The House met at 12 o'clock noon.

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.

The SPEAKER. 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, 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 first 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 tranquility. 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 wilderness 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 here is subject to a 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. It was held in association with the National Congress of the American Legion. 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, I take this time to call to the attention of the House a statement of commitment which I made here in the House. I joined in passing the bill which is before us to pass the bill which is before us to establish the Martin Luther King, Jr. Day as a federal holiday. There was no objection. Congress will only act.

The time for action is now.

WALTER F. RYAN, CHARLES G. DIGGS, JR., JOHN CONyers, JOHN G. DOW, JONATHAN B. BINGHAM, PHILLIP BURTON, DANIEL E. BURTON, DON EDWARDS, LEONARD FABREITZ, JACOB H. GILBERT, WILLIAM D. HATHAWAY, ELMER J. HOLLAND, AUGUSTUS F. HAWKINS, JOSEPH J. KARTH, WILLIAM S. MOOREHEAD, ROBERT N. C. NIX, RICHARD L. OTTINGER, THOMAS M. REES, HENRY S. REISS, JOSEPH Y. RESNICK, BENJAMIN S. ROSENTHAL, EDWARD I. ROYBAL.

PERSONAL EXPLANATION

Mr. RYAN. 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. 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 “aye” 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
the request of the gentleman from Pennsylvania?

There was no objection.

Mr. NIXON. 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—a society of law and order against violence and the quality of his life, he espoused the same principles. His Holiness Pope Paul VI and his colleagues to examine their consciences.

The anguish of hundreds of thousands who left a multitude of occupations from Janitor and sharecropper to Vice President and millionaires 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 tenacity of his faith and its uncomplaining pursuit, his death did come.

In my judgment, this was the first step. In heeding the injunction of another man of fellowship that "whosoever liveth and believeth in him shall never die," Reverend King walked that last mile to give his last breath of life for a country in which he believed, a country which he loved, and a country in which he never lost faith.

We are asked to walk just 1 mile today in the long journey for democracy's fulfillment and in the enactment of real, meaningful legislation or any piece of legislation up for amendments or send to conference committee for further study.

The right 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 lends the hands of the taxpaying American citizens if you pass this bill will be further penalized by his country for being a good citizen.

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 this Nation on our foreign policies.

As a supporter of President Johnson, I was shocked and dismayed to hear his announcement that he would not be a candidate to succeed him. Although it was a measure of the President's greatness that 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.

The CIVIL RIGHTS BILL

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

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I hope that the Members will not act in haste today, but will open H.R. 2516, the civil rights bill, up for amendments or send it to conference committee for further study.

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 lends the hands of the taxpaying American citizens for holding this piece of legislation up for almost a month in his committee.

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.

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.
a community. If we will it, out of this can come a renewed dedication to be a community.

To the President, the Mayor, and Deputy Mayor, 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 words, a brief life, a short time, a few pages, a man could make his life's work and career count. I think there is much that we can learn from Dr. King's life in terms of how we live our own lives. He showed us that even in difficult times, we can find strength and courage to continue on the path of righteousness. 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 sting deep into the hearts of Americans, and we must now rise to the 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 willing to transform their dreams and regrets 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. Sad to hope 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 itself from the chains that would keep 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 would take over the chairmanship of that institution in the near future. Rockefeller University is to be congratulated upon its choice, but those of us in Washington who have 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's tenure and with his leadership I believe that the Commission has been able to conclude, for the first time in history, contractual relationships with the Academy. These have been made by the chairman of the Committee on Science and Astronautics, Mr. Milles, and have resulted in several studies for the committee of the highest utility. Even though that relationship with 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 Stanford University and graduating 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, 1935-37; teaching assistant, 1937-39; associate professor, 1939-42; and professor and chairman of the physics department, 1942-65. In 1960, he was appointed research professor of physics at the University of Illinois and in 1963, head of the physics department. He began a four-year term as President of the National Academy of Sciences in 1962, while continuing in his position at the University of Illinois. On September 1, 1965, Dean of the Graduate College and Vice President for Research at the University, he resigned the latter post on June 30, 1965, following his re-election for a six-year term as President of the Academy under revised bylaws that provided for a resident, full-time president.


He was a civilian member, National Defense Research Committee, 1941-45; consultant to the President, 1945; director of the training program in atomic energy, Oak Ridge National Laboratory, 1946-49; chairman, Atomic Energy Committee, 1949-50; member, Statutory Visiting Committee for the National Bureau of Standards, 1947-51; member, United States Advisory Commission on Education for a Free People, 1948-54; chairman, National Academy of Sciences, 1959-64; member, Bureaus for Science and Education in Science, Research, and Development of the Committee on Science and Astronautics; member, President's Committee on Science and Technology, Library of Congress; consultant, Organization for Economic Cooperation and Development; member, Science Advisory Group, Office of Aerospace Research; member, Smithsonian Institution Advisory Council; member, National Science Service Scientific Advisory Group; member, Board of Trustees, Pacific Science Center Foundation; member, Midwest Science Advisory Committee (chairman, 1963); member, Science Advisory Council of Illinois (chairman, 1964-66); member, Defense Science Board (chairman, 1963-March 1968); Department of Defense, member, Naval Research Advisory Committee (chairman, 1960-63); National Academy of Sciences Science Advisory Group, Office of Aerospace Research; member, Smithsonian Institution Advisory Council; member, National Science Service Scientific Advisory Group; member, Board of Trustees, Pacific Science Center Foundation; member, Midwest Science Advisory Committee (chairman, 1963); member, Science Advisory Council of Illinois (chairman, 1964-66); member, Policy Advisory Board, Brookhaven National Laboratory; member, Liaison Committee for Science and Technology, Library of Congress; consultant, Organization for Economic Cooperation and Development; member, State Department Liaison Committee on Science; and member of other advisory and liaison groups.

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-
announced 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 attack. 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 underscores its importance and recommends that the Federal Government provide its programs with more support than they have yet received.

The main goal of the IBP, which was set up by scientists all over the world, is to help us learn more about what we are doing to the life of the earth. This involves an accumulation of knowledge about what modern living and scientific advancement do to the balance of nature. And we don't really know what that role is as it affects our 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 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, and 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 has become so different in its composition that the plants we now know can no longer survive.

The list of problems of this type is endless and is the production of heat by humans 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 thing we are destroying the balance of nature?

It is questions like these that the IBP is attempting to confront. Its requests to the Government have and 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 next year as a starter. Such a sum, for such an amount can be found somewhere inside a Federal budget that is 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. ABBITT. Mr. Speaker, in my opinion, this is no time for the House of Representatives to be taking up a so-called civil rights bill. The present climate is too charged with emotion for the production of thought-out legislation. This measure tends to deprive the people of America of the right to control their own property. The right to own and dispose of real estate is one of the basic fundamental rights of mankind. Never before in a free society has it been contemplated that the Government had a right to tell free people that they cannot sell their homes to whomever they choose. A man's home is supposedly in a free land to be his castle and here we find that the leadership of our Nation is trying to take over by control their own property and dispose of it as they see fit.

Disorder is rampant in the land—arson, murder, and rioting in the streets. The Nation is faced with armed insurrection and nothing worthwhile is being done by the administration to suppress it—only containment. Never before has this Nation been asked to pass more civil rights legislation to deprive our law-abiding citizens of their rights and privileges. It is shocking to me that we now find ourselves in such a situation. This has been calculated to intimidate enough of the Members because of the grief throughout our land over the recent killing of a prominent citizen and the armed insurrection on the other hand of a vast lawless element.

What we need is a firm stand by this administration to restore law and order and not pussyfooting around in an apologetic manner to those who are trying to cover up what might as we would expect in the jungles. Such conduct is expected only of wild beasts and paranoid creatures completely devoid of conscience. The law-abiding citizens of this Nation are entitled to better treatment than this.

I ask the membership of this body to turn down this legislation, to set it aside, to refuse to goosstep to the chant of the right-wing zealots. We can see that law and order are restored to America that once again the average citizen may walk down the streets of America without the fear of being murdered, raped, robbed, or even find his home or business utterly destroyed by arsonists.

**LAND OF THE FREE?**

Mr. CASEY. 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. CASEY. Mr. Speaker, when H.R. 2516 passed the House last year, it had 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 so basic to 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 those freedoms we call to 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 voice their hatred and hopes, and by the same token, the white supremacy advocates may vent their venom on the Negro race.

The Supreme Court has ruled that everyone 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 control which 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 never been anything 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 of those who want 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, on which we have come to back to haunt us in the years to come?

As I stated in the beginning, the bill which we passed to protect civil rights workers in the peaceful exercise of their right to have a home and by which 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 most 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 has 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. In the case of housing for 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
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 history of the situation in Texas will agree 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 if an 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 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 rights 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 present crisis has 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 white man can feel sorrow and shame for the inequality and neglect past 4 days which beset 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 leadership necessary to end the vicious and deep-rooted causes of racial hatred and fear—causes so recently set 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 demonstrate 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 racism, poverty, and ignorance are being challenged. As I read the Report of the White House Conference on Race Relations, I have a similar message to our Representatives to take that first step—now before any thought is given to an Easter recess—by approving the amended bill H.R. 2816.

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 any legislation before us under prevailing conditions.

There is not a Member here who would not assume that I am opposed to the pending bill but let me say to those of you who support it that you would do well for the country to wait for a more sober and a more calm atmosphere to act than is the obvious case at the present time.

I think if I were for this so-called civil rights bill, with its open housing feature, I would not want to cast my vote for it while soldiers and marines are having to stand guard in front of this Chamber. It is too urgent. It is too distressing in any way, if I had to legislate under such conditions I would walk out of this Chamber and not return.

There is a way to honorably and with courage meet this issue, since apparently it is going to be acted on within the next hour or so. That is, to send this measure to conference with the Senate. I hope that the differences between the House and Senate bills be resolved and brought to each body for approval or disapproval under more calm circumstances.

This matter has no deadline except the threats of these groups who look for any excuse to riot and demonstrate. If it is not this, it likely will be something else. When the drums call they will be there. And it is high time we challenge the drummer.

It is a sad commentary on this Congress if it yields to the pressures of the moment. I for one had rather yield my seat in this House than to do so.

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

Mr. HUNGAHE. 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. HUNGAHE. 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 Congress. I think it would be appropriate, 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 it is scarcely 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 possess 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 disillusion 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 needle.

This country has real problems that it will take real money and real taxes to solve. It is up to us as Congressmen. We get different letters from different people when the time for that action is here.

While the compliment 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 substance to this bill's promises by supporting model cities, aid in education, 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 two airplanes in 3 days, can such a nation afford

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 my vote on rollcall No. 93 would have been "no," and my vote on rollcall No. 93 would have been "aye."

FUNERAL OF MARTIN LUTHER KING

Mr. O'HARA of Illinois. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

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

There was no objection.

Mr. O'HARA of Illinois. Mr. Speaker, yesterday, the 9th of April in the year 1968, there were two record votes and in both cases L, who prays for my release on the House floor, Mr. Speaker, made up the delegation from Florida and from Atlanta, Ga., at the Ebenezer Baptist Church and on the campus at Morehouse College representing the Congress of the United States at the funeral of the Reverend Dr. Martin Luther King. My colleague from Chicago who came with me to the 81st Congress, Mr. Yates, and my colleague from the Springfield district, Mr. Findley, with the junior Morehouse College and the fine young women from the companion woman's college where he spent many hours directing and aiding in every possible way the many thousands of persons who have come to pay a tribute of love. They constituted a student body of which any school in the land could have been proud. My warmest congratulations also go to the members of the Morehouse College Glee Club, a magnificent organization of accomplished musicians.

Mr. Speaker, had I been here, my vote on rollcall No. 92 would have been "no," and my vote on rollcall No. 93 would have been "aye."

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 Louisiana?

There was no objection.

Mr. WAGGONNER. Mr. Speaker, time is going to be so limited during the debate that I hope I can bring in this 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 29, section 805, which is the section entitled "Discrimination in the Financing of Housing." Read it, because, gentlemen, it is so written that if I was not interested to deny any lender authority in making the determination whether or not he can make a loan.

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

My colleagues, this bill must at least go to conference for clarification. You are giving lenders the right to discriminate if you do less. Even a member of the Rules Committee said he was afraid of what would happen if we did 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. FARBESTEM. 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. FARBESTEM. Mr. Speaker, yesterday, I called on the Acting Director of the Office of Economic Opportunity to set up emergency family loan programs for victims of current civil disorders in Washington and other cities who desperately require this assistance.

The committee 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 Speaker of the House 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 victim of the disorders. There is authority in the Economic Opportunity Act to do so. Last year, of $6 million set aside for this purpose, only $17 million were authorized in July 17 States, $2½ million being allocated thereon; 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 a restoration of our American system of due process of law and the recognition of the rights of its citizens as individuals. In the majority, many of our national leaders are so ambitious for block votes that they are willing to pour further fuel on the fire in exchange for those group votes which are making destruction and violence so widespread throughout the country.

Congress has nullified legislation out of fear of public reaction. 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. NEDZI. 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. NEDZI. Mr. Speaker, President Johnson's statement 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, depends on 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 the country meet 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 where 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 social justice to the Nation and a just peace to the world.

As the Washington Daily News puts 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—and tomorrow.

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

The San Francisco Chronicle editorial

President Johnson has always 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 re-election—he would not accept renomination on the Democratic ticket.

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

Since becoming President in 1963, indeed throughout his entire 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 to preserve his position as the American people. His purpose was to eliminate himself as a divisive factor.

"I have elected," 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 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 President Johnson to stop most of the bombing of North Vietnam, Mr. Johnson was making an unprecedented gesture to preserve to 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 softern 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 plea. The war will continue, but his withdrawal from the Presidential race enhance his influence in Congress. It is not likely to.

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

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

We hope, and we think the President's action carries, the results he intended: That the debate in the coming political campaign be constructive, and not merely petty; that the people of the United States be united 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.

Several days ago I was visited by 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 my 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 aged Negro woman who was a member of his church who wandered 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. CONYERS. 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?

There was no objection.

Mr. CONYERS. 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 not to make certain that Hanoi was identified in death with the great principles of what I considered to be one of America's great leaders, not black leaders but American leaders, not even civil rights leaders but American leaders. 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.

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, were unable to get in, because we were asked that only personal friends of the family be admitted to the church services. Most of the congressional delegation present were not invited to 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 gentlemin yield?

Mr. CONYERS. 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. I 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. His efforts 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.

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 despair because his words of hope still ring in our ears.

Our Nation mourns him but we do not despair. His words of hope still ring in our ears.

Our Nation is touched again by tragedy and loss but his courage binds us together and leads us on.

I yield to the gentleman from Illinois.

Mr. BURTON of California. Mr. Speaker, Mr. Speaker, let freedom ring from Lookout Mountain 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 refer and extend my remarks, and to include in the record.

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 HR. 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 well as others, 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 terrible and recent. For more recent years. In fact, we have had trouble, as I predicted we would, ever since the passage of the first civil rights bill in 1867. 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. These ruthless racists, looters, thieves, and incendiaries whose real object is pillage and plunder and also destroy the Government of the United States. As I understand 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 utmost penalty under the law. It is my fervent hope that this senseless murderer will be brought to justice speedily. I deprecate violence. The killing capped Rockies of Colorado. Let freedom ring from the snow-capped peaks of California. But not only that, let freedom ring from Stone Mountain of Georgia.

Let freedom ring from Lookout Mountain of the Masses.
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 to the family, I do not overlook certain outstanding characteristics of the life and career of Martin Luther King, Jr.

I said last week 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, by example and word of command, 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 tried 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, bloodshed, 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 unrest. The Nation should not overlook certain outstanding characteristics of the life and career of Martin Luther King, Jr.

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invasion of the field of private rights that this bill involves, the only hope that a sensible person sees 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 Federal programs and use of common carriers and facilities. This is clearly aimed at protecting the civil rights of persons who are engaging in lawless strife and discord and stirring up racial violence.

It is obvious that this bill serves to protect aggression and to put a lid on the lawlessness that would impose a fine of $10,000 and a prison sentence of five years upon anyone who interferes with the peace and order of commerce for the purpose of inciting a riot. I introduced similar legislation in both the 86th and 87th Congresses, but failed to get it even into a subcommittee. At that time racial disturbances were confined to Danville, Va. As soon as they spread to New York and Chicago and Detroit and other large cities, the House of Representatives was stirred to pass an anti-riot bill, H.R. 2516, which was introduced.

The focus of any legislation looking toward the stoppage of riots is good, so far as its intentions are concerned. However, I will tell you the best way to stop riots:

The law should be enforced in such a manner that no city should have to cope with mobs gathered on the streets in violation of state and local laws and court injunctions. Those who disturb the peace and break our laws, irrespective of their race, creed, or color, must be dealt with firmly and resolutely and in such fashion as to make them understand that lawlessness will not be tolerated in any locality in the United States of America. Instead of concentrating upon legislating our law officers, the government at all levels, local, state and national, should let them know that they are expected to use whatever force is necessary to complete an arrest and subjugate a criminal.

At the same time, if help from the state or national government is needed, the local authorities should be assured that it will be promptly forthcoming.

This nation was founded on the principle that observance of the law is the eternal safeguard of liberty. Defiance of the law is the work of the people who are generally loved by all citizens, but they are to be respected and not resisted. A man may disagree with laws, but he must respect the law and obey it. We must have a government of laws, not of men.

We must forthwith put an end to the practice of “lawlessness” in the nation. We have no business on the streets in uniform spending their lives, made that our troubles can take precedence over the rights of criminals. This nation was founded on the principle that observance of the law is the eternal safeguard of liberty. Defiance of the law is the work of the people who are generally loved by all citizens, but they are to be respected and not resisted. A man may disagree with laws, but he must respect the law and obey it. We must have a government of laws, not of men.

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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 supply 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 this Nation should maintain of the commodities covered—plus rice, cotton, and flaxseed.

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 other feed grains to storage, 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 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 legislation and imaginative legislation which will help all concerned to cope with the economic, social, and political problems we face. I believe this legislation would give both farmers and consumers the protection which they deserve and must have.

LET US NOT IMPUGN MOTIVES OF OTHERS

Mr. OlsEEN. 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. OlsEEN. Mr. Speaker, I believe that, particularly here among adults and the trained gentlemen of this body, it is not quite fair to be talking about the motives of other people, the motives of why one votes a certain way, or where you go to a funeral, or the reason why you go. I believe that is pretty unfair.

I believe it is unfair for a Member to get up here and say "I know you did not read this bill." How does anyone know whether I read a bill? We have been studying this legislation for more than 2 years. How does anyone know what my motives are; whether I am sympathetic about someone's death, or why I go to a funeral? I did not go to Dr. King's funeral. But I presume those who went were sincere mourners.

Mr. Speaker, I did not mean to take the floor today, but I do not like to hear such things as this said in this great body. The questioning of somebody else's motives is, I believe, a particularly unfair thing to do.

I believe everyone knows that this civil rights bill was scheduled a long time ago, was scheduled by the leadership of the House, and agreed to on both sides of the aisle, and they picked a date which was the date they picked it? They picked it because they wanted to be sure that everyone would have notice to be here, and to do their own will. That is why we will be voting on this bill today. We are voting on it because it was planned to be voted on today. It was planned in advance, so that people could be here, and do whatever is their heart's desire.

Mr. Speaker, while I am on my feet, I want to remark about the Fourth Estate. I heard on NBC one of the commentators point out every celebrity who was at the funeral, but then, in addition, he went on to impugn their motives, and he said "Where are the poor people?"

But he left it hanging there. Why did he not go and find out? I am sure the poor people were there. I am sure that great Christian leader's friends were there.

Mr. Speaker, the only reason I have taken the floor today is to say for goodness' sake, among adults and honest people, let us not be impugning each other's motives at this place—in the House of Representatives of the United States.

HOPE FOR A MORE HARMONIOUS TOMORROW

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 New Jersey?

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 have grave reason to be here voting for the pending civil rights resolution.

I have not had the opportunity to deliver a funeral oration, but I hope to speak eloquently in one word, 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 condition of society.

At the moment, for instance, the so-called protection industries—those which manufacture weapons of war, Molotov cocktails, and the like—are enjoying a genuine surge of popularity. The growth of these roadside racketeers and home projects rings with fomented by armed guards, which reflect the increasing breakdown of law and order as individual criminal acts and mass civil disorders are concerned. And it certainly is not lost on us that in the struggle to save our stable home is 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. Harekrismo, in every democratic society, is an inherently 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 doubts 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 a great increase in the number of people who are talking about the pressing necessity of establishing government-financed riot insurance, and the curious notion of a declared riot-control policy which essentially abandons the concept of protecting property.

In Washington we had the spectacle of looting on the streets by the hopped-up and employed individuals coupled with a goodly amount of self-satisfaction on the part of authorities that they acted in the interests of the people.

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 "Alone in Wonderland" is a study in irrational thought.

What seems to be lost on all of those involved in assuring a sizable proportion of the citizenry of regular periods of uninterrupted theft that society is organized only to regularize the relations of man to man. And that government-blessed anarchy is not a civilizing force.

If there is anything that history teaches, it is that when a government grows too weak to put down disorder—either in terms of available force or in moral resolution—it is too weak to maintain itself.

This may not be the situation in this nation. But we do know man's inhumanity to man seems inescapable that if a majority of the citizens of this country becomes convinced that our vaunted democracy will not or can-
not provide a life free from the fear of violence, democracy will have to give way to a form of government that can.

JOHN D. DINGELL, DEDICATED CONSERVATIONIST

Mr. SAYLOR. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the Racos and in order to indicate that such a majority would be wrong?

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

Mr. SAYLOR. Mr. Speaker, many people today say that the young people are not as good as their parents. Snide remarks are often made that someone only got ahead because his father or grandfather paved the way for him.

I would like to call your attention to a Member of Congress whom I consider a real friend—one who despite the criticism and the attacks today is a dedicated conservation leader. Yes, he has even exceeded the excellent record made in the House of Representatives by his illustrious father, the late Honorable John D. Dingell, Sr.

The request of the gentleman from Pennsylvania?

Mr. SAYLOR. My request is unanimously extended.

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

Mr. SCHWEIKER. 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. SCHWEIKER. Mr. Speaker, one of the first large Sears-Roebuck stores were built in downtown Minneapolis, the late Honorable John D. Dingell, Sr., John Dingell.

Dingell—a dedicated outdoorsman—an avid hunter and fisherman—but one to whom the quest is more important than the bag—one who believes in his country and is striving to make it a better place for future generations. Dingell is a real friend—one who, despite the criticisms and attacks, is always a leader. His love for his family, his friends, and his country is never easy.

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

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 Nine Hundred Sixty-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 rejoice in the labors and fruit of our forefather's faithfulness, and as we consider the Church established by our Lord and Saviour, we, the members of St. Paul's English Lutheran Church, are grateful to Him for the blessings and guidance which He has bestowed upon us. We are thankful for the opportunities which He has given us to serve Him in His Church.

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most successful builder of dwelling houses in the United States and perhaps in the world, has announced the complete elimination of segregation in its buildings once it builds—in the United States and any other country in the world. It, the past, Levitt & Sons has abided by local law or custom and, as a result, some Levitt communities have been integrated and others have not.

This new policy announced in full page ads in the daily newspapers of our country today is courageous, truly American and, I believe, an historic step in the realization of the true fraternity of man. This announcement should do more to encourage and develop open housing in the United States than all the State laws and, hopefully, after today, the Federal laws that have been or will be enacted. This decision of Levitt & Sons sets an example for all builders of homes everywhere—for all Americans everywhere.

The concluding words of the advertisement carried this morning by the daily press should be heeded by all:

We ask our colleagues to adopt a similar policy without delay. The forces of bigotry and prejudice must 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.

I congratulate William Levitt, his associates, and the officials of the International Telephone & Telegraph Corp. on this timely, courageous, and far sighted policy of American free enterprise at its finest.

CIVIL RIGHTS BILL

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 that there is now open the book of the most fateful 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 pending 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 proper responsibility of inquiring into the reason for the Senate amendments and perhaps inquiring into the reason for the 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 proper responsibility of inquiring into the reason for the Senate amendments and perhaps inquiring into the reason for the 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 proper responsibility of inquiring into the reason for the Senate amendments and perhaps inquiring into the reason for the civil rights bill.

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 portion of the mass media. It may be that it is now the 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 avoid the events that have happened and try to relate them to our duties as we are given the light to see those duties.

On the other hand, 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. I hope he is apprehended and punished to the full extent of the law. But, the reaction to the slaying suggests that many otherwise responsible people have chosen to lose sight of what King 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. King was not involved in 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 should agree to a demand for 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 change the character of 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 order to march on city hall. A former Member of this body was denied access to this body for disobeying the law, so I cannot believe that this House is willing to condone for 1 minute the right of another person to defy the law. Is the Congress to react by passing a law when the prime exponent of nonviolence was planning on disobeying 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 as lenient to those who might wish to nonviolently disobey an open housing law?

When the announcement was that it was 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 as lenient to those who might wish to nonviolently disobey an open housing law?

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So, Mr. Speaker, if there was serious question and doubt as to the wisdom of the open housing legislation on April 4, not a word and not a comma of this proposed legislation has been changed, and I submit that due process should not now be forever discarded.

Are we, in this body, now to abandon our role as legislators and merely serve as a rubber-stamp on the legislation? I do not take the slightest consideration for the merits and means of the bill under consideration? Is it prudent or wise to act, not with the slightest consideration for the American people that this is a great delusion? Is it prudent 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 signifies their inability to carry out 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 begins of the crisis through which our nation is passing.

Mr. Speaker, our acts today will neither stop nor start riots. Enforcement of existing law is better than the enactment of any civil rights law. Is always the key to law and order. Despite the many bills which have been passed in this field during recent years, the insatiable appetite of the lawless has not waned, but has actually been whetted.

Today constitutional and representative government are on trial. The only test we fail as 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 does not desire the same information that we have allocated just 1 hour. In fact, about 8 seconds for each Member to determine the property rights of American citizens. That alone should be sufficient grounds to vote against this measure and send it to a committee for further study.

The American people are looking to us to keep our heads when apparently so many all about us are losing theirs. The Nation is looking for calm amid confusion, responsibility amid irresponsibility, lawfulness amid lawlessness and sense amid senselessness. They have a right to expect as much from their representatives and God help us if we fail them.

This measure will not grant rights but deny rights, not restore rights but rob citizens of rights. It will not stop riots but encourage further rioting. Indeed, passage of earlier civil rights measures has not lessened tensions but actually heightened them. If ever this Nation needed a resolution of a problem rather than intertemporal action, it is now.

If we err in our finite wisdom, let it be in fairness to all Americans rather than granting special favors for a few. Regardless of how you might attempt to explain or rationalize our vote, if we pass this bill today, the American people will conclude that we have succumbed to the most insidious and despicable form of blackmail—defiance of law and order.

If you vote for it, you will be telling your constituents that 8 seconds for each Member is adequate time for the greatest deliberative body in the world to determine the civil rights of all Americans; namely, ownership of property.

In fact, I daresay 90 percent of the American people are uneasy and order the terms of this bill a private citizen will be prohibited from advertising his home or placing a "for sale" sign in his yard without coming under the forced provisions of this legislation.

Mr. Speaker, today we stand on trial before the American people. Let us not by precipitious action tell them that anarchy has replaced democracy in America.

CIVIL RIGHTS BILL

Mr. GROSS. 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 Iowa? There was no objection.

Mr. GROSS. 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 concurrent vote, but the contents of the measure bear no
resemblance to what the House last year wrote, debated, and sent to the Senate. It has come back to us now as an entirely different bill.

Now the House is being told, in the frenzy of rioting in a half dozen American cities, to pass 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.

In the House has not considered the massive changes in Federal law contained in this measure.

The House has not considered the immediate and long range effects this bill will have on the lives of Americans of all races.

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 being asked to concur blindly in what the other body has done with out bill, our prerogatives, and our responsibility.

The Senate which expects us to buy this package without debate has the temerity to warn us in its report:

Two of these additions would appear to be desirable. If we have long noticed a strong antitrust measure and that need is accentuated by the tragic violence, and that need is accentuated by the tragic violence under way at this hour in some of America's proudest cities.

The Senate added to the House provisions which were also completely rewritten—housing, antitrust, and Indian rights measures.

Two of these additions would appear to be desirable. If we have long noticed a strong antitrust measure and that need is accentuated by the tragic violence under way at this hour in some of America's proudest cities.

The House-pased H.R. 2516 was language as law to strengthen the Government's capability to meet the most desperate need of our time. The bill would have protected any American as he engaged in voting, use of public education facilities, and common carriers, or engaged in a host of other stipulated functions.

The heart of the newly contrived H.R. 2516 is a critical dilemma.

This provision violates the rights of the seller of a home in deference to the exclusive rights of the buyer. How the constitutional protections and guarantees of the antitrust laws, of the housing, and the consumer routes to redress for the Forum, I do not know, but lost they got and lost with them are the rights of an American to dispose of his lawful property as he sees fit.

In the House, the other body has drawn the postulate that wrongdoing is only wrong if done by a real estate agent. On this premise the bill permits the bigoted bargaining away of a home to the Negro by the owner. This, says the Senate, is okay. But the bargaining becomes evil under law if a real estate agent happens along and takes part in the transaction. This to my mind is a most curious twist of law and logic.

If it is to be permissible for an American to sell his home with consideration to race, creed, color, or national origin, and the Senate bill says such a deal is okay by the owner, then this is tantamount to antitrust agent into the picture so rupture morality as to completely upend the intent of the law.

The Senate wrote it, but the Senate has failed to enlighten us on its reasoning in so doing.

I have had the privilege of supporting civil rights in my five terms in Congress.

I voted for the original House version of the bill being voted on today.

I fully appreciate that legislation will be required as we search with all Americans for the answer to what is certainly the most critical dilemma facing our Nation since the Civil War: How to bring the 10 percent of our population that is nonwhite into full citizenship and equality of opportunity.

But I am puzzled and championing this goal we can neither bring justice to the oppressed nor punishment to the oppressor by precipitously passing bad legislation.

This bill foisted off on the House by the other body is a patchwork quilt of legislated morality and contradictory intentions. We will ill-serve the needs of America by foisting it off on the Nation.

I want to say that I have received, over the years that I have been here, I have supported every civil rights bill. However, I believe in the interest of sensible procedure this matter should go to conference. It should have gone to conference long ago.

Let me say further that the House of Representatives passed this legislation last August. It was pending in the other body for a year and a half. It was not asked to adopt it immediately. The blame for delay is the Senate not the House.

I just want to say publicly that I favor civil rights.

I believe that every man, woman, or child in this country, regardless of race, creed, or color, ought to be able to live anywhere that his economic ability will permit him to live. But I think there are immense difficulties in this direction. The Senate has added riot control, antitrust provisions, and Indian legislation. I do not consider this a civil rights vote at all when I vote to send this bill to conference. If it does not go to conference,
of course, I will vote for the legislation, but I believe that it is wrong to use this particular procedure.

PROPOSED LEGISLATION WOULD RESOLVE 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 not sure that there are no cases of discrimination against any person on the basis of race, color, religion, or national origin. Any person in the country can sell any piece of property he owns to anyone he chooses. If a Negro chooses to sell his property to a white man, 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 discriminated against or who believes that he will be discriminated against may file a complaint with the Secretary of Housing and Urban Development. However, the House has been urged by our colleagues to pass this legislation without any delay. The delay occurred in the other body. I wish people who are getting upset and saying on radio and TV and writing in newspapers that the House of Representatives is responsible for delaying this legislation in the House of Representatives 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 was not passed in this House 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 despair what we do today will not be perfect. But I am proud of the role that our Nation has played through the years trying to please a boss who is trying to please his boss. 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 and the present 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.

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 reminds me of a story about the American free enterprise system. The source of strength is the private business community.

"Do you want to spend the next 2 years trying to please a boss who is trying to please his boss?" went the announcement. It wound up with a plea for the listener to avoid all of this by joining the Peace Corps.

My constituent responded to this an invi­

Mr. Speaker, my mail is overwhelmingly in opposition to the legislation. I am not sure that there are no cases of discrimination against any person on the basis of race, color, religion, or national origin. Any person in the country can sell any piece of property he owns to anyone he chooses. If a Negro chooses to sell his property to a white man, 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 discriminated against or who believes that he will be discriminated against may file a complaint with 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 expressed 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 any delay. The delay occurred in the other body. I wish people who are getting upset and saying on radio and TV and writing in newspapers that the House of Representatives is responsible for delays in 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 legislation was not passed in this House 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.
April 10, 1968

CONGRESSIONAL RECORD—HOUSE

9543

WILLIAM H. CROOK, Executive Director of VISTA, told the Southern Baptist Convention that if churches were to report riots, the Riot Commission report was "out of bigotry and racism in the churches themselves.

On October 4, 1967, the New York Times reported Swedish philosopher Gunnar Myrdal as saying that America must attend to its poor in terms of both white and black rather than in terms of the Negro population alone, or risk a policy of racism comparable to South Africa.

Bishop John Harris Burt of the Episcopal Diocese of Ohio said:

I hope that at every level of our church life we will see the crucial importance of rooting out the basic social cancers which can well destroy our Nation and our world unless we eradicate them. Chief among these are racism, poverty, and war.

And so, sentiment is building up that more and more the task is ours and not solely the Government's.

Of course, there will be a thousand excuses for not going ahead with community involvement. "Look back at all of these excuses lies the plain and unvarnished reality that it is much easier to let the Government do it than to tackle the job ourselves."

That it can be done, however, is proven by the work of a group of housewives in Kansas City as related by a recent article which appeared in the Republican Leader of First Baptist Church, Ohio. I submit it as an indication of the collective way to avoid certain danger if we continue to rely on the police state to solve the delicate problems of human relations.

In April, there were 700 panel members scattered around the nation simply tell people what it's like to be a Negro, a Jew, a Catholic or even belong to the white Protestant majority.

Utilizing their image as respectable middle-class matrons to the hilt, they address audiences in churches, colleges, civic clubs and other places where the Rev. Martin Luther King, Dr. Martin Luther King, and Stokely Carmichael might not be welcome.

"And the best part is we never go unless we're invited," said Mrs. Brown. "Frankly, we can get by with murder. People look at us and can see we're just ordinary housewives."

"Now, if we can say anything," insists Mrs. Ether Betts, "we can say the riot commission is doing nothing, that the report is full of mistakes, that the Commission is not going to do the job it was supposed to do. And we've got to do this in the right way."

"It isn't what we say but the way we say it."

The approximately 700 panel members scattered around the nation simply tell people what it's like to be a Negro, a Jew, a Catholic or even belong to the white Protestant majority.

