think, however, that this bill upon an almost immutable principle of the law of agency is not justified and that we in this body are, as we have been, establishing bad law and bad precedents just because someone thinks that the other body might act differently.

Our job is to legislate wisely on any measure that cannot be escaped by apprehension as to what the other body will do. That is, to sufficiently entitle an interference With Federally Protected Activities," is a total misnomer. If we look at the language of the title, it provides that whoever, whether or not acting under color of law, does certain things in violation of title I of this legislation.

Some of those things are voting or qualifying to vote, qualifying or campaigning as a candidate for elective office or voting or acting as a poll watcher or any legally authorized election official in any primary, special or general election.

So, we are seeking to interfere with voting, whether under color of law or not, taking part in any campaign or election for any of its manifestations.

You may say that this is not too important, that it is a Technicality, that it is not too important, that it is not too important, that it is not too important. I hope it is not, because I believe that the States to control interference with serving as grand or petit jurors any court in the United States.

I take it that it means any local court as well as any Federal Court. I certainly don't recommend that we permit the right of the States to control interference with serving as grand or petit jurors attending any court in connection with possible service as a grand or petit juror in any court of the United States.

It goes further. It says whether a person is acting under color of law or not, that he has committed a Federal offense if he interferes with anyone participating in, or enjoying any benefits, service, privilege, program or facility, or activity, provided or administered by any State or any subdivision thereof.

You may say that this is not too important, that it is not too important, that it is not too important, that it is not too important. I hope it is not, because I believe that the States to control interference 

So, it seems to me that in that title we may be getting ourselves into the doctrine of the Stein v. Nelson case and having our Federal courts say that no longer can a State protect a proposed juror or a potential voter or an election official, or those other categories that I have mentioned.

I do not think it is a great length but you gentlemen have heard our contentions on this for many, many years now. It seems to me that it is a title that I believe, however, in the 1930's in law school, that the 14th amendment applies to State action and not the action of a citizen who might be walking down the street doing something without sanction or color of authority from the State, is still good law. It should be adhered to.

I would say title I is alleged to be based upon the authority granted to the Congress by the 14th amendment. I would say title I could be stretched to include the case of some criminal who might be charged with a crime of Federal law, granting the protective juror in the collar as he starts up the courthouse steps. I can't see that such conduct by an individual brings the 14th amendment into play in such a way as to give the Federal Government jurisdiction to punish the offender.

There has been a great deal written by the courts on that. I won't bore the committee with extensive references, except one committee has held that an individual v. Louisiana, 305 U.S. 176. I use Justice Douglas for reasons which I am sure everyone on this side of the aisle will assume, is offensive to all Americans to have anyone interfere with their right to own and dispose of property. I think this is offensive equally to one of our African American citizens or to persons of any other national origin. I don't believe any of us would argue that there is any difference in our feeling.

In my own community where we have not been as concerned, apparently, about where we live, we've been involved in some other areas, we recently had an occurrence which pointed out to me members of other races are prone to the property, that they should be protected in it. In the past few days the local housing authority has proposed to build some low-cost housing near a subdivision which was developed immediately after World War II by some of our Negro friends. They built very attractive and expensive homes. They were looking for Negroes to move in. It was not a slum neighborhood. They live there now without friction.

I might say that if you went to my former neighbor who was a member of another race up the street and told him that under a Federal law he had to sell his house to a member of my race, and he had a son who was willing to pay him just a little bit less, or a good friend of his own race, that he would loudly proclaim that any such law as that was a foolish law.

This I think is something that we must remember. There are some southerners and Negroes in this country.

I know what I went to Brooklyn in World War II when the Navy had a shortage of housing. I know that the social life, residential decisions, and everything else in the community where I was stationed was reversed.

When I wanted an apartment, living with fine fellow Methodists in their home, and we were looking for an apartment, they helped us find an apartment which they knew an other Methodist was about to vacate. A colored church was within a hundred yards of my house. For as long as I can remember, people of both races have lived in peace. It was not a slum neighborhood. They live there now without friction.

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individual that you know that had prejudice about many, many different matters, the Fed­
eral courts, and I think and have been in number to undertake to handle the cases.

The antiriot provision we are all familiar with. I would like to point out a rather interesting fact. I think you may note that in the chapter 102 on page 9, it is in title I, I guess, it was rather interest­
ing that at the top that, a situa­
tion on riots, the other body was very anx­
ious to write into that title at the bottom of page 9, any conduct that disturbs the public peace in connection with labor dis­
"turbance involving, one, an act or acts of violence by one or more persons, part of an act or acts shall constitute a clear and present danger of or shall result in damage or injury to the property of any other person or persons, or any knowledge that a threatened act or acts of violence would con­
stitute a clear and present danger or would result in damage or injury to the property of any other person or to the person of any other individual.

This protective provision for labor organi­
"tized for labor organi­
"tized for labor organi­
"tized for labor organi­
ization, or with civil disorders which are disturbances of a lesser degree than a riot, you don't find written into this provision with reference to

I don't believe that sending it to confer­
"nally accomplish the type of study that I would like to see. I would rather see the com­
mittee and hereafter the House on the floor of the House Building without subjecting it to the

I remember many of these bills that have come out of the subcommittee, Subcommit­
tee No. 1, I think it is. In the full committee we have virtually rewritten them. I believe the gentle­
man from Arizona referred to this matter with us on the Judiciary Committee during the consid­
erations of some of those.

The committee refined and improved the legislation. I don't believe that it is good legis­
latively significant for us to approve the lan­
guage of this so-called compromise that somebody wrote one night in the Senate Exe­

The gentleman made, also, somereference to the burden that would be put upon the Federal courts. There has been a tendency all through the years, and especially for the past several years, to preempt the State laws and concentrate power in the Federal Govern­
ment and in the Federal courts.

But it is enacted into law as it is now written, you are going to have to have many additional Federal judges, more Federal po­
power to enforce this, and at a time when we are trying to economize, economizing, try­
ing to stabilize the dollar.

But many, many questions could be raised. We would like to have a chance to do that.

The question here before this committee is whether we are going to adopt the version that was put down, or whether we are going to take it as it is with no opportunity for amend­
ment in a very limited discussion. Of course the discussion amounts to nothing if you can't amend it.

Mr. WHITENER. Certainly 1 hour discussing would not be adequate.

Mr. WHITENER. Mr. Chairman, if you had 6 hours, your discussion would be really worthless if you had no opportunity to amend it. So it goes down to the question of what this com­
mittee is going to do. That is really the prob­
lem that is before us, and the question to be resolved.

Are we going to take it that way, or are we going to send it back to your committee, which you say you prefer and which I think would be more proper.

Mr. WHITENER. Mr. Chairman, if this bill went back to the Judiciary Committee, I can assure you, you would be, at all surprised to see our distinguished chairman of the Judiciary Committee and Mr. McCulloch and others offering key amendments to the bill.

The contention is that we cannot take the step— and I think we ought to be fair with them— is their apprehension that if the bill goes into the Judiciary Committee, it will not be at all surprised to see our distinguished chairman of the Judiciary Committee and Mr. McCulloch and others offering key amendments to the bill.

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further study and in any event it should go to the conference committee. The yeas and nays have been ordered.

Are there any questions?

Thank you very much, Mr. Whittier. Mr. Whittier, I appreciate the opportunity to have this discussion, and I am sorry I had not prepared a formal statement.

Mr. Speaker, I again commend the gentleman from Mississippi [Mr. Colmer] for the effort that he is making to preserve the dignity of the House of Representatives, and I am happy to join in undertaking to defeat this undesirable legislation.

Mr. COLMER. Mr. Speaker, I thank the gentleman for his contribution.

Now I must ask the question: In the few remaining minutes, I have about 3 minutes. I think of that—3 minutes. And yet, under this gag rule that is 1,800 times more than the average Member of this House, I do get up on this floor and even discuss this matter.

Now let me just say this, and I hate to say this but I am going to say it, because I have an unusual fault. I think, of saying what I think.

I pleaded with the powers that be in this House. I humbled myself to try to get an opportunity for all the Members of this House to have a direct vote upon the question, and when the bill should be sent to conference. This was, as I thought, a reasonable request and purely a procedural matter. The Committee on Rules turned down the proposition by a vote of 8 to 7 that the rule be enacted on the Madden resolution, House Resolution 1110, and carry with it the right to also consider House Resolution 1118 on the floor which would allow a direct vote to the conference. That rule would not have delayed a single day the vote in the House. Whatever rule we passed would be considered here today on the floor.

Well, what is wrong with that?

The other day the other body put through a tax bill, a big tax bill, as an amendment which the President wanted. I understand, on our simple bill we pass extending a clause that goes to collecting the taxes. When it came back to the House, was there any motion to take up and agree to the Senate amendment and adopt it, and let it become law? That is what we are going to do here because of the emotionalism that prevails.

Yes, I agree in this matter we are put in this straitjacket about voting. In the Rules Committee yesterday it was the best we could get, and Martin Luther King had nothing to do with that vote. But I also say, as one who has observed the workings of this House and who knows something about its personnel and membership, that on Thursday evening when I went home, in my humble judgment as well as that of many others, we had the votes to send the bill to conference.

But now the situation is changed. Here we are legislating in an atmosphere of hysteria, of threat, of arm-twisting—an unsavory climate to legislate in. You know, in the United States Capitol today is surrounded by marines and soldiers. I ask you to follow the orderly procedure, to maintain the dignity of this House, to vote down the previous question and to send this bill to conference.

Mr. SMITH of California. Mr. Speaker, I yield myself my remaining 30 seconds to refresh the minds of the Members that the gentleman from Indiana [Mr. Madden] will move the previous question, which requires a yeas and nay vote. A "nay" vote for the previous question will send this bill to the White House. A "nay" vote, if carried, will vote down the previous question. I will offer an amendment to send the bill to conference if a "nay" vote prevails.

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

All time has expired.

Mr. MADDEN. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER. The question is on the previous question.

