

paying your money and knowing exactly what was put into the food product. Somehow, concealing the facts from the public has been going on so long that now, when nutritional labeling comes along, it looks revolutionary. It isn't. It is only a long-needed move toward fairness in the marketplace.

PRICE CALLS FOR THE REINSTATEMENT OF REAP

HON. ROBERT PRICE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, January 23, 1973

Mr. PRICE of Texas. Mr. Speaker, today I am introducing legislation which will require the Secretary of Agriculture to carry out the provisions of the existing law providing for the authorization and funding of the rural environmental assistance program. While I agree in principle with and applaud the President's efforts to keep Federal expenditures within reasonable limits, I feel that the

effects brought about through the discontinuance of this important program would be detrimental to the long-range preservation of our most vital human resources—namely our soil, water, and air.

Begun during the 1930's, the rural environmental assistance program has worked effectively as a Federal cost-sharing program for conservation programs installed by farmers. Through this program, our farmers have done more to clean up and preserve our environment than any other federally sponsored program. This program has enabled our farmers to protect our soil through the establishment and improvement of vegetative cover, stripcropping systems, terracing, the reseeding of marginal land, and cross-fencing for grazing. REAP has also provided for strides to be made in the areas of sediment retention and chemical runoff control, drainage, irrigation and related practices and livestock water utilization and distribution on ranches. Through this program our farmers have also been able to embark

upon activities which have slowed the spread of noxious brush and weeds, accounted for a major portion of our reforestation program on private lands, helped aid wildlife conservation and increased the development of recreational areas. It is evident that REAP has benefited not only rural America, but our Nation as a whole. Not only would it be unfair of us at this time to demand America's farmers to take on the burden of the conservation of our natural resources single-handed, it is not feasible for family farmers to initiate and continue these long-range programs without the aid of cost-sharing initiatives provided by the Federal Government. This is especially true if we are to continue to feed our own Nation while helping to feed the starving millions abroad.

I am looking forward to the hearings which will soon be held on this matter by the Committee on Agriculture of which I am a member and I am hopeful that the administration will reconsider its action with regard to this important program.

SENATE—Wednesday, January 24, 1973

The Senate met at 12 o'clock meridian and was called to order by Hon. DICK CLARK, a Senator from the State of Iowa.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we lift our hearts to Thee in thanksgiving for the tidings of peace and reconciliation. Guide us through this day by Thy Holy Spirit that the tributes of affection and gratitude for Thy servant Lyndon Baines Johnson may be to Thy glory and the honor of this Nation. May the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord our strength and our Redeemer. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., January 24, 1973.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. DICK CLARK, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.
JAMES O. EASTLAND,
President pro tempore.

Mr. CLARK thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of

Tuesday, January 23, 1973, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that time for the eulogies today be under the control of the distinguished majority leader or his designee and the distinguished Republican leader or his designee, and that the eulogies begin with the distinguished Senator from Texas (Mr. BENTSEN).

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Does the Senator from Pennsylvania (Mr. SCOTT) desire to be heard?

Mr. MANSFIELD. Mr. President, the Senator from Texas is being recognized in my place.

The ACTING PRESIDENT pro tempore. The Senator from Texas (Mr. BENTSEN) is recognized.

LYNDON BAINES JOHNSON—IN MEMORIAM

Mr. BENTSEN. Mr. President, today is a somber day for all Americans.

With the death of Lyndon Johnson, the country has lost one of its strongest leaders, the disadvantaged one of their greatest champions, and I have lost a dear friend. Lyndon Johnson's humanity will, in my opinion, be his greatest legacy. His humanity encompassed all men and it included the flaws that we all share. But it was a humanity that carried him through a life of political power without allowing him to forget those who had no power. It was a humanity that enabled him to enjoy the ultimate ambition of American political life while remembering those who never shared in the abun-

dance and success that we know as Americans.

In the terms of the Texas hill country—"He never forgot his beginnings," and the memory of those beginnings provided us with a legacy of social programs that cover the entire spectrum of life in our society.

Lyndon Johnson translated the dreams of a generation of political leaders into an administration of action that will be remembered in history as one of our most exciting eras of domestic achievements.

Lyndon Johnson felt that the poor, the black, the aged, the Mexican American, and the Indian were Americans, who continued to face severe handicaps in language, jobs, education, health, and housing opportunities.