Utilizing their image as respectable middle-class matrons to the hilt, they address audiences in churches, colleges, civic clubs and other places where the Rev. Martin Luther King, Dr. Martin Luther King, and Stokely Carmichael might not be welcome.

"And the best part is we never go unless we're invited," said Mrs. Brown. "Frankly, we can get by with murder. People look at us and can see we're just ordinary housewives."

"Mrs. Brown, wife of an automobile parts salesman, said she and Stokely Carmichael 11 years ago by sheer accident to provide a program at a Jewish temple meeting.

Today the vivacious brunette heads 30 operating panels and has requests to form more than 300 others. Her groups have more invitations to speak than they can handle.

"We're the Christian, the Jew, the Negro, a white Protestant and perhaps someone from another minority group prominent in the area. A moderator completes the team.

Each woman reads a typewritten five-minute
talk on her own experiences, and then the audience asks questions. That's all there is to it.

But she noted in many communities the appearance of her panel is the first time issues like racial intermarriage, school segregation of whites and churches and state have been discussed in the open.

"It gets people to think about members of minority groups as individuals—not just blank masses," Mrs. Brown explained. "Maybe this is the first time it's happened to them."

A Jewish member of the panel tells how her 6-year-old daughter came home crying because a playmate had taunted her for "kill­ing Christ."

"If I never killed anyone," the child sobbed, "What are they talking about?"

A Negro panelist described her small son gas­ping at a carnival merry-go-round and ask­ing, "Where's the back? I want to ride."

"People may not agree with what we say," Mrs. Brown contends, "but at least we can open the door."

Occasionally a panelist does lose her temper. Mrs. Brown admitted. She recalled one attractive young Negro matron who was asked about racial intermarriage just once too often.

"Why would we want to marry you after all the things you've done to us?" she de­manded of her white questioner.

"You should meet my husband's relatives."

Mrs. Brown contends, "There was no objection.

"Backbone of the rioters," continued last night that the backbone of the rioters that have burned hundreds of stores and homes throughout the inner city, looters 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.

During the 1967 riots, the Baltimore Orioles were on the go to start another American League season this afternoon at Memorial Stadium.

All banks will be open for business today after a three-day holiday.

 Authorities relaxed the 7 P.M. to 9 A.M. curfew to allow nightshift workers at factories to report to their jobs.

One sign that the tension was easing—10,877 regular Army and National Guard troops patrolling the city were instructed by Lt. Gen. Robert H. York, their command­er, officer, to "bore rifles," tack away the bayonets that they had affixed to their fire­arms.

Another sign—some children in a Northeast 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 neigh­borhoods bordering inner-city Negro areas.

SHOOTING, BEATING INCIDENT

For example there was a shooting and beating incident sparked by white thugs in West Baltimore.

But all-in-all, authorities expressed opti­mism yesterday in their estimate of the situation as "under control."

They pointed out, for example, that the 216 lootings logged by 9 P.M. yesterday to­taled just one more than those reported during a single two-hour period Sunday night.

ATTITUDES SOFTER

The bitter attitudes of Monday's surging 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, had already started. One rumor was that the mastermind of the riot was shot. Stokely Carmichael, the black militant, was fomenting strife. The Ku Klux Klan was 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 most affected businesses located in the trouble of time. Indications were they would be offered quick tide-over loans.

2. There will be at least one more night of curfew, to start at a time designed by Gov­ernor Agnew after consultation with General York.

3. Taxpayers who are prevented from com­piling their 1967 Federal and State returns because of the riot will be allowed to file on the April 15 deadline. However, they must be prepared to show, if directed, that the riots—and not their own dilution of 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, several independent agencies started collecting food and clothing for distribution to inner-city residents.

Scarceities of milk and gasoline developed during the day.

In response to requests from author­ities in Delaware, where disturbances are also taking place, Governor Agnew added Cecil county to the list of subdivisions where the alcohol and on-street possession of alcoholic beverages are banned until further notice.

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

RIOT SIDE-EFFECTS

Baltimore hospitals, incidentally, have had to take care of more than 35 victims of riot side-effects—alcoholism and exhaustion. Meals from their normal supplies, have gone into delir­ium tremens. They are being treated with massive doses of vitamin B-12 and paral­dehyde.

The number of direct casualties of the riot­ing has not been released. Those who had to admit they had been remarkably low—19.

But talk of what is being done, what has been done, and what remains to be done before real peace is restored is subdivided 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 one point, and very few arrests were re­ported.

COURTS WORK OVERTIME

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

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


They are also keeping a close eye on the rest of the State, looking for signs of rest­lessness that could develop into trouble.
BUNCH TAKES TOUR

FRANCIS B. BURCH, State attorney general, went from building to building yesterday to take a first-hand look at the scene State liaison with military authorities took another of his frequent tours of the immediate area.

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

Maj. Gen. George M. Gelston, adjutant general of Maryland, who directed National Guardsmen were paraded Sunday under General York's command, also took a tour of the stricken ghettos.

Burch reported that things were relatively quiet, but that a food shortage was developing.

Gelston said the "people seemed friendly."

"I think the mood has changed considerably on the street," said the general, who, as a veteran of the Cambridge (Md.) disturbances of past years is an expert on such matters.

He said that, without further investigation, it is "impossible to tell if the riots had organized elements in them," or whether they were completely spontaneous.

Actually, Gelston said City officials began to improve late Monday night, when there was an abrupt falling-off of disorder.

FOURTH DAY STARTS QUIET

With a curfew in force and few persons about, the first hours of the fourth day were quiet.

But a fire alarm was sounded shortly after 3 A.M., and city firemen were dispatched to this one in the 400 block of Myrtle Avenue, in the heart of the West Baltimore ghetto.

Mopping up after the extensive blaze was extinguished, firemen found the body of Dorothy Hudson, 74, in a second floor apartment. She had been suffocated.

It was the second connected fatality.

SIXTH FATALLY

A temporary peace descended on the city.

Looting came to a standstill. The fire alarms stopped. Soldiers and police continued their routine pick-ups of curfew violators.

At 7 A.M. another curfew was lifted. And with it came a renewal of troubles.

Road blocks that had sealed Baltimore off from the outside world were removed, and the city was inundated with traffic from the suburbs.

At the same time, the looting began all over again. There were ten reports of forays on grocers, saloons and dry cleaning shops within an hour with the fire.

FORTY-NINE RAIDED IN 2 HOURS

Looters staged 49 raids between 8 and 10 A.M.

A sniper on Aisquith Street sent a bullet crashing into an automobile carrying office workers to their downtown jobs at 9:30 A.M. No one was hurt—and the sniper had disappeared into a maze of back alleys by the time police arrived.

Tear gas was used to disperse disorderly crowds in the 200 block Edmondson Avenue and at Dukeland Street and Edmondson Avenue about at the time children were returning to school for the first time this week.

The air was electric, as though some government of life was intended to regain a degree of normal life—though there were reports of occasional disturbances from the subway, some areas.

A young white woman, wearing an orange blouse and long white denims cut across the street. A black-and-white sign reading "We're gonna mediate with them." appeared.

"We're not gonna snatch them—we're gonna mediate with them," Walter H. Lively, the Negro militant who participated in the Second district seat, the City Council last year and is now director of the Urban Coalition, said from a car at the corner. He is sponsored by prominent whites and Negroes in an effort to further the cause of racial harmony, he said.

He was turned away after a heated argument.

Later, but after the curfew hour, Patrolmen Charles George and Albert Warfield subdued a recalcitrant violator with chemical mace—the new weapon which serves as a tear gas and non-lethal weapon.

About eight policemen arrived to reinforce small clumps of guardsmen on the corners. The police pushed the white crowds back.

The battered Negro car lurched off as the father apparently sought to get to a hospital.

The driver, a young Negro, got out, and three young children in the car. A mob of whites attacked him. Others jumped on the car and kicked in the windows and stomped in the hood.

THREE SHOTS FIRED

A tall white woman wearing a white T-shirt and a red coat and carrying a three-day nightmare of fire and violence.

Except for a few isolated incidents. East Baltimore seemed to have been spared a three-day nightmare of fire and violence.

But sporadic looting continued in the crowded west side ghettos.

Theodore R. McKeldin, the former mayor who worked so hard while in office to avoid what finally happened, was a spectator at noon-time fire which burned out a laundromat and a haberdashery in the 1500 block of Pennsylvania Avenue.

He drew the attention of young Negroes crowded around for a pat on the head and a handshake.

"I think this [the riot] is dying out," he said.

Meanwhile Mayor D'Alesandro and other city officials met in conference with General York at the Army's 5th Regiment Armory command post. They were assessing the situation of the moment—and found real room for optimism.

Despite the continued lawlessness, their personal tours and intelligence reports had convinced them that the atmosphere was changing—that the end was in sight.

Emerging from the meeting, Mr. D'Alesandro issued this brief statement: "On the basis of information available to me which clearly shows a drastic decrease in the number and intensity of lawless acts, I am confident that the worst has passed and that order will be restored within an hour."

THREE WHITENS VTCTIBLE

The three whites arrested were booked at 5 P.M. and convicted of disorderly conduct 25 minutes later by Judge Isadall A. Thomas, David M. Shears, of the 200 block McHenry street, a city sanitation worker, and James Walls, of Mount Airy, a laborer. They were convicted of disorder and the number of those incidents could rekindle the troubles they believe are coming to a foreseeable end.

TROUBLE SUSPEND

Troubles subsided (as they have each day) during the 5 P.M. to 9 P.M. curfew.

Arrests dropped from 62 between 4 P.M. and 5 P.M., to 21 in the next hour; looting from 23 to 14 in the hour ending at 9 P.M.

Then the mischief-makers took to the streets again—and from 6 to 7 P.M., eighteen stores were raided and nine fires were hit.

With the 7 o'clock curfew, Regular Army troops, National Guardsmen and police set up their check-point barricades again and began their sweeps of the ghettos streets and alleys for "strays" to be jailed as violators.

RIGHTS WORKERS TAKE TOUR

Anyone with a valid excuse—hospital workers, Negro employees in factories, news­men, utility workers, doctors—were allowed to proceed if they could show proper identification.

Sixteen young civil rights workers were taken on after-curfew automobile tours of "sensitive" areas by plain-clothes Negro policemen.

Perhaps better than any other sixteenth other in the city, they know the potential trouble—militants and their followers who were anxious as anyone else to bring the riots to an end.

Seven of the sixteen have police records, and few of them had donned pseudo-Afri­can garments.

They went on the pacifying cruises with the understanding that their actions were not going to lead to new arrests.

"GONNA MEDIATE"

As one of them put it:

"We're not gonna snatch them—we're gonna mediate with them."

Walter H. Lively, the Negro militant who ran for a Second district seat in the City Council last year and is now director of the Urban Coalition, scoffed at the notion of blue jackets and silvertipПетера at the same time.

In the process, they themselves got mace in the face and had to go to Mercy Hospital for Dr. R. Shears, of the 1900 block Mc.

The violator was hustled to a police sta-
tion, his cheek streaming blood from a shrapnel wound 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 still more to be done. Although one top State Police official says some outsiders "unquestionably" have been involved.

"Some looters unquestionably have come out of Maryland," Maj. Smith Thomas, 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 during the flood of paper-work in the courts no reliable estimate is available on how many.

One John Brown, aged 22, has been arrested in Central Municipal Court, and he was not charged with any out-of-state directly involved in the rioting.

"I was caught by the act of looting," he said. Judge Watts is a Negro. A court clerk at Central Municipal Court said he remembered "a few cases" where they all had valid reasons for being in Baltimore.

Two who got caught were young Wash­ingtonians. They were in jail 60 days in jail after police found two empty gasoline cans and an oil can in their cars.

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

The two were Kevin Davis, Jr., 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 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 an old 1800-to-be printer's supplies and moved paper-sylvania avenue into round-the-clock operation.

Besides the police, soldiers and firefighters, he served a 28-year-old man and daughter of two from the 1800 block North Utica place yesterday. Miss Carol Lewis, desperate for milk for her two months old and a year old, knew 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 Utah?

There was no objection.

Mr. DOLE. Mr. Speaker, the key vote today will be whether or not the civil rights bill, H.R. 2316, 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, fair 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 the question before us 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. In that event, and only in that event, will I vote to accept the Senate amendments.

While 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. What I am concerned about is our ever-holding an all-time high in our country the antiiot provi­sion, if properly administered and strictly enforced will put an immediate end to the activities of Stokely Card­inal and other effective Negro mili­tants, regardless of their race or color. I opposed previous open housing provi­sions and voted against the bill containing a "fair housing" provision, though it passed the House on August 9, 1966, 259 to 157. I do not now believe the housing section to be the overriding pro­vision in H.R. 2616. On balance I believe that if the House does not send the bill to conference the Senate amend­ments should be accepted. I would add there is nothing in this bill preventing a homeowner from selling his property to anyone he desires. I repeat that the antioiot section coupled with the civil disorders sec­tion can be helpful in curbing civil strife in the weeks and months ahead.

**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 express 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 Salt Lake House. 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 with me, to further assemble and analyze the hard evidence and statistics 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 areas 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 proper 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 war with Wehrmacht, we have voted to draft Negro youths to risk their lives in defense of this country. How can I, therefore, now 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. 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 com­promise in the bill, and accept a provi­sion coupled with the civil disorders sec­tion, that law enforcement when the fact of discrimin­ination 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 Negro youths may continue to see 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 United States, is being subjected to further indignity by the People of the United States. We can either have a nation divided into hostile camps of black and white, or we can learn to live in harmony together. The first seems to be only one realistic, safe and sensible course to me, given the facts of the real world in which we live.

The great volume of correspondence
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 liberties, 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; and, second, by the same token, the 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 feeling that it should be united against a sugar industry, the real estate industry, which I believe may be reduced by a House-Senate conference. As a matter of fact, this bill before us today was originally a House-passed bill which was aimed at increasing the tools we need to punish those who go across State lines for the purpose of inciting riots. Under these House-Senate procedures which I believe the motion to consider the Senate bill, and if this motion should fail, I will act expeditiously to improve the Senate-passed legislation in a climate of peace and calmness rather than in the climate of emergency and ill-will that is apparent throughout the Nation today.

If this motion should prevail, however, and I am called upon either to accept this civil rights legislation as passed by the Senate, or reject it out of hand, I will vote for the legislation for the reasons which I have given.

I recognize that this decision, which is based on my best judgment of many weeks of serious thought and investigation, will not meet with the approval of all my constituents. I can only request that they accord to me the same respect and consideration for my honest views as I do theirs, and in reality this is more than a conscience vote; it is a vote in which consciences are in conflict.

It is our responsibility as Members of Congress to promote domestic tranquility, and to make those judgments which will produce maximum benefits from the potentials of our society, a society which is both black and white and which must be united rather than divided in the interests of ourselves and our posterity and of this Nation which we all love so well.

The PROGRAM FOR CONSIDERATION OF CIVIL RIGHTS LEGISLATION

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. Krogh) expressed 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 such 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. 2516, to provide penalties for interference with civil rights, which was subject to action by the Committee on Rules, would be taken up this week. It was stated at the time that we expected to finish this act before the week was over.

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

CLEVELAND PLAIN DEALER PRAISES PRESIDENT JOHNSON'S SACRIFICE

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 has expressed our Nation's admiration to President Johnson for the "statesmanship with which he coupled his political withdrawal with a new drive for peace." He has made an eloquent appeal for national unity without which the nation would be in great danger.

"There is no call for reason and responsibility among all the "frenzy and emotion" of an election year is one that public and candidate can take to heart at this moment. The respect with which he looks upon the office he holds was apparent in his strong support for great responsibility on the part of presidents.

"For a president to buy public popularity at the sacrifice of his best judgment is too dear a price," he told the National Association of Broadcasters in Chicago. "no nation can afford such a price or such a leader." He coupled his political withdrawal with a new drive for peace, President Johnson has never more accurately measured than in this simple statement of his concept of presidential responsibility. Criticism of Mr. Johnson has centered on his dogged adherence to the country's commitment to South Vietnam long before even the Congress.

By abandoning it or by altering it, he could have put himself on the side of large segments of the public, especially among the young, and enhanced his numerical support. But he would have found himself on a collision course with his concept of his duties as President.

He has chosen to remain steadfast in that concept rather than make the "pursuit of public tranquility" his first goal. He has given the nation a powerful lesson in devotion to duty, for which suitable gratitude could be expressed by hearkening to his appeal to let reason prevail over frenzy.

JOHN CARDINAL KEEL MAKES ELOQUENT PLEA FOR BROTHERHOOD

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 has honored him for these efforts at a recent dinner in my home city of Cleveland. Mr. A. M. Luntz was chairman of the dinner, which was attended by many of our city's leading citizens.

Cardinal Krol spoke of the program of bringing "unity out of the greatest diversity." He eloquently pointed up the fact that, however different their origins and backgrounds may be, all members of the human family are in common more than they have differences.

Because of the great wisdom and importance of his message, I am placing the text of Cardinal Krol's address in the address in this address.

The National Conference of Christians and Jews is a civic organization of religious leaders. It was started a movement by proclaiming their religious ideals and principles. The world is not God's creature. We and the world can not recognize his responsibility to his God and be faithful creatures. We are God's creatures. We and the world can coexist and share with them our time, talents and technical abilities.

The Catholic Church, with its two thousand years of experience, has a unique historical awareness to develop great movements of the human mind. Four centuries ago, at the beginning of the trend toward materialism and scientific progress, the two famous Councils of Trent were convened. The Council fathers adopted a defensive posture. They were content to preserve not only the purity of faith, but faith in God itself.

Now, four centuries later, seeing a favorable posture in the world, the II Vatican Council was convened by Pope John XXIII. Doors and windows were thrown open. The defense posture was changed into an apostolic—an aggressive posture. Bridges were lowered to establish relations with outside communities. Ties with outside communities were reduced to a minimum. Fear of contamination and contagion caused a closing of windows. Today, the Church is committed to preserve not only the purity of faith, but faith in God itself.

Today, the Church proclaims more vigorously than ever the need for religious, moral and social order. That premise is that man is a person—a spiritual subject who by nature and hence by God is endowed with inalienable rights to reach his perfection and enter the world without his own prior knowledge or consent, and he would be despoiled of them. The defense posture is a brief memory, and a faint trace of dust. They realize that faith in God is not an escape from reality, but an affirmation of the indescribable meaning and purpose of every man. The trend to return to God by leaders of the scientific community is neither rapid or massive, but it is current and growing.

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regarded by some as purveyors of weak sentimentality which cannot survive in the free-swimming world of the marketplace. They are regarded by others as enemies to the policy of Church-State separation, as if there were no room for respect of religious forces, including religious ones, for the good of mankind and for the common good. Still others confuse the promotion of any order, to civil rights, etc., as cause for anxious concern about possible infiltration of communist ideas into our land.

It is well to recall that Communism takes advantage of any weakness, any fault in society, to represent itself as the only possible remedy for such weaknesses. The stated ultimate objectives of Communism are to promote 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 protestations, is in fact an inverted religion and as such is a tragic fiction.

Common sin inflames man's sense of mission and his ambition for creativity. It involves him in an effort to achieve a transcendent good, a kind of good his world appears to offer. Such promised opportunities have attracted intellectuals even at the price of treason to their own country. The threat and uncertainty of Communism are to improve the lot of man, and to establish a social order—not according to religious scripture, but according to the will of man, but according to materialistic philosophies, 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 governed by the religious ideal of brotherhood and justice, have been a signal service to God, to man and to Country. No nation can survive indefinitely, and many thousands of laws, no amount of welfare programs can preserve social order and good human relations. Our love for man, to be brotherhood and all embracing, 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 Conference on this its 40th anniversary. I pray that it may in your program and in your promotion good human relations may exceed that of our scientific and technological developments. We may not have the common blessings of God on earth and His presence in heaven.

Again I thank you for the signal award, for your generosity. I thank 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 describes the career of Cardinal Krol. This article follows:

He was the fourth child of Polish immigrant parents who settled on Cleveland's Southeast Side. They named him John J. Krol.

John grew up like any other Cleveland boy—had his fun, had his fights, his parental discipline; learned to work and at all times to reach goals.

He went to Cathedral Latin High School. He was a member of its baseball team and found a respect for baseball which has remained useful to him through his life. He became a member of the Cleveland Bar Association.

In 1947, he was appointed Fourth Assistant Attorney General of the State, a position he held until 1952. In 1953, he was named to the chief post under John W. Johnson, then Attorney General. He served in that capacity until 1957. He then became the chief lawyer in the Attorney General's office responsible for all litigation in the state courts and before the United States Supreme Court.

Cardinal Krol, son of Polish immigrants, is as human, as brother-embracing as any man on the earth's streets, seeking a better plight for Negroes, for Indians, for anyone downtrodden. Interesting himself in the problems of nationality and race is G. K. Chesterton's struggle.

Truly, he is one who lives his belief in the Fatherhood of God and the Brotherhood of Man. An American lawyer, not a theoretician.
ORRIN G. JUDD, New York, N.Y., member of the Council, Solicitor, Individual Rights and Responsibilities ABA.

Steven E. Kean, Milwaukee, Wis., president, Milwaukee Bar Association.

David W. Kendall, Detroit, Mich., former Counsel to the President.

Earl W. Kintner, Washington, D.C., former presidente, American Bar Association; general counsel, General Motors Corp.

Robert H. Knight, New York, N.Y., former General Counsel, U.S. Treasury.

Stephen B. Lemann, New Orleans, La.


Cloyd Laporte, New York, N.Y., former president, Association of the Bar of the City of New York.

Boss L. Malone, New York, N.Y., former president, American Bar Association; general counsel, General Motors Corp.

Orison S. Marden, New York, N.Y., former president, American Bar Association; Association of the Bar of the City of New York.

Burke Marshall, Armonk, N.Y., former Assistant Attorney General and former cochairman of lawyers' Committee for Civil Rights Under Law.


Vernon X Miller, Washington, D.C., dean, Catholic University Law School.

James E. O'Brien, San Francisco, Calif.


Louis H. Pollak, New Haven, Conn., dean, Yale Law School.

William Poole, Wilmington, Del., former member, board of governors, American Bar Association.


Samuel I. Rosenman, New York, N.Y., former president, Association of the Bar of the City of New York.


Bernard G. Segal, Philadelphia, Pa., former president, American College of Trial Lawyers; president-designate, American Bar Association.

Whitney N. Seymour, New York, N.Y., former president, American Bar Association.

Jerome J. Shestack, Philadelphia, Pa., member of the Council, Section of Individual Rights and Responsibilities ABA.

Sylvester C. Smith, Newark, N.J., former president, American Bar Association.

Davidson Sommers, New York, N.Y., general counsel, Equitable Life Assurance Society.

David Stahl, Pittsburgh, Pa., deputy mayor, Pittsburgh.

Charles P. Taft, Cincinnati, Ohio, former president, Federal Council of Churches of Christ in America.

James F. Thacher, San Francisco, Calif., trustee, California State Colleges.


Wright Tisdale, Dearborn, Mich., general counsel, Ford Motor Co.

Harold W. Twigg, New York, N.Y., former president, American Law Institute; Association of the Bar of the City of New York.

Cyril Vandeventer, New York, N.Y., former Deputy Secretary of Defense.

John W. Wade, Nashville, Tenn., dean, Vanderbilt University Law School.

William F. Walsh, Houston, Tex., chairman, Section on Criminal Law, ABA.

Bethuel M. Webster, New York, N.Y., former president, Association of the Bar of the City of New York.

Wilson W. Wyatt, Louisville, Ky., former mayor of Louisville.

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 by providing that 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 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.

ANNOUNCEMENT OF HOUSING SUBCOMMITTEE MEETING ON URBAN INSURANCE BILL

Mr. BARRETT. 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. 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 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.
Mr. MONAGAN. Mr. Speaker, I yield the balance of my time.

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, he issued the historic announcement. I insert pages of the Chicago Tribune under the heading: "L. B. J.: 'Won't Run.'" I should like to read one sentence from each of the four letters. R. M. P. writes:

"He will undoubtedly be recognized as the greatest President that ever lived."

E. K. said:

"President Johnson is a man of firm convictions, for which he has been vilified."

From L. H., a prediction that:

"He may endeavor himself to get tossed right back into office."

Finally, W. R. K. writes:

"Regardless of all the criticism thrown at him, our present President, I firmly believe, is the best qualified man to lead this country for the next four years."

These spontaneous expressions of opinion by average citizens reflect, in my opinion, a very broad-based mood in the country following President Johnson's historic announcement. I insert these letters to the editor in the Register at this point:

L. B. J.: "Won't Run".

PALATINE, April 1—With accuracy, our ad

vertisements have in the past been able to predict American policy during election years. Unpopular measures would not be initiated by a President hoping for reelection. But now President Johnson has a free hand. Instead of twisting arms to get support, he may and probably will face his opponents openly. Being freed from many hampering considerations, Johnson will probably emerge as a man of action, capable of doing more than any other man in the past four years. He may endeavor himself enough to get tossed right back into office.

LOTHAR HUBBARD.

GLEN ELYN, April 1—Last January my 11-year-old son asked me, "Mom, is President Johnson a great President?"

I said, "Yes, he is. He may not be so ac-

claimed today, but he will undoubtedly be recognized as the greatest President that ever lived."

Now I thank our beloved President for proving to the world that a truly great American is among us, one so endowed with love of his people and country that he sacrifices the nation's money to honor this great man by uniting as one.

ROSE M. PALMA.

CHICAGO, April 1—President Johnson is a man of firm convictions, for which he has been vilified. Now may God and the партию, which for the last four years has been locked up with the deep-seated prejudice and hatred of race, undo the wounds of Darrall, the wisdom of Solomon, and the humanity of Lincoln to lead us out of the Viet Nam war. We should have not too much trouble finding such a man. Every candidate claims to have all these qualifications.

MRS. ELISA KLAG.

CHICAGO, April 1—Regardless of all the criticism thrown at him, our present President, I firmly believe, is the best qualified man to lead this country for the next four years. The job is tough and L. B. J. isn't perfect, but could any of us have done as well in his position?

W. R. KECK.

PASSAGE OF CIVIL RIGHTS BILL WILL NOT STOP RIOTING

Mr. JOHNSON 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. JOHNSON of Pennsylvania. 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, everything will be fine, and that you can withdraw the troops from participation with the policemen in handling the civil disorders and rioting in those 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 because we 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 rioting is 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 its opponents claim 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 will shortly 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 resolution 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.

It would merely make the record abundantly clear if I now state what I put in writing in this resolution and vote on the 9th of April. The decision was made on that day and not following the death of Dr. King.

It was well known on the 9th 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 unremitting 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 under duress. I say to the people who plundered and pillaged the great cities of our land in the last 5 days could not care less about this legislation.

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 resolution 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, ancestry, creed, 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 could be construed to countenance such a result 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 speaks today, and whether we like it or not, our action can help them build attitudes and progress with order and justice.

Or, as Mr. Taft suggests, 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 and 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 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 to discuss that 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 by 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 the 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, "Why, she and her children can stay in my 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 not be taking 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.

Mr. Speaker, I wish to offer 5 minutes to comment on titles II to VII of the bill which relate to rights of the American Indians. I do so because I have a special interest in this area, both because so many of the tribes with whom I have worked over a period of 20 years in the Bureau of Indian Affairs would be affected by these provisions, and also because I am myself a fully enrolled member of the Rosebud Sioux Tribe of South Dakota. I was born and raised on the reservation, and know from personal experience what the effects of these titles would be on our Indian citizens.

Basically, these titles attempt to accomplish two major objectives: First, they would create a bill of rights for the protection of Indians tried by tribal courts, and second, they would improve a defendant's right to justice administered by those courts; third, second, they would provide for the assumption of civil and criminal jurisdiction by States over Indian country within their borders only with the consent of the tribes affected. Both of these objectives are important to our Indian citizens; the accomplishment of each of these objectives is long overdue.

Mr. Speaker, at the present time when an Indian citizen appears before State or Federal courts he is accorded the constitutional rights of all Americans. But when that same Indian citizen is brought before the tribal courts, which have power to punish him usually for as long as 6 months in jail, he has only those rights which the tribe is willing to recognize. Many tribes have reformed themselves, in the name of justice on the reservations. Too often, however, tribal courts have not acted judiciously.

And more important, Mr. Speaker, under present procedures there is no way of telling whether a tribal court has abused its powers because it is usually not possible for a defendant to ever raise a question in an appeal or in a habeas corpus proceeding.

The enactment of this bill would clearly set forth certain fundamental limitations on the power of tribal courts in dealing with tribal members:

the defendant's privilege against self-incrimination;

It would require a speedy and public trial;

It would require that the accused be informed of the nature of the offense charged, that he be confronted by witnesses against him, and that he have compulsory process for obtaining witnesses in his own favor;

It would prohibit excessive bail, and would provide by statute for a maximum punishment by a tribal court of 6 months in jail and $500 fine; and

It would provide for imprisonment

The enactment of this bill would clearly set forth certain fundamental limitations on the power of tribal courts in dealing with tribal members:

the defendant's privilege against self-incrimination;

It would require a speedy and public trial;

It would require that the accused be informed of the nature of the offense charged, that he be confronted by witnesses against him, and that he have compulsory process for obtaining witnesses in his own favor;

It would prohibit excessive bail, and would provide by statute for a maximum punishment by a tribal court of 6 months in jail and $500 fine; and

It would provide for imprisonment
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 in 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 resisted the arbitrary authority invested in States under Public Law 280, and which does not now support the provision of tribal consent prior to such assumptions of jurisdiction by States.

Therefore, 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.

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 hearings on the matter. May I say that the intention of coming to the well of the Chamber of this House. But I wish to advise the gentleman from South Dakota [Mr. REFFEL] that there are Indians in the United States of America who are not present in favor of this legislation. There are not merely a few of them. There are a lot of them. They, too, have the right to be heard in accordance with the legislative procedures of the House of Representatives.

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 to 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 "property" of the homeowner is the Government's property: That the Government would have the right to dictate to him the terms of his 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 work an actual 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 most recent, and what I believe to be, most sinister attempt to circumvent the intent of the Constitution. 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 at his own expense, while the Government picks up the tab for his accuser.

In addition, Mr. Speaker, the obvious question of political expediency continues to surround this bill. That is attested to by 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 civil rights leaders. Mr. Speaker, appeasement is not the answer. Appeasement 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 not do anything to affect the large 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.

REEREFERRAL 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. GAVEL], introduced on April 1, was referred to the Committee on House Administration. I ask unanimous consent that the bill be referred to the Committee on Public Works.

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. MADDEN. 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:

Ashley, Jones, Mo.                        Poge, 
Ashmore, Kansas                        Besneker, 
Fino, Kenton                          Rothschild, 
Foley, King, Calif.                     Teague, Tex. 
Hathaway, King, N.                     Irwin, Pasman

The SPEAKER. On this rollcall, 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:

[Roll No. 94]

Ashley, Jones, Mo.                        Poge, 
Ashmore, Kansas                        Besneker, 
Fino, Kenton                          Rothschild, 
Foley, King, Calif.                     Teague, Tex. 
Hathaway, King, N.                     Irwin, Pasman

The SPEAKER. On this rollcall, 416 Members have answered to their names, a quorum.
Resolved, That, immediately upon the adoption of this resolution, the bill (H.R. 2316) to prescribe penalties for certain acts of violence or intimidation, and for other purposes, as an amendment thereto, to be, and the same hereby, is taken from the Speaker's table, to the end that the Senate, in accordance with, 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 opinions 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. Sarrin), 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 Cramer; 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 on June 29, 1967, and the antiriot legislation was passed by our House 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 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 stigmatization, and we believe a strong doubt will mean no civil rights, housing, or antiriot 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 colleagues 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 law, no matter where you are, for everyone—buyers, sellers, and real estate brokers.

Many witnesses before the Senate committee, including real estate brokers, said that 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 was necessary to 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 Realtors and the National Association of Real Estate Boards, stated:

"The highly financed real estate lobby has been using its influence to prevent this legislation from coming to the floor of Congress. The Washington real estate lobby has spent hundreds of thousands of dollars, capitalizing on racial and religious prejudices. The real estate business to be put on an equal basis when it comes to accepting minority families must be considered in its entirety. This legislation frees real estate business from potential clients. This legislation frees real estate business from the pressure of adverse economic consequences stemming from constant efforts to capitalize on racial and religious prejudices."

Many business firms and organizations would long since have discontinued practices of discrimination except for their fear of adverse economic consequences stemming from constant efforts to capitalize on racial and religious prejudices.

With a national law, the acceptance of all, the entire industry would or would not without discrimination and without fear of economic reprisal.

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

"American real estate is a law-abiding business. It has been said that our State and Federal laws are a success. The law has worked well in many other States. If this is the case, there is no valid reason why it cannot work in this State or any other State. It is not a question of people not obeying the law, but it is a question of whether or not the law has been made to work to the benefit of all people."

Fred Kramer, Chicago, Ill., president of Draper 

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

Edward Thiebaud, St. Paul, Minn., president of the St. Paul REALTORs Mortgage Bankers Association, said:

"The extension 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:

"Minneapolis open housing laws have not hurt the real estate business. It has been proved that there has been no increase in ice in the city. The saving to the person buying real estate is the same. The real estate people and none of their fears have been justified. . . . Realtors and apartment owners are now hearing an increased demand for their products. The entire community has benefited from rapidly improving housing and housing conditions and from reduced racial tensions."
The burden has been placed on the Negro ranks or into the white university structures with the help of some of the President's things you have to resolve the Viet then tried to break into the white corporate thing is written all year long about you are doing to alleviate the conditions of the ghetto. I think that can be said, certainly, that in the very near future, that the influential and wealthy of our community have done in years past what they ought to be doing. I yield myself 9 minutes. 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 the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes, with amendments thereto, be, and the same hereby is, taken from the Speaker's desk in lieu thereof, to confer with the Senate upon the disagreeing votes of the two Houses."
the situation, so that debate at that time
would not be necessary. I would antic­
pate 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 ac­
commodating as possible.

Now, Mr. Speaker, may I review the
history on this situation. H.R. 421, the so­
called anti-riot legislation, was intro­
duced in the House during the opening day of this 90th Congress on March 24, 1967—last year. No hearings were held or
scheduled by the Judiciary Committee,
and indications were that no hearings
would be held. Consequently, on June 14, 1967, last year, the dis­
tinguished chairman of the House
Rules Committee, the gentleman from
Mississippi [Mr. COLEMAN], served notice to the Senate, with the intention of initiating
in the Rules Committee on H.R. 421 com­
encing at 10:30 a.m., Tuesday, June 27, 1967.