Mr. SMITH of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 229, nays 195, not voting 9, as follows:

[Roll No. 96]

YEAS—229

Adams, Addabbo, Albert
Andrews, N. Dak.
Amann, C.
Ashley
Ayres
Bates
Bell
Bisbee
Blatnik
Boggs
Boling
Bradenham
Braun
Brooks
Brownefield
Brooksman
Brown, Calif.
Brown, Mich.
Brown, Ohio
Burke, Mass.
Burton, Calif.
Button
Buckley, N. Y.
Buell
Byrne, Pa.
Cahill
Cable
Callow, Ill.
Candle
Cantine, Mass.
Carter
Cavenaugh
Chabot
Cobb, Ga.
Coburn
Coffin
Cooke, N. H.
Conaway, Utah
Corbett
Corman
Cowger
Cunningham
Daddario
Dailey
Dawson
Delaney
Dent
Dingis
Donohue
Down
Dussky
Dwyer
Eckhardt
Edwards, Calif.
Elberg
Erlenborn
Eskelinen
Evans, Colo.
Fallon
Farbatein
Fasell
Feighan
Finley
Floyd
Foley
Reed
Madden, N. Y.
Stagg
Stanton
Starr
Stassen
Stratton
Taft
Tenzer
Thompson, N. J.
Ternan
Tirrell
Udall
Ullman
Van Deburg, Wis.
Vanik
Vandenberg
Wadsworth
Whalen
Whalen
Winfrey, Okla.
Wolff
Wyatt
Wynder
Yates
Young
Zablocki
Zweck

NAYS—195

Abbott
Abernethy
Adair
Anderson, Tenn.
Andrews, Ala.
Ashbrook
Ashbrook
Aspinall
Atkins
Audubon
Baldwin
Barkley
Bartlett
Bates
Beamer
Bechtel
Bell
Bent
Beverly
Blackburn
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Bolton
Brady
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Burke, Oreg.
Burke, Utah
Burton, Utah
Byrne, Wis.
Cabell
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Chapman
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Chitwood
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Cunningham
Daddario
Dawson
Della- bench
Detwiler
Dingis
Donohue
Down
Dussky
Dwyer
Eckhardt
Edwards, Calif.
Elberg
Erlenborn
Eskelinen
Evans, Colo.
Fallon
Farbatein
Fasell
Feighan
Finley
Floyd
Foley
Reed
Madden, N. Y.
Stagg
Stanton
Starr
Stassen
Stratton
Taft
Tenzer
Thompson, N. J.
Ternan
Tirrell
Udall
Ullman
Van Deburg, Wis.
Vanik
Vandenberg
Wadsworth
Whalen
Whalen
Winfrey, Okla.
Wolff
Wyatt
Wynder
Yates
Young
Zablocki
Zweck

Not voting—9

Ashmore
Karsten
Katz
Jones, Mo.

So the previous question was ordered. The Clerk announced the following pairs:

On this vote: Mr. King of California for, with Mr. Ashmore against.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the resolution.

GIRALD R. FORD. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 250, nays 172, answered "present" 1, not voting 10, as follows:
ADJOURNMENT OF THE HOUSE FROM APRIL 11, 1968, TO APRIL 22, 1968

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

The Clerk announced the following arrangements:

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

The only objection to the request of the gentleman from Oklahoma? No objection.

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Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until April 22, 1968, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? No objection.

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Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until April 22, 1968, all Members of the House shall have the privilege to extend and revise their own remarks in the Congressional Record on more than one subject, if they so desire, and may also include therein any short quotations as may be necessary to explain or complete such expansion of remarks; but this order shall not apply to any subject matter which may have occurred or to any speech delivered subsequent to the said adjournment.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? No objection.

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

The SPEAKER. Is there objection to the request of the gentleman from Michigan? No objection.

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

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

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma? No objection.
The SPEAKER. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker, will the distinguished majority leader indicate if it is true that once we finish the legislative schedule that he has indicated previously for today, although we would meet tomorrow, there will be no legislation on Thursday?

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

Mr. GERALD R. FORD. I yield to the gentleman from Oklahoma.

Mr. ALBERT. In response to the gentleman, if we finish the matter which the distinguished chairman of the Committee on Ways and Means intends to bring before the House and the maritime authorization bill, we will have finished our legislative program for the week.

Tomorrow is Pan American Day and, of course, we will announce the program for the week after the recess.

Mr. GERALD R. FORD. But there will be no unanimous-consent requests for the consideration of legislation?

Mr. ALBERT. There is no legislative program scheduled for tomorrow.

Mr. GERALD R. FORD. I thank the gentleman.

TEMPORARY EXTENSION OF EXCISE TAX RATES ON AUTOMOBILES AND COMMUNICATION SERVICES

Mr. MILLS. Mr. Speaker, I call up House Joint Resolution 1223 and ask unanimous consent that it be considered in the House as in the Committee of the Whole.

The Clerk reads the title of the joint resolution.

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

There was no objection.

The Clerk reads the joint resolution as follows:

H.J. Res. 1223
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the following amendments of the Internal Revenue Code of 1964 are each amended by striking out "March 31, 1968" and inserting in lieu thereof "April 30, 1968," and by striking out "April 1, 1968," and inserting in lieu thereof "May 1, 1969;" that are as follows:

(1) Section 4061(a)(2) (relating to tax on passenger automobiles);
(2) Section 6412(a)(1) (relating to floor stocks refunds on passenger automobiles);
(3) Subsections (a) and (c) of section 4251 (relating to tax on certain communications services).

Subsection (c) of such section 4251 is amended by striking out "February 1, 1968," and inserting in lieu thereof "March 1, 1968," and by striking out "January 31, 1968," and inserting in lieu thereof "February 29, 1968."

(b) The amendments made by subsection (a) shall take effect as of March 31, 1968.

Mr. MILLS. Mr. Speaker, I move to strike out the last word.

The SPEAKER. The gentleman from Arkansas is recognized.

Mr. MILLS. Mr. Speaker, this resolution continues the 7-percent rate of the manufacturer's excise tax on automobiles and the 10-percent rate of the tax on telephone service from April 1 of this year to May 1. The conference committee which is presently meeting to resolve the differences between the House and Senate versions of the Tax Adjustment Act of 1968, realizes it cannot develop a conference report before Easter and feels this action should be taken.

The conferences have met a number of times and have made progress. Nevertheless, we are far from the end of our work and it appears unlikely that we can complete action before the Easter recess begins.

The series of amendments which the Senate added to the House version of the bill raised a number of major issues. These issues require careful consideration which necessarily prolongs the length of the conference.

The necessary length of the conference presents a problem, however, in connection with the excise taxes on automobiles and telephone service. The 7- and 10-percent rates of these excise taxes expired on April 1. At the suggestion of the Treasury, the manufacturers involved elected to accept rates and agree to these rates. The Treasury issued this suggestion on the strength of the fact that both the House and Senate have approved legislation to continue these rates in effect from April 1 to the end of 1969. In fact this matter is not even in conference. The Treasury instruction is a temporary expedient, however, and legislative action is needed to clear up any uncertainty in the minds of the public. That is the purpose of this resolution.

Let me emphasize that the resolution deals with a provision of the bill which has been approved in identical form by both Houses of Congress. It is, therefore, clear that when this bill is enacted, the 7- and 10-percent rates will be imposed from April 1 until the end of the next calendar year.

Approval of this resolution will make it plain that the excise tax rates will not fall between April 1 and the date of enactment of the bill. It will also indicate that Treasury will collect the excise tax on floor stock refunds with respect to items in inventories on April 1.

The 1-month extension of the excise tax rates provided by the resolution gives the conference committee additional time to arrive at a rational, reasoned answer to the many fundamental issues raised by the Senate amendments. In view of the complexity of these issues, the additional time provided is not excessive.

I urge the adoption of this resolution. Mr. Speaker, are there further requests for debate?

Mr. BYRNES of Wisconsin. Mr. Speaker, will the gentleman yield?

Mr. MILLS. I yield to the gentleman from Wisconsin.

Mr. BYRNES of Wisconsin. Mr. Speaker, rather than take time, I just join the gentleman and also advise that I joined him in the introduction of the resolution. I think it is desirable and important that we do provide this 30-day extension.

Mr. MILLS. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The joint resolution was passed.

A motion to reconsider was laid on the table.

MARITIME AUTHORIZATION

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, and on behalf of the gentleman from New York (Mr. DELaney), I call up House Resolution 1122 and ask for its immediate consideration.

The Clerk reads the resolution, as follows:

H. Res. 1122
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 H. R. 15189 to authorize appropriations for certain maritime programs of the Department of Commerce, as may be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee of the Whole,Merchant Marine and Fisheries. The bill shall be read for amendment under the five-minute rule, and at the conclusion of the consideration of the bill for amendment, 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 amendment adopted by the Committee of the Whole, the bill or committee amendment in the nature of a substitute printed in the bill. 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.

The SPEAKER. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from Tennessee (Mr. Quinlan), pending which I yield myself such time as he may require.

Mr. Speaker, House Resolution 1122 provides an open rule with 2 hours of general debate for consideration of H. R. 15189 to authorize appropriations for certain maritime programs of the Department of Commerce.

H. R. 15189, as amended, would authorize appropriations for the use of the Department of Commerce for fiscal year 1969, as follows:

First, acquisition, construction, or reconstruction of vessels and construction-differential subsidy and cost of national defense features incident to the construction, reconstruction, or reconditioning of ships—$237,470,000;
Second, payment of obligations incurred for operating-differential subsidy, $206,600,000;
Third, expenses necessary for research and development activities, $11,000,000;
Fourth, reserve fleet expenses, $5,- 279,000;
Fifth, maritime training at the Merchant Marine Academy at Kings Point, N.Y., $5,177,000; and
Sixth, financial assistance to State marine schools, $2,035,000.

Mr. Speaker, this is a very meritorious measure. The rules permit the House to consider, vital to the strength and perpetuation and building up of our important merchant marine. Therefore, I hope House Resolution 1122 will be adopted by the House. In order that H. R. 15189 may be considered.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

The gentleman from Florida [Mr. PEPFER] has stated, the purpose of the bill is to authorize appropriations for fiscal 1969 for the maritime programs of the Department of Commerce.

This is the first such authorization bill since Public Law 90-81 was passed. It provides that the maritime programs are to be specifically authorized rather than, as before, being lumped in with Commerce authorizations.

The bill as introduced and recommended by the administration called for authorizations totaling $344,856,000. The report recommended an increase of $122,105,000, bringing the total to $466,961,000. The increase is almost totally allocated for ship construction.

The committee notes that unobligated funds totaling $103,300,000 remains from fiscal 1968. It recommends that these funds be made available for ship construction as suggested above. Twenty-seven ships ranging from general cargo ships and container carriers to dry bulk carriers, the exact number of each to be determined according to needs.

The committee notes that even if all unobligated funds are used and the full increase is approved and used, our merchant fleet will still not begin to approach the tonnage that it was from now, if our present construction rate is maintained, we will have only 244 merchant ships less than 25 years old compared to today's total of 663.

The committee's agencies support the bill as introduced. There are no minority views.

Mr. Speaker, I have no further requests for time, but I reserve the remainder of my time.

Mr. PEPFER. Mr. Speaker, I have no further requests for time.