For they had sought, but too often had been denied, the dignity of well-paid labor. They had sought, but often had been denied, the proper tools of education for their children. They had sought—but had suffered often because of it—to maintain their own proud traditions in a free society where differences should be respected and cultural diversity honored.

Lyndon Johnson was well acquainted with the problems of the poor and the disadvantaged, for he had taught Mexican-American children in the public schools of south Texas. It was here and then that he developed a deep compassion and understanding for the Spanish speaking, who, like many other minority groups, have often had to turn to government to protect their rights and encourage their advancement.

When he became President, Lyndon Johnson said:

Government has an obligation to match the promise of American opportunity with action—in employment, a decent wage, better education, improved housing, improved community facilities, and the guarantee of civil rights which every American expects.

The man's legislative accomplishments were legion. Ideas and social programs that had languished in the Congress for years were placed on the books during his 5 crowded years in office.

Lyndon Johnson knew his years in the Presidency were limited, and he also knew that given the nature of Congress and the realities of public opinion, he would have to act swiftly. And so he did.

Medical protection for the elderly and poor had been discussed since the days of social security; he passed the bills creating the medicare and medicaid program.

The precious right to vote had been sought by minorities for decades; the President noted that—

We have been talking about equal rights for a hundred years of more . . . Now it is time to write them into law.

And the Voting Rights Act was signed into law.

Expanded Federal aid to education had been a dream almost brought to fruition by John Kennedy. Lyndon Johnson succeeded in passing the Elementary and Secondary Education Act of 1965, the higher education, the Bilingual Education Act, and a series of landmark educational measures.

Our outmoded immigration laws had been decried as a national scandal since the 1920's; Lyndon Johnson succeeded in having them changed.

All of these measures and more were not the hasty creation of a man bent on revolutionary social change. They were the measures delayed by inaction, frustration, competing interest groups, and the absence of forceful leadership. And Lyndon Johnson provided the leadership and made these ideas into reality.

But it is important to remember that improvements in education, equal rights for our citizens, more humane immigration laws, and the rest of the Johnson program were not abstractions to Lyndon Johnson.

When he worked for education, he thought of the individual children who were denied an equal chance, because their schools and their materials did not measure up. When he worked for more adequate medical protection, he thought in terms of the elderly man or woman who cannot pay his medical bills and who is cast away on the fragile mercy of the State.

When he sought voting rights for all, he spoke of the individual who deserves a voice in choosing the direction his Government will take.

It has been said that Lyndon Johnson concentrated on the quantity of legislation rather than on the effects of legislation. I could not disagree more. A bill to him was only significant in that it made life better for people, people who were underfed and underemployed, people who were undereducated and who did not receive decent medical care. I have never known a man more intimately involved with the needs of his individual countrymen than Lyndon Johnson. And it is that quality of caring that I remember most vividly.

Mr. President, Lyndon Johnson's life touched every American and shaped a future for this country that will be his living monument. He was a lion of a

man: He held tenaciously to his convictions and possessed a sense of duty to country that never wavered.

He was a restless, impatient man who found too few hours in a day and too little done at each day's end. He is at rest now and the memory of his time here will be a personal treasury for me and a source of pride for his countrymen. He once said:

I have devoted my time on this earth to working toward the day when there would be no second-class citizenship in America, no second-quality opportunity, no second-hand justice at home, no second-place status in the world for our ideals and benefits.

That could well be his epitaph.

Mr. SCOTT of Pennsylvania. Mr. President, I yield such part of my time as he may require to the distinguished senior Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, Lyndon Baines Johnson—the 36th President of the United States—was a Texan in every good sense of the word. He was a superb leader in the Congress of the United States and he was an able President. He was a man of great compassion for his fellow man. His enormous energy and his driving ambition consumed him and those around him. He pushed himself beyond his own physical capabilities to get done the job he felt must be done, and this, no doubt, shortened his years here with us.

President Johnson confronted the critical and fast moving events of his day with the determination to make decisions that would serve the greatest good for the greatest number of people. History likely will remember him best for his leadership in the field of human rights. He also will be remembered for his great ability in the field of legislation—as a member of both the legislative and executive branches of our Government.