The Judiciary Committee immediately
held hearings and reported H.R. 421
along with civil rights language. It was
politely suggested that it would be pre­
ferrable for the two subject matters to be
separated. That is so, and if the anti-riot legislation, as accorded
the regular procedure, the civil rights
legislation, if in a separate bill, would
proceed in accordance with the regular
procedure. The Judiciary Committee fol­
lowed the pattern of H.R. 2516 and H.R. 421 passed 347 to 70 and subsequently the regular H.R. 2516
passed 326 to 93. Both bills then went to the
other body.

Mr. Speaker, as you know, the other
body spent most of their time on these
measures this year, combined them,
changed considerable language, added
new matter, and on March 11, passed H.R. 421. The provisions on
civil rights similar to those passed by
the House. The first prescribes penalties
for interference with the rights of an­
other person to vote, to secure employ­
ment, to attend school or college, to use
the facilities of interstate commerce, or
to enjoy what we generally call a citi­
zen's civil rights. Both versions contain
violations of this
criminal offense to go from one
apartment could lose his exemption by
posting a notice that he wants to sublet
his home for the summer, he may reject
for signature. This resolution was
referred to the Rules Committee. It was set
down for hearing on March 19. The
leadership wanted it approved, and to be
considered on the previous question.
On Wednesday, March 27. A motion was made in execu­tive
session of the Rules Committee to
approve the resolution. A substitute in­
cluded amendments without giving the
House an opportunity to consider any
changes in language whatsoever.

Accordingly, House Resolution 1100
was introduced on March 14, which, if
adopted, would agree to the bill as passed
by the Senate. No changes of any kind
were made. The bill as passed by the
House is an amendment to this House
bill. It is similar to the Senate bill, but
overall, it is a different bill.

The bill of the other body contains a
section somewhat similar, but not identi­
ical, to H.R. 421 which makes it a Fed­
eral criminal offense to go from one State
to another with the intention of inciting
a riot or attempting to organize or en­
courage any act of violence in further­
ance of a riot.

However, the other body added to the
House bill a controversial open housing
provision. It prohibits discrimination on
the basis of race, religion, color, or
national origin in the sale or rental of a
dwelling. This, supposedly, would not
apply where the owner does not own an
estate broker or agent, and does not ad­
vertise in any manner to indicate a pre­
ference based on race, color, religion,
or national origin.

Opponents contend that if a homeowner
posts a notice that he wants to sublet
his home for the summer, he may reject
any person of any race.

Mr. Speaker, I am certain that
civil rights legislation will pass this year. It
is unfortunate that it has to follow so
closely to the terrible assassination of
Dr. King. It seems to me that we should
have legislation which is real and endur­ing and not legislation which may merely
be a symbol.

During the hearings and at other
times, some Members have expressed
concerns that if this conference, the other body will not cooperate
and approve of a conference report.
I have talked with several Members of the
other body during the past 2 days and
the message I derive is that they want to
follow the customary procedure. I am
confident that they will cooperate, and I can assure
that if they will, an agreement will be
reached which should receive the bless­
ing of the conference committee and both
bodies.

I believe in this way the results will
bring about better legislation. The other
body, in passing legislation under cloture,
was handicapped from the standpoint
of time. This may be a consideration for
the future.

During the hearings on the bill, some
Members have expressed concern that
if this measure goes to conference, it
might cause additional serious trouble
in the future.

I repeat, Mr. Speaker, that after the
1-hour debate on the resolution pending
the conference, the other body agreed to
an amendment and the House agreed to
the previous question. If that is the case,
I believe it would do any good for me
to try to discuss this bill with you on its
merits, because obviously it is not going
to pass unless it is considered favorably.

Mr. WAGGONNER, Mr. Speaker, I do not believe it
would do any good for me
to try to discuss this bill with you on its
merits, because obviously it is not going
to pass unless it is considered favorably. I
think it should be. This bill is going to be
considered on the basis of emotion, and
emotion alone, today. And such a situation
is unfortunate.

I am sure the Members know that I
know something about the Negro man—a
good bit more about the Negro man than
most of the Members do here—and

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I am looking straight at some of the Members now when I say that. I have lived with them all my life, and I have more Negro friends than all of you put together. 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 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 86th Congress, having to do with civil rights, whether it was housing, education, or whether it would do away with discrimination, it would do away with discrimination, it would put everybody on an equal footing, and have not 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 will add 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:

NEVER RULE IN GHETTO REJECTED IN BOSTON

BOSTON, April 9—Mayor Kevin H. White today vetoed a bill to provide for black ownership of community businesses and black control of schools and public housing.

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."

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

The statement did not mention the United Front by name, but an aide in the Mayor's office said it was that group's proposal White had vetoed.

It is crystal clear, gentlemen. There is no end to these demands. The next one will surely be a guaranteed annual wage and, if we give in to this system of legislating by blackmail, what are you gentlemen going to do when the proposal is so overwhelming that you have to make a decision? Do you have the stamina, the strength, the bloodshed? Give in again? Come back into this Chamber and say we have to rush this guaranteed annual wage bill through without even sending it to committee? I am sure we know because the cities will be burned down if we do not? Is that what we are to reduce the legislative process to?

Well, for one thing, I want no part of it. We cannot react to blackmail in this manner. Send this bill to conference and give a chance to work out the bad parts, the unconstitutional parts, and let it come as a product of the House when there is less tension in the air and without blackmail hanging over your heads.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN of California. Mr. Speaker, I yield 5 minutes to the gentleman from Ohio [Mr. McCulloch].

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 his words of wisdom, his honesty and his courage.

I think his wisdom and his counsel in the matter of the splendid statement he made to the Committee on Rules on the constitutionality of this legislation, and the 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 and that which has now 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 ever before the test and the tribune. I think his wisdom and his counsel in the matter of the splendid statement he made to the Committee on Rules on the constitutionality of this legislation, and the important factor so far as my own personal judgment on this matter is concerned.

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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 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 the House. I hope that the landmark legislation of this year follows the same process.

Open housing, a most important part of the bill, is before the Congress. In 1966, the House approved open housing legislation, but the other body did not act thereon. Now the other body has acted and the burden is upon us.

The people are watching, the people are waiting.

The large problem of civil rights and civil disorders which this bill embraces is one of the most difficult and troublesome of our time.

Last summer, the President appointed a National Advisory Commission on Civil Disorders. What the report of the Commission said is pertinent here:

"This is our basic conclusion: Our nation is moving toward one black, one white—separate and unequal.

Focusing on the question of open housing, the report observed:

"Discrimination prevents access to many non-slum areas, particularly the suburbs, wherein many of the nation's second-class citizens are being penned up. By creating a "back pressure" in the racial ghettos, it makes it possible for landlords to break up apartments for denser occupancy, and keeps prices and rents of deteriorated ghetto housing higher than they would be in a truly free market.

"Men can be imprisoned outside of jails. The ghetto dweller knows that. The Negro knows that, he is caged. But it would offer the prisoner the hope that if he tried to climb the economic ladder, society would not forever be stamping on his hands.

"If that could be done, it would eliminate the posts and crossbeams of despair on which the ghetto prison is built.

"If the prisoner were given access to a better home, he would then have access to a better education for his children. Then his better educated children would have access to better jobs. And then, like all other minority groups, the Negro would have won his equality through economic power. The great American dream would, for him, in part, come true.

"I supported such a bill in the last Congress, and now soport the recommendation of the Commission on Civil Disorders for such legislation.

"I have listened to testimony for a long, long time on the plight of those in the ghettos, and the necessity for open housing legislation, without delay.

Arguments are made that this legislation should be accepted as a tribute to Dr. Martin Luther King, Jr., or that this legislation should be rejected because of our recent riots.

As for me, I view my duty as something other than bestowing rewards or laying punishments. I must do what I believe is right. Nothing that has occurred during this past weekend, as tragic as it was, has altered my course.

As I said, in 1964, when a similar argument was made before me: "Not force or fear, then, but belief in the inherent equality of man induces me to support this legislation."

The additional argument is made that the bill is not perfect. Having served a long time in the Congress, I would not expect a bill of 50 pages in length to be perfect.

If the entire matter were in my control, I would amend the legislation where needed and enact the bill. But, of course, that is not the situation. There are many in both Houses who are opposed to the substance of the good bill.

I am fearful that if this legislation is sent back to the other body for any reason, the bill's fragile chances of becoming law will be seriously impaired.

To my mind, it cannot not be between imperfect legislation and perfect legislation, but between imperfect legislation and no legislation at all.

If that is the choice we must make, there must be decide whether the defects outweigh the good that may flow from passing this legislation without further amendment.

I do not believe that the defects outweigh the good.

I have carefully reviewed the bill. The drafting could have been better. But I do not find any difficulty so grave that it would obstruct the intended operation of the provision.

On balance, I do not find that the prospective gain in draftsmanship is worth the risk of sending the bill to a conference or back to the other body in a modified form, there to possibly be lost for this session of Congress.

This is good legislation. It is constitutional legislation. I have analyzed the Supreme Court's decisions, and I am convinced that each and every title of the bill will pass constitutional muster.

Thus, I urge the adoption of House Resolution 1100 so that H.R. 2516 can be sent today to the President for his signature.

Mr. Madden, Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. Celler], the chairman of the Committee on the Judiciary.

Mr. Celler. Mr. Speaker, I rise today as I have risen many times before to urge adoption of the civil rights bill before us. I make no impassioned plea. This is the time for careful analysis. I am bound to accord to all those rights—rights of protection and rights of housing—which we in the majority take for granted for ourselves and yet which are arbitrarily denied to a minority of our citizens. Where there is a wrong the law right it. I firmly believe there is a majority in this House of Representatives who do
not want to see the perpetuation of ghettos in this land of ours. If I am wrong then there can be no more tragic commentary on the nature of our freedom.

But a good man was buried yesterday. He was shot out of hate and cowardice. I say this not because his untimely and unnatural death gives us a reason for passage of this legislation, that would not have existed long before the martyrdom of Martin Luther King. I note the tragedy because he spoke so eloquently for the right. And we, the Representatives of this country, can do nothing to avenge his death.

Title VIII 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 the first time 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 prohibiting discrimination in private housing transactions, but nevertheless, it is plain that the combined efforts of State and local laws, Executive orders, as well as actions by private parties, is just not enough.

Court decisions are not enough. Federal legislation to eliminate the blight of segregated housing and the pale of the ghetto is demanded.

While discrimination in housing is a fact which needs no proof, the consequences for both the individual and his community are not always so apparent. Segregation that results not from inherent racial characteristics but from long-time habitation prevents States and municipalities from carrying out their obligations to promote equal access and equal opportunity in all public aspects of community life, the 14th amendment authorizes the removal of this blight.

As I have said, residential segregation of Negroes is a fact which needs no proof. The objective dimensions of urban American ghettos include overcrowded and deteriorated housing, crime, disease, and alarmingly high infant mortality. The subjective dimensions are no less alarming. They include resentment, hostility, despair, apathy, and self-deprecation.

We cannot open the gates of the ghettos unless the minorities can find homes and domiciles outside the me­dinas and the mezzas. They will remain shut up in slum quarters if they cannot, because of racial discrimination and ostracism, change their abode. Shut up in unseaworthy, 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 inhabitants. 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 imp­licated 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 and adopt strategies for action that will produce quick and visible progress. We need fair hous­ing. It is a small key that will open a large door. There is indeed greatness and generosity in this land of ours, and I make a plea for justice and brotherhood and an end­ng credo. Let us help hasten the day for this country’s redemption of a promise with the promise of freedom of opportunity for all.

We passed a fair housing bill before, only to be blocked in the other body. Let there be no further delay. Years ago Cervantes said:

By the street of by and by you come to the House of Never.

Now is the time for action, and let us act.

Mr. Speaker. It is my fervent hope, that today this House will unite to achieve the purposes of justice and equality.

I will now turn to a brief description of the major provisions of the bill.

Title I

In the first place, in general terms, the provisions of sections 101 through 103 of Title I parallel the coverage of H.R. 2516, as passed by the House. The Senate amendment sets forth provisions de­signed to protect against violent inter­ference with the exercise of a variety of rights and activities. Each area of pro­ected activity is specifically described. They include: voting, public accommoda­tions, public education, public services and facilities, employment, jury service, use of common carriers and travel in interstate commerce, and participation in federally assisted programs. The pro­posed statute would also protect citizens who lawfully aid or encourage participa­tion in these activities as well as those who engage in speech or peaceful assem­bly opposing denial of the opportunity to participate in such activities. Persons who have duties to perform with respect to the protected activities—such as pub-

ila school officials, restaurant owners and employees—would also be covered.

The bill prescribes penalties graduated in accordance with the seriousness of those results of violations, ranging from misdemeanor penalties to life imprison­ment.

The bill, as amended by the Senate, does differ, however, in the following three respects: First, to assure that dual State-Federal jurisdiction is carefully exercised by the Federal Government, the bill requires advance certification of prosecutorial authority by the Attorney General or the Deputy Attorney General; Second, the Senate bill exempts proprietors of “mobile homes” and accommodations from the prohibitions of the act; and, third, the bill expressly states that police shall not be considered in violation of the new law for lawfully carrying out the duties of their office or for enforcing Federal or State law.

Title I also establishes penalties for incitement to riot. These provisions per­mit inter-Indian travel or the use of Interstate facilities for the purpose of inciting, organizing, or promoting a riot. Violations of the act are punishable by a fine of not more than $10,000 or im­prisonment of not more than 5 years, or both. To commit a punishable offense under this section, one must not only use Interstate facilities with the intent to incite a riot but must also commit an act in furtherance of that intent.

“Riot” is defined as acts or threats of violence by one or more persons in an assembly of three or more resulting in injury or damage to or greatly endangering the person or property of others. Actions which are the mere expression of ideas or beliefs are specifically exempted from the definition of riot. The statute makes clear that State and local law enforce­ment is not to be preempted by the new Federal law. A judgment of conviction or acquittal on the merits under the new Federal law will bar a State appeal as a bar to any Federal prosecution for the same act or acts.

These provisions closely parallel the provisions of H.R. 421, the so-called antiriot bill, which was favorably re­ported by the Committee on the Judiciary and adopted by the House on July 19, 1967.

Title II to VII

Mr. Speaker, titles II through VII of the Senate amendment to H.R. 2516 concern­ protecting the rights of American Indians. In general terms, titles 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 their governments. The provisions of title II would go into effect 1 year fol­lowing 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 off­enses, 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 is directed to consult with Indian tribes and other Indian groups, Indian tribes, and interested agencies of the United States.

Title IV amends Public Law 83–280—67 Stat. 1153—which conferred to certain States general jurisdiction over 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 agreements of counsel for Indian tribes and other Indian groups. It provides that applications relating to the employment of legal counsel made by Indian tribes and other Indian groups shall be deemed approved if neither approved nor denied within 90 days from the date of filing such application with the Secretary or the Commissioner.

Title VI also directed the Secretary of the Interior to revise, compile, and republish materials relating to Indian constitutional rights and Indian laws and treaties.

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

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 exceptions, existing housing visions 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 exemptions:

Single-family house sold by owner: Any single-family house sold or rented 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 thereof, 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 or for commercial purposes, furnished to members of religious organizations, associations, or societies or members of private clubs.

Third. After December 31, 1968, the single-family home 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 discriminatory purpose. 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 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 H.R. 2516 authorizes 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 salesmen do so.

In contrast, the present bill expressly exempts single-family houses sold or rented by a private owner, if such person is the owner of three or fewer dwellings. 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 1966 bill, the definition of "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 based on discriminatory grounds.

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 real estate brokers in 1970. 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 a public character.

The 1966 bill might have had the effect of encouraging real estate dealers to continue discriminatory 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 "general, eyebrow" sort of exchange of secret means, would be encouraged by such a provision. In other words, the 1966 bill created a loophole.

Enforcement: H.R. 2516 provides three main enforcement methods: the Secretary of the Interior would have administration 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 merits and give notice to the person aggrieved in order to attempt to resolve it. If the Secretary decides to resolve a complaint, he would engage in informal conference and conciliation proceedings. If the Secretary compromised 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 Secretary would be required to refer the matter to the appropriate State or local agency, which would have at least 30 days to act on the matter before the Secretary began 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 discriminatory housing practices, and to administer HUD programs and activities in a manner 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, United States district 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-
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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 commissioner of production without the payment of fees, costs, or security. The court is authorized to issue a permanent or temporary injunction, or other appropriate order, restraining 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 challenge to the enforcement of the 14th Amendment described in the case of United States v. Hodge, 334 U.S. 339 (1948), raises an issue concerning the power to deal with discrimination in housing based on race or color. The Supreme Court held that no person has a right to have a dwelling or property without due process of law, 2 and that the Equal Protection Clause of the 14th Amendment prohibits discrimination in housing based on race or color.

The first question is whether fair housing legislation, which applies to private housing, whether enacted by the Federal Government or by a State or local government, is unconstitutional because it violates the obligation of a State to protect the rights of property owners. The constitutional right of private property is different than the right to economic subsistence and includes the right to a fair hearing and due process before the taking of property. The right to a fair hearing and due process is a substantive right, and a statute is invalid if it infringes on that right.

The second question is whether the Equal Protection Clause provides a substantive right to a fair hearing and due process. The courts have held that the Equal Protection Clause is primarily a procedural(right to a fair hearing and due process) right, and that a statute is invalid if it infringes on that right.

The third question is whether a statute is invalid if it infringes on the right of a State to protect the rights of property owners. The courts have held that the Equal Protection Clause does not provide a substantive right to a fair hearing and due process.

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The First Question: Whether Fair Housing Legislation Applies to Private Housing

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validly exact 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 obstructions to the securing of persons the equal benefits of government.

Section 4(e) of the Voting Rights Act of 1965 provides that no person educated in an accredited school in the United States, its 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 a public election unless they can read and write English. The principal intended beneficiaries of the provision were the Spanish-speaking residents of the South, many of whom were prohibited from voting by State law.16 The Supreme Court held that Section 4(e) was a valid act of Congress because the Fourteenth Amendment empowers Congress to remove obstacles in the way of persons securing the equal benefits of government, and under the circumstances contemplated by this legislation—in particular, the situation of the Spanish-speaking Puerto Ricans in New York City—the denial of the right to vote is such an obstacle. It hindered the disenfranchised from securing the equal benefits of government, such as schools, public housing and law enforcement.17

Legislation prohibiting discrimination in housing or public accommodations on the basis of race, color, religion or national origin would also be sustainable on this basis, because such discrimination forces its victims into segregated ghettos, and the benefits of government are less available in ghettos. That fact can be amply documented. In ghettoes, because race, color, religion or national origin would directly contravene the Fourteenth Amendment and so have to be remedied, Congress is justified in enacting an Anti-Ghetto Act to nullify or forbid it is not necessary. See Buchanan v. Warley, 246 U.S. 60 (1918).

2. Federal legislation under the Equal Protection Clause may also be based on a desire to correct the enduring constitutional discriminatory government action.

There is a second basis under the Fourteenth Amendment to support fair housing legislation, which the Court did not need to consider in its decision upholding the Voting Rights Act. The Amendment authorizes Congress to enforce its provisions, one of which is the Equal Protection Clause. Enforcement of the clause traditionally includes both the prevention of violations and the punishment and the correction of the effects of past violations. 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 that right in the past, Congress possesses the power to correct those effects. By similar reasoning, the Fifth Amendment similarly prohibits denial of equal protection by the Federal Government similar to those which the Fourteenth Amendment imposes on the States, grants Congress power to correct the effects of any past denial of equal protection by the Federal Government. Such legislation would be amply documented.

The State’s rights to correct the evil effects of past unconstitutional discriminatory government action is not indeed implied by this legislation—in particular, the laws that are the result of the political process. The process whereby the effect of the Fourteenth Amendment was to nullify or forbid the racial discrimination of the States, and by the Federal Government, were in fact numerous, and their effects in housing are more obvious today than in 1868. The States, and by the Federal Government, local subdivisions enacted zoning laws denying Negroes and other minority groups the right to live in white neighborhoods until the Supreme Court decision in 1917. Local ordinances with the same effect, although operating more obviously in neighborhoods that the Supreme Court’s prohibition, were still being enacted and struck down by the courts as late as 1950. During these years there also came into use racially restrictive covenants, in most cases flatly refusing to sell or lease real estate to Negroes. See Buchanan v. Warley, 246 U.S. 60 (1918).

Violence in the City—An End or a Beginning, Report by the Governor’s Commission on the Los Angeles Riots, 1965, pp. 73-74.


The Negro Ghetto: 1967 (e).


Katzenbach v. Morgan, 384 U.S. 641, 652-53. Since State action resulting in discrimination because of “race, color, religion or national origin would directly contravene the Fourteenth Amendment and so have to be nullified, Congress is justified in enacting an Anti-Ghetto Act to nullify or forbid it is not necessary. See Buchanan v. Warley, 246 U.S. 60 (1918).

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through ghettos, disrupting neighborhoods and displacing families, because land there is cheaper and the inhabitants less able to organize politically to oppose them.18 Hospital facilities are less available in ghettos. Most significantly of all, law enforcement is less effective in the ghetto, although it is there that it is most needed.

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Although the opinion of the Court in the

question, six of the Justices, three in each of

two separate opinions, stated their belief that
Section 5 of the Fourteenth Amendment

one of the exercise of Section 5 empowers the

Congress to enact laws punishing all con-

spiracies—with or without state action—

that interfere with Fourteenth Amendment

protections.

And Justice Brennan wrote:

"Section 5 authorizes Congress to make

laws prohibiting discrimination, and it thus

becomes 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 interfer-

ing with the exercise of such a right is neces-

sary 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. 61 Such laws would provide a "remedy to achieve civil and political equality for all citizens." 62

B. The commerce clause

Housing is one of America's principal in-
dustrial activities—a $1 trillion and growing

cash cow to the economy, 63 considerably more, for example, than the $19.9 billion contributed by the American forestry and fisheries combined. 64 The largest single investment most Americans have is

their home.

Largely, the housing of materials is shipped in interstate commerce. Forty-one million tons of lumber and finished wood products were shipped in the United States in 1963. 65 Forty-three percent of this material was shipped 500 miles or more. 66 Nineteen

million tons of millwork and wood products

were shipped in 1963 and 51 percent of it

traveled 300 miles or more. 67 Seven percent

of all the brick that was shipped traveled 500

miles or more. 68 In NLRB v. Denver Build-
ing and Construction Trades Council, 69 the

Supreme Court held that the NLRB had jur-

isdiction to deal with a building dispute in the building trades because the disagreement might have prevented building materials from crossing state lines. 70

Much of the building involves crossing state

lines. In 1965, 2.4 million out of a total of

14.5 million one-family owner-occupied

new single family dwelling units were located

in a State other than that of the mortgage

lender. 71 The proportion was only slightly

less for multiple dwellings. 72 More than half

of the residential mortgages held by insur-

ance companies in 1960 were on property in

a State other than that in which the company

was domiciled. 73 Almost 40 percent of

61 383 U.S. 745, 762.
62 Id., at 733.
63 Id., at 734.
64 Id., at 735.
66 Id., at 736.
67 Id., at 737.
68 Id., at 738.
69 Id., at 739.
70 Id., at 740.
71 Id., at 741.
72 Id., at 742.
73 Id., at 743.
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. 70

The meaning 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:

"I know of no problem of 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."

"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 financing of other purchases by groups to older homes 71 in ghettos restricts the number of new homes which are built and consequently reduces the amount of building that is potential financing which moves across state lines. Negroes, especially those in the 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, 7 4 the result is discrimination would force them to move their families into ghettos, 7 4 the result is confinement of Negroes and other minority individuals and to hinder the efficient allocation of labor among the interstate commerce component of the economy.

The Commerce Clause 72 grants Congress plenary power to protect interstate commerce from adverse effects such as these. 73 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. 74 The power exists even when the effects are potential and when taken individually, they would be insignificant. It is sufficient if the effects, taken as a whole, are present in measurable amounts. 75 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 validly act for moral reason.

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 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, 1964, and 1965.

Mr. GoodeLL. Mr. Speaker, I rise 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 law was passed by the House, but died quietly in the Senate.

During that debate many of you supported my efforts to substitute, for the weaker amendment which was eventually adopted, more comprehensive 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 property, my 1966 amendment would have provided only three exceptions: charitable, fraternal, or religious homes, the so-called Mrs. Murphy's boarding home, and those house-like units or buildings containing no more than four units where the owner occupies one of those four units. My purpose in reciting this history is to point out that if given a similar opportunity today many Members here would again support the substitution of stronger language for the open housing provision now pending before us.

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 the compromise which excludes single-family home 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. Apparently between 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 this legislation 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 urgent for 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 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 families, 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 inexorably 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 riots or assassinations roiling in our streets. That is equally wrong.

In my considered judgment, if this bill goes to conference, it will be jeopardized. But I say to the Senate, on the Senate floor and in conference, legislation that allows Negro families to live with the emotional tides of the hour.

end of excerpt

See Katzenbach v. McClung, supra, 379 U.S. 369 (1964). The armed forces also encounter difficulties from off-base segregation in transferring servicemen from one state to another. President's Committee on Equal Opportunity in the Armed Forces, Initial Report, Equality of Treatment and Opportunity of Negro Military Personnel Stationed in the United States, in War Department, Article 1, Section 2, Clause 3. 78


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 dissension at home and external threats from abroad, we can no longer ignore the powerful nation and people in history—toss and turn with the tides of social discontent, seethe with the injustice of hope denied, and grope with the burdens of a lost war unloaded. 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 rights of liberty and equality envisioned in the “American dream”;

Hoping 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 a simmering cauldron of racial problems and all that law and order while others would fan the flames of racial strife and thereby destroy the hope and vision in the “American dream.” We cannot do either. Our hope and vision are broader.

We must search to create a new America in which taught by the hope of the past into the reality of the future. We must assure all people everywhere that our heritage and tradition are not being turned with the tides of social currents of opinion on this issue, Members contemplate the full awareness that other Members with whom I often agree will not agree with my position on this issue. I find it imperative to support the Senate version of the civil rights bill.

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 courses.

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 possesses a considerable number of differences. 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 the legislation 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 this 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 sent to conference, I would say this legislative 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 legislations of 1960 and 1964; title II of the House version was subjected to critical scrutiny.

Objections are raised because title I of the Senate version covers the legislation of 1960 and 1964; title II of the House version was subjected to critical scrutiny. In fact Republican members of the Judiciary Committee expressed this view in committee reports on each of these bills. I personally commend the other body for combining these two ideas into the same piece of legislation.

Objections are raised because the bill has a declaration of rights for American Indians. I personally wonder how there can be opposition to a declaration of rights for American Indians. I personally wonder how there can be opposition to a declaration of rights for American Indians.

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 more division than the full scope and broadest ramifications of the issue. Our consciences and the integrity of the House of Representatives demand such an examination before determining our position of option. I speak out with the full awareness that other Members with whom I often agree will not agree with my position on this issue. I find it imperative to support the Senate version of the civil rights bill.
served, when every American feels, senses, and knows that he has the same stake in the "American dream" as every other American.

How 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 housing, "all men are created equal," and the "right to life, liberty, and the pursuit of happiness." Housing is a key symbol in the civil rights movement. The demonstrated desire for equal access to housing requires that our decision on this issue be responsible, just, and consistent with the purpose and spirit of the legislation. Substantively, this is a reasonably good bill. Symbolically, this is an overwhelmingly important bill.

For, on this bill—whether we vote to accept the Senate version of the bill or send the bill to conference—we will be voting for or against a key symbol in the civil rights movement.

Many of the documents chart the history of man's groping for liberty and equality. Common to each of them is a similar substance and a common symbol. Whether the Magna Carta or the Declaration of Independence or the Emancipation Proclamation, the outstanding features of each are the substance and symbol of human freedom. The gradual and evolutionary movement in history towards liberty and equality has been slow but sure, almost like a glacial movement passing over a continent. But as a glacial movement is not stopped in its slow sweep across a continent, so the movement towards liberty and equality never been reversed, when considered in the ageless sweep of human history.

On June 15, 1915, at Runnymede on the Thames River, King John reluctantly granted to rebellious barons a charter which read in part that "we will not deny to any man, either justice or right." This, the Magna Carta, became the cornerstone of a system of rights and freedoms of our legal heritage, claiming as its direct descendants the Constitution and the Bill of Rights.

On July 4, 1776, in Philadelphia, the second Continental Congress declared that "all men are created equal." This, the Declaration of Independence, became the substantive and symbolic hallmark of our American commitment to human freedom.

On September 17, 1787, in Philadelphia, Benjamin Franklin fittingly remarked that he had "the happiness of knowing that it is a rising and not a setting sun" which he saw enshrined in the Constitution. The Founding Fathers at the Constitutional Convention wrote the best substantive and symbolic political prowess into our Constitution. They secured a federal and state property rights of private citizens—without compensation—and bestow them from the Federal or State governments but are rights which have been purchased and paid for by private citizens. The right of an individual to dispose of property in which he sees fit has been an inherent right of property in this country and should not be taken or infringed upon by action of this Congress.

Some of our colleagues feebly point to the 14th amendment as the basis for this legislation. Without going into a lengthy discussion of the 14th amend-
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 add anything 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?

Many people have argued that Congress should pass this legislation based on the belief that the nebulous, private citizens. There are those among us who would urge that this bill—which was written on the Senate floor—not go to conference for further study and for reconciling the differences between the bill which the House passed last year—with my support—and the drastically amended Senate-passed measure. As the Members will recall, the very able chairman of the House Judiciary Committee, a committee which usually considers civil rights bills in the House, freely admitted on the floor when this matter was referred from the Senate to the House, that he was not familiar with all the “intricacies” which were contained in the bill.

Certainly we cannot overlook the fact that two additional non-civil rights titles were added to this bill, that the legislation dealing with rights of Indians could very well 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 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 outbreaks of violence in Twenty-five States have open housing laws. It would caution these individuals not to make rash political promises that this legislation or any legislation solving the problems facing our Nation. On the contrary, I believe very deeply that the many unfulfilled promises which have been made in the past and to 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 stampeded into legislating hastily and unwisely as if under the gun. The words, “interruptions” in this bill, and legislation affecting their rights, if conceived in haste, can do violence where good is intended.

I intend to vote against the previous question. (I order that this House 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 Senate sent the Senate one bill, H.R. 2516, containing 3½ pages on nonviolence and nonintimidation. Therefore, exercising their federally protected rights and H.R. 421, containing 2 full pages, the antiriot bill, or a total of 5½ pages. The Senate combined the two, amended them with title XX. Substantive changes. The Senate also added on the Senate floor amendments dealing with new subjects, Indian rights, open housing, teaching, demonstrating, transporting or manufacturing of firearms or weapons, intimidation in fair housing cases, and ends up with 50 pages, a bill nearly 10 times as lengthy. Who with any logic can argue that the House by this procedure should rubber stamp, without adequate chance for debate or change, the Senate floor amendments making 28 changes in the House-approved bill and adding 39½ pages of additional material?

The Senate has done violence to the nonviolence sections of the bill. As the author of the antiriot bill, H.R. 421, that overwhelmingly passed this House last year, I am the Senate (I order that this House last January spent to the 1966 civil rights bill that died in the Senate, I can say that that section, added on the floor of the Senate, needs to go to conference. Two major reasons are that the Senate exempted labor unions from the antiriot section, an amendment that was soundly defeated on the floor of the House, and that a rule of evidence as to travel or use of interstate facilities was added to my antiriot bill, as section 210(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 stamp, without adequate chance for debate or change, the Senate floor amendments making 28 changes in the House-approved bill and adding 39½ pages of additional material. (This was heatedly de­ bated 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 not unlawful, with violence and intimidation on his part, or drunk and disorderly, still would be protected—yes, even if his action was not unlawful, with violence and intimidation on his part, or drunk and disorderly, still would be protected—yes, even if his action was lawful.
Mr. DICKINSON. Mr. Speaker, a generation ago much was said of the "forgotten man" in the United States. Political slogans were coined in his behalf, legislation was passed to make his life more abundant, jobs were created for his benefit, and so it went, although no one was exactly sure of the identity of the "forgotten man,"" or the name, or label.

There is a new "forgotten man" on the scene today. He is the law-abiding, respectable, hard-working individual. Whether in management or labor, he is the man who watches his earnings, the man who spends hours filling out forms, inquiries. He is the same "forgotten man" who contributes to his community in time, effort, and money.

He is the man who takes pride in his home, the temperate, the indolent, the indigent who prefer indolence. He is the man who watches his earnings, the man who spends hours filling out forms, inquiries. He is the same "forgotten man" who contributes to his community in time, effort, and money.

It is this "forgotten man" who has been eclipsed and submerged from the political spectrum by appeals to the packaged vote of organized pressure groups, the disadvantaged, the impoverished, and the indolent, and the indigent who prefer indolence. It is the basic rights of the "forgotten man" that are being struck down today in a steamroller fashion. Under the terms of the fair housing provisions of the legislation, the majority of our citizens will lose their right to sell or rent their property to the person they choose and the real estate business will come under the supervision of the Federal Government. To force a citizen to sell his property to a person of the Federal Government's choosing is the most flagrant violation of basic human rights and dignity as can be found in the world today. The bill has been divided. The final result will be to reduce fundamental human rights to the level of academic norms which can be changed at each passing fad or fancy in social engineering by self-appointed planners for the lives of others. Beware of our growing number of social planners in government.

Mr. Speaker, this is not the American dream which is true. It is instead, and indeed another step of the American nightmare.

A census has not been taken to establish the number of today's forgotten majority, but I submit, Mr. Speaker, that a census will be taken in November of this year which will reflect itself in the absent faces of many of my colleagues who see fit to strike this blow to the liberty and freedom of the "forgotten man" in America.

Mr. CLEVELAND. Mr. Speaker, I rise in support of passing now this civil rights bill, H.R. 2516. This legislation represents another step by Congress to protect the American Indian, which is the blood of our Nation. It represents another legislative effort of Congress toward the realization of the American dream—not just of equality, but of equality of opportunity.

It is a case of H.R. 2516 of the 89th Congress, for the year. It was designed to protect civil rights workers, such as Jonathan Daniels, of Keene, N.H., who was murdered, and indeed the whole bill, in August 1965. On August 16 of last year, H.R. 2516 passed the House with my support by a 236 to 93 vote. Seven months later on March 11, 1968, it passed the Senate and went back to the House with some commentary that it languished in the Senate so long. Many of the voices we hear today—lamenting the brief delays in the House were strangely silent while the bill slumbered in the Senate for 7 long months.

It is quite true the Senate changed the bill. It added anti-riot provisions, but those reflect H.R. 421 which also passed the House but not by 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, I submit to my colleagues in the Senate, and to the American Indian, that it is also true that the Senate has added an Indian bill of rights. However, I submit to my colleagues in the Senate, and to the American Indian, that the Senate bill is better than the House bill, and indeed another step by Congress to protect the American Indian, which is the blood of our Nation. It represents another legislative effort of Congress toward the realization of the American dream—not just of equality, but of equality of opportunity.
is no assurance that a Senate-House conference committee would act promptly and only if we are 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 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., of whom I was a great admirer?