I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. GARMATZ. 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. 15189) to authorize appropriations for certain maritime programs of the Department of Commerce.

This is the bill. The question is on the motion offered by the gentleman from Maryland.

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 entitled "An act to authorize appropriations for certain maritime programs of the Department of Commerce," and the bill was referred to the committee on the date of the fiscal year 1969.

The committee, having deducted from the amount recommended in the bill the amount originally requested for the various purposes authorized thereunder, recommends that the amount be reduced by the sum of $122,105,000.

The bill as introduced and recommended by the administration called for authorizations totaling $344,856,000. The report recommended an increase of $122,105,000, bringing the total to $466,961,000. The increase is almost totally allocated for ship construction.

The bill as introduced, would authorize funds totaling $122,105,000 for the several categories of activity.

Nineteen days of hearings were held by our committee, between February 27 and March 27, during which time testimony was heard from representatives of the Secretary of Commerce, the Federal Maritime Commission, the Bureau of the Budget, and all major segments of the maritime industry.

The bill, as reported, recommends an authorized total of $466,961,000. This is a total recommended increase of $122,105,000. More than the budget request.

Our committee approves and recommends authorization of the sums contained in the bill report for the following purposes:

1. Operating-differential subsidy—$206,000,000.

2. Reserve, fleet expense—$5,279,000.

3. Maritime training at the Maritime Academy at Kings Points, N.Y.—$817,000.

However, increases are recommended on the other items.

On the vital subject of ship construction, the committee recommends an increase in the authorized total from $119,800,000 to $237,470,000.

There is $107,670,000 more than the Maritime Administration requested.

This amount—together with the use of $119,800,000 hereof appropriated in fiscal 1968 for the building of new ships, but carried over from 1968—would enable the Maritime Administration to enter into contracts in 1969 for about 27 new modern ships—as contrasted to the 10 ships contemplated by the budget request.

It would include ships originally planned to be contracted for in fiscal 1969.

In addition, it would allow the conversion and upgrading of as many as 30 existing ships—which would thereby be made more productive.

While this item is substantially more than the Maritime Administration's budget request, it is substantially less than $150,675,000—than the Maritime Administration recommendation to the Department of Commerce for fiscal 1969.

The committee also recommends an authorization for research and development which would exceed the budget request by $4,300,000—to a total of $4,300,000.

This is the amount originally requested by the Maritime Administration.

It is an exceedingly modest amount, especially in the light of ultimate cost savings which can accrue to the Government's budget by reduction of the level of Government subsidy through increased efficiency of ship operations.

Finally, the committee increased the item of financial assistance to State marine schools—from $1,900,000 to $2,035,000—which was the amount originally proposed by the Maritime Administration and approved by the Secretary of Commerce.

We understand that the reduction in this case was based on a belief that the probable attrition rates in the State schools would not make the originally requested amount necessary.

Public needs for qualified officers in the current situation are very great.

Graduates of the service schools are employed—and it is our belief that the Maritime Administration is in the best position to evaluate the probable requirements.

Our committee is fully cognizant and
sensitive to the present overall fiscal restraints which are requiring constraints on wide areas of Federal activities and programs.

The unanimous action taken on this bill was with complete awareness of these constraints.

However, when it is appreciated that within the next 5 years the privately owned, U.S.-flag, dry cargo fleet will fall from a present level of 663 ships of less than 25 years of age, to only 244, the problem is placed in a most disturbing perspective.

The national security and the national economy demand that this precipitously dangerous declining trend be reversed.

The neglect of the merchant marine in recent years has brought about this condition—a condition which finds us some 90 to 100 major ships behind in the replacement of the subsidized dry cargo fleet.

And there are no replacement prospects at the moment for the presently unsubsidized liner fleet or the bulk carrier fleet.

This neglect has brought us to the condition of where we are capable of carrying only about 7 percent of our total waterborne foreign commerce.

We simply cannot afford to continue at the present rate of new construction.

As I stated, this bill was reported unanimously by the committee—and on the basis of the record of the hearings—is consistent with the best of our known needs, requirements of operators, and capability of the American shipyards.

I strongly urge favorable action on this legislation.

Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, under my unanimous consent request, I have a statement that I will put in the Record, but our distinguished chairman [Mr. Garmatz] has stated the fact situation in this bill, and I stated the supporting reasons for our bringing in a bill even under these circumstances in which our recommendation is substantially above the budget request.

Mr. Chairman, I wish to express my wholehearted support for the passage of the bill, H.R. 15189, with the amendment made by our Committee on Merchant Marine and Fisheries.

This bill represents a milestone in continuing congressional efforts to revitalize the American maritime industry. For the first time, your Committee on Merchant Marine has exercised jurisdiction over the authorization of appropriations for certain maritime programs pursuant to Public Law 90-81 approved on September 5, 1967.

H.R. 15189 with the committee amendment is the product of several weeks of extensive hearings and executive deliberations which I believe reflect the existence of both public and private industry—were afforded every opportunity to present their respective views on the President's proposed maritime budget for fiscal year 1969.

While fully cognizant of the current fiscal restraints under which we now labor, your Committee on Merchant Marine and Fisheries unanimously agreed that the maritime industry's demonstrated needs of the industry die—and within the next 5 to 7 years will be completely phased out after an economic life of 30 years.

Perhaps even more telling concerns our ship replacement needs which is the distinct probability that during a limited war contingency we would not have sufficient bulk shipping capability to transport the raw materials so vital to sustaining our industrial war effort.

In our trade patterns have resulted in bulk commodities accounting for more than 85 percent of the volume of our total ocean-borne foreign trade. Between 1939 and 1967 our dry bulk foreign ocean-borne commerce has increased nearly sevenfold.

Unfortunately, owing to limited funds and a concentration on meeting our limited war needs, there has not been a corresponding growth in U.S. sealift capability to meet this national need.

It is significant, therefore, that in its initial consideration of this authorization legislation, the Marine Administration did take cognizance of this dramatic shift in our trading patterns and the need to address attention to our dry bulk shipping capability. It is true that it is not reflected in the legislation now before you, what your Committee on Merchant Marine did was to take into consideration the initial ship construction request submitted by the Maritime Administration to the Department of Commerce for a 30-ship program in fiscal year 1969. Included in that initial request was provision for funds to construct five 650 dry bulk cargo ships.

The committee amendment includes the necessary funds for these vessels, and I, for one, hope that a long overdue effort in this area will result.

The request of the Maritime Administration to the Department of Commerce also included funding for 10 full container ships and 12 general cargo ships. The committee amendment provides the necessary funds for these vessels which, when combined with the 5 dry bulk cargo ships, could result in a 27-ship program for this coming fiscal year, and thereby begin a realistic replacement program approaching national needs.

The committee amendment, however, deleted three combination passenger-cargo ships originally requested by the Maritime Administration, since it was felt that the operator for whom the funds were budgeted was not prepared to proceed at this time.

The committee amendment also reduced the original Maritime Administration request for funds to retrofit and upgrade existing vessels by slightly more than $7 million.

The authorization for maritime research and development was increased $4.3 million by your committee's amendment from $6.7 million to $11 million. This comports with the request of the Maritime Administration to the Department of Commerce and the latter's request to the Bureau of Budget. It was done in recognition of the fact that slightly more than one-half of the $6.7...
million requested by the administration would be required to fund the N.S. Sovs, which would have only $3.3 million being available for actual research and development—an exceedingly low level in the very area which holds forth the most promise of improving our maritime posture. I, for one, would hope that the level of funding authorized would be appropriated and would be applied to those projects which show the greatest near-term benefit to improving our competitive posture of the American merchant marine.

The third and final increase made by the committee amendment was concerning financial assistance to State marine schools. The administration’s request was increased by $135,000—from $1,900,000 to $2,035,000. This increase results in a funding level which is the same as that requested by the Maritime Administration of the Department of Commerce and the latter of the Bureau of the Budget. This minimal increase is necessary to cover the statutory allowance for an additional number of cadets, plus many other needs of the various State marine schools. It recognizes in a small way that our ship needs are complemented by personnel needs.

Finally, your Committee on Merchant Marine took into account the estimated cost of complying with new requirements for water-quality standards, which would result in fiscal year 1969 of unobligated funds in the amount of $103.3 million. The deduction of this amount coupled with decreases made by your committee on the initial Maritime Administration request to the Department of Commerce results in a funding level slightly more than $150 million less than the agency’s original request.

Mr. Chairman, the ultimate product embodied in H.R. 15189 represents a meaningful attempt to get on with the task of meeting our maritime needs. Some will say that the increases provided by the committee amendments are too small, and some will say they are not enough. I personally feel that the increases are necessary and totally justified. If we in the Congress intend to transponder our wishes of support, the President will have to take his destiny into its own hands. I therefore most earnestly urge that all my colleagues in the House support the passage of the bill, H.R. 15189, and assist in setting the course of the American Merchant Marine toward much-needed and long overdue revitalization.

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

Mr. MAILLIARD. I am glad to yield to the gentleman from Pennsylvania, a member of the committee.

Mr. CLARK. Mr. Chairman, I believe our chairman of the Merchant Marine and Fisheries Committee and Mr. Mailiard have adequately described the need for favorability consideration of H.R. 15189. I wish to join my chairman and associate myself with his remarks, but I wish to amplify, if I may, on the posture of our merchant marine as compared to that of the Soviet Russia.

By 1970, the Russian merchant marine will carry more than 50 percent of its foreign commerce. In striking comparison, the U.S. merchant marine now carries 7 percent of our foreign commerce, and as time marches on, by 1970 we will be carrying less than that figure.

Russia emerged from World War II with a nondescript fleet of 432 merchant vessels, totaling less than 2 million tons. By 1970, she is programmed to attain a fleet totaling 15 million tons. Last year, 471 merchant vessels totaling slightly less than 4 million tons were under construction or on order. At the same time, only 48 merchant ships totaling a little more than 1 million tons were under construction or on order for the U.S. merchant marine.

Deliveries for our U.S. merchant fleet for the past several years averaged only 15 ships per year, while the Soviets have taken delivery of at least 100 ships per year.

Today, the Russian fleet exceeds the American fleet in number, and it is only a matter of time when she will surpass us in tonnage.

Mr. Chairman, I could cite additional statistics pointing out the ambitious shipbuilding programs and accomplishments of the Soviet Union, but what is most significant is the Soviet buildup is obvious. Supremacy is not in the heavy hand of the States, but in the sea.

I strongly urge favorable consideration of H.R. 15189.

Mr. MAILLIARD. Mr. Chairman, I yield 5 minutes to the gentleman from Washington (Mr. PELLY).