It was characteristic of the 36th President of the United States that he was able to maintain warmth and to extend the right hand of friendship even to those who opposed him. He was a man who had a forgiving nature, who never carried a grudge—a man who never became dissolved in any sense of bitterness or frustration. It is indeed unfortunate that he was taken from us at this time in his life when there was so much more in the way of good counsel and advice that he could have given to many of us, and so much more he could have taught our young people, in whom he had such a deep and abiding interest.

As much as the war in Southeast Asia dominated his Presidency, it is tragically ironic that he was taken from us only hours before an agreement was announced ending that long and costly entanglement. He yearned for peace which eluded him during those lonely years in the White House.

We shall sorely miss him. Those of us who are Texans can think better of ourselves, because we came from a society that produced Lyndon Baines Johnson.

Mr. SCOTT of Pennsylvania. Mr. President, one of the mysteries of Heaven's design lies in the ironies with which it revises our human scripts.

Lyndon Johnson loved people and loved to be with people, and he loved an audience and he entertained an

audience; and it is sadly tragic that at the moment of his death he died alone.

He would have liked, I think, some last words to leave with us; I feel that, indeed, he did leave us those last words. From the moment he became President and stood in that somber light on that tragic day in Dallas and said,

I will do the best I can; I ask your help and God's.

He had the last words.

At the very end of his life, in his last appearance as a public man, he said that some Americans stand on uneven ground and that all men aspire to stand on the level, one with another. He ended as he had so many times, using the same refrain, with the words "We shall overcome."

It seems to me that, as always, our friend Lyndon Johnson had the last word.

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from Louisiana (Mr. LONG).

Mr. LONG. Mr. President, today we mourn the passing of Lyndon Baines Johnson, a friend to most of us here and the man whom I hold above any American of his time. With all of my colleagues I join in extending sympathy to his widow, Lady Bird, his daughters, and other family relatives.

Lyndon Johnson was the greatest legislative leader in our history by any standard. His record of accomplishments is massive in number and impressive in scope.

I remember his words upon leaving the White House:

What really matters is not the ultimate judgment that historians will pass but whether there was a change for the better in the way our people live. I think there was.

The Johnson administration recommended 200 major measures to the Congress; 181 of them were passed. Most are still with us today, a body of law designed to benefit all Americans, in every walk of life.

Perhaps his most important legacy to our Nation is his resolution of the age-old quarrels over civil rights and equal opportunity for all. In his first address to the Congress as President he called for the enactment of a strong civil rights bill. He signed it into law in July 1964, 6 months after taking office. It was the most sweeping civil rights bill since Reconstruction days.

Another milestone in his Great Society program was the passage of medicare and medicaid legislation, breaking the impasse over the issue of medical care for the aged. I was privileged to manage that milestone law and probably view it with more emphasis than some. It fit L. B. J.'s philosophy—and mine—to help those who cannot adequately help themselves.

He also broke the years of deadlock over Federal aid to elementary and secondary education, assuring a good education for all our children.

Lyndon Johnson tried to correct every evil and injustice known to him. He declared his war on poverty to uplift the lives of so many Americans. It will be many years before we fully appreciate all he did for this Nation.

As his achievements were greatest in the field of domestic reform, his greatest frustration was in the war in Southeast Asia. Unlike Harry Truman, Lyndon Johnson did not live to see vindicated his decision to commit American troops against aggression; but, history may yet prove that this was the wisest, although the most costly and disappointing, experience of his life.

In October 1966 in addressing our troops at Cam Ranh Bay, he said,

You know what you are fighting against: A vicious and illegal aggression across this little nation's frontier. You know what you are fighting for: To give the Vietnamese people a chance to build the kind of nation they want—free from terror, free from intimidation, and free from fear.

History may show that by resisting aggression in the jungles and rice paddies of Vietnam, Lyndon Johnson saved the world from the course of events that could have ended in a war of atomic devastation.

Lyndon Johnson began his life 64 years ago in Stonewall, a small town in Texas. At his birth, his grandfather prophetically said:

He'll be a United States Senator someday.

He was a Senator some day; he was one of our greatest, and it was my privilege to serve with him for many years.

He came to the Senate from the House in 1948, winning the election by only 87 votes, thus earning him the nickname of "Landslide Lyndon." He was a powerful legislator from the very beginning. Before he completed his first term, he became minority leader; and in 1954, when the Democrats regained power, he became majority leader.