My answer is no. My answer echoes the remarks of my distinguished colleague, the gentleman from Illinois [Mr. Anderson], whose remarks I commend and which I wholeheartedly. Mr. Anderson told us this afternoon that the anarchists, looters, and vandals who have sacked and burned sections of Washington, Baltimore, and other cities do not 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 where our hope to see the possibility of getting out of the ghetto.

Admittedly, this legislation, as has been said, will not open up a broad 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 for themselves and their families. And I feel that if we increase the assurance 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 widespread comments that 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 peace and maintaining order for its people. There are those on the other hand who would deny that the Congress has indeed even played the role itself it should. I say to both of these 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 of discrimination and segregation. We have made us a divided society. Only 2 weeks ago, President Johnson told us of...
I have 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, but rather a natural extension of the responsibilities as a Member of Congress, and I say it is rather a natural extension of the fact that what we are considering today is not a departure from our traditional role.

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 anguish and violence. Some fear that Dr. Martin Luther King's dream of a day when all Americans would 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 by his message and by his example. His memory 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 unite to make his vision a reality.

Even in the midst of this crisis, private citizens have demonstrated their determination to the pursuit of Dr. King with rededication to the fight against poverty and racial discrimination. We in Congress cannot do less. We owe it to Dr. King to continue his memory, to end racism in America.

I have supported every civil rights bill that has been a part of the measure now before us—a part which it appears to be a vital part of the measure.

Mr. GROVER. Mr. Speaker, last year I supported every civil rights bill that has been a part of the measure now before us. It is a vital part of the measure that has been a part of the measure now before us.

The Senate added to the House-passed legislation a section barring discrimination in the sale or rental of a home, and a bill of rights for the American Indian.

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

Mr. McCLORY. Mr. Speaker, last year I supported a bill making a Federal crime to interfere with the legitimate and peaceful exercise of one's civil rights.

I could dismiss it by saying it will not affect my constituents since it is not as broad as the New York State open housing law now in effect.

I would justify 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.

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I would justify 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.

I would dismiss it by pointing out 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 mortgage banker, it is a choice to some 100,000 soldiers of ethnic minorities who have been fighting for me and my country's freedom in Vietnam.

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I would justify 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.
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 or making 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 unlawfully 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, my statement serves to establish the essential character of this part of the bill and its urgency in this period of strife in our land.

Mr. Speaker, there are comprehensive provisions safeguarding the rights of the Indians, which will be discussed and explained much more thoroughly by others who are taking part in this debate. Sufficient to say, the intention of these provisions is to provide equal constitutional rights for Indian citizens who reside on reservations. While the language may be imperfect, the objective of equal constitutional rights for these citizens should equal the objective of equal constitutional rights for Negroes and other disadvantaged citizens among our population.

Mr. Speaker, I am well aware that the controversy the bill relates to the so-called subject of open housing. It would probably be preferable if a committee on conference could review these provisions. On the other hand, any enactment is susceptible to amendment at any time in this or subsequent sessions of the Congress.

I am in wholehearted agreement with the objectives of this part of the bill, and I am satisfied with the language that the other body has adopted and presented now for our concurrence. Mr. Speaker, the bill seeks to satisfy the great need for housing units denied to Negroes and other citizens because of race or color. Multiple housing units as in the typical apartment building and in new residential developments could not be sold or rented on a discriminatory basis upon the language inserted by the other body, and in which we are now called upon to concur.

In most respects the broad provisions are very similar to the so-called Mathias amendment introduced in the Civil Rights Act of 1966, which this House adopted, and which I supported. There are significant exemptions from the open housing provisions. Excluded are owner-occupied dwellings. Also, there appears to be adequate language respecting the so-called Mrs. Murphy section applicable to rooming houses and apartments of four units or less, where the owner occupies the room.

Mr. Speaker, the enforcement provisions contained in the Senate version are far weaker than those authorized by the House in the 1966 bill. The Secretary of the Secretary of the Interior is not charged with working out programs of voluntary compliance, and to seek the elimination or correction of alleged discrimination by informal methods of conferences, conciliation and persuasion. In the event the Secretary's efforts are unsuccessful, an aggrieved party has no chance but to commence a civil action in a U.S. district court.

The earlier House version established an administrative agency, with broad powers not found in the language of the Senate version. I am told that it can truly be said that while the coverage in the Senate version is broader than that contained in the 1966 House bill, the enforcement sections are much weaker in the furtherance of a civil disorder.

Mr. Speaker, I am not unaware of the tense and emotional atmosphere prevailing in this House today, which reflects in large measure the atmosphere of strife that is present existing throughout the Nation.

In reaching my decision to vote for the previous answer, I have endeavored not to be influenced by emotional appeals. When I 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 Senator Kennedy, I spoke based on the equities of the measure now before the House, and an earnest consideration of the rights sought to be advanced by this landmark bill.

Mr. Speaker, I should add that I have no illusions about the inadequacies of this legislation to attain the objectives of equality and justice for all citizens—goals which I favor this measure and by many who choose for one reason or another to oppose it.

Legislation is but a part of the answer, indeed, a small part when it comes to such a subject as open housing. It is my understanding that open housing legislation enacted by some of our States has had a very minor effect in reducing segregation of Negroes and whites because to be gained by enactment of this bill is the psychological, persuasive, and educational aspects which may result.

It is truly said that we cannot legislate morality. Well, through legislation, express our attitude and encourage others to adopt similar attitudes of compassion, understanding, and equity. A great public 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 in middle America, it will have served its greatest purpose.

Mr. Speaker, let me add that I recognize many imperfections in the legislation now before us and it is my fervent hope that the House Judiciary Committee and other appropriate committees will consider needed changes at an early date. I am convinced that immediate action on the pending bill (with a view to a later time) is far preferable to one which would recommit the entire bill to the committees of this House.

I am prepared to withstand the abuses which I shall cast today, with the conviction that my decision is based on reason and motivated by a desire for human justice.

Mr. BOLAND. Mr. Speaker, I strongly urge my colleagues to vote favorably on the package of civil rights legislation before the House today.

Mr. Speaker, I am not aware that a need that grows more pressing every day. Its fair housing provisions, for example, would help tear down the barriers now trapping Negroes in rotting slums and dingy segregation, as well as many other neighborhoods throughout the United States. Housing discrimination, a mockery of the concepts of equal opportunity and equal rights, is one of the things that has made the racial tumult that has rocked many of our cities. Most Negroes, especially those living in major cities, realize they cannot hope to buy a house in a presentable middle-class neighborhood even if they achieve the other goals of middle-class life—a good education, a good job, a good income. This knowledge contributes heavily to the black man's feelings of impotent rage against the white community. It feeds the passions that have made smoking rubble out of widespread sections of Detroit, Los Angeles, Newark, and scores of other cities.

Fair housing legislation, of course, is far more than a nostrum hastily concocted to cure racial strife. It is an integral part of the congressional attempt to help the Negro enter the mainstream of American life. Black people must have an opportunity to leave the ghetto behind them. All this Nation's past civil rights legislation, all its manpower training projects, all its antipoverty programs thousands and thousands of Negroes left behind by the black man if he cannot escape the slums that are at once the chief symptom and the chief symbol of his oppression. 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 and the values associated with responsible citizenship.

"Why should I?" a Negro brought up in a ghetto would ask. "Will it get me anywhere?"

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 man in a position of genuine responsibility, the woman a schoolteacher celebrated among her colleagues for her knowledge and skill. Yet doors closed on them everywhere they went 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.

This bill would help redress thousands of injustices like the one I have just outlined.

I take pride in the fact that my home State of Massachusetts has pioneered in the enactment of fair housing laws—laws far more rigorous than the one proposed in H.R. 2516. Applauded throughout
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 correct longstanding racial prejudices in the real estate market.

W. Evans Buchanan, former president of the National Association of Builders, testified:

And Elliott N. Couden, a member of the National Association of Real Estate Boards, testified:

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Two hundred and ninety-three Members 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 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 in this country is the right to earn a living. 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 ghettoes 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 was not an easy one or a smooth one. We learned how to respect freedom; how to make freedom work; how to make freedom enjoy.

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 some other partial answer, you tell me what this Nation should take to the 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.

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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.

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.

Some 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 discredit 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 Gandhi after the assassination of Mahatma Gandhi:

The first thing to remember is that none of us mis behave 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 that it is his spirit looks upon us and sees us, nothing would displease his soul so much as to see the law upheld 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 de- cide the merits of legislation either as a tribute to an individual or as a reaction to the actions of groups throughout this country. The bill that is before us must be judged on its own merits, within the context of how best to meet the needs of this country, but also within the context of the constitutional heritage we enjoy in our land. Woodrow Wilson said:

This is not America because it is rich. This is not America because it has set up for a great population great opportunities for material prosperity. America is a name which sounds in the ears of men everywhere as a synonym with individual opportunity because it is a synonym of individual liberty.

The foundation of our Constitution provides for the greatest degree of individual liberty and opportunity, and that is what, in my judgment, must be considered today.

The bill we are considering has a number of provisions. Title I, the antitrust 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 the accused under the criminal laws, as established 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 Brethren are shouting "fire." This cannot be tolerated.

Titles II through VII deal with rights of American Indians and are provisions which I support. 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 Douglas 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 chapter 439 of laws of 1965. This legislation established Wisconsin's open housing law and was designed to insure "that all persons shall have an equal opportunity for housing, regardless of color, or race, or 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. The act of these 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 will continue to deal with the real estate broker of all citizens who wish to sell their property and real estate practitioner of all citizens who wish to sell and buy and sell to and buy housing. This legislation would support them. We learned in Wisconsin during our consideration of our law that pressures within a community many times 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, housing activity was provided for conciliation. The administrative remedies, through the State department of industry, labor, and human relations, were constructed as a way of dealing with par- ties. 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 provides, 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 88(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...
It was there that the pending march on Washington was planned. Yet, we are now told that out of deference to the memory of the late Mr. King, the Congress should enact this civil rights bill. It goes without saying that any such reasoning to support a legislative action is utterly absurd. Surely this Congress is not so weak and spineless as to capitulate to this form of emotional and hysterical terrorism. The Congress does not operate that way, even though the planners at Frosome 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 issues but to protest an upstate 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 any citizen 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 order remains intact 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 discontented 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 lieutenant who said the demonstration was an outgrowth of "racism, materialism and economic exploitation."

In a Reader's Digest article, William Schiuri reports that King recently confessed privately with 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 Stokely Carmichael, the self-proclaimed revolutionary who globetrotted across the Communist world from Havana to Hanol last year to declare his program 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, who met with Schiuri, Carmichael and Brown: "If you can't adopt nonviolence and join us, let us try our way until the first of August. And if we 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 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 my 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 were the outgrowth 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 those who personally object 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 to provide 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 and to live in it as a tenant or as an owner. However, I am unable to see the wisdom of ruling by legislative decree that a person may not sell his home to whomever he wishes.

Because I have supported so many measures considered by this body to protect the civil rights of each and every American citizen, I feel compelled to comment on the various titles of H.R. 2516 and explain that I am opposed to any of them. I do not want my vote in opposition to H.R. 2516 to be interpreted as an anti-civil-rights vote. However, it is a vote against titles VIII and IX of the bill.

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 those activities, I oppose just as it did when it passed the House last August. In addition, this title also has a section dealing with riots. I believe that this section of title I would give us the power to use the Federal Marshal to travel 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-
House legislation making discrimination illegal in the rental or sale of individual homes.

The bill now under consideration provides complete protection for the individual's right to dispose of his property as he wishes. Under the bill, the individual homeowner, even after 1969, will still have the absolute discretionary power to sell his house in whatever fashion he so desires but only if he does so without the use of real estate agents or firms. In other words, the individual homeowner can discriminate only if he has no real estate license or brokerage firm working for him. These rules also cover a person owning up to three individual single-family homes. Also exempt are small apartment houses and boarding houses.

Beginning in 1969 brokers involved in any real estate transaction could not practice discrimination and this is the heart of this legislation.

The bill is not perfect in every detail, very few bills are, however, seek to assure equality of opportunity for all our citizens. There is no doubt in my mind, and I am confident the majority of our people agree, that it is an affront to the average American to have him or her told that some, 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 produce a permanent feeling. 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 which would remove some of 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 Negroes have the opportunity to participate in the adequate financial resources—will be able to escape to the clean cool air of the suburbs. We have had enough experience to know that which will reduce in time some of the 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.
great moral crisis in this country. A great segment of our population have grievances for which they seek redress. Their efforts for redress are, in many cases, transformed 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; today the course we take is unthinkable for our country.

Of course, we cannot simply 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 amendments 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 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 intentions of 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 did not. This is an important compromise. The decision we make today will be historical because it will mark the beginning of a course which our country will take. We must decide today to live up to the commitment to equality of opportunity made in our Declaration of Independence and echoed each day in our Pledge of Allegiance to the flag.

Mr. MINSHALL. Mr. Speaker, I have devoted many hours of public life to protecting the civil rights of black American citizens. In 1957 I voted for passage of the first civil rights bill to be enacted by Congress in nearly a century; I have voted for or opposed 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 saw this legislation killed, all but, I did it in 1968 because I know that this country can no longer wait for a decision.

Mr. FOUNTAIN. Mr. Speaker, this legislation in its present form is bad in so many respects that I cannot support it. My only regret is not to address myself to its merits at this time but to the atmosphere prevailing as we consider it.

First, let me say that I am well aware of the argument that this bill was scheduled for consideration before the tragic, senseless, and useless events of the past week.

But let me say also that when this bill 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 U.S. Capitol 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 helmeted troops and machineguns guarding the Capitol Building—with the rational debate and reasoned judgment that is essential to the processes of a democracy.

Proponents 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 basis of logic and common sense 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 be unable to dispel charges that our action does not represent the best judgment of the Con
gress. If the bill is approved, there will be widespread charges that it was done under the threat of violence. And 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 business leaders who feel they are under threat because of threats of firebombing or worse. I am sure most of us here know of similar incidents.

While it is deplorable that anonymous threats may 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 rather than 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. All races and creeds and colors—not just a vociferous few who prefer the bomb to rationality.

If we succumb and act on this legislation under present circumstances, in my opinion we are not truly representing the people who elected us or our country or its Constitution which we are sworn to defend and uphold. We will simply be victims of a national crisis, a national capital, and a national atmosphere which serves no one and discredits 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 by 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 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 each of our people to remain calm, to remind the American people that 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 offers the United States people as against 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, that 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 lasting 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 condone 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, and not just stone wall, handout, make-work programs, which are self-defeating in that they make no provision for instilling motivation, but instead stiffle the pride and self-respect we desire to see in their children.

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 economic mainstream of our Nation by encouraging them to seek education and training; by making more effort to hire them in jobs which they are qualified to do; and to insure the promotion of those who are their recipients.

The bill before us does nothing to achieve either of these basic goals and offers little more than a false hope and a promise.

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 protection. 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.

The 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 just cause, who in the course of his life and death. Suffice it to say that the sadness of the whole Nation bespeaks the massive loss which we have suffered with the passing of this extraordinary man.

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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 to which it is referred, 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 of my colleagues, you cannot buy off the rioters with the pittance 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 that the people of 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, I intend to support and to vote for the Senate-passed 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 and 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 debate and to an adequate 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 rights of millions of Americans?

The situation as I see it is one of reflex. 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 must of us actively support, yet there are some areas with which we are not 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 on impulse, nor 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 which rejects self-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, burning, and more murders. 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 it will not be the Negroes' 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 put an end to one of the most tragic wars to which we have ever been witness, not so 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 an end to the worst mess 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 high school, he was a proud owner of 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 for us to reach out our hand to them: "Come on, we can work things out."

Mr. Cowerger. 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 decent for all our families. I have had considerable experience in drafting civil rights legislation on the local level. During the 4 years that I served as mayor of our largest city, we supported and passed local ordinances guaranteeing equal opportunity for all our citizens. In Louisville, Ky., in 1963, we passed the first public accommodations ordinance in the South. This legislation 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.

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 on behalf of 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. The House, I believe, could handle my experiences in city hall they would have an insight for real action on the firing line. I have always attempted to represent all the citizens in Louisville—Negroes, whites, Puerto Ricans, whites, and Negroes, not just those who, for the moment, might constitute the majority. Mr. BOB WILSON. Mr. Speaker, as one who strongly supports this measure, I applaud this legislation in the past. I find myself in the unhappy position of having to oppose the unorthodox parliamentary procedure in the case of the realities of today.

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 loan 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 Negro homeowners 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 to consider such a bill as 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 realize these goals shows that we have to consider such a bill as a contradiction of our own birthright.

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 these wrongs 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 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 its death as the result of black and white racism, of which 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 oppose it are those who oppose any such protection 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 created 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 on a jury for the work of the Federal Government. And yet today many Americans, specifically our Negro Americans, are denied this basic protection. There can be no reasonable objection to extending this coverage, these rights, to the Indian.

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 to suffer it in the last 50 years. 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, the dread of being thought of as 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 any one through the real estate agent. Why pick out one business and discriminate against it?

If the bill goes to conference as I hope it will, I hope it will be the speed of legislation and I hope an amendment similar to the Senate proposed Baker amendment can be adopted by both Houses.

Should the previous question carry and we are not able to amend the bill, I have decided to vote for the bill. I will do this because I believe the pluses outweigh the minuses.

I hope all of the controversy over badly drawn sections has not made any of us forget the good sections of this bill. This legislation makes it an offense to interfere with the rights of another person to vote, to secure employment, to attend school, to use the facilities of interstate commerce, or to enjoy what we generally call a citizen's civil rights. It also prohibits teaching people to use firearms or make incendiaries for use in civil disorders, adopting devices or strategies knowing they will be used in civil disorders, or obstructing law enforcement officers or firemen who are trying to quell riots.

I do not believe we can condone rioting—for any reason. Some time ago I introduced a strong bill making it a Federal crime to cross interstate lines with the willful intent to incite a riot. This is now an integral part of this bill.

Lastly, I do not want it on my conscience that I have voted against legislation that would permit a Negro, say a Negro miner, to go to a Federally assisted program and establish the Commission on Equal Employment Opportunities. It established the Commission on Equal Educational Opportunities, and the Commission on Equal Employment Opportunities. It established the Commission on Equal Educational Opportunities, and the Commission on Equal Employment Opportunities.

Under the proposed bill a person seeking to buy property can allege discrimination at any time within 6 months after his offer to buy is claimed to have been turned down. After he gets to court his case rests on his ability to prove his case, his case rests on his ability to prove his case.

I urge to no Member of this body in my convictions in the protection of the constitutional rights of my fellow man, regardless of race, color, creed or national origin. My personal feelings, attitude, and conduct have been such that this statement cannot be held up to doubt.

It would be nothing less than ridiculous to suggest that every effort or program devised by the administration, a legislative committee or any civil rights establishment has been meaningful, according to the minority, or that we ought to question the good intention of such actions. The obvious failure of certain programs directed to the host of problems in the Negro community is evidence of the contrary. I r epresent who will sell their homes to any qualified buyer, regardless of race, color, creed or national origin, without being forced to do so by questionable Federal law. Certainly the normal private sector in the private property market is as applicable to those who embrace this attitude as those who might not.

I am just as sincere in my conviction on this issue as those who differ with my views, and I am personally as racially tolerant and understanding as any member of this legislative body. Those who charge that the civil rights legislation to the contrary have as much right to question my sincerity and motivation as I theirs.

I can appreciate the anxiety of many good citizens to accept the Senate amendments to the 1967 bill, as I am prepared to do except for the open occupancy provisions. Yet I do not believe that most of those who have expressed their opposition to the open occupancy provisions have sought to consider the fact that you do not accomplish equal protection of the law by a provision that flouts equal protection of the law.

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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 entirely 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 felt more satisfied. Always there has been questionable language, imprecise phrases, and general belief that given more time a better law could be written.

I have felt, as when debate has been fast and furious, and I have felt this when debate droned interminably on issues which had been carved over, session after session. But always the time has come when we have the duty 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 beyond question.

When these times have come we obtain a measure of strength from the knowledge that the system recognizes the possibility of legislative oversight. 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 legislation to escape our Chamber.

But always the time has come when we obtain a measure of strength from the knowledge that the system recognizes the possibility of legislative oversight. 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 legislation to escape our Chamber.

I voted with absolute satisfaction. Although the bill is not flawless, it is the only commodity which is not available on the open market according to one's ability to pay. There is no person here who disagrees with President Johnson's plea to the Congress to pass civil rights legislation. We are not to know that a sizable proportion of the people in this country cannot get housing of their choice because of their race or religion; because of their ancestry; or because of their political or financial status or individual worth.

This is an intolerable condition. It is intolerable because it denies the basic spirit which has led this country to greatness. For as long as one group of people have come to these shores convinced that this was the land of opportunity. The economic opportunities were, and still are, boundless. The spirit of Horatio Alger is still honored here. But the real significance of America is not to be found in the cashbox but in the catalog of rights and privileges of citizenship. The American folks who make up the open housing fold, some Americans will be denied equal treatment. Why should an individual's state of residence determine whether he can procure the housing or educational opportunities with the fruits of citizenship in the most advanced nation in the world today be tied to sectional considerations? Our answer must be no.

Equal opportunity in housing should be made nationwide. H.R. 2516 will make equal opportunity in housing a living reality, by obviating all questions of color save the color of one's money. Mr. Speaker, H.R. 2516 is the most important legislation before the Congress. It attempts in the ways I have described, to protect and strengthen rights that are already 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 tragedy and senseless assassination

April 10, 1968

CONGRESSIONAL RECORD—HOUSE

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we have given evidence of awareness of need and awareness of urgency.

Racial bias runs deep; fear about open housing is substantial in some areas of our land; constituent reaction at home could be significant. We who have lived in Washington in recent days, however, might say with justification that we have a better knowledge of the danger of open housing to society than many whom we represent.

From this one might argue that we should not reward those who have caused such havoc in our capital city. Far from it. But it is also the position that we should not punish the overwhelming majority of those who would benefit from civil rights legislation and sensitive to the fact that a great deal in our Nation has been found wanting and needs to be changed.

The change is coming. It is inevitable. My hope is that we have the strength and the will to encourage its arrival within a framework of order.

We do not owe it to others to do this. We owe it to ourselves.

Mr. ANNUNZIO. Mr. Speaker, we are now considering a bill dealing with the most important subject in America; the protection of the rights of all Americans. The list of activities that this civil rights bill seeks to protect sounds like an honor roll of the most vital features of the American way of life: voting, or qualifying to vote; serving as a juror; working at or applying for a job; attending public school or college; being able to travel freely throughout the length and breadth of our Nation; having the opportunity to live where you choose. Not one of these rights is unimportant; not one would be seriously jeopardizing the rights of all our citizens. But I feel one provision, the fair housing guarantee, is worthy of special mention. It is the most important and significant provision of this legislation.

One of the most basic responsibilities of a man is to provide decent, safe, and adequate housing for his family. Congress recognized this in the Housing Act of 1949, where we went on record in support of "a decent home and a suitable living environment for every American family." Housing is a commodity that no family can do without. Regrettably, it

The tragic and senseless assassination

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More than half the citizens of the United States live under State or local laws which go much further than the proposed sections of H.R. 2516 in barring discrimination in the sale or rental of housing.

No matter how much we talk about property rights, we cannot deny the fact that 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 H.R. 2516.

The civil disorders 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 condones the actions of those who participated in the burning, looting and sniping which occurred throughout the Nation last week. But I 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 be able to 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 mobilized its resources to meet other challenges—this challenge too calls for 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 of the Nation to our will to meet our commitments at home.

Let the Congress take the first step—a very small step indeed—by passing this civil rights bill and thus call upon all our American people to work for a better life for himself and for his family.

The events of this past week are now a fact of history. Let us take the steps to face up to the truth about what is going on? 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 the Mississippi Delta than the civil rights bill and thus call upon all its citizens to help them to free themselves. Passage of this bill will succeed, we must provide the resources of the Nation to our will to meet our commitments at home.

This joint statement stressed the importance of open housing from a moral point of view. I quote from that statement:

We therefore come before you with the simple conviction that legislation such as that before this committee is morally right. 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 rules, or would the 4th amendment be a nullity? I think that Stokely 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 to 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 not told the Representatives of the House by the Representatives of the House because 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 do its work. Give the Congress 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 like the heart of a man who has used his strength in an atmosphere of calm. We are pressed into urgency by those who would have us adopt, almost sight unseen, a bill which influences the House in an atmosphere of calm. This, I contend, is not the proper time for ill-considered action on a legislative measure which has been long and fully debated in the other body. 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. When the present bill was returned 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 resent the way that the President criticizes this House because the measure has been held by our Rules Committee for 3 weeks. The implication has been that the House of Representatives passed in 1966 and for which I voted willingly.

I have been thinking this over, however. I have listened to the people in my district. I have discussed the issue with the number of Negroes; 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 which 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 that the only changes that are 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—will be major factors in his choice. Some of my constituents argue that this will 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. I find that that is the situation in this market price. The buyer's interest, however, is human. Will this property give him an opportunity to grow? Are there good schools nearby? Is it convenient to your present job?

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 few restrictions, these were few and 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—setbacks, open space, zoning, and the location of buildings, and the number and kind of buildings. A few years ago, it was seriously argued that zoning laws were an unconstitutional infringement on the rights of property. 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 proponents 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, and we must be careful of the stories which circulated when Congress was considering the public accommodations law; but all that really happened was that Lester Maddox closed his restaurant and ran for Governor of Georgia.

The experience of the several States and the communities in my district which 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, hard-working, 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 sense of security that they and their children can have a better life, one worth striving for.

I have no butts from the rioters and thieves and arsonists who have scarred so many of our cities in recent days; but I have a letter for the Negroes who have resisted the impulse to violence, who have resisted the temptation to steal and to burn, and who
No, Mr. Speaker, I laid it on the line and I will do so. 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 decision, declaring racial housing discrimination unconstitutional? If morality is involved, were the advocates during the past 100 years, for that matter?

If morality is involved, why not substitute the Golden Rule for the Congress of the United States, the Constitution of the United States, and the many government 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. A single murder will alter them an iota except by the slow seasoning of humanity as it carries them and this Nation to its ultimate destiny.

We had an experiment with the Volstead Act. We can try another with federally legislated integrated housing, by whatever label we disguise it, or however finely we parse the verbiage to disguise it.

For instance, Mr. Speaker, why half integrated housing, partial integrated housing, class integrated housing? Why not all the way integrated housing?

Why should owners, people of 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 expert 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 individual by which he pleases, who shouts the loudest, threatens the most, robs the best, shoots the straightest, and burns the most briskly?

This is the question before us. Do not forget it, whatever action is taken here today. If it is the wrong one we will all suffer, but mostly the minority will suffer. And the minority within the minority will be granted a license to burn, to loot, to destroy, and to murder, because this minority within the minority is never going to be satisfied, whatever we do.

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 moldering fear of retaliation at the polls the courage we need to show, more now 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 connection with these problems, identical same measures must be placed into their proper perspective.
innocent, he faces the possibility of hav- ing his life taken. The Federal Government brings its immense legal resources to bear against him and he may even have to bear the expenses of his own defense actions. This can be as damaging to the Negro as to his safety.

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 considera- tion of this measure—has been a memo from the minority staff of the Commit- tee 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, with- out 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 amendment and no amendments permitted.

The arguments for passage of this bill—now, as it is presented to us, in its Senate version, all objections notwith- standing—have come from the press and personal contact, by letter and tele- gram, and I am certain all of my col- leagues are familiar with them.

First, it is said, passage of the bill will not only calm down present violence in our society, but it serves 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 some- thing 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, or in the sense of the Senate from the House version. We are presented, by these arguments, with a brand new ra- tionale for legislative action; because our country is in a crisis, we are told, but that crisis is 100 percent of not having the democratic process but also of the facts of mid-20th century life.

All of these things are demanded "in the interest of society," whatever it is that is being served by the legislation. If we put them on the statute books, it would take a magician to make them work.

There is absolutely nothing in the struc- ture of our Government—executive, legis- lative, or judicial—that could 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 oth- er 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 still live, who are not alone for those in the slum and the ghetto, the un- educated, the untrained, the jobless, those without hope. We also write laws for those who do share in the productive part of life, but who by bias and neglect have attained a level of relative affluence in our society. We do not put laws on the books that bear solely on the rights of one group, but must consider the implic- ations of the laws that might infringe on the rights all of us should enjoy.

Let us look, now, at the second argu- ment that says the bill must be passed as a living memorial to a man who wanted it passed.

Speaking of the planned poor people's march on Washington, Reverend Abernathy said:

If the Congress recognizes that the assassi- nation of Dr. King has created a crisis, and will enact these measures, the healing of the Mekphoramic situation is immediately limited as to what may be done by fiat.

There are no delimiting marks for us, there are no boundaries to tell us, "Thus far and no farther." There is no one rule good for all bills, all wills, all contracts, all orders. Each and every situation has its own individual merits.

Much, probably most, of the blame de- lies with the Federal Government, and some of our most prominent public and private citizens and officials. They have allowed development of a cult that rendered nervous, half-smiling, self-con- sciouso tacit approval to the theory that determination of the "rightness" of a law was something that now lay within each individual. You may, the theory went, not only determine which laws you should obey, but others, too, to a great degree you were also given a great deal of latitude in determining how you should break them if they did not like them.

There are many avenues open to re- ducing and controlling the ills that afflic our country. We are not per- fect, we make no pretense of being. But a bad law or a bad social order may be changed without shredding the law it­ self and without there being an inh­ erent respect for it. There are many ways to remedial legislation that will al­ low aging-old if's that may be taken without tearing down the structure of the law and orders of so­ ciety that mankind has so carefully built up over the centuries. You may secure redress of grievances and wrongs with­ out compounding these same grievances and wrongs. But your own efforts to cor­ rect 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.

If those in elected or appointed au­ thority, 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 jailing for breaking a law.

The method, to be sure, is much more glaring 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 de­ struction 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 circumstances in the hands of 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 what the next carnage and de­ struction? I think not; we are derelict in our duty if we do such things.


I did oppose the 1966 Civil Rights Act—which died in the Senate—because I felt its housing provisions, written in the Act—which died in the Senate—because I felt its housing provisions, written in the Act—which died in the Senate—because I felt its housing provisions, written in the Act—which died in the Senate—because I felt its housing provisions, written in the Act—which died in the Senate—because I felt its housing provisions, written in the Act—which died in the Senate—because I felt its housing provisions, written in the Act—which died in the Senate—because I felt its housing provisions, written in the Act—which died in the Senate—because I felt its housing provisions, written in the Act—which died in the Senate—because I felt its housing provisions, written in the Act—which died in the Senate—because I felt its housing provisions, written in the Act—which died in the Senate—because I felt its housing provisions, written in the Act—which died in the Senate. I supported the extension in 1967. I voted for the civil rights bill which was sent to the Senate last August. It contained six and one-half pages. The people who have been writing urging the Congress to not abdicate its responsibilities by allowing the President to go on the record to say that he felt it was his irresponsible way in the Vietnam war to 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 not do our legislative duty. This I could not swallow. I am privileged to represent the 17th District of Ohio.

Procedurally, therefore, it is my judgment that the bill should go to conference committee. It is by making one change or dotting an "i" or making one change, I took some pride in being a legislator. Emotionalism has its place but not in the halls of Congress. I have always been against enacting lawlessness without crossing "i" or dotting an "i" or making one change. I took some pride in being a legislator. Emotionalism has its place but not in the halls of Congress. I have always been against enacting lawlessness without crossing "i" or dotting an "i" or making one change.

I fully realize that it is a mistake to discuss the merits and lack of substance 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 legislation without crossing "i" or dotting an "i" or doing one change.

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I considered the injustice where the weight of reason can prevail. To abandon the time-tested procedures of this legislative body is to do violence to our system. We should not rubber stamp the President, 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 expedientive procedures that we now do our duty. 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.

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 bill 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 unimpeachable character 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's death something that he was not.
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 well recall that the 1964 civil rights bill specifically had a legislative history in Congress which I 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 through 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 want my vote to be on the right 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 slogan is 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 for constitutional recognition of the importance of constitutional limitations on big government:

Thomas Jefferson: "In questions of power then let no more be heard of confidence in man, but rather of diffusing power and diffusing the fear of power amongst the people."

Thomas Hobbes: "Freedom is political power divided into small fragments."

James Madison: "The accumulation of all powers legislative, executive, and judiciary in the same hands, whether of one, a few, or many, and whether hereditary, self appointed, or elective, may justly be pronounced the very definition of tyranny."

Woodrow Wilson: "Liberty has never come from the 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 this 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 have a liberty to know, profess, and practice it without any restraint in the way of action; and a liberty to follow my own will in all things, when the rule prescribes not, and not to be subject to the inconstant, uncertain, unkind 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 can do so."

PROPERTY RIGHTS IN AMERICA

In 1964, I predicted that open housing would be the next step of the Federal Government in its attack. I outlined the process by which private property rights were being eroded and predicted:

Let us honestly look at the next logical step. In my view, if you take this course, it will be very difficult to be proud 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., much as I respect him, but as a request to the President and the real leader. I do not maintain that legislation should be passed for reasons of sentiment. But the death of Martin Luther King brings into sharp focus the critically important fact that 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 can in good conscience, in my view, not exclude 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 ennoble and protect against this legislation, 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 so great and only against Negroes, let me remind you that we have had a history of white troublemakers, too. Do not forget the disturbers of peace in Little Rock and on the campus of Tennessee, 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 lumbering monster. But the 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 prohibit voting abnormalities among the Indians. 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 stood ready to provide unity for discussion or debate, and with no previous deliberation and recommendations from the appropriate committees of the House, in good conscience it is impossible for me to maintain this position.

In the first place, the atmosphere surrounding the Capitol, where Federal troops were still on guard following riots and civil disturbance, provided a poor climate in which to consider this legislation.

Objectively, and based on careful analysis, at best the bill is a hodgepodge and is almost unenforceable. It is an at-
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 in an incipient infringement with gun legislation under consideration by appropriate committees in both Houses.

The titles dealing with the rights of Indians were not even discussed with Members of the House who are knowledgeable in this area. Many Indians themselves have raised objections and are concerned.

The title on open housing is confusing, as it creates a double standard—one for 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. Work in this area is being influenced by new lobby—violence and civil disobedience. This was a shabby tribute, indeed, to a great champion of human rights, who gave his life in his 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 the rights of the individual; it is the development 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 of values favorable to the improvement of education across the board. Let us seek the ways and means to increase manifold 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 means of transportation to engage in 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 another 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 other citizens, I have been appalled by the stands of our Indians alienated and do not have fundamental objections to the sections of the bill dealing with them.