Mr. PELLY. Mr. Chairman, I urge support of H.R. 15189, the first maritime authorization bill to come before the House under legislation passed by Congress last year, providing that annual maritime appropriations bills shall not be reported or in order unless such expenditures are previously authorized by law.

H.R. 15189 exceeds the President’s budget request. For example, the increase in funds for new ship construction would provide for the building of 100 ships. We recommend to the administration, to $237,470,000. Our House Committee on Merchant Marine and Fisheries felt that this latter amount if coupled with carryover funds from fiscal year 1968 of $133,400,000 would provide for 27 new ships to be built instead of the 10 new ships requested by the President.

Also, the research and development authorization was increased from $6.7 million to $11 million.

The United States, Mr. Chairman, is 100 ships behind in its program to meet the high peak of World War II. We should be authorizing funds to build 50 ships a year to accomplish this objective, but the committee amendment as a first step looks toward such a program. The committee report states my view that the national security and the economy require that the quality and composition of the American merchant marine must be improved.

The committee, in arriving at its recommendation, took as a starting point, the request for $386,000,000 of the Maritime Administrator, James Gulick, of the Department of Commerce, in order to provide the needed 8-day bulk carriers, 10 container ships, three combination passenger and cargo ships and 12 general cargo vessels.

There are no present applications pending for combination ships, the committee adjusted its authorization total accordingly and likewise reduced the figure for trade-in and conversion of the reserve fleet.

Mr. Chairman, I share the sentiment of my House Committee on Merchant Marine and Fisheries that its recommendation is conservative and that the Nation can no longer afford to neglect its merchant fleet in an attempt to curtail budget outlays. Let me point out that the Military Sea Transport Service has had to depend on foreign-flag vessels to provide for the needs of Vietnam, and our commitments throughout the world. For example in ship charter, it has paid out $30,079,626 for foreign ship charter last year, and it expenditures alone—1965—was estimated at $1,322 million, and since then, the amounts would be much larger. I do not have these latter figures.

But, it is apparent the dollar drain and strain on our economy, because we do not have sufficient ships, is very heavy. And, besides, the necessary construction sub-base on a sufficient basis should properly be cut down by the amount we pay out each year to foreign shipowners.

So, I urge passage of H.R. 15189 as reported by the House Committee on Merchant Marine.

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

Mr. MAILLIARD. I yield to the gentleman.

Mr. GROVER. Mr. Chairman, I think we should point out something that is not too well known here. The very base of our strategic reserve merchant fleet is going to be from the ships that we have already in the Reserve, or the turnover from the presently used fleets, and to put them into the reserve.

We have taken some 120 ships from the moth ball fleet for the sea lift to Vietnam.

We have now, including those, some 1,500 ships in our strategic reserve. Some 455 of those, I believe, are consigned for demolition to be scrapped.

The rest of these ships in the strategic reserve fleet, because we are not replacing them, will be by 1972 obsolete.

We will have no strategic reserve fleet by the 1970’s. If we do not get on with rebuilding the merchant marine not only will we be off the seas in our import and export trade, but we will simply not have a botten to go if we have a serious international situation; is that not so?

Mr. PELLY. The gentleman is absolutely correct. The situation is that we must start replacing our block obsolescence and supply added vessels. As the President said today, we must do so for national defense, if not for our economy. It is for both. Both are vital.

Mr. GROVER. For the past 6 years we have been presiding, as someone has said, at the last rites of our merchant
marine. It is a very, very serious thing. It does not get enough recognition from this Congress or the people of the country. If we do not get with it, we will be in extreme circumstances. If we are phasing out the U.S. Marine Corps, which is another part of our defense security, we would hear a howl from all over the country. Now we are phasing out the fourth arm of our defense establishments, and to the people of this country Congress is going to do something about the sad state of our affairs in the merchant marine field. We have watched the number of ships in this country dwindle. We have watched the amount of cargo that is hauled in our own ships, our own cargo, fall off to almost nothing. We have watched the merchant marine virtually unusable under today's conditions. Our experience in connection with merchant marine matters convinces me that the welfare of our country urgently demands that the beginning of a constructive program to protect us in the future. Every year, more and more of our vessels are reaching the point where they are unable to fulfill their tasks, and unless they are replaced we will be totally at the mercy of foreign shipowners.

Shipbuilding is not something we can turn on and off like an electric light—we must set up a program beginning right away. Not only long in the future to replace aging vessels and to augment our fleet. It takes years to build a merchant ship. All we have to do is think back to the longest time it took to turn out the first Liberty ship during World War II. That ship by today's standards lacked so many improvements that it would be virtually unusable under today's conditions. The development of engineroom automation, sophisticated cargo handling gear, vastly improved engines, and hull designs have substantially increased the length of time required to construct a vessel.

Therefore, our action on today's bill will not produce any vessels for as long as 3 years, and during that time our competitive position in world commerce will continue to worsen. We must start now to rebuild our fleet and this bill represents a first step on the long road to regaining our rightful place as a maritime nation.

Mr. MAILLIARD. Mr. Chairman, I yield to the gentleman from Alabama [Mr. Edwards].

Mr. EDWARDS of Alabama. Mr. Chairman, I think this is a great day for the country, for the merchant marine, and for this body, because this is the first authorization bill that our committee has brought in under the most recently passed law. To me it is a great step forward in strengthening the merchant marine. In the next few weeks we will be holding extensive hearings looking to a real national policy insofar as the merchant marine is concerned, and who knows what will come out of those hearings? In the meantime, we are starting on the right track. We are increasing the number of ships to be built. We are increasing the number of vessels out of the reserve fleet and to the people of this country that Congress is going to do something about the sad state of our affairs in the merchant marine field.

We have watched the number of ships in this country dwindle. We have watched the amount of cargo that is hauled in our own ships, our own cargo, fall off to almost nothing. We have watched the merchant marine virtually unusable under today's conditions. Our experience in connection with merchant marine matters convinces me that the welfare of our country urgently demands the beginning of a constructive program to protect us in the future. Every year, more and more of our vessels are reaching the point where they are unable to fulfill their tasks, and unless they are replaced we will be totally at the mercy of foreign shipowners.

Shipbuilding is not something we can turn on and off like an electric light—we must set up a program beginning right away. Not only long in the future to replace aging vessels and to augment our fleet. It takes years to build a merchant ship. All we have to do is think back to the longest time it took to turn out the first Liberty ship during World War II. That ship by today's standards lacked so many improvements that it would be virtually unusable under today's conditions. The development of engineroom automation, sophisticated cargo handling gear, vastly improved engines, and hull designs have substantially increased the length of time required to construct a vessel.

Therefore, our action on today's bill will not produce any vessels for as long as 3 years, and during that time our competitive position in world commerce will continue to worsen. We must start now to rebuild our fleet and this bill represents a first step on the long road to regaining our rightful place as a maritime nation.

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to less fortunate nations throughout the world, we have obligations to our allies, and we must do our part in improving conditions of peoples throughout the world by enhancing our own commitment to defense responsibilities. Before we can undertake our share of the burdens of other countries, we must help ourselves. This can only be done by building up our fleet to the point where it is at least adequate for our own needs. These needs are essential, not only for our commerce, but—as Vietnam has demonstrated—for our defense.

Mr. GROSS. Mr. Chairman, I have no further requests for time.

Mr. MAILLIARD. Mr. Chairman, I yield to the gentleman from Iowa [Mr. Goss].

Mr. GROSS. Mr. Chairman, I thank the gentleman for yielding me time. I am not quite clear as to how many ships will be provided by this bill.

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

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

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

Mr. MAILLIARD. Of course, we cannot be more specific, since those ships would be constructed in partnership between private business and Government. So you never can be sure until you know what the contracts call for. Our estimates are that new construction funds, together with the carryover that remains unexpended, ought to allow contracts for 27 new vessels during fiscal 1969.

In addition, there are funds provided for some upgrading and refurbishing of existing ships—perhaps as many as 30 of them, and again we cannot be precise until they are signed.

Mr. GROSS. Why a carryover? The gentleman did say there was a carryover, did he not?

Mr. MAILLIARD. Yes. There was a carryover from 1967. I believe it is, of $105.3 million in the ship construction fund, carried over from prior years at the end of fiscal year 1968, and that together with the new money authorized would permit—it is our best estimate—27 new vessels instead of the 10 that are now programmed.

Mr. GROSS. I am for ship construction in this country, but it seems an inopportune time to be compelled to spend money in this direction and in this amount in view of the financial crisis with which this Nation is faced.

It seems to me this points the necessity—if we are going to approve a bill of this nature—to slash awfully deep in the foreign aid bill this year; not just a symbolic cut of $200 or $300 million. If we are going to finance projects of this kind, under the circumstances we ought to be prepared to cut the foreign aid handout bill by a billion dollars. I would hope those who are interested in ship construction in this country would lend their support to this. Of course, I am no longer a member of the Merchant Marine and Fisheries Committee, but by the time I left that committee I had been given a pretty good indoctrination in the condition of the shipyards of this country. I assume that in the matter of ship construction in American yards it is pretty expensive to the taxpayer and to our Nation, but to the entire free world.

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

Mr. MAILLIARD. Mr. Chairman, I yield to the gentleman from Washington.

Mr. MARRE, Mr. Chairman, I would like to comment to the gentleman that we are obligated to carry over, did he not?

Mr. GROSS. Yes. There was a carryover from 1967, I believe it is, of $105.3 million in the ship construction fund, carried over from prior years at the end of fiscal year 1968, and that together with the new money authorized would permit—it is our best estimate—27 new vessels instead of the 10 that are now programmed.

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construction or reconstruction of ships shall be procured from other than shipyards and facilities within the United States. This is the same provision which the House, in its wisdom, adopted in connection with the Coast Guard authorization bill on March 19.

Mr. Chairman, no one should think for a moment this amendment is not necessary. Congress feels, and I believe the Administration, that this is necessary to avoid obsolescence and to follow this policy, because there are powerful individuals in this administration who advocate building some of our ships abroad. Mr. Chairman, I take this time to ask the Administration into the Department of the Navy to reconsider some of its foreign policy.

Mr. MAILLIARD. I agree with the gentleman's point.

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

If I may have the attention of the gentleman from Washington, the gentleman knows we are in the middle of hearing testimony now on H.R. 163 and similar bills. What effect will the gentleman's amendment have on the construction of midbodies and other aspects as covered by H.R. 163?

Mr. PELLY. Mr. Chairman, I would say to the gentleman that so far as the building of American midbodies, if it was done under the new program, which my colleague from California indicates is not possible, I do agree with the Administration's recommendation. They want to save money by building those midbodies in foreign yards and towing them over here. We already are building many midbodies in American yards. I think it might have no effect under existing law, as Mr. MAILLIARD pointed out, but at least it would let the administration know the way the Congress feels.