From Capitol Hill, Johnson assumed the second highest office in the United States. As Vice President not only did he fulfill the traditional constitutional role of the office by presiding over the Senate, he was also chairman of the President's Space Council, headed the President's Commission on Equal Employment Opportunities, and served on the National Security Council.

Lyndon Johnson was 55 years old when, in that time of national grief and horror, an assassin's bullet made him President.

He said to the Nation:

I will do my best. That is all I can do.

Mr. President, he served in the highest office of our country for 5 years and he did his best. His best was great, indeed, and I believe history will record it as such. Lyndon Johnson may well have been our greatest President.

Mr. MANSFIELD. Mr. President, death can, at times, be delayed but, in the end, cannot be avoided. Within the past month, two former Presidents of the United States, Harry S. Truman and Lyndon Baines Johnson, have left their existence here on earth. Both were Senators of the United States. Both were Vice Presidents of the United States. Both, through the death of others, became Presidents of the United States and, then, in their own right, became Presidents again.

It was my privilege to work with these men but most closely with Lyndon Baines

Johnson. I served with him for 4 years as the assistant majority leader when he was majority leader of the Senate. I succeeded him as majority leader when he became Vice President in 1961 and continued in that capacity throughout his Presidency.

We were in friendly and fairly close contact for those many years. As President, Lyndon Johnson was the head of the executive branch and, as the majority leader, I was the representative of the Senate. As might be expected, we did not always agree but at no time did our disagreements impair the civility of our relationship.

Lyndon Johnson came from humble origins but he was not a humble man. Rather, he was a man of great pride and his Presidency was a Presidency which bore the hallmark of this pride. We shall not see his like again, nor shall we see the kind of legislative program which was enacted in response to his determined leadership in the pursuit of equal opportunity for all Americans.

Insofar as proposing and enacting legislation in the field of domestic and social reform, Lyndon Johnson was, in my judgment, the greatest of Presidents. Historically, his record in that respect will emerge as superior to any other President or any combination of Presidents. He was in the tradition of Franklin D. Roosevelt, the man he so much admired, and his dream of a great society of free men will be his enduring monument in the history of this Republic.

Mrs. Mansfield, our daughter Anne, and I wish to extend our deepest condolences and sympathy to Lady Bird Johnson, one of the outstanding First Ladies of this Republic, to the Johnson daughters, Lynda and Luci, and to all their families in this hour of sorrow and bereavement. May his restless soul find peace.

Mr. President, I yield to the distinguished Senator from Alabama (Mr. SPARKMAN).

Mr. SPARKMAN. Mr. President, I am pleased to have the opportunity to join my colleagues in paying tribute to a man who all of us knew and with whom we all served, former President of the United States Lyndon B. Johnson.

Lyndon Johnson entered Congress—the House of Representatives—approximately 3½ months after I did. He served on the Naval Affairs Committee; I served on the Military Affairs Committee. We were closely associated. I knew him throughout the years. Our families were friends.

I have always admired Lyndon Johnson for the tremendous job he did in the Senate and as President of the United States. I think we never had a majority leader who was more active, more attentive, more aggressive, and more effective than he was. During part of the time, he was the minority leader, and he showed the same interest and the same activity.

As others have pointed out, he sponsored and put through the Senate—and it may well be said that he put through the entire Congress—some of the most helpful legislation we have seen enacted. He was interested in all general legisla-

tion, but he was especially interested in some of the things that were new and some of the things that were special.

I recall, for example, the very active interest he took in the development of the space program. He really took the leadership in that matter.

I recall his activity in the field of small business. He was actively interested in good housing and all the programs for the good of the people generally throughout the United States.

I shall always remember one thing about him. When President Eisenhower was elected, he brought a Republican Congress with him. Lyndon was our minority leader—the Democratic leader—but I recall the stand he took, right in the beginning, that:

We are not going to be an opposition party as such. We are going to do our best to cooperate and make this a good administration.

I recall some of the things that happened in connection with foreign policy and the activity in the Committee on Foreign Relations and the attitude and the results of the expressed attitude of Lyndon Johnson.

He was active when he was President, one of the most active Presidents we have had. He came into the Presidency as the result of a great tragedy, but he took hold quickly; and I feel that he did his best to carry out the policies that had been carried along by President Kennedy, with whom he was serving as Vice President.