By immediate passage of this complex bill and Congress 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 it can be 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 government, and, most importantly, local law enforcement, 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 case 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 concept of property rights. The decision should emphatically be in the negative.

Mr. RIECHE, Mr. Speaker, the senseless murder of Dr. Martin Luther King has underlined 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—Dr. King represented the goal of civil law in America where each and every citizen is accorded human dignity, equal justice, and equal opportunity. For the American dream says one thing above all others—Citizen, regardless of his or her color or status and yet we find 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—American dream—with man's greatest weapon. That weapon was the strength of his conviction—the quiet strength and determination nourished and sustained by the knowledge 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. The murder cannot destroy an idea. The truth cannot be murdered—it will always resurface itself and it will ultimately prevail over any adversity. Those who stand in its way will ultimately be those who lose.

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 for freedom and justice. That is the task we face 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 it must be carried.

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 our nation is that it is the law of the land, and that law is determined 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 legal standards to provide for equal opportunity in the housing market regardless of that person's race or color—a right already given by some States and by Congress but not by the legislative time table. If anything, it is late—not in terms of days or weeks, but in terms of years and decades.

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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. Every effort to provide the means to counteract the civil rights crimes and murder have been used. Even more shocking in too many cases has been the desire of State and local authorities to prosecute racists guilty of murder, of beating, and of intimidation.

The Federal Government must back up the rights which it guarantees by criminal laws providing adequate penalties for forcible interference with Federal rights. H.R. 2516 establishes graduated penalties up to life imprisonment for civil rights crimes. And it applies to any individual perpetrator, not only to public officials or to individuals acting in concert.

Mr. Speaker, the Negro will understandably feel himself rejected by American society until he is free to live where he wishes in this country and where he can afford to live. Negroes must certainly feel excluded from American society when racial discrimination closes them into the ghetto areas of cities in overcrowded and deteriorated housing. Moreover, this will prevent them from achieving full participation in public schools—we will never bring it about that Negro pupils and white pupils go to school together—until we make it possible for Negroes to obtain housing which will allow them to achieve full participation 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 benefit Negroes. What we have before us is a commendable extension beyond the bill originally passed by the House during the first session of this 90th Congress. While some of the added provisions have to do with civil rights legislation, they are nonetheless sorely needed. And while indirectly related, they are welcome additions to an act designed to protect human rights under the Constitution. The bill is intended to provide the legal tools for their realization.

There is an important section dealing with the rights of America's almost forgotten—but very first—citizens: the American Indians. There are antiriot provisions that impose severe penalties on those who turn to violence and lawlessness to achieve their ends. There is a section combatting the unlawful use of firearms in civil disturbances.

Let me clearly emphasize that this bill is not a response to the recklessness of those who would try to hold the Nation hostage for the passage of civil rights legislation. This bill contains provisions valuable enough to enable it to stand on its own, and be passed on its merits, and that it should be considered on its own merits.

As a member of the party of Abraham Lincoln, I am proud of the legacy of equality, equal justice, and human dignity he left. I would urge my Republican colleagues to fulfill the Lincoln tradition by registering a resounding vote for this bill and all it represents.

Mr. HAGAN. Mr. Speaker, like the vast majority of decent Americans of all races, I abhor murder or any lawless means of attempting to settle differences.

In good conscience, I cannot—and will not—be stampeded into voting for this civil rights bill, which I believe infringes upon the constitutional rights of all citizens.

It is shameful that Congress must endure such pressure. It is shameful that the criminal acts in our Nation are clouding legislative process. It is shameful to all citizens to do some serious soul searching and take stock of themselves.

Therefore, I urge that this measure be tabled until the turmoil in our land is resolved and Congress can act under logical and peaceful circumstances.

Mr. RYAN. Mr. Speaker, it is impossible to consider the resolution before us without having our mind turn to the murder of Martin Luther King, Jr. His death has provoked a wave of shock and disbelief; it has touched the depths of the national conscience as his life's work never faileth. The incident must not fade into the history books, or his dream for America—and ours—will also fade away. This tragic event must spark a recognition by white America that the full equality for which he lived and died must be achieved.

It is the heavy responsibility of Congress to formulate the legal framework within which there will finally be full legal equality and equal economic opportunity.

We cannot say that the legislation before us would have spared the Reverend Dr. King. Nor can we assume that its passage will stem the tide of violence that has occurred in the aftermath of his death. It is only the first step in what must be a vast national effort of racial reconciliation. So perhaps this legislation—both for the guarantees it provides and as a declaration that white America cares—no reconciliation can be possible.

In 1967 this House passed a bill—H.R. 2516—to guarantee the free exercise of civil rights. In 1966 the House passed fair housing legislation which was blocked in the Senate. The Senate has now passed H.R. 2516, which was embodied in the bill which the House passed last August—namely, to establish adequate Federal penalties for the forcible interference with the exercise of civil rights.

After 2 months of debate from January 15 to March 11 of this year, the Senate amended H.R. 2516 to prohibit racial discrimination in the sale or rental of most housing. Fair housing legislation is not an end in itself. If the urban crisis is to be resolved.

Although I have strong reservations about section 104, which I expressed when the so-called antioriot measure was before this House last year, I recognize the realities of the political situation which require the approval of the Senate amendment today. If the bill were sent to conference, there is no way to predict what, or in what form it would emerge.

Today, in our cities American citizens are armed against each other. Whether it be the legal armament of the national guardsman or the illegal rifle of the sniper, one is no less fearful for America.

The assassination of Martin Luther King, Jr., gives us a tragic reminder of the urgency for Federal protection of the exercise of civil rights. The reaction that followed likewise reminds us that black and white America remain two separate societies. If this bill is passed, I hope it will signify the willingness of Americans to live together as a community. It is required unless the explosive consequences of Negroes in urban ghettos is to continue.

The hour is late. If Congress delays, it may be writing the death warrant of racial reconciliation.

Let me commend upon H.R. 2516 as it passed the Senate.

Title I would make it a Federal crime to interfere with federally protected activities. Passage of such a statute is long overdue. For years the intimidation, force, beatings, and murder have been the means used to counteract the civil rights movement which has opened the way for Negroes to pass any political roadblocks in the South, as well as to have equal access under the law to public accommodations and education and employment opportunities.

The Reverend Dr. Martin Luther King gave his life as other civil rights martyrs before him for this cause. This list of martyrs is long and honored and should convince the House of the necessity of this legislation to guarantee the free exercise of civil rights.

Let our grief for the death of Martin Luther King not blind our eyes to other civil rights murders.

No man has ever been convicted in a State court for murdering Medgar Evers, the Mississippi chairman of the National Association for the Advancement of Colored People, who was shot from ambush in Jackson, Miss., almost 20 years ago.

No man has ever been convicted in a State court for murdering James Chaney, Andrew Goodman, and Michael Schwerner, the three courageous civil rights workers who were killed in Neshoba County, Miss., in June of 1964.

No man has ever been convicted in a State court for the murder of James Reeb, a Boston clergyman and civil rights advocate, who died in the hospital after being attacked in Selma, Ala., in March of 1965.

No man has ever been convicted in a State court for the murder of Mrs. Viola Liuzzo, Detroit mother and housewife and civil rights worker who was shot on the highway between Selma and Montgomery, Ala., only a few days after James Reeb died, at the time of the voting rights march.

No one has ever been convicted in a State court for the murder of Mrs. Viola Liuzzo, Detroit mother and housewife and civil rights worker who was shot on the highway between Selma and Montgomery, Ala., only a few days after James Reeb died, at the time of the voting rights march.

These are some of the murders that have been committed in order to deny equal rights to black Americans. Time does not permit even a partial recital of the beatings and acts of intimidation that have been reported in recent years.
Protection of persons and property is primarily the responsibility of State and local governments. However, we are dealing with rights guaranteed by the U.S. Constitution and by law, and we 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 because it requires an indictment because Coleman was not then in federal court under section 241 of the criminal code. This vagueness makes prosecution more difficult, and at the same time it means that men of violence are not given clear-cut warning of the Federal rights which they cannot violate with impunity.

A third serious defect in present law is that the penalties are inadequate to deter violence. Maximum penalties under section 241 are a $5,000 fine and 10 years in prison.

Last October, seven men—one of them the deputy sheriff of Neshoba County, Miss., and another one of them an imperial wizard of the White Knights of the Ku Klux Klan—were convicted in a Federal court of conspiring to violate the civil rights of James Chaney, Andrew Goodman, and Michael Schwerner. These seven had violated their civil rights by means of murder. The seven killers were sentenced a few weeks later. Two of them got the maximum—10 years in prison; two of them got 6 years; and three of them got 3 years.

Three men—William Eaton, Eugene Thomas, and Collie Wilkins—were convicted of conspiracy in a Federal court in December 1965, in the shooting of Viola Liuzzo. Each of these three received the maximum sentence—10 years.

Both the House and Senate versions of H.R. 2516 make up for the defects in the present law.

Both versions apply the penalties of the law to anyone, whether or not acting under color of law, who violates the rights enumerated in subparagraphs (2)(A) through (2)(F) of the Senate version or are rights binding on the U.S. Government itself. Such is the right to equal opportunity in the Federal service, for example, or the right to serve on Federal juries. Here the obligation to treat citizens in an equal manner is an obligation that the Federal Government, 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 someone, other than the Federal Government, to recognize the Federal law. It is the right to serve on State juries. The Federal Government has the obligation under the equal protection clause of the Fourteenth Amendment to see that the State is 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 title II of the 1964 Civil Rights Act. Also included is the right to equal opportunity in private employment without discrimination. This right was established by 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 should like to make two observations about this distinction between rights in the Senate version. First, the distinction should not weaken the protection of rights provided 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 state 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. We have already delayed too long in enacting the measures necessary to safeguard these Federal rights.

The Senate version has a provision—subparagraph (2)(G)—to the provision in the House version prohibiting forcible interference with the exercise of the first amendment rights of speech and assembly on the part of civil rights advocates. Civil rights activities like those 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.

At least of all, it is unnecessary. In chapter 3 of its report, the National Advisory Commission on Civil Disorders stated:

On the basis of all the information collected by the Commission, the urban disorders of the summer of 1967 were not caused by, nor were they the consequence of, any organized plan or "conspiracy." Speaks in the light of what happened or what could have happened—afterward, I am afraid it will have the consequence of discouraging free speech, and this at a period of social change which must be guided by means of the freest and most open discussion.

The American Civil Liberties Union, in its criticism of the antitrust bill, H.R. 421, which the House passed last summer, and which two weeks ago the Senate voted 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 courts are divided on the question 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, 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 self-defense. Coleman was acquitted by a Lowndes County jury. The Federal Government could not seek an indictment because Coleman was not acting under color of law and because he acted alone and not in a conspiracy with others.

Existing Federal law is inadequate also because sections 241 and 242 do not enumerate the specific rights to be protected. This vagueness makes prosecution more difficult, and at the same time it means that men of violence are not given clear-cut warning of the Federal rights which they cannot violate with impunity.

A third serious defect in present law is that the penalties are inadequate to deter violence. Maximum penalties under section 241 are a $5,000 fine and 10 years in prison.

Despite these complexities, certain fundamental matters are clear. Of these, the most fundamental is the racial attitude and behavior of white Americans. Race prejudice has shaped our history decisively in the past; it now threatens to do so again. White racism is essentially responsible for the explosive mixture which
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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.

Real 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 an entrepreneurial change of attitude 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—on the basis of a national moral consensus. 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 both bear serious 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 fourth-grade 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 Committee Against Discrimination in Housing reveals that industry is relocating from cities to suburbs and taking job opportunities out to the suburbs along with it—Washington Star, March 10, 1966, page A13. To take one city as an example: The Chicago Association of Commerce and Industry reported in 1966 that during that year 61 corporations relocated out of the city and that 34 other corporations established new branches outside the city—Washington Star, September 5, 1967, page A4. We should not be surprised to learn from a recent study by the Department of Labor Statistics that something like one-third of nonwhite young people in these urban areas are unemployed—Washington Star, February 27, 1968, page A1. To shut Negroes into the inner city is to shut too many of them off from jobs. And laws and programs to achieve equal opportunity will be frustrated until there is open housing.

Both title IV of H.R. 14765, the fair housing law which the House passed on August 9, 1968, and title VIII of the Senate version of that bill would permit persons in the housing business. The two bills define persons in the housing business in somewhat different ways. H.R. 14765 defined persons in the housing business as those involved in one or more of the following transactions: the 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 owner is one who owns not more than three single-family houses at a time.

H.R. 14765 is a more effective bill than H.R. 2516 inasmuch as the former legislation grants no exemption to real estate brokers. Under the 1966 bill, real estate brokers would have been exempted from the prohibitions against racial discrimination in the commercial transactions of private homeowners who wished to sell or rent only to white persons. Under the present legislation, if a private homeowner wants to put his house on the market in the private sector and through the services of a broker, he must be prepared to do business in a nondiscriminatory manner because the broker with whom he deals will be a party. The two bills are alike in forbidding discrimination by institutions in the business of financing real estate transactions, and in prohibiting "blacklisting" 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 established. H.R. 2516 was amended by the Senate, as amended by the House, to give the Federal Government power to issue cease-and-desist orders. The two bills are alike in forbidding discrimination by institutions in the business of financing real estate transactions, and in prohibiting "blacklisting" by persons in the real estate business.

I think that we will find that real estate brokers and those who finance real estate and real estate mortgages are not fully aware of 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 are not familiar 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 fairly with Negroes and Negro women with fairness and personal respect without fear of being put out of business by competitors who discriminate.

Both bills establish the same guidelines for enforcement 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 give similar 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 either. So, for the sake of equality for all, and for the sake of America, let us act.

Mr. CURTIS. Mr. Speaker, when Con­erl and Regan have spoken, what is Congress to say?

There is no question that our Negro citizens are seriously disadvantaged in obtaining adequate housing. There is also an important correlation between housing and jobs. As 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 staggering, 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 are worse off than they were a few years ago. The result, if anything, has been to make them more conscious of the plight of Negroes.

I do not believe the promises have been ina­ncere. I believe the trouble lies in Congress, the executive branch of the Government, and the business men who do not try 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 time as emergency legislation as those re­spects they are emergencies. However, I think the better course of action to meet both emergencies and long-range problems is to take the time necessary studying 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 those 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-
guments those who were promoting pub­
lic housing attacked the motives, by say­
ing anyone who opposed public housing was opposed to having our people obtain cheap adequate housing. It was alleged that the public housing was either a cam­
cellous or to ignorant of the problems of housing for our lower income groups. This debate goes back to 1951. How much time, human suffering and fact, could have saved by taking the time to examine into these theories and the theories of the advocates of public hous­
ing to protect our minds to better solu­
tions.

Today we are being asked to bypass the orderly legislative process, the study and deliberative process, because of an emergency situation in integrated hous­
ing. Is it any more an emergency in 1968 than it was in 1951? The word is abroad that by passing a new law we are going to correct or move markedly toward cor­recting the problems in housing for the Negro. Someone may be able to speak up against either the proposed law—inadequately studied as it has been—or the sad procedures being fol­
lowed to bring about prompt enactment of the legislation. By that I mean lacking in concern for the problems in housing or is under the influence of the "real estate lobby."

Rioting, looting, and disobedience are given as reasons for acting hastily. The tragic death of Martin Luther King is given as a compelling emotion for acting in haste.

The legislative situation is this. The Senate has placed many amendments on a limited civil rights bill passed by the House last year. One of these amend­ments relates to open housing. There is a lengthy amendment dealing with the American Indian which the House of Representatives has never had a chance to study through its committee process or through the process of floor debate. There is a poorly drafted amendment which relates to interstate traffic in guns under the National Firearms Act. There are several House committees. There are provisions which seek to establish new crimes relating to civil rights demonstrations. Criminal laws should be carefully drafted, studied and debated before final passage and even when this orderly procedure has been followed we frequently find we have per­mitted serious errors to occur.

The issue before the House today is whether it will suspend its orderly pro­cedures for considering and enacting legislation. The open housing provision needs considerable more study and dis­
cussion to perfect; however, I have stated publicly that I would support an open housing provision even if imperfectly drafted in order to dispel some of the damage that otherwise would be caused by the overprovision which has been made possible by the nature of this provision. There is not much that can be done to correct the imbalances and problems that exist in housing for the Negro citizens through this kind of legislation.

The open housing could be used as a whipping boy to explain why prob­lems in housing have not been alleviated. By its passage it will be necessary to ex­plain why the housing problem of 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 without accepting the provisions re­
lating to Indians, gun trafficking and new crimes in civil rights demonstrations. By sending the matter to conference we could gain the opposition which could be used against sending the matter to conference is that the Senate conferees might delay the matter infinitely. We have had assurances that the House bill will be passed. If it is at­
tempted the House still retains the remedy of calling the bill back from con­
ference and proceeding as it is here pro­posed we do.

In the long run civil rights 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 Negro is a citizen. And anyone who dares speak up against either the proposed

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 dignity of man and the philosophy of equality under law and opportunity that concerns individual people who do not have the liberties, rights, and opportu­
nities that other people in society have. We are dealing also with moral prin­
ciples and with a problem that has too long been a problem for people because their skin is of different color. Be­
cause this is basically a moral question, cause this is never having to use this legisla­
tion, and new

Mr. Speaker, to close, I must pay tribute to the leadership of this House and especially the leadership of the Judici­ary Committee and the Judicial Reference Committee on both sides of the aisle. Already great and deserved tribute has been spoken of and given to the chair­man, EMMANUEL CLEVER. Little can I add to what that man has said in that regard except to say "Amen", but I must add, too, because I believe it needs further consideration, the magnificent record of the minority leadership, Mr. WILLIAM M. McCULLOCH.

In checking the history of Congress and the contributions made to civil rights, it has been the leadership in the Judiciary Committee that made the dif­ference. All of the recommendations of the Judici­ary Committee have been adopted. On the recommendation of Lincoln the 14th amendment and, after his assassination, on the recommendation of the leader­
ship of Congress—the 14th and 15th amendments were passed. The leadership of Chairman James F. Wilson, First Congres­sional District of Iowa, the same dis­trict I have the honor of representing in this House, has been exemplary. I believe in and fought for every bit of civil rights legislation coming to the House floor, but I know without leadership, its enabling legislation is not nearly as effective.

Mr. Speaker, we are fortunate in hav­ing as a minority leader of the Judiciary Committee, WILLIAM M. McCULLOCH of Ohio, who not only is a great lawyer
with a perceptive mind, but a man with fortitude, deep understanding and devotion to law and order and with a keen appreciation of both the importance of law and the high esteem and regard in which he holds them. 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 inspiration, an example of well-written, restrained and forceful legislation. I honor him, I thank him, and I am sure that all Members of the House, whether or not they agree on this question or not, that we have in Congress-man McCulloch one of the greatest legislators of all time. We in the House 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 not to the fame of a man but to the usefulness of his ideas. No pettifogging quibbles and no passing passions should divert us from the task is to discern the essence of the question whether or not they agree on this question or not, that we have in Congress-man McCulloch one of the greatest legislators of all time. We in the House owe him much and the people, especially those who have always had their rights under law owe him much more.

Mr. HUMBERT of Louisiana. Mr. Speaker, this question is not a court of law and the Members present at the bar are not a jury of his impeachment. Nor is the House 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 necessity, I would like to determine whether there is a need for legislation and whether H.R. 2516 meets the need. On the question of need I have been convinced for several years that something must be done to curb these vicious mobs. The conviction was reinforced only an hour ago when I met with the following individuals:

Mr. Bernard Manekin, president, Manekin & Co.
Mr. James O'Neil, American Sugar Refining Co.
Mr. Henry G. Parks, Jr., president, Parks Sausage Co.
Mr. D. C. Lee, vice president, Westminster Corp.
Mr. Charles Lamb, partner, Rogers, Talbott & Kastrikey, Lamb.
Mr. James W. Rouse, president, the Rouse Co.
Mr. Walter Sondheim, Jr., first vice president, and treasurer, Hochschild, Revell Co.
Mr. G. Cheston Carey, Jr., president, Carey Machinery & Supply Co.
Mr. Douglas Butner, Weaver Bros., Inc.
Mr. Michael Quinl, Weaver Bros., Inc.
Mr. Gilbert Rosenthal, president, Baltimore Junior Association of Commerce.
Mr. Robert E. Daiger, chairman of the board, Albert D. Hutzler, Jr., president, Baltimore Life Insurance Board.
Mr. W. G. Smith, general manager, Bethlehem Steel Corp.
Mr. R. W. McAuliff, Armo Steel Corp.
Mr. William Boucher III, executive director of the Greater Baltimore Committee.
Mr. Hervy, chairman of the executive committee, Merantile-Safe Deposit & Trust Co.
Mr. John E. Motz, president, Merantile-Safe Deposit & Trust Co.
Mr. Henry E. Niles, chairman of the board, Baltimore Life Insurance Co.
Mr. L. Mercier Smith, vice president, the C. & P. Telephone Co.

These Maryland community leaders have made abundantly clear that in their judgment, that conditions in Maryland and throughout the United States demand national legislation.

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Mr. Joseph Meyerhoff, Joseph Meyerhoff, Inc.—home sales.
Mr. Henry A. Knott, Henry A Knott, Inc.
Mrs. Isaac Hamburger, Isaac Hamburger & Sons.
Mr. John M. H. Buck, chairman of the board, the Title Guarantee Co.
Mr. John Lott, Western Electric Co., Inc.
Mr. Harrison Garrett, chairman of the board, Robert Garrett & Sons.
Mr. William B. Guy, Jr., president, W. Burton Guy & Co.
Mr. Jerold C. Hoffberger, president, the National Trust Co.
Mr. Guy T. O. Holliday.
Mr. Albert D. Hutzler, Jr., president, Hutzler Bros. Co.
Mr. Donald V. Kane, partner, Arthur Anderson Co.
Mr. L. E. Killian, regional manager, Humble Oil & Refining Co.
Mr. Louis B. Kohn II, president, Hochschul, Kohn & Co.

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and by orations by votsseeking 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 by suggesting that their 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 sentiment of our Nation's leadership to the encouragement in their lawlessness because of the existence of the riots and civil disturbances which have rocked our Nation. That criminal and subversive minority which is responsible has acted against the civil, human, and property rights of those whose life or property has been endangered.

In a quieter, more subtle, yet very serious way this legislation may constitute an ever more massive attack upon the property rights of American citizens. In an honest attempt to secure the rights and protect the interests of a minority group, this House stands in grave danger of abrogating basic rights of the majority.

Two of the Ten Commandments: "Thou shalt not steal," and "Thou shalt not covet." "Deal with property rights. They have been recognized as legal rights in every succeeding legal system, including our own.

Property rights are human rights and are civil rights of American citizens. They are basic enough to deserve protection from the lawless, and from ill-framed and hastily enacted legislation, as well.

Mr. Speaker, on behalf of the law-abiding, paying, property-holding majority of American citizens, I urge the defeat of the previous question. They, too, have rights, which in my judgment are threatened here.

Mr. PEPPER, Mr. Speaker, I presented my views on civil rights and open housing on August 8, 1966, when H. R. 14765, the proposed Civil Rights Act of 1966, was before the House for consideration. What I said there are my views today upon H. R. 2516. Therefore, I repeat today in support of H. R. 2516, with only a change in the number of the title of the bill, what I said in 1966, because my sentiments upon the policy of the majority as they were when I spoke to the House then.

The dark spot upon the glorious history of America is the tardiness with which we have removed numerous discriminations from many millions of our fellow citizens. Rather than lamenting the past, however, it behooves us to see how far we have come and to dedicate our efforts to moving ever forward. The day shall come when we shall enjoy that equality of right and pro-
tection which Thomas Jefferson envis-aged in the Declaration of Independence.

When Thomas Jefferson wrote into the Declaration of Independence the words, "All men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty and the pursuit of happiness," none knew better than Jefferson that the words of equality were not idle or mean-sounding. He contemplated that it should be the practice of an America which should emerge from ensuing generations of Americans through bloody struggles, unremitting toil, and red-hot sacrifices. But those words of equality were not idle or meaningless words. On the contrary they embodied in Jefferson's own immortal eloquence a prophecy and a challenge of the American dream.

And those words in that Declaration, "that to secure these rights governments are instituted among men," did not mean that Jefferson intended that the government aborning from this Declaration should have for its duty and function only the protection of the rights of citizens which existed at the time that government was born. On the contrary, he contemplates that it should be the duty and the high purpose of that government to obtain additional rights to secure the enjoyment of those rights which as a human being, a child of God, and an American, he was entitled to inherit and enjoy.

And so it has been for almost two centuries that that government which arose from Jefferson's Declaration, always tardily, sometimes faltering, but never failing, has continually stricken down laws, practices, and policies of dis crimination against any American and approached nearer and nearer to Jefferson's goal of equality of rights and the enjoyment of such rights by all Americans.

The tragedy has been in the slowness of pace, at least until late years, which has characterized this struggle. It was nearly 175 years before after the bloody war before the bonds of slavery were stricken from Negro Americans. It was nearly 150 years before women were emancipated to the full status of citizenship. It was nearly 175 years before Negro children were accorded equality of access to the public schools.

But, beginning with the administration of Franklin D. Roosevelt, the drive of the American Government for equal rights and equal opportunity for all Americans became more determined and the pace of progress toward this ancient aspiration rapidly accelerated. President Truman sent to the Congress recommendations for the removal of many of the discriminations against our Negro, Asian, and American American be treated like an American.

President Truman sent to the Congress recommendations for the removal of many of the discriminations against our Negro, Asian, and American Americans began with a decision of the Supreme Court in Brown against the Board of Education in 1954. Since then the 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 dynasty which our 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.

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The tragedy has been in the slowness of pace, at least until late years, which has characterized this struggle. It was nearly 175 years before after the bloody war before the bonds of slavery were stricken from Negro Americans. It was nearly 150 years before women were emancipated to the full status of citizenship. It was nearly 175 years before Negro children were accorded equality of access to the public schools.

But, beginning with the administration of Franklin D. Roosevelt, the drive of the American Government for equal rights and equal opportunity for all Americans became more determined and the pace of progress toward this ancient aspiration rapidly accelerated. President Truman sent to the Congress recommendations for the removal of many of the discriminations against our Negro, Asian, and American Americans began with a decision of the Supreme Court in Brown against the Board of Education in 1954. Since then the 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.

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lution. With that background, I want to state to the Members that far from apologizing for these provisions, I strongly endorse them. I consider them some of the most important provisions tribes have not handled contained in the entire legislation. Moreover, I think it is entirely appropriate that these provisions affecting our Indian citizens be included in a civil rights bill. For too long, we as a nation and as a government have looked upon our Indian citizens as both legally and socially separated. To the extent they wish to remain so, perhaps this separation is appropriate. But surely these citizens, less than other citizens, are entitled to the dignity of choice, and to the dignity of being accorded fundamental rights—and it is to these principles that this legislation is addressed.

Perhaps the most significant change to be accomplished by this legislation would be to amend Public Law 280, which for 15 years has hung like the sword of Damocles over Indian tribes who have had no voice in the acquisition by States of civil and criminal jurisdiction over them. Although this power has been exercised infrequently, its very existence serves as a symbol to the reservation Indians that assertions of Federal power profoundly affecting their daily lives might be made through decisions over which they would have no control, and in the making of which they might not even be participants.

Not only would title IV of the pending legislation assure the tribes of a voice in the determination of whether they would be required by State or Federal law, but also, as provided in the bill, movement toward increased State jurisdiction over tribes would be accomplished by Indian tribes' states that any tribal ordinance hereafter or hereafter adopted by an Indian tribe, band, or community in the exercise of any authority which it may possess and which is not specifically applied to the Federal Constitution's Bill of Rights, be given full force and effect in the determination of civil causes of action pursuant to that title. Similarly, the provisions of the bill of rights are not identical to the Federal Constitution's Bill of Rights, and the differences are largely in order to accommodate tribal customs. Thus, for example, a tribe's establishment of religion—recognizing that many tribes combine religion and government; but there is a prohibition on interference with freedom of religion by federal members of the tribe. Similarly, although the Federal Constitution requires that counsel be provided for all defendants who cannot afford to pay for their own counsel, the Indian bill of rights would require the court to permit counsel, but at the defendants own expense.

By this legislation a constructive step will be taken toward bringing our Indian citizens into the mainstream of American life.

Mr. Speaker, I strongly urge the Members 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, and one of the titles on which this body has never held 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 what we are faced with here today in this vote is a flat refusal by the majority 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 literally at the point where they have already given gun. 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 is forcing us to do.

I shall vote to send this bill to conference. If this 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 in a committee comprising 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 the bill, as drafted, is a constructive step. 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 not an enactment of Federal penal statutes 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 section imposes penalties on persons who travel across State lines 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 unconstitutional, 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 intergovernmental, 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 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 December.
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 action. It is time to end the riots in our cities; it would be a time for the President to bring to an end the policies of this Democrat administration and this Democrat-controlled Congress that have brought for them war, debt, inflation, widespread rioting, and pathetically inadequate response to American's needs of the hour, both in the administration of law enforcement and in the legislative process.

Mr. EDWARDS of California. Mr. Speaker, the Easter recess is approaching. Soon many of us will go back to our homes, to our families and friends, to celebrate the glorious meaning of this holiday to the Christian world.

But before that day, however, there remains a sobering task before us. A task that offers an unparalleled opportunity to act responsibly at a time when the forces of responsibility have been dealt a telling blow.

Mr. Speaker. H.R. 2516, the civil rights measure awaiting action by this body, presents an opportunity to illustrate our continuing faith in the redress of social injustice through legal means.

But of equal significance is the meaning of this bill in strictly human terms. This bill will tell the people of America that their Congress believes in and is working toward the ideal of equality for all Americans. This bill will tell the American Negro that there is room for him in this country outside the ghetto. It will tell him that his Government has committed itself to giving him meaningful protection in the lawful exercise and advocacy of his rights.

The bill has other purposes. Mr. Speaker, all of them worthy. It would add the Federal Government's law-enforcement machinery to the nationwide effort to end the rioting in our cities; it would furnish for the first time a bill's right for the American Indian. But primarily, this is a bill to reaffirm our faith in the central ideal of this Nation—equality before the law—equal opportunity for all men. It is a reaffirmation of the American dream of a decent home in a good neighborhood; to exercise, without violent interference, the right to attend school, to vote, to travel, and to earn a living.

As is true with much legislation, each adversary looks to his own little cause and ignores the rest. Neither then, nor now, can such an approach be defended and any constituent acting as the Congress was attempted to do it, that which his fellow constituents now advocate—regardless of how he votes on this issue would not only die by his own hand, but would be unrepresentative of the people—and the latter is the more important consideration.

For those who may be reading the Record of this debate but who have not fully comprehended the issues, let me briefly describe the position in which the House finds itself at this moment.

This civil rights bill, H.R. 2516, was first passed by the House of Representatives on June 10, 1967. Much of the bill as we consider it now was amended in 1967. The purpose of the bill before us now was considered and approved at that time. But, this same bill is again subject to approval by the House today, viz., the very controversial subject of "open housing" and the less controversial matter of gun control legislation.

Normally, such significant amendments, if laced on this bill, would automatically relegate the bill to a fate decided by a joint conference committee, where the "differences" between the House and Senate versions would be "worked out" or compromised. However, we are being asked to consider the normal procedure and pass the Senate version without benefit of the joint conference committee consideration.

Without even the careful consideration of the merits of the legislation, any reasonably intelligent individual would immediately ask, "Why?"

There's a rather simple answer. Proponents of the measure have attached to the changes added by the Senate know that this is true with much legislation, each of which objects to, and the less controversial, portions of this legislation. Why? Because Members of the Senate, even though not constituency, may withhold initial action on a bill under the rules of the Senate. And, certain Members of the Senate—as in the House—are unequivocally opposed to the controversial portions of this legislation. But before one calls them bigots, or some other unseemly term, he should remember that the changes added by the Senate are the result of the Senate's judgment, and the latter is the more important consideration.

Mr. Speaker, my vote on the Civil Rights Act of 1968 is without question the most difficult one I have ever had to cast in my relatively short tenure in the House of Representatives. It is motivated by a sense of justice, not by sentiments springing from my martyrdom. The 14th amendment of our Constitution has full and equal meaning for Americans; moreover, 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 a reality.

While those are privileged to hold membership in this 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 resolution.
tween 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. In the interest of language variations and the watered-down gun control legislation included, provide no more reason for opposition to this legislation than is applicable to most legislation passed by the Congress. The real substantive issue is open housing.

What is the open housing provision and what is its effect? Briefly stated—and probably oversimplified—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 home and property and to sell or rent; or not sell or 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 his property.

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 land and improvements for himself. And let 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 bedrooms and are forbidden 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 today argue for the relaxation or abridgment of property values because of open housing are the same people who are pleased that the next door neighbor who wanted to operate a used car lot, a drug store, or a pig sty has had his property rights abridged by zoning laws.

Needless to say, many—perhaps most—should do some pretty deep soul searching as to why we, on the one hand, uphold the idea of disabridgment 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 cause. 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 burden of proof of 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 ghetto dweller will be minuscule 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 to suggest those of us here are being fed to the people of the ghetto by the poverty stricken who expected panaceas from the empty production promises those of 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 passing of Thirteenth 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 and habeas corpus in common with violent civil disobedience, civil disorders, looting, and terrorism. And frankly, without limitation if allowed to stand and now 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 effect 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 nations. I question the salable aim—but we may be able to achieve equality of economic opportunity. But no amount of dollars and program of change can change the heart.

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 program. And if the majority of a member of the minority stands on equal footing with a member of the majority. Removal of this last but probably most significant barrier justly 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, Emanuel Celler, and the gentleman from Ohio, William McCulloch. Each of the 452 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. ROZETSKY and Mr. RUSSELL, I have had the hearings of 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 VIII—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 across the United States. Our cities, together with the suburbs have come a tremendous increase in homeownership.

Except for our Negro citizen, virtually all Americans have been afforded an opportunity to share in the benefits of our developments. Negroes are largely barred from this opportunity. Their choice in
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, because of its scarcity, what housing is available to him frequently costs more than comparable housing open to whites.

In January of this year, the President released a report in principle which fairly housing legislation posits. He said:

"When we speak of overcoming discrimination we speak in terms of groups—Indians, Mexicans, Negroes, Puerto Ricans, 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.

Housing discrimination means the Negro veteran of Vietnam cannot live in an apartment which advertises vacancies.