Mr. EDWARDS of Alabama. This would not render useless the hearings we are presently holding, would it?

Mr. PELLY. No, I do not think it would.It is almost a truism.

Mr. EDWARDS of Alabama. In other words, if a ship line is doing something but we have a little unusual situation, if I may explain it, I do not think we can answer the gentleman's earlier question.

The Secretary of Commerce simply withheld these funds even after the Congress appropriated them. It is not an authorization carryover but an appropriation carryover.

Mr. HALL. If I may interject, I presume that was a part of the Chief Executive's general economy program in holding back on congressionally approved funds this year.

Mr. MAILLIARD. It might have been that or it might have been he was peevish because we did not put the Maritime Administration into the Department of Transportation. I cannot read the mind of the executive branch.

Mr. HALL. I appreciate the answer of the gentleman, and I can only say that I am not privy to their high council. But is the gentleman trying to imply, in answer to my question, that this is a one-time authorization bill that will allow carryover funds and without fiscal year limitation?

Mr. MAILLIARD. What I was going on to say, if the gentleman will yield further, is that it is very difficult to pinpoint the fiscal year in a situation where each contract for the construction of a vessel is to be let to the shipyard, the Government, and the prospective operator, and this sometimes takes a long time to actually get from the original discussion to a firm contract to build.

Sometimes it extends well over a year, so it is a very difficult situation.

Mr. HALL. If I may interject again, and I appreciate the answer of the dis-
Mr. MAILLIARD. I have assurance that this concerns me, and I hope that it will one time to remove all the carryover that this wiped it out and started clean again.

Mr. HALL. And there is some carryover, and there are contingency funds, but I would presume the Commissioner of the Maritime Commission would have the same situation, or the same relief, unless we are just getting ourselves into the position.

Mr. MAILLIARD. That is the point. This is the first time we have done this. I believe we have a limited period. In this, and we will have to develop our experience, especially, let us say, from the authorization to the appropriation of funds by the Committee on Appropriations under the contract. For example, this last year we had a case where everyone was agreed, the contracts were put out to bid, and the bids turned out to be so much higher than had been anticipated we had to recall the bids. That is an example of what can happen.

Will the gentleman yield further?

Mr. HALL. I yield further to the gentleman.

Mr. MAILLIARD. As I say, that is exactly what can happen in this situation that it just seems was not possible during that limited period. Now, I think we have several changes that were made by the committee. One will be to allow a carryover, but to look at the carryover each year, and take it into consideration when we authorize for the next year. But I do not believe we have made as much experience partnership operation to the fiscal year very successfully, because the time factors are just too long.

Mr. HALL. I want to say to the gentleman I appreciate his answer, and I appreciate the dilemma, and I appreciate that this is a three-way factor, but again I submit that in the building of a total ships we have capital ships built, there is a great majority of them, and only repairs are made by the in-house capability of the various naval shipyards that we have around the country, too many of whom, incidentally, have been decimated.

But there is a way to do this, and with all due respect to the distinguished members of the committee, whom I love and whom I would like to call bringing this bill to the floor, and I believe I appreciate their dilemma—if you do not retain that factor of yearly authorizations and line item review, if experience, insofar as the building in this country, too many of whom, incidentally, have been decimated.

In fact, this Congress passed a law at one time to remove all the carryover appropriations on capital ships and wiped it out, and then started clean again.

So this language in this committee amendment today, Mr. Chairman, concerns me, and I hope that it will not be repeated in the future, and indeed that I can have assurance that this is a one-time and the country, too many of whom, incidentally, have been decimated.

Mr. MAILLIARD. Mr. Chairman, will the gentleman yield again?
Modern merchant marine organized promotional development goes back to the Merchant Marine Act of 1918, which was hastily enacted to meet the emergency of World War I, when we suddenly discovered that the foreign-flag shipping no longer available to us. Prior to that time, there had been for many years no real merchant marine program. In that emergency the Congress authorized vast sums for a tremendous emergency shipbuilding program and set up organizations to administer them. The situation at that time was not comparable to the situation pertaining today. The object was to build and operate as many ships by the Government in the quickest possible time.

Then, and in ensuing years, there were several organizations set up—the Emergency Fleet Corporation, and later, the U.S. Shipping Board—to attempt to carry on a stable merchant marine program in the World War I and postwar years. A broad authority was granted to the Congress for the administrative functions of these programs for the building and sale terminals; build, sell, operate and charter ships and other related activities. There was no need under those authorities for annual authorization of appropriations because the statutes gave continuing authority so long as they were within the broad directives of the enabling laws.

Subsequently, when the Merchant Marine Act of 1936 was enacted, it was provided that—

The appropriations necessary to carry out the provisions and accomplish the purposes of this act are hereby authorized.

And section 209 of the Merchant Marine Act of 1936 again provided for continuing authority for appropriations by the language:

There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

Thus, it can be seen that in the history of merchant marine programs for the past half century there has not been a general requirement for annual authorizations. Of course, whenever new programs not covered by the basic enabling law arose, specific authorization was necessary.

There, of course, have been occasions when, new programs have been recommended when specific authorization had to be made as a prelude to appropriation. I think the following background will be useful in explaining why we are now seeking to change the pattern from the past—and I think it is very pertinent to the background of what we are doing today.

When the Merchant Marine Act of 1918 was enacted, the administering agency was the U.S. Maritime Commission, an independent agency responsible to the Congress. The programs authorized by that act were set up in a fashion intended to permit their efficient administration under broad enabling authority. The availability of a construction revolving fund minimized the need for seeking detailed annual authorization for appropriations.

Since shortly after World War II, however, such matters as the transfer of the administration of the maritime functions to the Department of Commerce, the denial of the availability of the construction revolving fund, and other self-imposed limitations have had the practical effect of placing the operations of the agency on a strictly annual basis.

In view of these developments, it has been agreed by the Congress and the Maritime Administration in the evaluating and carrying out of the maritime program.

The CHAIRMAN. The question is on the amendment to the committee amendment offered by the gentleman from Washington (Mr. FELLY).

The amendment to the committee amendment was agreed to.

The CHAIRMAN. The question is on the committee amendment, as amended. The committee amendment, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. GILBERT, Chairman of the Committee of the Whole on the Union, reported that the Committee having had under consideration the bill (H.R. 18189) to authorize appropriations for certain maritime programs of the Department of Commerce, pursuant to House Resolution 1122, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on the amendment to the committee amendment? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The bill was passed.

A motion to reconsider was laid on the table.

Mr. KUPPERMAN. Mr. Speaker, the American Museum of Natural History in the city of New York, is recognized for 15 minutes.
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Play a role in the development of their city, their country, and their world.

The most extensive phase of the museum's centennial planning involves the museum's exhibit halls. Since the beginning of an expanded exhibition program in 1959, the museum has opened 10 permanent halls and some 30 special exhibitions and temporary exhibits. By 1969, permanent halls that are being developed will have been completed. They range in subject matter from a comprehensive study of life in the oceans to a view of the cultural patterns and social organization of the peoples of Africa and of the Pacific. Specifically, these halls are Man in Africa, Ocean Life, Biology of Fishes, Earth History, Mexico and Central America, and Peoples of the Pacific.

The plans for 1969 call for an academic procession, a convocation, and an address by an outstanding American on "The American Museum in Modern Belief". A symposium on "The American Museum of Natural History in Modern Society" included a reception and a dinner with an invitation to inspect the museum, all on April 17; the exhibition hall of the museum by Geoffrey Hellman; a pictorial history of the museum by Jean LeCorbier; and children's books on the behind-the-scenes at the museum by David Levering for 15 minutes. Also on the most outstanding articles that have appeared in the magazine Curator as a special issue of the magazine; meetings at the museum of some 10 to 12 scientific societies; a symposium on the museum's role for outstanding contributions in the field of the natural sciences; floodlighting of the museum; the "Man and Nature" lectures by Dr. Margaret Mead; an exhibit on 100 years of the American Museum of Natural History; and an ambitious exhibit to be placed in the Roosevelt Memorial on the theme "Man and His Future Environment." The exhibit has been concerned with man's present future and highlighting population and conservation problems.

The mere existence of an institution like the American Museum of Natural History helps to give a better image to the United States. The museum's contribution to our cultural life is a story that deserves to be told. I am, therefore, giving support to the issuance of a commemorative stamp by the Post Office Department to celebrate the first 100 years of this great museum and on this 99th anniversary, as we prepare for the celebration next year, I am introducing a bill to help accomplish this result.

More Violence a Certainty if Poverty March is Allowed

The Speaker pro tempore. Under previous order of the House, the gentleman from Louisiana (Mr. Waggonner) is recognized.

Mr. WAGGONNER. Mr. Speaker, the slaying of Martin Luther King last Thursday was a senseless act and I deplore the idea of anyone taking the law into his own hands; as much as I deplored King's preaching that philosophy. The senseless slaying of King, however, pales into insignificance when compared to the deaths and violence which have followed. Deaths across the Nation are numbered in the thirties, destruction of property in the scores of millions of dollars and concerted efforts toward peaceful racial relations is beyond calculation.

But the slaying of King has changed nothing. What was wrong before he died is still wrong; what was right before he died is still right.

I will not belabor this body by recounting in all its horror, the appalling events that have taken place here in Washington, D.C. in the past week. We have seen the public statements of the heirs of Martin Luther King, the Capital faces almost certain violence again later this month when the so-called poverty march builds another tinderbox. I wonder who can say where it will end? In the burning of the Capitol? In an attack on the White House?

There are those who would have us believe that only an infinitesimal part of the Capital's Negro population took part in the looting, burning, and rioting, but the cold facts refute it. Over 6,000 were arrested. Even allowing that one out of 10 was caught, this is a highly biased statistic. This indicates that 60,000 men, women, and children put aside all reason, morals, common sense and ordinary decency to attack their neighbors in a week of madness.

What we have witnessed this week is only a preview of what will come later this month if thousands of trained demonstrators are permitted to pour into this city, already raw nerves and tense.

If they shock an inept official left in Washington, I ask him to sample these quotations from black power advocates and those who side with it in the hopes of some political gain:

Slokey Carmichael:
The rebellions that have been occurring...is just light stuff to what is about to happen. We have to retaliate for the deaths of our leaders. The execution for those deaths will not be in the court rooms. They're going to be in the streets of the United States of America.

Leroy Jones:
We citizens have the right to rebel.

Floyd McKissiek:
We are through clapping our hands and marching. For us, we must be ready to kill.