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 graduate studies. Since he was a graduate student and instructor at the School of Applied Social Sciences, Western Reserve University, described his frustration and experiences trying to find housing before the U.S. Commission on Civil Rights:

I encountered extreme difficulties. In the fall of 1963, I was accepted in the advanced psychology program at Applied Science at Western Reserve University. At that time, I was employed as a social service director for a home for dependent children. Two weekends 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 difficulty I decided to write the Social Science to let them know that 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 we were Negroes. Simmons would tell me 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 no one.

Nor, Mr. Speaker, were the Simmonses' 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 myself. This year I was born in Baltimore, 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 was buried in a Negro cemetery. My brothers served in a Negro Air Force. I attended a Negro college. Despite all of that, I continued to believe that one day this Nation would be different, and that I would be able to do the things many others did without fear of discrimination or the color line. Now, I am not nearly as sure as I used to be. I have worked very hard to make myself acceptable. I have worked hard to make myself mobile and educated. Now that I am neither unwashed nor unlettered nor are my friends and family members, I was under the impression that I would be accepted in the White community. I found that to a large extent nothing has changed. I have a responsible job but I am still denied the basic need of housing.

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 house by going to while real estate brokers in the Kensington area, One broker stated simply that they could not help her; two said explicitly that "the people in that area didn't want to sell to colored." After 2 years of house-hunting, Mrs. Tyson wrote:

I have just become very disgusted and I just didn't understand why we are not able to buy a house, just because we are colored. I want to find a decent place to live and a larger house.

For Mrs. Mary Burke of Philadelphia, a white American, housing discrimination means threats on her life. After she had 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 those Negroes hounded by discrimination means the indignities of not so subtle subterfuge in refusing rental to Negroes. If a nonwhite "gets by" the first telephone call and is invited to inspect the apartment, he may be told that he has, like Mr. Simmons, "too many children." Or he may be classified as a poor financial risk and asked to undergo a rigid screening test or to pay several months' rent in advance.

There is the humiliation of being kept waiting outside the premises while the owner drives past to discover if the applicant is nonwhite. There is the owner who conveniently "forgets" about the Negro applicant's appointment. There are the cases in Springfield and Holyoke, Mass., where janitors have been in­structed that the building is not a Negro residence. There are the landlords, who, to quote a Negro church bulletin, "are afraid that the children may come home and learn that a prospective tenant is Negro, suddenly discover that the house is being rented in the last few minutes" or that "some mistake was made" when the apartment seeker applied to inspect premises that were available earlier during a telephone conversation.

There are the cases where Negroes driving about the city looking for apartments have seen "for rent" signs in apartment house windows only to find upon inquiry that the apartment has already been rented, or that the landlord for­got to remove the sign. Yet, the sign remained in the window for weeks or even months after inquiry.

And finally, Mr. Speaker, there are the "white quotas." Those owners who are looking for a nonwhite applicant for an apartment fake records to show that the apartment rents for twice its advertised rate.

Mr. Speaker, housing discrimination is an affront to what America stands for. One of the traditional rights of an American is that of freely selecting a place to live, subject to his means. The decision as to whether to rent a house on a racial or religious or national origin group to join a neighborhood made up largely of his fellows is a manifestation of that right, in fact, a freedom. Such residence should be a matter of choice. No citizen should be forced to live only in such neighborhoods.

Individual personal bias plays only a part in maintaining patterns of racial segregation. Concern for financial loss is a motivating factor. Developers, real estate brokers, property managers, lenders, and apartment landlords consider these factors. In the majority of the "color line", they will suffer economic loss. But, in fact, studies of the subject have shown such fears to be largely groundless. Property values in segregated neighborhoods usually equal, and sometimes exceed, those in integrated neighborhoods. See Laurenti, "Property Values and Race—Studies in Seven Cities," University of California Press, 1947; Cahn, "Racial and Religious Discrimination in Housing," 1947; and "Race and Property University Extension Service on Public Issues," John H. Denton, Editor, Diablo Press, Berkeley, Calif., 1948.

The last two decades have witnessed a variety of Government actions dealing with racial discrimination in housing. In Shelley v. Kramer, 334 U.S. 1, decided in 1948, the Supreme Court held that the fifth and fourteenth amendments prohibited courts from issuing injunctions to enforce racially restrictive covenants in real property deeds, even though the deeds had been privately drawn and opposed by many between private parties. The decision was followed 5 years later by another, Barrows v. Jackson, 346 U.S. 249, banning the enforcement of such covenants by judicial awards of damages in case of breach. After the Court's holdings came a series of State and local laws prohibiting discrimination in housing, and today 22 States, the District of Columbia, Puerto Rico, the Virgin Islands, and the large cities of the Nation have such laws. In November 1962 President Kennedy issued Executive Order No. 11063 prohibiting racial and religious discrimination in housing financed or insured by the Housing and Home Finance Agency or other executive departments and agencies; the order established the President's Commit-
Mr. Speaker, the 13th amendment to the Constitution forever barred slavery and involuntary servitude in the United States. 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 ousting 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 free of discrimination. It would assure 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 Negroes and whites alike could not be forced housing. It is the opposite—open housing, unrestricted housing.

Mr. Speaker, I earnestly hope that the 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-amended bill, the Civil Rights Protection Measure, 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 time for prompt action and that a rapid one.

In view of the tragic events that have occurred in this Nation, there is 's social need for us, here, to exercise restrained emotion, subdued prejudice, heightened conscience, and supereflence 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 hesitating peoples abroad are centered upon us during this debate; the cynical eyes of the Communist powers are fastened on the legislative channels of the world. 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, is a privilege; we claim to espouse for all of our citizens everywhere in the country and every technicality this bill, or any other law or legislative proposal, is perfect. Nevertheless, our duty is to judge the bill for its basic merit and not be diverted from that responsibility by any emotionalism of the moment. In great part we have already, last year, considered this bill and we have all had the opportunity to observe how the other body work their will over several long weeks of painstaking debate.

Under existing circumstances, all have a special obligation to be patient with each other and to be tolerant of another's sincere convictions but, finally, our highest obligation is to legislate. I most earnestly hope that legislative obligation will result in resounding approval of this measure, now, so that it may be signed into law by the President at the earliest date.

I hope and urge that our action here this afternoon will result in the enactment of another legislative milestone for all the world to see, in advancement of the traditions upon which this noble Nation was founded and upon which, God willing, it will move ahead, in democratic tranquility, as the free world's leader for the peaceful progress of all mankind, now and forever.

Mr. DORN. Mr. Speaker, this bill before us today is an infringement upon the property rights of the American people. Our property rights are guaranteed in the Constitution. We hear a lot about the right of due process of law; but the most important part of the fifth amendment is "or be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

Any American citizen, since the formation of our country, has had the right to own property and transmit his personal possessions to the person of his choice. This is a basic elemental right along with peaceful assembly, trial by jury, and the right to bear arms.

The right to own property is the basis of our great private enterprise system. Our private or free enterprise system has made it possible for the United States to enjoy the highest standard of living in world history. Our system of private enterprise has made it possible for our country to become the arsenal of democracy.

I do not believe human rights in this world can be preserved without property rights. At this moment, the U.S. Army and marines with combat troops are quartered in the Capitol itself and on the grounds of the pilliard of the United States. But we will not have a way to legislate. We should not legislate under pressure. We should not legislate in a state of emotionalism. We should not be influenced by mobs, violence, and destruction of property.

We should reject even consideration of this bill until we can operate in a calm, cool, deliberative manner as envisioned by the Founding Fathers. I plead and own great Commonwealth of Massachusetts.
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 a 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 individual, regardless of race, color, or religion, has the right to live in a race, color, or religion. The Senate never passed it. Now, we who provided the early lead, the early support for open housing legislation redeemed. In my judgment, this provision is one all of us should support. I urge my colleagues in this House to do so.

Mr. Speaker, we have all read with interest the recent report of the President's National Advisory Commission on Civil Disorders. This report clearly documents the danger of two Americas—one white and one black. We cannot tolerate this separation. We must 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. We have stood forth 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 12 million Negroes, and 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, regardless of 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 sentiment act, however grieved we are by Dr. King's death. I look upon it as a necessary and appropriate act by Congress, one which is long overdue. Whether or not Martin Luther King died, we in this body would have been under moral obligation to approve this legislation. I am proud to stand as sponsor of this bill and dedicate it to the memory of a great American, Dr. King. But I am even more proud that this bill will be passed because our country needs it.

Mr. SCHADEBERG. Mr. Speaker, I rise in support of civil rights for all Americans. To me the term "American" is not and cannot be tainted by the in-204
sion of color, race, creed or ethnic background—only men, women and children. In my judgment, this bill and the majority of civil rights legislation before this House upon which I as a Member was committed to vote. I know no color line since my judgment of man is made of character, of his religion, or 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 served during World War II. I found that there were good and bad among them as I found good and bad among those with white skin. I take second place to no one in my service to and concern for the welfare of the citizens of this Nation whose color of skin happens to be dark. For 10 months in 1943 and 1944 I spent 4 hours a night, 5 nights a week of my own time teaching 80 Negro servicemen to read and to write. I seek no applause for this since I felt it was my obligation and privilege, but I relate this to make it more meaningful. When these men day in and day out sharing their problems; living their fears; and experiencing their hopes. I could not even, if I tried, have today any vestige of discrimina-205
tion because of the color of their skin. In fact the most humbling tribute given to me in my long years in public service, first as a clergyman and then as a Member of Congress was in the simple remark of a seaman to my wife upon my receiving orders to another place of duty. "Mrs. Schadeberg," he said, "we are sorry to have the change but you were the only one who treated us like people."

I stand here in support of civil rights for the American people.

I express my opposition to this legislation, not because it contains an open housing provision but because we are asked to rubberstamp the work of the Senate with but an hour's debate on legislation that includes far-reaching changes in Indian legislation, and gun legislation tied up into one package in a take it or leave it fashion. My fondest hope is that this House will pass legisla-206
tion that will produce results, not vain hopes; will provide rights to minorities without denying constitutional rights to the majority; that this House will pass legislation that solves problems without creating new and greater problems than the one it would seek to solve. Our Nation must not be further divided and suspensions heightened. Our unity is strained to the point of serious proportions.

We must accept our responsibility to look beyond the emotions of today and view this legislation in terms of the effect it will have on our Nation as a whole over the long pull. Neither am I the permissive type who insists that a child, or an adolescent, will automatically grow up. I do not allow him to beat your brains out. I stand some place in the middle—believing that we must move with the times—and I cannot accept the intelligence of each succeeding generation, admitting to the wrongs of the past, yet insisting, and insisting with every ounce of our conviction in my bones, that 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 hope that the reaction began to set in and to undo the progress of the past 10 years. And this Nation hesitated on the verge of the abyss, of its great 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 automatically grow up. I do not allow him to beat your brains out.

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who, with mindless anger, tear at the very sinews of our society, attempt to set us against each other, defy the past.

The time has come to set aright many things in this country and each one of us must do our part 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 against Mauer, 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 in his development to Negroes purely on account of race. There were two arguments advanced why he could not—because the Constitution itself would prevent him; and because, even if they were invalid, he would 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 no question to me or to the court 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 25, 1968, we were passed H.R. 2516, a bill to establish Federal penalties for forcible interference with ennumerated 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, antidtots, and Indian rights provisions, the problem is solved to be solved overnight. Therefore, while I support the bill on the floor today, consistent with my personal belief and my record of support of past civil rights legislation, I am fully aware 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 this week, as any of the States which already has on its statute books laws prohibiting discrimination in all housing other than one- and two-family homes which have this aspect.

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 our personal suspicions, and 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—goal by attempted to end the pain and suffering that has been caused by the too-slow movement of Negroes, Mexican Americans, and members of other minority groups toward full equality.

It is the painful promise of a better day that has brought frustration to many of these citizens. Freedom just out of reach is far more distressing than freedom that is clearly unattainable.

In many ways, then, we are victims of the growing pains of progress in the struggle for equality. But the only rational answer to this critical dilemma is to bring about more quickly the full realization of social and economic equality for all Americans.

This is no easy task, and it is an expensive endeavor to achieve it and not according to his race, or religion, who will never mow through a process of erosion.

Let us begin with this measure—H.R. 2516—to affirm the right of equal protection of the laws and equal access to decent housing.

It is little enough, but it shall be recognized as provided for in House Resolution 1100. The House should not be denied a chance to consider the Senate amendments to H.R. 2516. There is no substance to either argument. We should not refuse the opportunity to do what is right for any reason, on one hand, or as a penalty or punishment, upon the other hand.

Today we are put in a procedural situation of “take it or leave it.” In other words, like it or not, if we support the previous question that is the end of the line.

As it were we are being asked to rubber stamp in 1 short hour the work that the other body took 40 days to debate. In the lengthy document that comes to us today there are 10 pages of Indian legislation which denied our Committee on Interior and Insular Affairs the right to consider said bill.

I cannot approve this Indian legislation, we may be destroying rights granted under Indian treaties. If that is true, we shall be bestowing rights upon the Negro at the expense of Indian rights.

One of the worst things about the present procedural situation is to deny the House its right to consider the bill. It has brought frustration to many of our children a better America where all citizens would have the freedom of choice over the disposition of their property. Even though the gag rule is working against the House today and we are denied the right to debate amendments, we have placed ourselves in a straight jacket should not preclude or foreclose all thoughtful consideration of title VIII. We should at least have the remaining right to vote against the violation of property rights and in that, I stripped the owners of dwellings of all their freedom of choice over the disposition of their property. In 1966 I pointed out that the House provision which was predicated on the interstate commerce must be invalidated because I could not then and I cannot now see how a house already built and thereby immovable could be destroyed in the name of commerce and thereby subject to the interstate commerce clause. The exemption of a residence certainly does not improve the constitutionality of the proposal. The 1968 bill which is predicated on the stronger measure before us today.

I think it would be far better if we could improve our children a better America where all citizens would have the freedom freedom from discrimination. In many ways, then, we are victims of the growing pains of progress in the struggle for equality. But the only rational answer to this critical dilemma is to bring about more quickly the full realization of social and economic equality for all Americans.

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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 community with financial institutions. Section 805 makes it unlawful to deny a loan because of race, religion, and color. Consider what will happen if a bank, savings and loan refuses 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 continuous harassment. Our own citizens wish to defend themselves for refusing to make a loan even to those who are bad credit risks. But the bill is so inconsistent that we get no relief from the problem. Savings and loans, an insurance company can refuse title insurance or fire, casualty and other insurance without discriminating or refusing to 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 their conclusions on faulty reasoning. I believe the answer is not legislation but the answer is economic and educational programs and facilities. No additional legislation is needed. Instead there should be adequate appropriations for low cost housing which the minority groups can afford. There should be an emphasis on manpower retraining, and vocational programs which will enable minority groups to qualify themselves for job opportunities that exist. Finally there must be adequate appropriations for improved educational facilities in the inner city. I have supported these authorizations and appropriations for these purposes in the past and I shall continue to support funding for these purposes consistent and commensurate with the fiscal and budgetary situation facing us in our country today.

Mr. Speaker, the inclusion of an open housing title in the Civil Rights Act of 1968 has provoked one of the most widespread debates on an issue that have been in many years. I am opposed to open housing and the enforcement provisions of this open housing proposal, because in my judgment it will bring an unprecedented degree of Federal intervention and control into every local community of America.

More importantly, it will expose every homeowner in this country to the prospect of unprecedented harassment by both the Federal Government and those who seek to continue the turmoil in this country.

We in this House shall have no opportunity to amend this bill or participate in any questions to establish legislative intent. I am amazed that this legislation which will ultimately effect every household in America is being rushed through Congress with no public hearings or substantive debate in the House.

I believe the havoc wreaked in this Nation during the past weekend clearly indicates that we need a period of calm reconstruction instead of adding to the fires of emotion legislation which will create more problems than it will solve. I demand you that this open occupancy amendment has not seen a single minute of public hearings either in the House or the Senate.

The tragedy of our time is that whenever a person dares raise his voice in honest warning about bad legislation involving civil rights, he is immediately tagged as a racist or bigot.

Nothing could be further from the truth in this country in opposition to the enforcement of this legislation. I shall include at the conclusion of my remarks the entire text of the enforcement section of this legislation and I believe that this bill is an honest warning about bad legislation in its present form.

Mr. Speaker, my record in support of human dignity for all Americans is crystal clear, and I need never apologize for my contribution toward better understanding and opportunity for all Americans.

Even on so important a measure as fair housing, I believe that any fair-minded American would strongly uphold an equal right for every other American to purchase, lease or occupy a home for his family commensurate with his ability to afford such housing.

As a matter of fact, the most recent survey which was conducted in my district shows that an overwhelming 62.1 percent of the residents in my district are willing to accept limited integration as long as all property owners properly maintain their homes and have comparable educational and economic backgrounds.

But that same survey clearly shows that 56.2 percent of my constituents are opposed to open housing legislation because they believe integration can be accomplished more effectively through voluntary procedures than the force of law. I, myself, Mr. Speaker, would certainly subscribe to the principle that every citizen who is willing to purchase a home in any community if such a person can afford to purchase the home and wishes to maintain it in a manner similar to the general standards of the community. Such a right is the basic philosophy of our whole Republic and I might add, that equality in housing has been a creature of Federal statute for nearly 20 years.

On April 9, 1866, Congress enacted a law which now appears as 42 U.S.C. 1882, entitled "Property Rights of Citizens," which provided that—

All citizens of the United States shall have the right to inherit, purchase, lease, sell, hold, and convey real and personal property.

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In the National Housing Act of 1949, the Congress reiterated this commitment under the heading “Congressional Declaration of Purpose,” in the following terms:

The Congress declares that the general welfare and security of the Nation • • • require that the realization of the goal of a decent home and suitable living environment shall be feasible of the goal of a decent home and suitable living environment for every American family.

In 1962, President John F. Kennedy promulgated Executive Order No. 11026, which was designed at the elimination of discrimination in federally assisted housing.

Thus, the 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 sets up such a vast network of Federal bureaucracy to enforce these rights that no citizens can be secure in the knowledge that whatever he does with his property, no matter how well-meant and reasonable, he will still be subject to Federal harassment.

This is no exaggeration. Just look at the first sentence of section 810(a) of the enforcement section of the bill before us, which states as follows:

Any person who claims to have been injured by a discriminatory housing practice or who believes that he will be irreversibly injured by a discriminatory housing practice that is about to occur (hereafter “person aggrieved”) may file a complaint with the Secretary.

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 give a broad basis for action against a homeowner to those persons who have a fear that they will be injured by an action of a homeowner “that is about to occur.” No other law provides such a broad basis for action even before a discriminatory act actually occurs.

Furthermore, not only is a homeowner subject to all sorts 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.

This is the heart of the issue. No other law in this country gives a Federal official such broad powers as this provision which would make every homeowner subject to the dictates of the Secretary and expose the homeowner to a jail sentence if he doesn’t comply.

One of the most objectionable features of this whole enforcement provision is that the Government would pay for the entire legal costs of a complainant if he cannot afford such legal costs himself, but there is no similar provision in this act that if a defendant—a homeowner—is subsequently found not guilty of an offense, the legal costs he or she has incurred in defending himself would also become borne by either the complainant or the Government.

In other words, Mr. Speaker, with the kind of harassment that is provided in this legislation, homeowners throughout this country would be required to bear 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, if acting on specific and express instructions from an owner selling his home.

Furthermore, one finds very little consolation 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. Eighty 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.

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.

Now, even under our injunctive laws, some overt act must first occur before you can seek relief through injunction, but here under the broad language of this act, we give a homeowner the right to move against a homeowner merely because he “believes” that an act will occur which will deny him a fair opportunity at decent housing.

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 degree of harassment unprecedented in the history of this Nation.

As one who strongly believes in human dignity because my own people, for a time, have suffered from the effects of discrimination and persecution, I tell you Mr. Speaker, that it is with a heavy heart that I must vote against this legislation today. But when I took my oath, I assumed a responsibility to conduct myself in a manner that will provide maximum protection and representation for the people whom I represent here in Congress.

I am mindful of those who feel a great deal of compassion for the minority groups of America, and I would yield to no one in my own concern for their plight.

But I have seen the erosion of personal liberties in this country, not through legislation that the Congress has enacted, but through rules and regulations devised by the Federal bureaucracy to implement the intent of Congress.

Having seen what can happen through administrative fiat in the administration of bills passed in good faith by the Congress, I oppose the property owners in my congressional district to the same kind of harassment through the bill now before us dealing with open occupancy.

I invite those who have urged support of this legislation to carefully read the full provisions of the enforcement section and judge for themselves the degree of harassment which the Federal Government can engage in if this act is enacted by Congress.

This is undoubtedly the most difficult decision that I have had to make since coming to Congress, but I want to underscore that in voting against this provision and supporting the overwhelming majority of views of my constituents.

More important, in my own honest judgment, enactment of this provision in the Civil Right Act of 1968 will create more turmoil in this country at a time when America needs a pause to restructure its communities.

I call my colleagues’ attention to an article which appeared in the Washington Star by the very distinguished columnist, James Kilpatrick, dealing with this subject.

Mr. Kilpatrick is no racist. His long record as a distinguished columnist for the right of the American family and the homeowner is well known. Neither am I a racist or a bigot, but I must agree with the conclusions reached by Mr. Kilpatrick in his analysis of this bill.

Mr. Kilpatrick’s article, quite correctly points out that this entire open housing amendment has received relatively little attention in the press as to its basic details.

The press has merely centered on whether or not 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,—this bill is considerably broader, it will be confirmed by the Senate to administer a Federal Fair Housing Act, the proposal before us today gives vast powers to a single individual; namely, the Secretary of Housing and Urban Development, He would be vested with breathtaking powers of administration and enforcement.

More important, the bill before us today does not merely make the Secretary the administrator, it further permits the Secretary to delegate any of his functions, duties and powers to employees of the Department or to boards of such employees.

Here is what Mr. Kilpatrick said about this particular provision of the civil rights bill before us today:

"What are these powers that any designated employee could exercise in the secretary’s name? They include the power to receive complaints of discrimination, to investigate complaints, and to resolve complaints. The Secretary could issue “cease and desist orders.” He could require the owner to make affirmative action to "take such affirmative action as will effectuate the policies of this act.”

The secretary is judge, jury, policeman and prosecuting attorney, all wrapped into one. The Secretary may administer oaths.
He “may issue subpoenas” to compel the attendance of persons before him. Failure to obey the secretary’s order would carry a fine of $100, or imprisonment 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 swept the country. We have been told that the civil rights issue is now a right of the American citizen, I cannot help but feel that we here in Congress are acting as though we had received no direction from either the executive or the legislative branch of Government or the legislative branch of the winds.

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 now going on in this country.

Any federal Government that reach further and further into the rights of the American citizen, I cannot help but feel that we here in Congress have a responsibility to carefully study 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 five 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, in its wisdom, can turn any direction from either the executive branch of Government or the legislative branch of Government.

Once the President affixes his signature to this bill and 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, on final action even though the open occupancy provision has not had 1 day of public hearings and there has been absolutely no debate on this issue in the House.

I think we have a situation that has come before the Congress which can affect the lives of every American citizen more than the open housing bill pending before us today, and for that reason, Mr. Speaker, I ask you to 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. 804. It is the policy of the United States to provide within constitutional limitations, for fair housing throughout the United States.

**DEFINITIONS**

Sec. 803. (a) Subject to the provisions of subsection (b) and section 807, the prohibitions against discrimination in the sale or rental of housing set forth in section 804 shall apply:

(1) Upon enactment of this title, to:

(A) dwellings provided in whole or in part by the Federal Government;

(B) dwellings provided in whole or in part with funds contributed by, or contributions made by, the Federal Government, under agreements entered into after November 20, 1966, unless payment thereon has been made in full prior to the date of enactment of this title;

(C) dwellings provided in whole or in part by a State, or local public agency receiving Federal financial assistance for slum clearance or urban renewal with respect to such real property,

(2) After December 31, 1968, to all dwellings or other dwellings except as exempted by subsection (b).

(b) Noting in section 804 (other than section (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 one time: Provided further, That in the case of the sale of any such single-family house by an owner who is not the most recent resident of such house at the time of such sale or who was not the most recent resident of such house prior to such sale, federal financial assistance received by the owner as a result of the sale of any such single-family house entered into after November 20, 1966, shall be applicable to dwellings soley by virtue of the fact that they are subject to mortgages held by an FDIC or FHA insured bank;

(2) to discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of any facilities and services therein, because in good faith 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 real resident in the business of selling or renting dwellings if—

(1) he has, within the preceding twelve months, participated as developer, seller, or operator 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 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 804(b) and 807, 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 other agreement, to sell or rent, or otherwise make unavailable or deny, a dwelling to any person because of race, color, religion, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of any facilities and services therein, because of, or in that person’s having or desiring to have, because of, or in that person’s having or desiring to have, race, color, religion, or national origin.

(c) To make, print, or publish, or cause to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of a dwelling that indicates any preference, discrimination, or limitation because of race, color, religion, or national origin.

(d) To refuse to provide the same facilities and services to any person because of race, color, religion, or national origin.

(e) To refuse to rent or sell, or otherwise discriminate against any person in the terms, conditions, or privileges of sale or rental of a dwelling, or in the provision of any facilities and services therein, because of, or in that person’s having or desiring to have, race, color, religion, or national origin.

**DISCRIMINATION IN THE FINANCING OF HOUSING**

Sec. 805. After December 31, 1968, it shall be unlawful for any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans to—

(a) To refuse to make, or knowingly to aid or induce the making of, a loan for a single-family house, to any person because of race, color, religion, or national origin.

(b) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a single-family house, or in the provision of any facilities and services therein, because of, or in that person’s having or desiring to have, race, color, religion, or national origin.

(c) To discriminate against any person in the terms, conditions, or privileges of sale or rental of a single-family house, or in the provision of any facilities and services therein, because of, or in that person’s having or desiring to have, race, color, religion, or national origin.

**DISCRIMINATION IN THE PROVISION OF BROKERAGE SERVICES**

Sec. 805. After December 31, 1968, it shall be unlawful—

(a) For any bank, building and loan association, insurance company or other corporation, association, firm or enterprise whose business consists in whole or in part in the making of commercial real estate loans, to—

(b) In providing sales or rental services in two or more transactions involving the sale or rental of any dwelling or any interest therein;
§§ 807. Nothing in this title shall prohibit a cooperative, corporation, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization or society, from limiting 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.

EXEMPTION

Sec. 807. Nothing in this title shall prohibit a cooperative, corporation, association, or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization or society, from limiting 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.

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 have such powers, duties and responsibilities as the Secretary of Housing and Urban Development may prescribe.

(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 functions, and remediating such discrimination in connection with or in place of, the Secretary's enforcement of this title. The Secretary shall issue reports on such conferences and consultations as he deems appropriate.

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. He shall consult with State and other local officials and other interested parties to learn the extent to which discrimination exists in their State or locality, and whether and how State or local enforcement agencies are, or are about to be, carrying forward such discrimination in connection with or in place of, the Secretary's enforcement of this title. The Secretary shall issue reports on such conferences and consultations as he deems appropriate.

(b) A complaint under subsection (a) shall be filed within one hundred and eighty days after the discriminatory housing practice occurred. Complaints shall be in writing and shall state the facts upon which the discriminatory housing practice is based. Complaints may be reasonably and fairly amended at any time. A respondent may file an answer to the complaint and the Secretary shall have access at all times to the records of the complaining person or any other person who is reasonably necessary to the Secretary for the purposes of this title and the Secretary shall be granted whatever it would be reasonable and fair to do so, may amend his answer at any time. Both complaints and answers shall be verified.

(c) Wherever a State or local fair housing law provides rights or remedies which are substantially equivalent to the rights and remedies provided in this title, the Secretary shall take such action as the Secretary deems necessary to protect the public interest whenever the Secretary believes that enforcement of the State or local fair housing law is in the public interest.

(d) If within thirty days after a complaint is filed with the Secretary under subsection (a) the Secretary has not found a violation of this title in a proceeding under subsection (c), the Secretary shall notify the person aggrieved that no action will be taken on the complaint and that no proceeding will be instituted under this title on the complaint.

(e) In any proceeding brought pursuant to this section, the burden of proof shall be on those persons to whom the Secretary has granted or protected by this title, insofar as such rights relate to the subject of the proceeding.

(f) Whenever an action is filed by an individual, in either Federal or State court, pursuant to this section or section 811, the court shall have access to or the record of the proceeding under the circumstances of the particular case, the protection of the rights of the person aggrieved, and the interests of justice require such action.

INVESTIGATIONS; SUBPOENAS; GIVING OF EVIDENCE

Sec. 811. (a) In conducting an investigation the Secretary shall have access at all reasonable times to the books, records, 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 any such persons as are reasonably necessary for the furtherance of the investigation.

(b) The Secretary shall have access to or the record of the proceeding under the circumstances of the particular case, the protection of the rights of the person aggrieved, and the interests of justice require such action.

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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 effect as subpenas issued by the Secretary himself. Subpenas issued at the request of a respondent shall bear the name and address of such respondent and shall state that they were issued at his request.

(c) Witnesses summoned by subpena of the Secretary shall be entitled to the same wages and subsistence as are allowed witnesses attending proceedings in United States district courts. Fees payable to a witness summoned by a subpena issued at the request of a respondent shall be paid by him.

(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 the production of any reasonable time or place, that it requires production of evidence which does not relate to any matter under investigation, that it is issued in such circumstances as to make the evidence produced, that compliance would be unduly onerous, or for other good reason.

(e) In case of contumacy or refusal to obey a subpena, the Secretary or other person to whom such subpena was issued may apply to the court for its enforcement in the United States district court in the district in which the person to whom the subpena was addressed resides, was served, or transacts business.

(f) Any person who willfully fails or neglects to attend and testify or to answer any lawful subpena, or to produce books, documents, or other evidence, if in his power to do so, in obedience to the subpena or lawful order, 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, shall make or cause 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 Assistant Secretary is guilty of a misdemeanor and shall be fined not more than $1,000 or imprisoned not more than one year, or both.

(g) The Attorney General shall conduct all litigation 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 805, 806, and 808 may be enforced by civil actions in appropriate United States district courts without regard to the amount in controversy, by suit in any appropriate United States district court or in any local courts of general jurisdiction. A civil action shall be commenced within one hundred eighty days after the date on which a 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 and other local or other authorities are likely to result in satisfactory settlement of the discriminatory housing practice complained of. After eighteen days has elapsed, the Secretary or the local or other authority and which practice forms the basis for the action is abandoned, discontinued, or settled, or 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 appropriate sections of this Act shall not be affected.

(b) Upon application by the plaintiff and in such circumstances as the court may deem just, a court of the United States in which a civil action under this section has been brought may appoint an attorney for the plaintiff and cause notice to be given to the defendant of the commencement of a civil action upon proper showing without the payment of fees, costs, or expenses. The court, in the appointment of such an attorney shall determine the extent to which the court may reimburse the attorney for his services, or to other persons not similarly situated or to other circumstances shall not be affected thereby.

TITLE IX
PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES

Sec. 901. Whoever, whether or not acting under color of law, by force or threat of force willfully, injures, intimidates or interferes with or, attempts to injure, intimidate or interfere with, any person in the lawful exercise or enjoyment of any right granted or protected by sections 804, 805, 806, or 808. This section may be enforced by a civil action.

APPROPRIATIONS

Sec. 818. There are hereby authorized to be appropriated such sums as are necessary to carry out the purposes of this title.

Sec. 819. If any provision of this title or the application thereof to any person or circumstances is held invalid, the remainder of this title and the application thereof to other persons or circumstances shall not be thereby affected.
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 considered the opinions of our constituents—the people of America. Responsible 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 the last two decades. 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 have supported it from the very enactment today. This bill protects the individual rights of every American, not just those of one class or economic strata. We are addressing this problem today.

Mr. BROWN of Ohio. Mr. Speaker, as so frequently the case with legislation, H.R. 2516, the so-called civil rights bill of 1968, 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 of bills by Members 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 has been interpreted is a reflection 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 on whether one is for the business of selling or renting property.

I voted for the House-passed open housing legislation in 1968 which was rejected on the Senate floor. I 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, I am sure 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. While I do not agree with all of 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. But we also need legislation to prevent inciting of violence in the name of civil rights or under whatever pre-text. Such an urgent need cannot await delay nor tolerate inaction. These needs and others are addressed in title V.

Related to the above necessity to protect the bona fide civil rights movement, while restricting the riots and violence which unfortunately have been engaged falsely in the name of that legitimate movement, is the need for legislation to limit the manufacturing or transporting of firearms, explosives, and incendiaries, along with 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. White with advocating or instigating violence, Communs and the advocates of racial minorities, 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 riot. For 2 years I have repeatedly urged the prosecution of such individuals. But the administration apparently felt it lacked the authority I protested. 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 an urgent need cannot await delay nor tolerate inaction. These needs and others are addressed in title V.

Communists and the advocates of racial minorities, therefore, today's scheduled vote 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. This bill can redress the irremediably damaged 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 criminal 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 to discourage racial discrimination, to bring new hope and opportunity to all our people—I urge our colleagues to approve the resolution and to pass the bill. In the final analysis, the obligation to do what is right and what is good belongs to us. We must not avoid it.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Michigan [Mr. Gerald R. Ford].

Mr. GERALD R. FORD. Mr. Speaker, I speak only for myself. In this emotional atmosphere I would hesitate to claim that I speak for others. It all began last August 6, a day when, by the pending legislation, we will vote for such legislation regardless of what the Senate approved. The Senate version requires that racial motivation be proved. 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; 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 shorthand term for "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 consideration of the House, 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 looks toward a different approach. However, neither did the House version consistently take that position throughout the entire bill. Compare H.R. 2516 (1) or the Senate (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 businesspeople against prosecution under Sec. 245 (b) (1) or the Senate (a) with Sec. 245 (b), (c) and (d).

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 bill in the 90th Congress has not previously considered such legislation, I believe we should now do so through our House committee.

Of course the Senate added other legislation. The House version of H.R. 2516. However, there are several differences. Both the House version and the Senate added 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 present than was true of 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; 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 shorthand term for "race, color, religion or national origin") be proved as an element of the offense. 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. They involve the frequent use of the phraseology like that in proposed section 245(b) (1): "whether, whatever or not acting under color of law or force by federal, state or local government . . . willfully or not, intimidates any person in order to intimidate such person or any other person or any class of persons from participating in the exercise of any right or privilege secured or protected by the law . . ."

Proposed section 245(b) (4) (A) repeats this language verbatim except that it adds the qualification that the crime is to be considered a federal crime only if the force or violence contemplated is the use of "without discrimination on account of race." Thus, is that a distinction without a difference? Probably so.

Proposed section 245(b) (2) requires racial motivation as an element of the offense concerning activities of lesser federal interest. This is the only place in Title I of the Senate version where racial motivation is made an element of an offense. But that requirement in proposed section 245(b) (2) is made meaningless by (b) (4) of such section which makes it a crime to do what (b) (2) forbids even if racial motivation is lacking.

Thus, the racial motivation drops out of the Senate version—an effect which was probably not intended by the other body, Senate or House. It breaks out in a labor dispute because one party was "enjoying employment . . . by any private employer" so, say, a Negro laborer if a federal crime has been committed.

The same might be true if two employees fought over the fact that one received a bonus the other did not. These results are not in harmony with the probable legislative intent of the other body, House or Senate.

One should recall that one of the earlier statements in the other body was caused by the question whether racial motivation should be made an element of the crime. Though subsections (b) (1) and (b) (2) give the appearance of compromise on that question, subsection (b) (4) is a so-called liberal bloc lost the bargaining.

The other example of a disparity in Title I between what was intended and what was legislated is found in the Civil Rights Amendment [compare section 201(b) (1) of the Civil Rights Act of 1964] proposed by Senator Walter F. Mondale, 5636, March 7, 1968]. The amendment reads: "Nothing in subparagraph (2) (F) or (4) (A) of this subsection shall apply to the provisions of this title which provide for the protection of civil rights workers who are "citizens," without the benefit of hearings in the Senate, as well as in the House. The Senate version has no such provision.

Sec. 2102 of the Senate version defines the term "riot" and "to incite a riot," as does the House version. But the Senate and the Senate versions make the mistake of applying the "clear and present danger" doctrine to both terms. The argument would be valid if the Senate version makes clear that "expression and no more"

The Senate definition of "riot" includes not only acts of violence, but also threats of acts of violence. The House version embraced only the former. The Senate version, like the House version, of the definition of the term "to incite sensor" states that such an act does not mean the mere advocacy of ideas or expression of belief. However, the Senate version makes clear that "expression of any color of opinion which does not involve advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit any such act or acts" whereas the House version is silent on that particular aspect.

These six titles were added to H.R. 2516 in the Senate by Senator Schooler states that such an act does not mean the mere advocacy of ideas or expression of belief. However, the Senate version makes clear that "expression of any color of opinion which does not involve advocacy of any act or acts of violence or assertion of the rightness of, or the right to commit any such act or acts"

A comprehensive analysis of these six titles concerning the Rights of Indians is found justice," The House version contains no such provision.

H.R. 421 and the Thurmond-Lausche amendment contain identical operative sections. However, the Senate version makes clear that the overt act which is required is that the overt act or acts of violence or assertion of the rightness of, or the right to commit any such act or acts" whereas the House version is silent on that particular aspect.

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April 10, 1968

CONGRESSIONAL RECORD — HOUSE

In Senate Report No. 841, 90th Congress, 1st Session (accompanying S. 484).

This title creates a "bill of rights" for Indians in relationship to their tribal government similar to the guarantees of our Federal Constitution. The enabling clauses of the First, Fourth, Fifth, Sixth, Seventh and Fourteenth Amendments and Article 1, Sec. 3 of the Constitution and applies them to Indians who are now so protected by Indian tribes, acting under Indian custom, are not subject to Constitutional Function.

In addition to the specific portions of the Constitution made applicable to Indians, this title authorizes the Interior to draft (in consultation with Indian tribes) particular Indian codes to govern the administra-

tion. (18 USC 1153) to include an additional offense, "persons bodily injury". This offense, along with other serious crimes, will be prosecuted in Federal courts, since Indian courts may punish only up to $500 and six months, or both. Senator Ervin, who sponsored this amendment, sought to have serious assaults punished by more substantial penalties than by Indian courts (Senate Report No. 841, p. 12.) But that may not be the result. Section 1153, to which Mr. Ervin referred, imposes no specific penalty, but instead provides such punishment as the offense would merit under other Federal jurisdiction. But the crime of assault specifically defines does not appear in Title 18 U.S. Code. Therefore, no Federal penalty is provided. The Federal assault statute most similar in definition (18 USC 1153) provides no greater penalty than the Indian court may impose. It may well be that 18 USC 1153 would apply to effect the purpose of this amendment. 18 USC 13 provides that offenses occurring in Federal jurisdictions that are punishable as official misconduct are punishable under applicable State law. However, that application not only raises ques-
tions under State law. But, in other words, other parts of this bill would extend only with Indian consent, but it also raises ques-
tions of whether similar State laws even exist, or if they do, whether they provide greater penalties.

This title provides that when approval of any agreement and their local judicial enforcement of such agreements 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.

This is a bill introduced by the House of Representatives to revise, compile and publish certain documents and materials relating to Indian rights, laws, treaties and other affirmations.

This analysis will compare Title IV of the 1966 Civil Rights bill, H.R. 14765, which passed the House on August 9, 1966, with this amendment. The Senate passed the April 22, 1966, 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 enforce-
ment. The House version sought to regulate only those in the business of building, selling, and so forth. The Senate version sought to encompass the whole commerce of building, selling, and renting houses, embraces every dwelling in the nation except certain cases where the conduct of the owner qualifies for an exemp-
tion from the law. The House version established strict enforcement procedures, whereas the Fair Housing Board as a new government agency with broad powers, similar to that of the Federal Labor Board, the Board would seek the vindication of his fair-housing rights before the Board, rather than going to court, as he would under the Senate version. Under the House version, the Secretary of HUD served in an ancillary enforcement capacity, but his powers were limited to investigating, publishing reports and studies, and co-operating with other agencies in eliminating discriminatory hous-
ing practices.

Under the Senate version, the Secretary of HUD is authorized to educate, persuade and enforce a national code. The Supreme Court has declared discriminatory housing practices. But, if the Secret-
ary of HUD is unsuccessful, the sole recourse under the Senate version is to the court. Under the Senate version, the Federal government similar to the guarantees of our Constitution, therefore, similar laws were not granted authority to enforce them.

The two versions differ in more particular ways. Under the Senate version, the discriminatory basis is that of race, color, religion or national origin. The House version covered the four bases but also, at times referred to the factors of economic status and of chil-
ren, both in their number and their age, as discriminatory bases upon which the bill was predicated.

The House version forbade real estate bro-
kers and the like from refusing to use their "best efforts" to accommodate any sale or rental be-
cause of race, color, etc., whereas the Senate version is silent.

Moreover, the House version forbade real estate bro-
kers and the like from engaging in any prac-
tice to restrict the availability of housing on the basis of race, color, etc., whereas the Sen-
ate version is silent.

The House version made clear that noth-
ging in the bill would nullify the "sale or lease with right of reversion or sale with option to re-
se to his commission, whereas the Senate ver-
en silence.

The question of the breadth of the enforcement power of the landlord, an agent, or the heart of the House approach in that they emphasized the freedom of the typical home-
owner in selling or renting, Sec. 405 said:

"(c) Nothing in this section shall prohibit, or be construed to prohibit, a real estate broker, agent, or salesman from complying with the express written instructions of any person not in the business of building, de-
veloping, selling, renting, or leasing dwellings, or otherwise not subject to the prohibitions of this section pursuant to subsection (b) or (c)hereof, with respect to the sale, rental, or lease of a dwelling owned by such person, if such instructions are given in writing and not solic-
ted, or induced by such broker, agent, or salesman, or any employee or agent thereof."

"But nothing contained in this bill shall be construed to prohibit or affect the right of any landlord, agent, or employee, to refuse to rent, a room or rooms in his home for any reason, or for no reason; or to change his tenants as often as he may de-

Since the House version regulated only those in the business of selling, renting, or financing real estate, whereas in such business were implicitly exempt although they were not expressly exempt. The only ex-
ception to this rule was the newly enacted section 409, quoted above) applied to homeowners.
renting rooms in the town "homes" (whatever that means) while the others, "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) as long as it is in the rental market, and only if the following four conditions are true:

1. (h) owns three or fewer single-family houses;
2. (e) sells no more than one non-residence in any one year period;
3. (f) sells without the services of a broker or realtor;
4. (g) sells without any discriminatory advertising.

The conditions present some problems.

The first condition is modified by an attribution 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 troublesome terms. A house "shall apply only with respect to one such sale within any twenty-four month period." What if two single-family "houses" sold at some intervals is the same, and which sale gets the exemption? The first? Or is it the seller's choice?

The third condition requires that, "after notice," there be no discriminatory advertising. What "notice"? By whom? There is no instruction in the entire Title of what is meant by "after notice." However, it is clear that regardless of circumstances, no one can make "any notice," statements, agreements, or advertising that constitutes discrimination, section 804(c). That applies to all dwellings except religious and fraternal or charitable or other beneficiaries of religious or charitable organizations. Which sale gets the exemption? The first? Or is it the seller's choice?

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The firearms
sections, the criminal sanctions apply with substantial power. But if the right to occupy a dwelling is protected by law, the right to hold a political rally is not. Compare section 901(a) of the 1966 bill. The criminal sanctions for the interference with any person because of his race, color, religion or national origin are applicable to us today.

The following is a list of the comparable sections in the House and the Senate versions:

**House version, 1966**
- Senate version, 1968

**TITLE IX—PREVENTION OF INTIMIDATION IN FAIR HOUSING CASES**

Title IX of the Senate version provides criminal sanctions in the fair-housing area, just as criminal sanctions are applicable to the fair-housing area. The Senate version apparently classifies the open-housing area as one of lesser federal interest. And just as in Title I, requires racial motivation as an element of the crime in one section, but not in another. Compare section 403(a)(1) of the 1966 bill. Since the treatment of open housing in Title IX is identical with Title I's treatment of the areas of lesser federal interest, there is no readily apparent reason why Title IX could not have been incorporated into Title I.

**Title V, section 501(a)(5) of the 1966 bill**

Passed by the House, also provided criminal sanctions for the interference with any person because of his race, color, religion or national origin, while he is engaging in the purchase, rental, or occupancy of any dwelling.

Note also that both of these protection provisions with criminal sanctions are broader in scope than the open-housing rights recognized for the civil-law purposes, in both versions of the 1966 bill, the criminal sanctions apply with reference to "any dwelling" without exception.

Mr. Speaker, we are supposedly considering a civil rights bill. As I have said before, what we have been dealing with here has been neither civil, nor right. I say to the Members of this Congress that before they vote today they should walk out that door and onto buses and ride through the destroyed areas and see with our own eyes how many of the Members about to vote have been through the ravaged region of this city. I ask how many have talked to the police officers and National Guardsmen and Federal troops who braved the war on Washington? And that is exactly what it has been—a war on Washington.

Total and utter destruction of blocks of the city creating havoc and spreading fear through this city such as has never been done before. And now we are asked to forge our usual calm, deliberative, legislative process, in an atmosphere of fear for our National Guardsmen, and for the Members of Congress who bravely answered the call. We ask for their help, and I have no idea how many of the Members about to vote here have been through the ravaged region of this city. I ask how many have talked to the police officers and National Guardsmen and Federal troops who bravely answered the call.

Mr. Speaker, I rise today not in opposition to this bill. I rise today to urge that the Members of this Congress put aside their desire to pass laws to control the people, and speak with all of the earnestness of my heart to speak for the police of this Nation. And I ask my fellow Members to consider that we are adding still another ingredient to their already overwhelming sense of duty by precipitous passing of a bill that will make it clear to them that their job cannot be done.

Mr. Speaker, will the gentleman yield? Mr. APSTIN. I yield to the gentleman from Pennsylvania.

Mr. CLARK. Mr. Speaker, we cannot underestimate 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 it 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 we continue the policy of nonsupport for our law-enforcement agencies.

Mr. Speaker, if there is an underprivileged minority, it is the white man. 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 wounded. And that is why I have 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 stampeded or threatened into precipitous legislative action that will in effect result in looting and plunder by those who have been asked to accept it quietly and at the same time be held responsible for the maintenance of law and order.

Mr. Speaker, those words by that individual in 1957 were applicable to us today. If we take the path of expediency, we will live to regret it. I say to you in my best judgment we should follow the time-tested principles of parliamentary procedure, because they are primarily in the best interests of our minority groups, and also in the best interests of all our citizens.

Mr. MADDEN. Mr. Speaker, I yield 2 minutes to the gentleman from Colorado (Mr. ASPINALL).
H. R. 2516, which includes titles II, IV, V, VI, and VII, relates to Indian affairs and the language portion is identical to the language of S. 1843 which has passed the other body and is now pending before the House Committee on the 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 Senate Committee on the 89th Congress. 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. An earlier version of the above 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 this 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 gentlewoman from Florida [Mr. Hale]. The first of these hearings were held on March 29, 1968. It would be a travesty on the legislative process if the House were to pass S. 1843 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 legislation. I believe that 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 disgusts for action which I think is contrary to the best interest of these 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 shall mention a few of them as illustrative:

First, one provision of Title II provides that an Indian tribal court shall conduct a trial of an individual in a criminal case shall be entitled to due process. It provides that 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 forms and formalities that the trial 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 courts, State courts, and Federal courts is technical and confusing. Some tribes have indicated that the maximum penalty provided by title II may be too lenient, considering the serious offenses of serious offenders escaping reasonable punishment.

Third, Trial by jury, although emboldened on the law, is forbidden to the members 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" will be reprinted, or whether secretarial regulations affecting Indians should be published separately from the publication in the Federal Register.

One other provision needs to be noted. Title IV would substantially amend Public Law 250 of the 83d Congress by permitting States to assume partial jurisdiction. Public Law 250 originated in the Interior and Insular Affairs Committee, and it is our intention to consider these two changes when S. 1849 is scheduled for hearing.

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 a public servant and a law observer, I shall never solve such problems. Just the reverse will be true. We shall continue to magnify and intensify them.

The strong feelings of pro-racism today and the growing fear among our people in their attitudes toward each other is no mere happenstance of the moment. I believe that it is a direct consequence of trying to go too far, too fast. Statutes, and statutes alone—no matter how nobly inspired—are not the sole, or even the main, answer to what is troubling us. We need, first of all, as a nation, to understand and act better—to come to know our ambitions, our goals, and our shortcomings—and, yes, above all, to know our possibilities and potentials, as a 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 shouting, the self-serving politician. They want the evolutionary leader, rather than the revolutionary one. They want leaders who are dedicated to the acceptance of equal opportunities and freedom for all.

The great majorities of our people fully realize and understand how our festerings of scores of discrimination and inequality will affect us 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 self-activated leaders may be. Accordingly, let us be done with overnight cures, with hasty and ill-advised panaceas such as continued statutory verglar. Rather, let us proceed to furnish within the law the protection that 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 is not acting in the interest of the people.

But as I said at the outset, the question before us is not a question as to whether one candidate or another is a true friend of the people or a serving politician. They want the evolutionary leader, rather than the revolutionary one. They want leaders who are dedicated to the acceptance of equal opportunities and freedom for all.

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But as I said at the outset, the question before us is not a question as to whether one candidate or another is a true friend of the people or a serving politician. They want the evolutionary leader, rather than the revolutionary one. They want leaders who are dedicated to the acceptance of equal opportunities and freedom for all.
While leading a mob protesting the presence of British troops, he was the first American to die in the cause of freedom. A Negro Militia was organized in New England; the 70 who faced the British at Lexington on the first day of the Revolution. Another Negro regiment was formed at the battle of Bunker Hill, killing Major Pitcairn, whose Redcoats had fired on the patriots at Lexington. Another Negro soldier, Salem Poor, was cited by General George Washington for his bravery at Bunker Hill. Negro regiments were raised in Massachusetts and Rhode Island. It is estimated that there were approximately 5,000 Negroes in the Continental Army during the American Revolution. Negroes were given their freedom after three years of military service.

2. The War of 1812: Negroes made up a large percentage of Oliver Hazard Perry's sailors in the great victory on Lake Erie and a significant part of Andrew Jackson's soldiers in the triumph over the British at New Orleans.

3. Mexican War: A very small percentage served in the Mexican War.

4. The Civil War: Nearly a quarter of a million Negro soldiers and sailors served in the Union forces. Was Union victory possible without Negro support? 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 constitutional right of all persons to equal rights and equal opportunity and respect, and more so, 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? They served in the Mexican war. They served in the Civil War. There were nearly a quarter of a million American Negro soldiers and sailors and they served in the Union forces. There were also Negroes in the Confederacy.

In the Indian wars the American Negro served with great distinction. The Spanish-American War—they were there, they were at San Juan Hill and elsewhere.

In World War I there were about 342,000 Negro soldiers and in World War II there were 1,175,000 American Negroes who served.

Mr. COLMER. I yield to the gentleman from Alabama briefly.

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?

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 that the passage of that legislation would take our civil rights movement off the street. Today, however, the House is being asked to consider yet another civil rights bill. The Negro leaders who 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 Capitol and patrol the streets protecting the Capitol Building itself.

I submit that no law should be considered under such conditions in a free and democratic society.

The spurious notion has been advanced in recent days that somehow the Negro rights movement is not 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 Amendment today is one of the most serious infringements on that right ever to be put before an American Congress. This is not a civil rights bill but a bill which would sacrifice individual free doms on an altar of election-year expediency.

I therefore ask that the House reject
Mr. COMLER. 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 rights of our citizens, 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.

I believe the Committee on the Judiciary was selected 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 that body has been permitted 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 the limitations that have been placed upon this body? I hope that the Judiciary Committee will proceed to do that. In due course both of these bills were passed in the House in August 1966, and H.R. 2516 as passed in the Senate, Mr. Speaker, will the bill now before us have 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 February 2, 1967, in a hearing which was 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

With reference to my privilege to make the following statement, which is a comparison of the open housing provisions of H.R. 14765, as passed by the House in August 1966, and H.R. 2516 as passed in the Senate on March 11, 1968.

A casual reference to that study will indicate that whereas the open housing provisions of H.R. 2516 which did not appear in the House bill which we had before us in the 89th Congress, and the House in August 1966, was not only the most far-reaching in its scope, but also the most consistent with the principles of personal freedom and the expression of personal 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, I yield briefly to my friend, the gentleman from North Carolina [Mr. Whitemer].

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 should 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 type of the House. It is a contention that is not impressive to me since I observe that the entire debate has been a discussion of parliamentary procedures and personal 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.

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 should be considered in committee before forced down the throats of the Members of this body.

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. 14765, as passed by the House in August 1966, and H.R. 2516 as passed in the Senate on March 11, 1968.

A casual reference to that study will indicate that whereas the open housing provisions of H.R. 2516 which did not appear in the House bill which we had before us in the 89th Congress, and the House in August 1966, was not only the most far-reaching in its scope, but also the most consistent with the principles of personal freedom and the expression of personal 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.
I certainly concur with the gentleman from Florida that one of the elementary principles that we lawyers have always accepted is that a man could do through an agent what he could do himself.

I think it is very wrong that this bill upon an almost immutable principle of the law of agency is not justified and that we in this body have not moved to provide that whoever whether or not acting under color of law, does certain things is 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 qualifying or acting as a poll watcher or any legally authorized election official in any primary, special or general election.

So, it seems to me that title I, not to open housing.

I might give you another outstanding authority which I see here before me. In Peterson v. The City of Greenville, 373 U.S. 444, a case decided in 1963, the Chief Justice had this to say, and I quote:

"I am wondering whether not the Supreme Court had ruled on this question of open occupancy as far as the individual homeowner is concerned.

Mr. WILKES. My reference is to title I, not to open housing.

I might give you another outstanding authority which I see here before me. In Peterson v. The City of Greenville, 373 U.S. 444, a case decided in 1963, the Chief Justice had this to say, and I quote:

"I cannot be disputed that under our decisions private conduct abridging individual rights and freedom is protected. The word 'section' unless to some extent the State in any of its manifestations has been so turned loose in all communities. It is a great deal offensive to all Americans to have anyone interfere with their right to own and dispose of property. I think this is offensive equally to the Fourteenth Amendment to the Federal Government and the individual state constitutions.

I don't believe any of us would argue that there is any difference in our feeling on that subject.

In my own community where we have not been as concerned, apparently, about where we should create exclusively a Federal offense if one interferes with, because of color, religion, national origin, persons serving or attending upon any court in any State in connection with the possible service as a grand or petit juror. For do I see how we find authority to say that in a water district election in North Carolina or any other State, that if some individual walks in from the bar, the corner bar, and interferes with the right or the privilege of one to vote, or qualifying to vote, or if he walked in and said that I was a slum neighborhood. They live there now without friction.

I am saying 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, he 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 boldly proclaim that any such law as that was a foolish law.

This I think is something that we must remember here. There are some people who believe in southernners and Negros in this country.

There are members of religious groups, I know when I went to Brooklyn in World War II, when the Navy was stationed there, that the social life, residential decisions, and everything else in the community where I was stationed around the end of the war.

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 another Methodist was about to vacate. It was purely on the basis of my religious affiliation and in that time of great housing shortage we found the place to live. But under this bill, as I understand it, I cannot say if I put any beef on the other side of the issue to you, "Well, I will tell you one thing, I am not going to sell it to a Baptist, I am going to sell it to a fine fellow Methodist and I am going to take it to my church to look after the Methodists.

If I were an Italian living in an Italian neighborhood, I wouldn't say, "I don't have my broker go out and say, "We don't want any Polish people here, we want to sell this place only to Italians."

If you apply Federal law to every Indian title because, frankly, I am not too familiar with those titles. My distinguished senior Senator from North Carolina in the father of these Indian titles. While I am not disinterested in the Cherokee Indians, Lumbees, Croatians or the others that are in North Carolina, I have not had occasion to know about the problems which Senator Ervin and Mr. Kennedy have brought forward.

I do understand that some of the members of the House committee which has jurisdiction over the Indian affairs, has expressed some dissatisfaction on being dealing with the Indian, and feel that it is a matter that should be studied by that committee.
individual that you know that had prejudice about many, many different matters, the Fed­er­al courts in some cases have had to handle the case.

The antitrust provision we are all familiar with, I would like to point out a rather interesting provision. If you will turn to page 9 of the bill, you will note that in the chapter 102 on page 9, it is in title 1, I guess, it was rather interest­ ing. In that chapter 102, what I noted, that a con­ flict on riots, the other body was very anx­ ious to write into that title at the bottom of page 9. In that chapter 102, what is contained in this section shall be construed to make it unlawful for any person to travel in or use any facility Interstate or foreign commerce for the purpose of pursuing the legitimate objectives of organized labor through orderly and lawful means.

A riot as the bill defines it is a public dis­ turbance involving, one, an act or acts of violence by one or more persons, part of an assembly of three or more persons, or acts 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. Rather individual or collectively, the ability of immediate execution of such threat, or act, an act of violence would consti­ tute a clear and present danger or would result in damage or injury to the person of any other individual.

This protective provision for labor organi­ zations, we have written into this provision with reference to riots.

Now when you get to title X, and you tell with civil disorders which are disturbances of a lesser degree than a riot, you don’t find this provision. While I don’t advocate civil disorders or any conduct that disturbs the public peace in connection with labor dis­ putes or otherwise, I do think that it is rather important that the one thing written in this title X of the bill would be so restrictive upon people and might subject them to criminal penalty in some cases.

What is a civil disorder, according to this bill? It means any public disturbance in­ volved by acts or acts of violence by one or more persons having individually or collectively the ability of immediate execution of such threat, or act of violence would constitute 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.

So when you get to title X, and you tell with civil disorders which are disturbances of a lesser degree than a riot, you don’t find this provision. While I don’t advocate civil disorders or any conduct that disturbs the public peace in connection with labor dis­ putes or otherwise, I do think that it is rather important that the one thing written in this title X of the bill would be so restrictive upon people and might subject them to criminal penalty in some cases.

As I view this definition, that is a civil disorder. Suppose that in connection with a labor dispute this same event occurred among three of the people who were in­ volved—of course, it would be a riot. But if you were involved in the labor dispute and one who was not involved but was friendly to manage­ ment.

The person could show under title X that either one of these men the week before had gone downtown to one of these karate training­ orders. Suppose that that a labor dis­ pute was coming up next week and he didn’t know what may happen but he wasn’t very well able to take care of himself, and he was afraid he might get hurt. If I say that under this provision the man who ran that training school, who knew that this individual was involved in a labor dispute and taught him—and line 14 of page 46—“a technique capable of resulting in bodily injury or death to persons” could be imprisoned. The same thing could happen if someone had taught another person to use a firearm and had reason to believe that this man was about to go into a labor dispute, because certainly the language in this case is where they use the words delay or obstruct, delay or adv­ erse affect commerce, or the movement of any article or commodity in the com­ merce of any State, or the movement of any other person or to the person of any other individual that you know that had prejudice about many, many different matters, the Fed­er­al courts in some cases have had to handle the case.

The antitrust provision we are all familiar with, I would like to point out a rather interesting provision. If you will turn to page 9 of the bill, you will note that in the chapter 102 on page 9, it is in title 1, I guess, it was rather interest­ ing. In that chapter 102, what I noted, that a con­ flict on riots, the other body was very anx­ ious to write into that title at the bottom of page 9. In that chapter 102, what is contained in this section shall be construed to make it unlawful for any person to travel in or use any facility Interstate or foreign commerce for the purpose of pursuing the legitimate objectives of organized labor through orderly and lawful means.

A riot as the bill defines it is a public dis­ turbance involving, one, an act or acts of violence by one or more persons, part of an assembly of three or more persons, or

The question here before this committee is whether we are going to adopt the version of this bill as it was changed last week. We took it as it is with no opportunity for amend­ ment in a very limited discussion. Of course the discussion amounted to nothing if you can’t amend anything.

Mr. Whitener. Certainly 1 hour discussing would not be adequate.

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 com­mittee 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 a better procedure.

Mr. Whitener. Mr. Chairman, if this bill went back to the Judiciary Committee, I can see no reason to do so because you had an opportunity to amend the bill. But if you were a bill which had a record of strong sup­port of civil rights legislation who would be opposed to amendments to this language and who would be opposed to that?

Mr. Whitener. Certainly the Senate is going to adopt the version of this bill as it was changed last week. We took it as it is with no opportunity for amend­ ment in a very limited discussion. Of course the discussion amounted to nothing if you can’t amend anything.

Mr. Chairman, if this bill went back to the Judiciary Committee, I can see no reason to do so because you had an opportunity to amend the bill. But if you were a bill which had a record of strong sup­port of civil rights legislation who would be opposed to amendments to this language and who would be opposed to that?

The committee refined and improved the legislation. I don’t believe that it is good legis­ lative practice for us to approve the lan­ guage of this so-called compromise that somebody wrote one night in the Senate Office Building without subjecting it to the type of study that it should have.

The committee went back to the subcommittee, Subcommittee No. 2. I believe it is. In the full committee we have virtually rewritten them. I believe the gentle­men who are in the committee, with us on the Judiciary Committee during the consider­ations of some of those. The committee refined and improved the legislation. I don’t believe that it is good legis­ lative practice for us to approve the lan­ guage of this so-called compromise that somebody wrote one night in the Senate Office Building without subjecting it to the type of study that it should have.

Mr. Whitener. Mr. Chairman. I think in fairness—I am not trying to argue both sides of the case—perhaps you being the gentleman, and I re­iterate what I said before, that if this bill went back to the Judiciary Committee I would not be at all surprised to see our distinguished chairman of the Judiciary Committee and Mr. McCulloch and others taking key amendments to the bill.

The committee has taken no step—and I think we ought to be fair with them— is their apprehension that if the bill goes back to the Judiciary Committee, they won’t have a chance, that they won’t have a con­ ference route, that there will never be any­ thing except a roadblock created. I don’t agree with that, right, as Mr. Anderson pointed out, of the fact that the Senate voted cloture I believe twice in 2 weeks.

I think that this bit of history gives more support for the position that we take. This bill should go to the Judiciary Committee for
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, and I will record my yeas and nay vote. A "yea" 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.

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, N. Dak.
Addabbo, N. Y.
Alger, Mich.
Anderson, Ill.
Andrews, N. Dak.
Annamunno, Calif.
Ashley, Miss.
Ayres, Calif.
Barrett, N. Y.
Bates, Tenn.
Bell, Utah
Biestler, Calif.
Bingham, Utah
Blatnik, Minn.
Boggs, Ohio
Bolling, Mich.
Braden, Md.
Brass, Calif.
Brooks, W. Va.
Brookfield, Wis.
Brown, Calif.
Brown, Iowa
Brown, Ohio
Burke, Mass.
Burton, Calif.
Butler, Ohio
Byrne, Pa.
Cahill, Mass.
Call, Va.
Cameron, Wash.
Cable, Oreg.
Coburn, Calif.
Coleman, Iowa
Connell, Mass.
Cooke, Ky.
Conover, Ohio
Corbett, Ohio
Corman, Ohio
Cowger, Mich.
Cunningham, Iowa
Daddario, Conn.
Davis, Ala.
Dellabenda, N. J.
Dent, Va.
Dingell, Mich.
Dingue, Del.
Dow, Iowa
Dungan, Okla.
Duffy, Calif.
Dewey, Calif.
Dick, Vt.
Dinkins, Calif.
Dingle, Mass.
Donohue, Calif.
P. Donley, Md.
Dukakis, Mass.
Ellinger, Calif.
Elenborn, Calif.
Esch, Calif.
Eshelman, Pa.
Evans, Colo.
Fallon, Calif.
Farbstein, Ohio
Fassell, N. Y.
Feighan, Ohio
Findley, Ohio
Foley, Mass.
Ford, Calif.
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Foland, Calif.
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Fortenberry, Minn.
Fortney, Ky.
Foulds, Neb.
Fowler, Iowa
Frazier, Calif.
Funk, Calif.
Gage, Calif.
Gallegos, Calif.
Gallegos, N. Mex.
Gallagher, Mass.
Gallagher, Iowa
Gamache, N. Mex.
Gangloff, Mich.
Gant, Minn.
Gates, Ohio
Gaither, W. Va.
Gay, Calif.
Gay, Ohio
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Gilbert, Mass.
Gillespie, Texas
Gill, Calif.
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April 10, 1968

CONGRESSIONAL RECORD — HOUSE

I take this time to inquire of the gentleman from Oklahoma the program for the remainder of today.

Is it the intention that we take up the excise tax extension proposal and the maritime authorization bill?

Mr. ALBERT. The gentleman is correct. If the House will recognize me at this time, I will offer a concurrent resolution for the adjournment.

ADJOURNMENT OF THE HOUSE FROM APRIL 11, 1968, TO APRIL 22, 1968

Mr. ALBERT. Mr. Speaker, I offer a concurrent resolution (H. Con. Res. 761) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. CON. RES. 761

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on Thursday, April 11, 1968, it stand adjourned until Monday, April 22, 1968.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

AUTHORIZATION FOR CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House from April 11 to 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?

There was no objection.

PRIVILEGE OF EXTENDING AND REVISING REMARKS IN THE CONGRESSIONAL RECORD NOTWITHSTANDING THE ADJOURNMENT UNTIL APRIL 22, 1968

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 privileges 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 short quotations as may be necessary to explain or complete such extension 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?

There was no objection.

LEGISLATIVE PROGRAM FOR TODAY

Mr. GERALD R. FORD. 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?

There was no objection.

Mr. GERALD R. FORD. Mr. Speaker,
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 prevails 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 upon the Committee of the Whole to consider the joint resolution and its proposed amendments.

Mr. Speaker, the request of the gentleman from Arkansas?

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

The Speaker. The gentleman from Arkansas is recognized.

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-per cent rate of the manufacturers' excise tax on automobiles and the 10-per cent 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-passed bill (H.R. 1122) and 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-per cent rates of these excise taxes expired on April 1. At the suggestion of the Treasury, the manufacturers involved have agreed to collect the excise taxes at 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, 1969. In fact this matter is not even in conference. The Treasury instruction is a temporary expedient, however, and legislation 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-per cent 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 the 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 on the House of Representatives for consideration of the joint resolution (H.R. 15189) to authorize appropriations for certain maritime programs of the Department of Commerce, to be confided 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 on Merchant Marine and Fisheries, the bill shall be read for amendment under the five-minute rule, and the committee 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 on 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. Quillen), pending which I yield myself back to the chair.

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, or reconstruction, or reconditioning of ships—$328,000,000;

Second, payment of obligations incurred for operating, or construction, or reconstruction, or reconditioning of ships—$257,000,000;

Third, expenses necessary for research and development activities, $1,000,000;

Fourth, reserve fleet expenses, $5,000,000;

Fifth, maritime training, at the Merchant Marine Academy at Kings Point, N.Y., $5,177,000;
Sixth, financial assistance to State marine schools, $2,035,000.

Mr. Speaker, this is a very meritorious matter in the minds of the people. It would permit the people of Maryland 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.

Mr. GARMATZ. Mr. Chairman, the purpose of this bill is to authorize appropriations for certain 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 provides an increase of $122,105,000, bringing the total to $466,961,000. The increase is almost totally allotted for ship construction.

The increase was necessary to permit the Maritime Administration to contract for the construction of some 27 new ships as compared with the 10 provided in the administration's request.

The committee notes that unobligated funds totaling $103,300,000 remain from fiscal 1968. It recommends that these funds be used and the full increase be approved and used, our merchant fleet will still not begin to approach the strength noted later 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 683.

The Maritime 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. PEPPEI. 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.

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.

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, 15189, with Mr. GILBERT in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Maryland (Mr. GARMATZ) will be recognized for 1 hour and the gentleman from California (Mr. MAURICE) for 1 hour.

The Chair recognizes the gentleman from Maryland (Mr. GARMATZ).

Mr. GARMATZ. Mr. Chairman, I yield myself as much time as I may consume. Mr. Chairman, the purpose of this bill is to authorize appropriations for certain maritime programs of the Department of Commerce. To put it in more familiar terms, this bill would authorize for fiscal 1969 appropriations for the principal activities of the Maritime Administration in carrying out our national maritime policies.

I will recall that on September 5, 1967, the House passed H.R. 158, which would require authorization of funds for certain programs of the Maritime Administration in the Department of Commerce to precede the making of appropriations by the President and become Public Law 90-81.

That bill required that after December 31, 1967, only such sums as the Congress might specifically authorize by law might be appropriated for maritime activities, including such matters as vessel construction, vessel operations, reserve fleet expenses, research and development, maritime training at the Merchant Marine Academy and the State marine schools, and the vessel operations revolving fund.

The bill before you today is our first exercise of oversight under Public Law 90-81. It was introduced in response to Executive Communication No. 1434, dated January 31, 1968, from the Acting Secretary of Commerce, recommending legislation providing for maritime activities, without fiscal year limitations, for maritime programs for the fiscal year 1969.

This bill, as introduced, would authorize funds for fiscal year 1968 for all purposes required under Public Law 90-81 except the vessel operations revolving fund. No authorization in the latter case was either sought by the Department of Commerce or added by your Committee on Appropriations for expenditures increased 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 budget request, it is substantially less—$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 $11,200,000.