A. Phillip Randolph:
This could escalate into a race war in this nation which could become catastrophic to the Negro and to America.

Senator Robert Kennedy:
The most important point in telling Negroes to obey the law, to many Negroes, the law is the enemy.

The President has been the champion of civil rights for the Negro and quality education for the poor. He has extended the Nation's hand to help the poor and needy help themselves, and programs have been launched in earnest and conservation given its proper—and vital—place in American life.

Whitney Young:
The Negro no longer can be appealed to on the basis of love and non-violence and being patient.

Adam Clayton Powell:
I'm calling this evening for total revolution of young people, black and white, and for the sick society. The concept of non-violence is finished.

This is only a sample of what the leaders of the black power revolution are saying. In the face of this evidence, in the aura of tension that hangs over this city, we cannot stand quietly aside and allow the conditions that assure violence to build up again. The poverty march will accomplish nothing. We know it and the leaders of the march know it. The only effect it will have is to set the stage for more of what we have had the past week and, frankly, Mr. Speaker, I do not believe the people will stand for it.

If rioting breaks out again, and no one can realistically say that it probably will, the failure of the Congress and the President to forestall it will be your responsibility and mine. Again, Mr. Speaker, I urge that the leadership contact the President and express this view to him.

Praise for President Johnson

The Speaker pro tempore. Under previous order of the House, the gentleman from Texas (Mr. Gonzalez) is recognized for 5 minutes.

Mr. Gonzalez. Mr. Speaker, a cross section of letters to the editor in the San Antonio Express demonstrates the respect and admiration Americans feel for President Johnson's decision to put peace and unity above party and politics.

It is also clear that a withdrawal from the presidential campaign has made people recognize—now as never before—his contributions to the welfare of America.

Our Nation now understands clearly—as it had difficulty understanding before—that the Johnson years have been years of great accomplishment.

The President has been the champion of civil rights for the Negro and quality education for the poor. He has extended the Nation's hand to help the poor and needy help themselves, and provided security against the costs of major illness for our elderly.

Rich and poor, labor and business have all been enriched by the unparalleled prosperity fostered by the administration's fiscal policies.

With his clear vision—will see these 5 years as the outburst of creative legislation aimed at improving the quality as well as increasing the quantity of American life. Water and air pollution control have been launched in earnest and conservation given its proper—and vital—place in American life.
But Lyndon Johnson's Presidency is more than a catalog of achievements— as impressive as the list is. Rather, his tenure in the White House is distinguished by the devotion to duty, sacrifice of self, and loyalty to country which will stand as shining examples for generations to come.

And one of the writers to the San Antonio Express put it:

I, for one, will mourn the loss of one of the greatest leaders our country has known.

America mourns with him for we will have lost a giant in American history.

Under unanimous consent, I insert in the Record these expressions of support in the San Antonio Express:

"DECISION WAS JUSTIFIED"

DEAR Sm: An Open Letter to President Lyndon Baines Johnson:

I was shocked beyond words when I heard you say on television that you would not be a candidate for re-election as President of the United States.

At first I could not understand your decision. After thinking things over, I began to come to the conclusion that your decision was justified.

I know of no one person on the face of this earth who has done so much for so many people in a manner so correct. You have done more for the Negro than all the other Presidents before you, and it must have hurt to see them turn on you. You have done more for the young people than anyone; you made it possible for young people to go to college who could have never dreamed of going before, and it must have hurt to see them turn on you. You have done more for the poor and the handicapped than any president before you, and it must have hurt to see them turn on you.

You are right as you could possibly be in your thinking and in your conduct regarding the war in Vietnam, and I think the time will come when Americans will realize it.

You are a better man than I. I would have quit a long time ago rather than put up with the ingratitude that you did. However, for the sake of our country, now and in the future, I hope you will reconsider and make yourself available again for re-election.

FRED A. SEMAN.

"We Let Him Down"

DEAR Sm: President Johnson's statement that he would not seek re-election really upset me. Then I think—why should he? Why should he tear himself apart for people who were cursed, abused and belittled him from the start?

He has done more for us than any past president and yet no one gives him credit for the good things. All they can think of is the Vietnam war and that their boys are being killed. What is so different about this war and the Korean War? The young men of yesterday, died too.

Why are the kids now ready to riot or street brawl over the war and think their lives too valuable to risk for their country? President Johnson isn't sending our boys over there for the fun of it. He is protecting us in the only way he can. He is lending a helping hand to our neighbors in the hopes of preserving all.

I, for one, will mourn the loss of one of the greatest leaders our country has known.

He didn't let us down, we let him down.

MRS. AUDREY GRUNWALD.

ANTI-OIL-POLLUTION BILL

The SPEAKER pro tempore. Under previous order of the House, the gentleman from New York [Mr. HALPERN] is recognized for 5 minutes.

Mr. HALPERN. Mr. Speaker, I was pleased to hear of the original bill offered last January to fight the growing menace of oil pollution of our coastal waters and beaches. That bill, H.R. 14852, would have been the first step toward establishing new authority for the Coast Guard to control and combat oil spillage from tankers.

I was pleased to again join our distinguished and able colleague from Massachusetts, Harrnes Kerr, last Friday in introducing a new bill to strengthen our earlier measure.

That bill had not yet received a hearing when a major disaster last month demonstrated how totally unprepared we are to act swiftly to avert the miring of our vacation beaches, the killing of our wildlife, and the disruption of our fishing industry by thick, black, stinking sludge. Miles of beautiful beaches in Puerto Rico were fouled by millions of gallons of crude oil from a tanker that founedered in San Juan Harbor.

At this point, the administration belatedly introduced a bill which is expected to receive quick attention before the Committee on Public Works, where as our original bill is still awaiting action by the Merchant Marine and Fisheries Committee.

Since it is imperative that something be done—and done immediately—to forestall similar disasters on our shores, that is why I am so pleased to again combine efforts with the gentleman from Massachusetts, this time to go even further than the administration's recommendations. We propose to include some extremely complex legal provisions, strengthened our earlier measure. We propose to include some extremely complex legal provisions, stronger language under other things, extend the Government's authority to deal with tanker spillage, not merely within the 12-mile limit, but outside it as well, when our shores are threatened.

We must have an effective antipollution law passed as soon as possible, and I urge the House to give this matter its full support.

MEMORIAL PROCEEDINGS FOR JUDGE GEORGE C. SWEENEY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from Massachusetts [Mr. PHILBIN] is recognized for 5 minutes.

Mr. PHILBIN. Mr. Speaker, under unanimous consent I revise and extend the remarks I made 2 years ago by making therein the memorial proceedings for our distinguished, beloved friend, the late Judge George C. Sweeney, which were held December 11, 1967, in the U.S. District Court of Massachusetts.

The proceedings were presided over by the learned, distinguished chief judge, Charles E. Wyzanski, Jr. Seating were the learned, distinguished judges of the court: Hon. Frank J. W. Ford, district judge; Hon. Anthony Julian, district judge; Hon. Andrew A. Caffrey, district judge; Hon. W. Arthur Garrity, Jr., district judge; Hon. Frank J. Murray, district judge.

The proceedings were attended by other members of the judiciary, leaders of the bar association, public officials, and Judge Sweeney's bereaved widow and family.

In opening the exercises, Chief Judge Wyzanski made some very appropriate remarks and introduced the able, distinguished U.S. attorney, Hon. Paul F. Markham, and the able, distinguished attorney, Mr. C. Keefe Hurley, both personal friends and associates of Judge Sweeney, who spoke feelingly of their association with this jurist of late and lamented memory, and their very impressive eulogies concerning his long, faithful, memorable service to the court, to the State, and to the Nation.

The remarks made by the chief judge and those who participated in the program eloquently touched upon the personal qualities, public contributions, judicial talents, and effective thrust of Judge Sweeney during his career on the bench and in the public service.

The memorable tribute delivered on the occasion by the scholarly chief judge, Hon. Charles E. Wyzanski, Jr., traced Judge Sweeney's fine contribution on the bench and in public life. Judge Wyzanski's very striking recital of Judge Sweeney's background and the scope of his qualities and his service on the bench graphically illumined the many facets of Judge Sweeney's makeup as a judge and as a human being, which contributed so much to the success he has always realized, highly esteemed judicial leader.

The learned chief judge brilliantly and cogently summarized various important cases Judge Sweeney conducted, which included some extremely complex legal problems, and made mention of the down-to-earth, sensible, practical, humane approach that the late judge took in presiding over the court, and his fine, down-to-earth, sensible, practical, humane outlook, a fundamental understanding of his fellow men that always prompted Judge Sweeney to show special compassion and sympathy for his afflicted brethren.

As a warm friend and admirer of Judge Sweeney for many years, I am deeply impressed by these memorial proceedings, and am especially grateful to Chief Judge Wyzanski for his kindliness in arranging and presiding over them and calling upon Judge Sweeney's wise, distinguished friend, Attorney C. Keefe Hurley, an outstanding member of the bar, to present such well-chosen remarks, and especially for the magnificent tribute of esteem, respect and affection which he himself paid, and which very deeply touched all of us who knew and loved Judge Sweeney.

These proceedings were marked by that dignity that so fittingly typifies our great Federal court at Boston, and by the well-expressed words of its great Philadelphia judge, Wyzanski, and of those of his highly esteemed colleague, Attorney Hurley, who during his lifetime was a neighbor and very close friend of our beloved, departed brother, whom we miss so sorely. In reading the proceedings, I was
deeply moved by the fond recollections of Judge Sweeney which these remarks evoked. He came from the historic, very attractive city of Gardner, Mass., in my district, and worked his way up from humble beginnings to become a very successful lawyer, and at an unusually early age was elected mayor of that beautiful city.

I came to know the judge quite early in his career, and it was my happy privilege to work with him in many causes which we both deemed very worthy.

Alert, vigorous, and buoyant he was everywhere a powerful force of energy and very deep convictions. He was forward looking, independent of mind, known for his sincere fellowship of the spirit, and he was totally dedicated and devoted to the very distinguished public service that he rendered throughout his lifetime.

It was very appropriate that these exercises should have been attended by his esteemed and illustrious colleagues at the bar, the mammalian of the court who stand so high in the annals and achievements of our renowned Federal judiciary, and by members of the bar, who so universally recognized his very great legal and social stature and personal qualities.

The sorrow of his gracious wife and dear ones, encompassing a multitude of friends, has been poignant and deep, yet surely these touching exercises, for them and his wide circle of personal and professional friends, provided the comforting solace of publicly expressed tributes of honor, admiration, and love which will surely these touching exercises, for them and his wide circle of personal and professional friends, provided the comforting solace of publicly expressed tributes of honor, admiration, and love which will

big problems it is not necessarily required lengthy opinions. On the contrary, he disposed of the conflicting contentions in four pages of lucid analysis and, with the indulgence which I have allowed, defined his holding in a paragraph which I consider to be symbolic of him in its clarity and simplicity. Let me quote it for you:

"I therefore rule that the tax imposed under Title IX of the Social Security Act is a valid exercise under the taxing powers im­
personal for your part in arranging these proceedings, and also to Mr. Chase and Mr. Tamburello, the respective Presidents of the Bos­
the seat of the bar, and may there be no sadness of farewell, when I embark.

May our dearly beloved friend, George, find rest and peace in his heavenly home, and may the Good Lord whom he served so faithfully in life, bless and keep him forever.

The memorial proceedings follow:

MEMORIAL PROCEEDINGS FOR JUDGE GEORGE C. SWEENEY, DECEMBER 11, 1967

Sitting: Charles E. Wyman, Jr., Chief Judge; Francis J. W. Ford, D.J.; Anthony Julian, D.J.; Andrew A. Caffrey, D.J.; W. Arthur Garrity, Jr., D.J.; and Frank J. Murphy, D.J.

Presiding: Judge Wyman.

Chief Judge Wyman, Mrs. Sweeney, and honored guests, the exercises this afternoon will begin with a statement from the United States Attorney, Mr. Markham, and then will be followed by statements by Mr. Hurley on behalf of the United States Senate and House of Representatives, members of the Bar and friends:

While I was deeply moved by the fond recollections of Judge Sweeney which these remarks evoked. He came from the historic, very attractive city of Gardner, Mass., in my district, and worked his way up from humble beginnings to become a very successful lawyer, and at an unusually early age was elected mayor of that beautiful city.

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that just as causes have a beginning, so must they have an end. If our legal system is to function effectively. And so he judged, that just as causes have a beginning, so must they have an end.

We cannot expect our democratic society to survive just because of its intrinsic merit and because we will continue. We must have answers to the challenges and the critics. One of the answers is the continuing and development of our judicial system—a system which will work only if persons of ability, courage and vision sit at the bench. The appointing authority of an important judicial position or na-

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tional belief that he was always right. His

sion possesses the character and ability of a George C. Sweeney.

On a tribute to Judge Sweeney would be

complete without grateful recognition of his considereable treatment of lawyers. He was ever considerate of the lawyer's desire to

speak. He had a deep sense of urgency to get on with legal business. He was willing to

work in the use of pre-trial proceedings to nar-

rowing the issues in litigation.

Punctuality with him was almost an ar-

ticulation. He took his time and his decisions, we plan to commission the artistic re-

creation of his likeness for presentation to

the Honorable George Sweeney.

In the actual conduct of a trial he was a

master at it. As he once said, "We have enough to do to decide what is complex evidence, and eliminating the

superfluous and redundant. In one case he

rejected the admission of certain docu-

mental evidence on the part of the plain-

tiff. After the ruling of exclusion defendant's

counsel for the defendant successfully ob-

tained the case and


another judge was heard to remark—"That's the closest I ever got to the other side of the table." What then can we say of this man whose

vibrant presence once filled these rooms? That he was, in every sense of the word, a whole man and a whole judge. We will need many more like him in all the courthouses of this land in the years of trial and challenge that

are ahead of us.

Thank you.

Chief Judge Wyzanski. Thank you, Mr. Hurley.

Remarks of Chief Judge Charles E. Wyzanski, Jr.

We are met not in sorrow but in joy re-

lected from the honor our late Chief Judge, George C. Sweeney, earned for the United States District Court. From 1935 to 1966 Judge Sweeney sat with us. From 1941 he was our leader, first as Senior Judge, and from September 1, 1948 until his seventeenth birthday, on July 23, 1965, the first Chief Judge of the United States District Court.

He was one of the most widely known Federal District Judges, partly because of the length of his tenure, partly because of his status as one of the four judges of the First Circuit at the Judicial Conferences in Washington, but mostly because of his standing in the two other Districts of the United States, even as distant as California, had built a solid reputation for his rare mastery of that quality paradoxically known as common sense. Those who as jurors, lawyers, parties, witnesses, or mere spectators watched Judge Sweeney in action observed his power and influence and his judicial judgment, and his insistence on fair play.

Judge Sweeney came to this Court after

surprisingly large experience for a man who at his appointment on June 17, 1935 was not quite 40 years old. Born in Gardner, Massachusetts July 23, 1895, he had been educated in Gardner public schools and at Williston Seminary, which later chose him to give the annual address to the Honorary Class of 1948. He had served overseas as a sergeant of infantry attached to the 801st Military Police Battalion in the Territory of Hawaii where he was honorably discharged on July 17, 1919.

Two months later he entered Georgetown School of Law where he gradu-

ated in 1922. Beginning practice in Gardner in 1924, he was three years later elected to the School Board. He served as mayor of Gardner in 1929. From January 1, 1931 to June 15, 1933 he was Mayor of Gardner. His suc-
At the outset of the New Deal George Sweeney was appointed Assistant Attorney General. Mummified in routine, his friends had wrongly thought that the post would exceed the capacities of a lawyer who had had in his credentials either a college degree or intensive appellate court training. However, those who watched him as head of the Division of the Court of Claims and with admiring causes and who heard him in argument before the Supreme Courts of the United States recognized him as a genuine peer of his Department of Justice colleagues.

What he had learned in Gardner and in Washington made him a natural choice as a successor to Judge James Arnold Lowell. The appointment had particular significance because Judge Sweeney was the first Democrat and the first person of Irish antecedents and Catholic faith named a federal judge in Massachusetts. Since his appointment throughout the First Circuit there is not now sitting even one District Judge of Yankee heritage the nomination appears to mark a watershed.

There is a polite tradition that judicial lives should be recited in terms of cases held by the bench. Not so with Judge Sweeney. In a dispassionate reader of history regards this convention as the most revealing or accurate measure of a judge's ability. Yet even of the most celebrated names in legal annals have a reputation which reflects less their qualities than the atmosphere of the age in which they lived. On the occasion of the hundredth anniversary of the commissioning of John Marshall, Oliver Wendell Holmes wrote that "A Judge of today represents a great ganglion in the nerves of society ... a strategic point in the campaign of history, and part of his greatness consists in his being there." So much does the Zeitgeist rule in our accounting that a man as considerable a judge as Taney has been buried by the weight of the Dred Scott case, just as Chief Justice Warren was at once catapulted to world renown by the fortuitous circumstance that in his first year there was on his docket Brown v. Board of Education.

But he stood favorably on Judge Sweeney. His opening years gave him the opportunity of being the first judge to uphold in 1936 the constitutionality of the minimum wage law. The case was Davis v. Edison Electric Illuminating Co. of Boston, 15 F. Supp. 1 (D. Mass.) rev'd, 1st Cir., 26 F. 2d 995, rev'd, 301 U.S. 619, and was argued by the future Justice Robert H. Jackson and Edward F. McLennan, a leader of the Boston bar and former partner of Justice Brandeis. A year later, Judge Sweeney in U.S. v. H. Ford & Sons, 26 F. Supp. 672 (D. Mass.) aff'd, 1st Cir., 108 F.2d 842, aff'd 307 U.S. 588, again broke new ground in this constitutionality of the marketing agreement Act of 1937. Thereafter he applied that statute to many cases by lot, and in the course of it he applied that statute to many cases by lot.

Later calendars brought Judge Sweeney other noteworthy litigation. In 1936 in Mass. v. Commonwealth, 361 F. 2d 31, marked an advance in standards imposed on corporate officers. Only three years ago in the important suit involving de facto officers, Judge Sweeney, with an opinion, Bardkale v. Springfield School Committee, 287 F. Supp. 543 (D. Mass.), which, though the judgment was reversed in the Court of Appeals, Springfield v. Bardkale, 144 F. 2d 207, was a remarkable display of the himself of the opinion of the appellate court.

In re organizations, receiverships, and liquidations fell in a field wherein Judge Sweeney was an accomplished performer, not only as to original but as to apportioning the members of the bar to whom responsibility could prudently be entrusted. The American Mills Liquidation in 1936, the Haughton-Wallace National Bank in 1948, and the Boston Post Publishing Company reorganization in 1950 are widely known examples.

Judge Sweeney would have been the last to claim that his opinions in those or other cases were text-book models or even of scholarly elegance. He would not have wanted to write in an academic vein. His ideas were simple, direct, and often indeed phrased by his faithful law clerks pursuing the lines of direction he firmly set.

In jury work, Judge Sweeney was always the master of the courtroom, possibly possibly proverbial, but he did not always have the force of his convictions, for which he was always ready to stand as he did on the right of free expression. His judicial qualities, he said about Judge Coakley in the cases we handled before him, were his colleagues fully appreciative of them.

He was never insensitive to human frailty, to the human quality of their qualities than the atmosphere of the age in which they lived. On the occasion of the conference of the unions of the constitutionality of the minimum wage law. The case was Davis v. Edison Electric Illuminating Co. of Boston, 15 F. Supp. 1 (D. Mass.) rev'd, 1st Cir., 26 F. 2d 995, rev'd, 301 U.S. 619, and was argued by the future Justice Robert H. Jackson and Edward F. McLennan, a leader of the Boston bar and former partner of Justice Brandeis. A year later, Judge Sweeney in U.S. v. H. Ford & Sons, 26 F. Supp. 672 (D. Mass.) aff'd, 1st Cir., 108 F.2d 842, aff'd 307 U.S. 588, again broke new ground in this constitutionality of the marketing agreement Act of 1937. Thereafter he applied that statute to many cases by lot, and in the course of it he applied that statute to many cases by lot.

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The Speaker pro tempore. Under previous order of the House, the gentleman from West Virginia [Mr. Staggers], is recognized for 5 minutes.

Mr. STAGGERS. The Speaker, it is not appreciated by me, nor do I think by many others in this honorable company leave, let us in grateful remembrance stand for one minute in tribute to the memory of Judge Sweeney, who was a great judge, of course, when an editorial commended him as a “no nonsense judge.” But he would not have been intimidated or deflected by editorials written in adverse criticism unless, which is too rarely the case, he had not cultivated a full appreciation of the facts and circumstances surrounding judicial action. While no judge is entitled to scorn public opinion, the opinion of his colleagues is a deadly foe of the kind of men who spend the effort, have the learning, and apply the canons of judgment appropriate to their call of knowledge and professional work.