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 benefit 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 heavily employed—and it is our belief that the Maritime Administration is in the position to evaluate the probable requirements.

Our committee is fully cognizant and
sensitive to the present overall fiscal pressures 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 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.

The 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 consensual in the light of our known needs, requirements of operators, and capability of the American shipyards.

I strongly urge favorable action on this legislation.

Mr. WALTER. 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 stated the supporting reasons for our bringing in a bill even under these circumstances. 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 Sept. 5, 1967.

H.R. 15189 with the committee amendment is the product of several weeks of extensive hearings and executive de­liberations between representatives of the Government 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 unanimously agreed that the present maritime industry dic­

tated increases in certain programs, and accordingly amended the legislation submitted by Executive Communication No. 1434. The committee's amendment increases the administration’s request for the several maritime programs by slightly more than $122 million in the following manner:

First, Ship construction-differential subsidy and related activities has been increased by $117,670,000, that is, from $119,800,000 to $237,470,000.

Second, Maritime research and development has been increased by $4.3 million, that is, from $6.7 million to $11 million; and

Third, Financial assistance to State marine schools has been increased by $153,000, that is, from $1,900,000 to $2,053,000.

By far the most important increase made by the committee amendment was the provision for funds to be appropriated for new merchant ship construction. At first blush, this increase may appear to be substantial. However, the demonstrated needs of the industry for vessel replacement needs to meet this national need.

Several years of cumulative neglect combined with executive deferral of the expansion of funds appropriated by the Congress for new merchant ship construction have resulted in extraordinary vessel replacement needs. This situation has been further aggravated by the decreased demand for marine vessels in the industry resulting from the failure of the President to submit the “new” maritime policy which he promised more than 3 years ago in his state of the Union message of January 1965. Several of the subsidized American ship operators have requested and have been granted deferrals in their vessel replacement obligations instead of the air of uncertainty surrounding the future fate of the industry.

As a result, the merchant ship replacement program, commenced in 1958, is 81 vessels behind schedule, and committee amendment on meeting our dry cargo vessel 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 Committee on Merchant Marine did take cognizance of this dramatic shift in our trading patterns and the need to address attention to our dry bulk shipping capability. This fact is demonstrated both realistc and wholly justifiable.

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

Mr. MAILLIARD. Mr. Chairman, I believe the motive of the Administration 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, the rate of foreign lines for freight, and so forth, in 1 year 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 subcontracts of our vessels should properly be cut down by the amount we pay out each year to foreign shipowners.

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 growing, and it is growing away from the coalition, the turn over 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.

So 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 simply will not have a b Morton 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 gentleman will concede, we do not do so for national defense, but for our economy. It is for both. Both are vital.

Mr. GROVER. For the past 6 years we have been presiding, as anyone has said, at the last rites of our merchant

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Mr. GROVER. For the past 6 years we have been presiding, as anyone 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 extremely difficult straits. If we phasing-out the U.S. Marine Corps, which is another part of our defense security, we would hear a hoot and a howl from all over the country. Now we are phasing-out the fleet and our defense, and we are doing so very passively.

Mr. PELLY. I agree with the gentleman.

Mr. GARMATZ. Mr. Chairman, I yield to the gentleman from Virginia.

Mr. DOWNING. Mr. Chairman, there can be no question of the need of our country for an adequate merchant marine. We may differ as to what constitutes adequacy, but there can be no difference of opinion with respect to the fact that the relative handful of vessels in operation is totally inadequate.

We are carrying less than 8 percent of our own commerce. We had to dig 25-year-old vessels from the reserve in order to maintain our supply line to Vietnam, and we have virtually no ore carriers under our flag. Our tramp fleet is virtually obsolete and considerably more than half of our liners are overdue at the shipbreakers.

I am conscious of the needs of our Government for expenditures in other fields, but my experience in connection with the 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 shippers.

Shipbuilding is not something we can turn on and off like an electric light; we must set up a program beginning right now, and not overly long a period 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 length of 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 engineeroom 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. Edwans).

Mr. EDWANS 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 in the direction of building up our 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 ships in the merchant marine 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 become inadequate. And we have seen the American merchant marine fall in almost every category from its once proud heritage.

I reserve to think this bill is the first step, the first step in turning the merchant marine back to that status in the world that it should have.

Mr. GARMATZ. Mr. Chairman, I yield to the gentleman from Maryland (Mr. FALLON) the chairman of the Committee on Public Works.

Mr. FALLON. Mr. Chairman, I rise in support of this long overdue legislation.

Mr. Chairman, the need to update our merchant marine in the light of the reasons is many. I do not think it necessary to repeat many of the very valid arguments already presented on many occasions for a viable merchant fleet. But I would like to present a few cold, hard facts that deserve repeating.

Almost everyone acknowledges that we cannot depend upon foreign maritime powers to transport the goods so vital to our National defense in case of emergency. We are, at this moment in time, becoming increasingly dependent upon foreign ores to maintain our industrial complex. Iron ore, for example, is brought from Labrador and other areas in the world to feed the blast furnaces in our country. America's national security would be imperiled if these foreign ores to maintain our industrial complex. Iron ore, for example, is brought from Labrador and other areas in the world to feed the blast furnaces in our country. America's national security would be imperiled if these supplies were not available. The problem is that the United States is only transporting about 7.4 percent of its own foreign commerce on American-flag vessels. In other words, foreign ships are carrying better than 92 percent of America's foreign commerce.

We are all aware of the great service rendered by our merchant marine in carrying this yard. We must start building now to prepare for future emergencies.

The bill being considered by us today represents a bare minimum toward a start on the long road to an adequate merchant marine. The amount of money involved is relatively small compared to some of our other undertakings. We can and must have a proper fleet for our own welfare, both commercial and defense, and can have it unless we build ships now. To say that we will build them when this emergency is over, or next year, or any other time, is no answer, because we know from experience that there are always demands on our budget. Unless we take care of the most immediate requirements first, we will never take care of them at all.

Mr. Chairman, I am completely convinced that this is a requirement that demands immediate action.

Mr. GARMATZ. Mr. Chairman, I yield to the gentleman from Maryland (Mr. Furse).

Mr. FRIEDEL. Mr. Chairman, I heartily endorse H.R. 15189. I heard the chairman, Mr. GARMATZ, and Mr. MAILLIARD speak so eloquently in bringing out the real reasons why we should have a strong merchant marine.

Mr. Chairman, I am completely convinced of the necessity for the enactment of this legislation as reported by the Merchant Marine Committee. Despite our rising world commerce, and rapidly increasing demands upon our defense establishments overseas, our merchant fleet continues to diminish at an alarming rate.

Over the centuries, the preeminence of Great Britain was based primarily upon her large merchant fleet. Its ships were capable of carrying its products to all the corners of the world, and of returning with vital raw materials. Today, the situation is similar to that which Britain formerly occupied. We have assumed obligations when we warn that the United States is only transporting about 7.4 percent of its own foreign commerce on American-flag vessels. In other words, foreign ships are carrying better than 92 percent of America's foreign commerce.
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 our example or our development. This can best be done, not by gifts of money, but by encouraging them to produce products that can enter into the stream of world commerce. We must do our part by providing adequate transportation for such countries.

Ironically, at the moment, we are in the unhappy position of not being able to send a ship by providing a facility for 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.

Let us embark upon the long, hard road toward an adequate merchant marine and this involves money. How can we justify not spending a few million dollars on such an important, pressing need when we are willing to spend billions to put a man on the moon? I submit that, if we do not provide the funds called for in this legislation, we are shirking our responsibility, not just to our Nation, but to the entire free world.

Mr. GARMATZ. 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. I yield to the gentleman from Iowa.

Mr. MAILLIARD. Of course, we cannot be too precise, since these 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 $102.3 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 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 up 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 might be able to cut the foreign aid or 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 kind of proposal.

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 a pretty good inducement to the condition of the shipyards of this country. I assume that in the matter of ship construction in American yards it is pretty expensive as well, and when we compare the cost of building a vessel in American yards it is pretty expensive as well, and when we compare the cost of building a vessel in American yards with the cost of building a vessel in European yards or foreign yards, many of which were bombed into destruction during World War II, we see that the dollar is right around and provided the money for rebuilding them into modern shipyards.

Meanwhile American shipyards have become obsolete, resulting in higher costs of construction. This means the American taxpayer is soaked both ways— for the money the U.S. Government has taken from him to rebuild up-to-date foreign yards and now for the additional subsidies necessary for the building of needed freighters in the shipyards of this country.

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

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

Mr. PELLY. Mr. Chairman, I would like to comment to the gentleman that the way our merchant marine exists today, we have to use foreign ships to carry our cargoes, and we can carry only 7 percent of our own merchant shipping. That is the reason for the aid program we should cut down on.

Mr. GROSS. Yes, that, and the granddaddy of all, the annual multibillion-dollar foreign aid program. We could build a lot of ships with even a fraction of the $152 billion which the handout artists in this Government have peddled around the world in foreign aid since World War II.

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

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

Mr. GARMATZ. Mr. Chairman, I agree with the gentleman. We have $12 billion in the pipeline, and I will go along with him this year.

Mr. GROSS. Mr. Chairman, I thank the gentleman.

Mr. GARMATZ. Mr. Chairman, I have no further requests for time.

Mr. MAILLIARD. Mr. Chairman, I have no further requests for time.

Mr. GROVER. The Chairman. The Clerk will read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That funds are hereby authorized to be appropriated without fiscal year limitation as the appropriation Act may provide for the use of the Department of Commerce, for the fiscal year 1969, as follows:

(a) acquisition, construction, or reconstruction of vessels and construction-differential subsidy, $206,000,000; (b) expenditures necessary for research and development activities (including reimbursement of the Vessel Operations Revolving Fund for losses resulting from expenditures of $11,000,000; (c) maritime training at the Merchant Marine Academy at Kings Point, New York, $5,177,000; and

(f) financial assistance to State marine schools, $15,000,000.

Mr. PELLY (during the reading). Mr. Chairman, I ask unanimous consent that the bill be considered as read, printed in the Record, and open to amendment at any point.

The CHAIRMAN. Is there objection to the amendment of the gentleman from Washington?

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

AMENDMENT TO COMMITTEE AMENDMENT OFFERED BY MR. PELLY

Mr. PELLY. Mr. Chairman, I offer an amendment to the committee amendment.

The Clerk reads as follows:

Amendment to the committee amendment offered by Mr. PELLY: On Page 3 immediately after line 6, insert the following new paragraph:

"None of the construction, reconstruction, or reconditioning of ships authorized in Paragraph (a) shall be procured from other than shipyards and facilities within the United States."

Mr. PELLY. Mr. Chairman, H.R. 15189 authorizes, under paragraph (a), funds for acquisition, construction, or reconstruction of vessels and construction-differential subsidy.

Under my amendment, a new paragraph is added to the bill which provides that none of this construction, recon-
construction or reconditioning of ships shall be procured from other than shipyards and facilities within the United States. This is the same provision which the House was authorized to follow 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, in adopting this policy, because there are powerful individuals in this administration who advocate building some of our ships abroad. Only three weeks ago, the Maritime Administrator, James Gulick, testified before the House Merchant Marine Committee that his agency favored a policy of permitting the building of midbodies or parts of ships in foreign yards for jumboizing our American ships in our yards. Mr. Boyd, has for a long time advocated this amendment. He pointed out this policy was needed to avoid block obsolescence and need, if necessary, to subsidize shipbuilding to keep the assembly lines going in the United States. We need to be able, without the spending of $1 billion a year in hulls for bolts, screws, and equipment. So how do we come in this committee to do this when it says in the first line "That funds are hereby authorized to be appropriated without fiscal year limitation as the appropriation act may provide."

What is an authorizing or legis­ lating committee if we are going to pass the bill to the Senate without a hearing and instead of reviewing in the committee each year by line item the new construction and reconditioning? These are the questions that I want to know before we accept almost automatically the hearings in the evening the bill which otherwise I am strongly in favor of.

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

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

Mr. MAILLIARD. I am fully in accord with the gentleman's amendment, but in all honesty I should point out that which is contained in very stringent language in the present law. Section 505(a) reads:

All construction in respect of which a construction differential subsidy is allowed under this title shall be performed in a shipyard within the continental limits of the United States, and, except when the ship has to be worked out between the lines of the shipyard, the Government, and the prospective owner, in the United States or having certificates of registration under the Maritime Administration.

That really is even stronger than the language of the gentleman's amendment.

While I certainly agree with the gentleman, I believe this is unnecessary.

Mr. PELLY. I am glad to yield to the gentleman from California.

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Mr. PELLY. I am glad to yield to the gentleman from California.
Mr. HALL. I am happy to yield again to the gentleman.

Mr. MAILLIARD. I thank the gentleman for yielding.

In a sense we did just what the gentleman is talking about because, when we came up with this total figure as against the program, the approved number of ships, and so forth, we deducted from what we are now authorizing the carryover funds from prior years. So where we may have gone at it a little differently than the gentleman's committee, I believe we have very tight control, as long as we always compute the carryover into the current authorization.

Mr. HALL. That is very reassuring, and I am certainly not trying to fit our hat on the gentleman's committee.

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

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

Mr. Chairman, I rise in support of the bill.

H.R. 15189 is a bill authorizing appropriations for certain maritime programs. Because of the fact that the American Merchant Marine has all but been eliminated from the high seas, this bill is vital to both the security and economy of the United States.

More than 80 percent of our American-flag ships are more than 20 years old. In the next 5 years, if we continue at the present rate of ship construction, our U.S.-flag fleet will drop to only 244 ships which are not virtually obsolete because of age.

Only $119,800,000 was requested for construction of new ships; the Merchant Marine Committee increased this amount to $337,470,000, which, taking into account a carryover of unobligated funds totaling $103,300,000, will enable the Maritime Administration to contract for about 27 new, modern ships.

There is no change in the budget request of approximately $20,000,000 for the National Maritime Training Center at Pensacola.

There is a change, however, in the request for instructional materials amounting to $200,000,000, which is more than twice the amount requested in the fiscal year 1968 authorization bill.

The material funds requested will be available in fiscal year 1969 for ship construction.

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

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

Mr. Chairman, I thank the gentleman from Missouri. I am to be congratulated on the substantive point. But I think the gentleman from California, the ranking minority member of the committee, has pointed out the urgency of this situation.

I personally want to congratulate the members of the committee, particularly my colleague, the gentleman from Maryland, the distinguished chairman of the committee, for the initiative that they have taken in going forward in this authorization bill. In increasing the budget for the Maritime Administration, I believe that the increase in funds that have been requested in this authorization will prove to be one of the most valuable investments that this country has made.

The merchant marine and the maritime industry generally is so vital to all that this country does and all that this country aspires to do.

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

Mr. Chairman, the distinguished chairman of the Committee on Merchant Marine and Fisheries has clearly and succinctly outlined the basic purpose of this bill, its background, and its effect.

The rules of the House provide that—

No appropriation shall be reported in any general or continuing resolution in lieu of an amendment thereto, for any expenditure not previously authorized by law—

With appropriate exception in the case of continuation of appropriations for such public works and objects as are actively in progress.

This rule has been with us since 1837.

Questions have been raised as to why we are now asking for annual authorization for maritime programs—why they have not been required before—and how long has it been since the annual authorization authority was lost.
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 which we had let ourselves become dependent upon in the prewar years was 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 enacted for the administration of these programs of building and sell 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 act.

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 amounts 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 a change in the pattern of the past—and I think it is very pertinent to the background of what we are doing today.

When the Merchant Marine Act of 1936 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 your committee that if it is to exercise and maintain its legislative responsibility over our maritime policies and programs, we must review such policies and programs annually. 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. GIFFORD, Chairman of the Committee of the Whole House on the State of the Union, reported that the Committee having had under consideration the bill (H.R. 15189) 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. KUPFERMAN. Mr. Speaker, the American Museum of Natural History in the City of New York, was incorporated in April of 1869. It is an important event for Americans and for the whole world.

Incorporated in 1869 to encourage and develop the study of the natural sciences, advance the general knowledge of kindred subjects, and furnish popular instruction, it has become the finest museum of natural history in the world. It occupies a four-block area of New York City-owned land on Central Park West, south of 81st Street and facing my district. Its 19 buildings contain over 50 exhibition halls, a large library, two auditoriums, and the American Museum-Hayden Planetarium. Its main entrance on 79th Street and Central Park West stands as New York State's memorial to Theodore Roosevelt, a former Governor of New York and the great 26th President of the United States, whose father was one of the founders of the museum.

Nine of the nine years of research and service of expeditions have filled the museum's 58 halls and 11.5 acres of floor space with exhibitions covering every aspect of natural science, while millions of valuable specimens comprise the study collections used for research and investigation.

The scientific and educational work of the museum is carried on by 13 departments, each headed by a chairman or curator under the leadership of the Director. The funds through which specimens are purchased, exhibitions constructed, explorations carried on, and scientific investigation conducted are contributed by the trustees, members, and other friends. The city of New York pays for the maintenance of the building, education, and custodial staffs, amounting to one-third of the museum's budget. Its research program in part is supported by Federal funds.

During the course of its history the museum has changed and developed with the changing times. The original concept of the museum which limited its scientific investigations to anatomical study and classification of dead forms has undergone a tremendous evolution and growth in recent years. It now embraces the whole field of ecology, the study of living plants and animals in relation to other living species, and to the chemistry and physics of the environment. Today, the American Museum is at the forefront of research in systematic biology and evolution, in studies of fossil and live animals of many varieties, and in investigation about man and his cultures from earliest times to the present. The American Museum-Hayden Planetarium conducts an active growing program of research and education in astronomy.

Very important too is the fact that the museum is part of the effort made by the city of New York, the largest city in the Nation, to create better citizens. The thousands of elementary school, college, and postgraduate students who visit the museum every week emerge inspired to

AMERICAN MUSEUM OF NATURAL HISTORY CENTENNIAL IN 1969

The SPEAKER pro tempore (Mr. ALBERT). Under previous order of the House, the gentleman from New York (Mr. KUPFERMAN) is recognized for 15 minutes.
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 was an ambitious exhibition program. In 1959, the museum has opened 10 permanent halls and some 30 special exhibitions and temporary exhibits. By 1969, it is planned that the work 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 Museum in Modern Society," a symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American Museum of Natural History in Modern Society," a reception and a dinner with an invitation to inspect the museum, all on April 7; the preceding evening at the museum's symposium on "The American M...
But Lyndon Johnson's Presidency is more than a catalog of achievements—as impressive as the list is. Rather, his tenure in office is distinguished by the devotion to duty, sacrifice of self, and loyalty to country which will stand as shining examples for generations to come.

As 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 of the San Antonio Express:

"DEcision Was Justified"

Dear Sir: 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. 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 youngsters 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 hungry and the homeless and the unemployed, and for everybody else and the ingratitude they showed was disgusting.

You, 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 years to come, I hope you will reconsider and make yourself available again for re-election.

FRED A. SEMIAN

"We Let Him Down"

Dear Sir: President Johnson's statement that the people of this country actually upset me. Then I think—with why should he? Why should he bear himself apart for people who are 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, too.

Why are the kids now ready to riot or street brawl; why is it that they have never considered their lives too valuable to risk for their country?

President Johnson isn't sending our boys out 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 keeping the peace.

If, 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 GRUNERWALD

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 join in support 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 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, Harry A. Keros, 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 truly unequal 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 founded in San Juan Harbor.

At this point, the administration began to discuss the legislation and proposed a substitute 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 stronger language in the new 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.

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 my remarks on the occasion of the earnest request of the late Judge George C. Sweeney, which were heard when a major disaster last month demonstrated how truly unequal 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 founded in San Juan Harbor.

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MEMORIAL PROCEEDINGS FOR JUDGE GEORGE C. SWEENEY

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

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 Wyman 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 the truly 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. Wyman, Jr., traced Judge Sweeney's fine contribution on the bench of this great jurist, and the public qualities, public contributions, judicial talents, and effective thrust of Judge Sweeney during his career on the bench and in the public service.

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, tolerant, understanding of his fellow men that always prompted Judge Sweeney to show special compassion and sympathy for his afflicted brethren.

And 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 Wyman for his kindness in arranging and presiding over them and calling upon Judge Sweeney's two distinguished friends, 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 are very deeply touch 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 presiding judge Wyman, and of those of our highly esteemed judge Hurley, who during his lifetime was a neighbor and very close friend of our beloved, departed brother, whom we mourn so sincerely.

In reading the proceedings, I was
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deployed to the fore 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 have worked with him in many causes which we both deemed worthy.

Alert, vigorous, and buoyant he was eminently fitted for the task 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 in bar and allied isles 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 and appreciated the service of honor, admiration, and love which will be the absolute of the Judge's career, and it was my happy privilege to have worked closely with him in many causes which we both deemed worthy.

Alert, vigorous, and buoyant he was eminently fitted for the task of energy and very deep convictions.

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 be the absolute of the Judge's career, and it was my happy privilege to have worked closely with him in many causes which we both deemed worthy.

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CONGRESSIONAL RECORD — HOUSE
April 10, 1968

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, with courage and without favor. But the loneliness of his task was not eased by a dogmatic perfectionism. He was always an understanding of our problems. We reciprocated with respect and admiration. We miss his standing of our problems. We reciprocated ever attentive to our arguments and under­

tendency to approach the problem with a creation of his likeness for presentation to this Court.

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We cannot expect our democratic society to survive just because of its intrinsic merit and because we will to survive. We must have answers to the challenges and the criti­
cisms. One of the answers is the continuing judicial process in the light of the super­
cial system—a system which will work only if persons of ability, courage and vision sit on the bench. The appoint­
ing authority of an independent nation would 

sion would do well to use Judge Sweeney as the measure of what a judge should be.

With good men, not so absolute in goodness

I served in this

Court,

Chief Judge George C. Sweeney was such a man. He will not be forgotten.

Chief Judge Wyzanski. Thank you very much, Mr. Hurley.

Mr. Hanley.

Remarks of Joseph P. Hanley, Esquire, in special session of the United States District Court in honor of the late Chief Judge of the Court, the Honorable George C. Sweeney.

Chief Judge Wyzanski, Chief Judge Ald­

rich, honorable Judges of this Court and the Circuit Court of Appeals, Mr. Attorney Gen­

eral and Representatives of the Bar Association.
distinguished guests, Mrs. Sweeney and her family:

More than two decades have passed since

Judges Chief Judge George C. Sweeney. These have been years of change, unprecedented in scope and impact. There has been searching inquiry, especially by our young people, into tradi­
tional concepts of religion and morality, government, business, education—indeed the very fundamentals of our society. Institu­
tional loyalties have been shaken. Voices of disagreement have become voices of disac­
claim. The beginnings of the population ex­

plosion has made for more impersonal rela­
tionships between man and all aspects of his way of life. In the use of the computer the age of the computer promises to be one of

struggle to preserve essential individual identity.

Our legal system has not escaped chal­

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tion and its inherent and often neces­

sary
cessful municipal administration attracted national attention, and brought him into close contact with James Roosevelt and through him with his father Franklin D. Roosevelt.

At the outset of the New Deal George Sweeney was appointed Assistant Attorney General of Massachusetts, but 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 charged with defending the Court of Claims and with admiralty causes and who heard him in argument before the Supreme Court 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. Sweeney served on the court throughout the First Circuit, and the ratification of his appointment had particular significance because his reins lay light upon us. He never dominated in the important suit involving the constitutionality of the Revenue Act of 1926. The role that George Sweeney had as Chief Judge in the Federal Circuit, 379 F. 2d 342, aff'd 1st Cir., 396 F. 2d 342, and that he performed with such tact, insight, and quiet efficiency that only after his death could prudently be entrusted. The Anheuser-Busch Litigation in 1936, the Great Western Wyandotte Reorganization in 1948, and the Boston Post Publishing Company reorganization in 1966 are widely-known examples.

Judge Sweeney would have been the last to claim that his opinions in those or other cases were textbook models or specimens of scholarly elegance. He would not have wanted to write in an academic vein. His ideas were simple, direct, and often inferred by his faithful law clerks pursuing the lines of direction he firmly settled.

In jury work, Judge Sweeney was always the manifestly patient, kindly philosopher, prolixity and delay without ever tending upon the lawyers' province of needlessly inter­esting. A remarkable example was his record. He remembered testimony with scrupulous accuracy. His ability was not always no questions and rare, even if, ever asked his instructions to the jury. Wrote a case which may have not had equal some few extraordinary judges in patience or in care as to detail, the matter was never escaped him and the principal points received appropriate attention.

Quite rightly, no respect of his daily work more corresponded Judge Sweeney than the sentences he imposed on criminal defendants. He was never insensitive to human frailty, nor lacking in compassion. He strongly believed that only a man who had children of his own was qualified for criminal sentenc­ ing. An example is the discretionary still with which he designed successful rehabilita­tive procedures for the unfortunate singer Kay Charles. Judge Sweeney's moderation in disposition of tax evaders and postal em­ bers. The Terror of heavy sentences, seems, in retrospect, to have had as sensible social con­ sequences as heavier penalties would have produced.

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With the press Judge Sweeney was cordial, without imitating one of his predecessors who seasonally distributed cigars and other gifts designed to curry favor. The judge was glad, 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 allotted a full appreciation of the facts and circumstances surrounding judicial action. While no judge is entitled to scorn public opinion, the opinion to which he is most likely to refer is that of men who spend the effort, have the learning, and apply the canons of judgment appropriately to make a knowledgeable appraisal of professional work.

We who were Judge Sweeney's colleagues and are subject to the same standards as governed him know how well he did his job to the very moment of his death on November 5, 1966. We found in him the apotheosis of the common man trained by experience for uncommon tasks. No doubt he had superior people, the lawyers, the family and friends of the prisoners, and others in this honorable company leave, let us in grateful remembrance stand for one minute in tribute to the Judge who stood when he entered or left this courtroom.

THE KEY TO UNITY

The SPEAKER pro tempore. Under previous order of the House, the gentleman from West Virginia [Mr. STAGGERS] is recognized for 5 minutes.

Mr. STAGGERS. Mr. Speaker, it is not apparent to me that we should consider that this is a great and mighty Nation. Through the work of our hands and minds, and under the dispensation of a gracious providence, we have piled up power and wealth beyond compare. All the resources of emperors and kings through ages fade into insignificance when measured against what we have achieved in science, in industry, in advancement, in education, in benevolence.

And yet, with all that we have, and all that we are, we have not been able to set up a condition in which Mr. Madison's aspiration is possible. We are living in dangerous and explosive times. All the progress of the last few decades could be swept away, submerged under waves of discontent, distrust, and disillusionment.

Lust for power and craving for wealth seem to have warped the conceptions of great and small alike. Virtue and honor and integrity are almost lost words. The system of morality so painfully constructed by experience and suffering through the long centuries is being thrown into the rubbish heap.

If these doctrines are spread throughout the land, prophetically and proclaimed by some 2,000 extreme leftwing organizations and an equal number of extreme rightwing organizations, these doctrines poison the blood of the common man, the Government, and infect us with the poison of dissension and strife.

Recent events have shown that we cannot keep on the road we are now traveling without this great and mighty Nation being digested by integration. Our democracy in an explosion which will scatter all our greatness into the dust of the air. What is the answer? I do not know, but I always turn to the words of the Master: "Let us have faith." Faith in ourselves, in our fellowmen, in the original tenets of our democracy; but above all, faith in Almighty God, as the architect of the universe, the ruler of the destinies of men, the strength and the protection of our noblest national aims and purposes.

As he was returning to his own country after a long sojourn in the United States, former President Romulo of the Philippines observed that the strength of this mighty Nation lay in the deep religious faith of its people, and he believed we would maintain that strength as long as we held fast to our faith. Today his statement appears as both a warning and a prophecy.

Liberity is a wide-spread 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 the heavens smite us for our iniquities, and return to us the reward of our right hands.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders hereunto 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, 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 include extraneous matter:

Mr. HALPERN, for 5 minutes, today.

Mr. RESNICK in two instances.

Mr. GALLAGHER in two instances.

Mr. BURKE of Florida in two instances.

Mr. DINGELL in two instances.

Mr. MILLER of Montana in two instances.

Mr. MILLER of Colorado in three instances.

Mr. ROSNFELD in two instances.

Mr. THOMPSON of New Jersey in two instances.

Mr. JOEHN in two instances.

Mr. CAREY in two instances.

EXTENSIONS OF REMARKS

By unanimous consent, permission to extend remarks was granted to:

Mr. DADDARIO.

Mr. WASHINGTON to extend his remarks in the body of the RECORD during debate on the civil rights bill.

Mr. ROYCE, for 5 minutes; 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 tomorrow and include a document entitled "Military History of the American Negro."

The following Members (at the request of Mr. WAGGONNER) to include extraneous matter:

Mr. BELL.

Mr. ANDERSON of Illinois in two instances.

Mr. HARRISON in two instances.

Mr. BOWYER of Virginia in two instances.

Mr. REIFEL.

Mr. SCHERLE in three instances.

Mr. MILLER of Ont. in three instances.

Mr. HOSMER in two instances.

Mr. CURTIS in two instances.

Mr. ASHEBOOK.

Mr. GURNLEY.

Mr. GUE.

Mr. GROVER.

Mr. BURKE of Florida.

Mr. ELEBFRG.

Mr. DERWINSKI in three instances.

Mr. THOMPSON of New Jersey in three instances.

Mr. WILSON.

Mr. GIAIMO.

Mr. ELEBFRG.

Mr. DERWINSKI in three instances.

Mr. ROYCE.

Mr. TUNNEY in three instances.

Mr. MACDONALD of Massachusetts.

Mr. CHASE of Maine in two instances.

Mr. RINSICK in two instances.

Mr. ROSENTHAL in three instances.

Mr. CHIANO.

Mr. FOWELL.

Mr. THOMPSON of New Jersey.

Mr. ERBRE.

Mr. RYAN in three instances.

Mr. JOEHN.

Mr. CAREY in two instances.
CONGRESSIONAL RECORD — HOUSE

April 10, 1968

H.R. 16584. A bill to authorize payment of expenses related to the transportation of motor vehicles of certain members of the Armed Forces; to the Committee on Armed Services.

By Mr. RIVERS:

H.R. 16588. A bill to amend the Nationality Act of 1940 to provide for additional positions in certain executive agencies, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. RYAN:

H.R. 16586. A bill to amend the Communications Act of 1934 to discriminate against television stations in 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 1959 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. 16588. A bill to provide that the receipts from all Federal gas and automotive excise taxes, Federal highway trust funds, and the Federal aid highway program, and 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 cannabis and hashish; to the Committee on Ways and Means.

By Mr. Ryan (for himself, Mr. CARY, Mr. TERRY, Mr. ANTHONY, Mr. BURGESS, Mr. BOLAND, Mr. BURKE of Massachusetts, Mr. BUTLER, Mr. BYRNE of Pennsylvania, Mr. DALE, Mr. DOW, Mr. FISHER, Mr. GANT, Mr. GILMORE, Mr. HALPERN, Mrs. HICKS of Massachusetts, Mrs. KELLY, Mr. KLEIN, Mr. MCCARTHY, Mr. O'NEILL of Massachusetts, Mr. PATTEN, Mr. PFEIFFER, Mr. WOLFF, and Mr. WYLIE)

H.R. 16592. A bill to amend the Immigration and Nationality Act to provide increased allowances for 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. NESSEN, and Mr. LANGEN):

H.R. 16594. A bill to amend chapter 34 of title 38 of the United States Code to provide certain educational assistance for veterans taking 6 or 8 hours of institutional courses while engaged in agricultural employment; to the Committee on Veterans' Affairs.

By Mr. GURNEY:

H.J. Res. 1225. Joint resolution designating the Fourth of July as a national holiday; to the Committee on the Judiciary.

By Mr. JOELSON:

H.J. Res. 1226. 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. 1227. Joint resolution to authorize the temporary funding of the emergency farm revolving fund; to the Committee on Agriculture.

By Mr. HATHAWAY (for himself, Mr. ANDERSON of Tennessee, Mr. DAVIS of Tennessee, Mr. DOW, Mr. GATHEIM, and Mr. SINK):

MEMORIALS

Under clause 4 of rule XXIII.

H.J. Res. 1228. Joint resolution to authorize the temporary funding of the emergency farm revolving fund; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXIII.

By Mr. ADDABBO:

H.R. 16596. A bill for the relief of Francesco and Antonia Ardizzone; to the Committee on the Judiciary.

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.

H.R. 16599. A bill for the relief of Wel Lian Lee; to the Committee on the Judiciary.

By Mr. BRADFORD:

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. BURCHETT:

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 redesignate 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 Elmo Nimphius; to the Committee on the Judiciary.

By Mr. MacGregor:

H.R. 16604. A bill for the relief of Yoahlo Arakawa; to the Committee on the Judiciary.

By Mr. MOSS:

H.R. 16605. A bill for the relief of Wong Kam Foon, his wife, Mah Yuet Mei, and children, Wong Lal Sun, Wong Wal Hang, and Wong Wa Leung; to the Committee on the Judiciary.

By Mr. Murphy of New York:

H.R. 16606. A bill for the relief of Domenico Di Belli; to the Committee on the Judiciary.

H.R. 16607. A bill for the relief of Emilia Oliveri; to the Committee on the Judiciary.

By Mr. ROSTENKOWSKI:

H.R. 16608. A bill for the relief of Maria Sore; to the Committee on the Judiciary.

By Mr. ST. ONGE:

H.R. 16609. A bill for the relief of Sea Oil & General, Inc., of New York, N.Y.; to the Committee on the Judiciary.

By Mr. STAGGERS:

H.R. 16610. A bill for the relief of Dr. Ausilie G. Sales, and her husband, Lorenzo O. Sales; to the Committee on the Judiciary.

By Mr. Tunney:

H.R. 16611. A bill for the relief of Pancho O'Nate; to the Committee on the Judiciary.

By Mr. White:

H.R. 16612. A bill for the relief of Eugene A. Kebelbrand; to the Committee on the Judiciary.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII.

H.R. 16630. A bill to provide that Flag Day shall be a legal public holiday; to the Committee on the Judiciary.

By Mr. Eckert:

H.R. 16631. A bill to prohibit the Administrator of General Services from requiring an annual income statement from certain persons who are 72 years of age or older; to the Committee on Veterans' Affairs.

By Mr. Johnson of California:

H.R. 16632. A bill to designate the Desolation Wilderness as National Forest, in the State of California; to the Committee on Interior and Insular Affairs.

By Mr. Moorehead:

H.R. 16633. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

By Mr. Rives:

H.R. 16634. A bill to establish producer-owned and controlled emergency reserves of wheat, feed grains, soybeans, rice, cotton, and flaxseed; to the Committee on Agriculture.