We who were Judge Sweeney’s colleagues and are subject to the same standards as governed him knew how well he did his job to the very moment of his death on November 5, 1966. We found in him the apothecary of the common man trained by experience for uncommon tasks. No doubt he had superiors in formal education, but none in practical wisdom or high sense of honor.

The remarkable insight of our Founding Fathers shows itself in the structure of a government capable of indefinite expansion and development, and also in the key words which they set up here for our guidance and admonition. In the Chamber of the House of Representatives, on the Speaker’s dais where all may see, they engraved five words. They still stand there: “Union; justice; tolerance; liberty.”

First comes union, for without that accord in purpose and action which we call unity, we are impotent, we can attain none of the other desired goals, we must soon collapse as a nation.

Second is justice, justice for every individual regardless of his station in life or the condition of his birth or his genetic origin.

Then comes tolerance, which asks us to give equal faith and credit to every man’s views, though we do not accept them as our own.

Liberty is a wide-spreading concept, incapable of exact definition, perhaps. Fundamentally it permits every man to make his own decisions, so long as these do not interfere with the equal rights of his fellowmen.

And to cap this illustrious pentad of ideals, there is peace. It is the reward of the attainment of the previous four. Without these foundation stones, there can be no peace.

May we reverse the course which leads to destruction, and return to the sound and useful principles of our forefathers.

And may the Lord which dwelleth in Jerusalem look over this great and mighty Nation and keep it strong, and may His angels watch over each individual citizen and guard and guide him through the perilous days that lie ahead.

SPECIAL ORDERS GRANTED

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

Mr. Ryan, for 30 minutes, tomorrow; and to revise and extend his remarks and include extraneous matter.

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

Mr. Gonzalez, today, for 10 minutes; to revise and extend his remarks and to include extraneous material.

Mr. Philiber, for 5 minutes, today; and to revise and extend his remarks and include extraneous matter.

(The following Members (at the request of Mr. Waggonner) to revise and extend his remarks and to include extraneous matter to:)

Mr. Halpern, for 5 minutes, today.

Mr. Hosmer, for 15 minutes, on Thursday, April 11.

Mr. Phillips, for 20 minutes, on Thursday, April 11.

Mr. Staggers (at the request of Mr. Clark) to revise and extend his remarks and to include extraneous matter, for 5 minutes, today.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. Dadario.

Mr. Rumsfeld to extend his remarks in the body of the Record during debate on the civil rights bill.

Mr. Cramer to revise and extend his remarks immediately following the remarks of Mr. Cramer.

Mr. Michel and to include an editorial.

Mr. Cleveland to extend his remarks during debate today on the civil rights bill.

Mr. Cramer to have his 1 minute speech included during debate on civil rights legislation today.

Mr. McCormack (at the request of Mr. Pepper) to revise and extend his remarks today and include a document entitled “Military History of the American Negro.”

(The following Members (at the request of Mr. Wiggins) to include extraneous matter:)

Mr. Bell.

Mr. Anderson of Illinois in two instances.

Mr. Harrison in two instances.

Mr. Abott of Virginia in two instances.

Mr. Reifel.

Mr. Scherle in three instances.

Mr. Miller of Ohio.

Mr. Hosmer in two instances.

Mr. Curtis in two instances.

Mr. Ashbrook.

Mr. Gurney.

Mr. Goode.

Mr. Grover.

Mr. Burke of Florida.

Mr. Eizenborn.

Mr. Derwinski in three instances.

Mr. Bob Wilson.

(The following Members (at the request of Mr. Clark) to include extraneous material:)

Mr. Dengell in two instances.

Mr. Long of Maryland in two instances.

Mr. Brisco.

Mr. Tunney in three instances.

Mr. MacAuley of Massachusetts.

Mr. McCluskey in two instances.

Mr. Resnick in two instances.

Mr. Rosenthal in three instances.

Mr. Chamo.

Mr. Powell.

Mr. Thompson of New Jersey.

Mr. Elberg.

Mr. Ryan in three instances.

Mr. Jolison.

Mr. Carey in two instances.
REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XXIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:


Mr. HENDERSON: Committee on Post Office and Civil Service. H.R. 16689. A bill to amend title 5, United States Code, to provide for additional positions in certain executive agencies of the United States; with amendment (Rept. No. 1291). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

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

By Mr. EVERETT:
H.R. 16680. A bill to provide that Flag Day shall be a legal public holiday; to the Committee on the Judiciary.

By Mr. HALSEN:
H.R. 16581. A bill to prohibit the Administrator of Veterans' Affairs from requiring an annual income statement from certain pensioners who are 72 years of age or older; to the Committee on Veterans' Affairs.

By Mr. JOHNSON of California:
H.R. 16682. A bill to designate the Desolation National Forest, in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. MOOREHEAD:
H.R. 16583. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

H.R. 16684. A bill to establish produce-owned and controlled emergency reserves of wheat, feed grains, soybeans, rice, cotton, and flaxseed; to the Committee on Agriculture.

By Mr. RIVERS:
H.R. 16684. A bill to authorize payment of expenses relating to the transportation of motor vehicles of certain members of the Armed Forces; to the Committee on Armed Services.

By Mr. RYAN:
H.R. 16586. A bill to amend the Communications Act of 1934 to permit employment practices by broadcast station licensees; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHEUER:
H.R. 16587. A bill to amend the Federal Employees Health Benefits Act of 1966 to provide that the entire cost of health benefits under such act shall be paid by the Government; to the Committee on Post Office and Civil Service.

By Mr. WHALLEY:
H.R. 16688. A bill to provide that the receipts from all Federal gasoline and automotive sales taxes on Federal-aid highway trust fund be used for road improvement purposes only, to eliminate the State mandates thereon; to the Committee on Public Works and Transportation.

H.R. 16590. A bill to amend the Internal Revenue Code of 1954 to provide Federal assistance for State and local highway purposes; to the Committee on Ways and Means.

By Mr. FULTON of Pennsylvania:
H.R. 16589. A bill to amend the Civil Service Retirement Act to provide increased annuities; to the Committee on Post Office and Civil Service.

H.R. 16590. A bill to amend the Internal Revenue Code of 1954 to provide that the full amount of any annuity received under the Civil Service Retirement Act shall be excluded from gross income; to the Committee on Ways and Means.

By Mr. MOROAN:
H.R. 16591. A bill to provide for orderly trade in canned mushrooms; to the Committee on Ways and Means.

By Mr. RYAN (for himself, Mr. CASEY, Mr. TIBBETT, Mr. ANSTINE, Mr. BURGESS, Mr. BOLAND, Mr. BURKE of Massachusetts, Mr. BUTTON, Mr. BYRN of Pennsylvania, Mr. DANIELS, Mr. DOW, Mr. FLETCHER, Mr. FORD, Mr. GIBBS, Mr. HALSEN, Mr. HECKELS of Massachusetts, Mr. KELLY, Mr. KLEUCZYNSKI, Mr. MCCARTHY, Mr. O'NEILL of Massachusetts, Mr. PATTERSON, Mr. PRUZINER, Mr. WOLFF, and Mr. WYLER):
H.R. 16592. A bill to amend the Immigration and Nationality Act to provide additional immigrant visas available for immigrants from certain foreign countries, and for other purposes; to the Committee on the Judiciary.

By Mr. ZWACK (for himself, Mr. NELSEN, and Mr. LANGEN):
H.R. 16594. A bill to amend chapter 44 of title 29 of the United States Code to provide certain educational assistance for veterans taking 5 or 6 hours of institutional courses while engaged in agricultural employment; to the Committee on Veterans' Affairs.

By Mr. GURNEY:
H.J. Res. 1255. Joint resolution designating the President's Day as a national holiday; to the Committee on the Judiciary.

By Mr. JOELSON:
H.J. Res. 1266. Joint resolution to direct the Secretary of the Navy to provide a Marine Corps honor guard at the Marine Corps War Memorial; to the Committee on Armed Services.

By Mr. DE LA GARZA:
H.J. Res. 1272. Joint resolution to authorize the temporary funding of the emergency flood control revolving fund; to the Committee on Agriculture.

By Mr. HATHAWAY (for himself, Mr. ANDERSON of Tennessee, Mr. DAVIS of South Carolina, Mr. DOUGLAS, Mr. GATHINSTON, and Mr. SISK):
H.J. Res. 1228. Joint resolution to authorize the temporary funding of the emergency flood control revolving fund; to the Committee on Agriculture.

MEMORIALS

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

By Mr. ADDABBO:
H.R. 16595. A bill for the relief of Francesco and Antonio Ardizzone; to the Committee on the Judiciary.

H.R. 16606. A bill for the relief of Lorenzo Ardizzone; to the Committee on the Judiciary.

By Mr. ANNUNZIO:
H.R. 16597. A bill for the relief of Gaetano Lazzaro-Marocco; to the Committee on the Judiciary.

By Mr. BARRETT:
H.R. 16598. A bill for the relief of Flavia Merlino; to the Committee on the Judiciary.

By Mr. BURKE:
H.R. 16599. A bill for the relief of Wel Lian Lee; to the Committee on the Judiciary.

By Mr. BRACUCCI:
H.R. 16600. A bill for the relief of Mrs. Paolo Fontana, and her son, Girolamo Fontana; to the Committee on the Judiciary.

By Mr. BERRUTI:
H.R. 16601. A bill for the relief of Gabriella Giacomello and Tiziana Giacomello; to the Committee on the Judiciary.

By Mr. KUPPERMAN:
H.R. 16602. A bill to require the Foreign Claims Settlement Commission to reopen and reexamine the claim of Julius Deutch against the Government of Poland, and for other purposes; to the Committee on the Judiciary.

By Mr. MACDONALD of Massachusetts:
H.R. 16603. A bill for the relief of Elio Nimmerman; to the Committee on the Judiciary.

By Mr. MACGRERO:
H.R. 16604. A bill for the relief of Yohio Arakawa; to the Committee on the Judiciary.

By Mr. MOSCO:
H.R. 16605. A bill for the relief of Wong Kam Foon, his wife, Mah Yuet Mei, and children, Wong Lai Sun, Wong Wai Hang, and Wong Wai Leung; to the Committee on the Judiciary.

By Mr. MURPHY of New York:
H.R. 16606. A bill for the relief of Domenico Di Bello; to the Committee on the Judiciary.

H.R. 16607. A bill for the relief of Emilia Olderi; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:
H.R. 16608. A bill for the relief of Maria Scire; to the Committee on the Judiciary.

By Mr. ST. ONGE:
H.R. 16609. A bill for the relief of Ole Olson; to the Committee on the Judiciary.

By Mr. WHITE:
H.R. 16612. A bill for the relief of Eugene A. Hebard; to the Committee on the Judiciary.