I recall an appointment that I had with President Kennedy for December 2, 1963. Following his death and the taking over of the Presidency by President Johnson, I called him one day and told him that I had that appointment to talk about a matter of great concern to my State and my part of the country, and that I should like to see him as soon as I could.

He said to me,

Give me a little time, let me get settled in this job, and I will call you.

Not long after that, he did call me. I talked to him about the project in which he was particularly interested, and he suggested an action that we might take. He said it would require \$100,000 to carry out what he had in mind, that he had that money available, and that we would not have to call for an appropriation. So the study he proposed was made, and it proved most helpful in the clearance of the project at a later time.

A great deal has been said, and even more will be said, about the war, in which he was so deeply absorbed.

I remember being at the White House on different occasions, when he would have a small group of Members, primarily of the Foreign Relations Committee, to discuss the war with him. Several of us were there on the morning that he made his decision with reference to what has been called an escalation of the war. He spent a couple of hours discussing the different alternatives that might be taken; then he asked for the advice of those present. I believe I never saw any person deeper in anguish or more troubled than he was on that morning in trying to reach the fateful decision

that would be for the best interests of the country and for the world as a whole.

I remember when President Johnson made his announcement that he would not be a candidate for renomination. I was in my home in Huntsville, Ala. After listening to him, I immediately called him on the telephone and asked him if he really meant that I said:

Surely you don't mean that.

He said:

Yes, I think it is best.

I have believed all along, from the things that he told me that night, that he believed that his leaving office might make it easier for someone else to come in and solve this difficult problem with which the country was confronted, and to bring peace. I wish he might have lived long enough to know the developments that have just taken place.

We have sustained a great loss in the going of former President Lyndon Johnson. Mrs. Sparkman, my daughter, and I all join with our colleagues here in expressing our sympathy to Lady Bird Johnson, to Lynda Bird, to Luci, and to the whole family. We extend to them our deepest sympathy and pray that the good Lord will comfort them and look over them in these difficult times.

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from Nevada (Mr. BIBLE).

Mr. BIBLE. Mr. President, Lyndon Baines Johnson was a dynamic leader whose life touched closely on us all, and there is shock as well as grief at his passing. No one in Congress or across the Nation was prepared for the suddenness with which death came to this great American. Indeed, it is still difficult to believe his unceasing energy has been stilled.

We mourn the departure of a remarkable political leader, a man who will be regarded by history as one of our greatest Presidents. Here in the Senate, where Lyndon Johnson left the indelible mark of his forceful personality, we feel a deep personal loss. He was a commanding figure in both Congress and the White House and I cherish the memory of our close friendship which spanned more than two decades. I shall be ever grateful for his wise counsel when I first entered the Senate. He visited Nevada on innumerable occasions, where he gained many lasting friendships. He was never too busy to assist his friends and his party.

President Johnson devoted his entire life to public service, starting with a humble teaching position in his beloved Texas and culminating in the Nation's highest office. His public career kept him at the Capital much of his life, but he never lost touch with the people and the land and with his home on the Pedernales.

It was this close touch with the people and the land that made him a great President. And it was his long service in Congress—an institution he revered—that made him such an effective President. As perhaps no other Chief Executive, he surmounted the legislative and executive division to achieve an unparalleled spirit of cooperation and unity

of purpose between the White House and Capitol Hill.

His energy and drive, his zest for the high challenge of national political leadership—all these were legendary. As President he met those challenges head-on. His remarkable record of achievement in the areas of human rights and opportunities is unmatched. He worked incessantly against hunger, poverty, illiteracy, and bigotry. And yet this man of peace found himself prosecuting a destructive, bloody, and unpopular war in Southeast Asia. He met the military challenge abroad with the same determination—if not the personal conviction—that marked his pursuit of social goals.

History will remember Lyndon Johnson not as a leader in war, but as a crusader for peace and justice. On that basis it will judge him, and it will judge him a President of immense stature and compassion whose mark will always remain on the social progress of our Nation.

It is perhaps fitting that he died close to the people and the land he loved so much. But this does not ease the great sense of loss our Nation feels.

A remarkable leader has gone. There will never be another like him. Our grief is deep.

Mr. MANSFIELD. Mr. President, I yield to the distinguished Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. I thank the Senator from Montana for yielding to me.

Mr. President, along with many other Senators, I have a great deal of feeling on this occasion. Our late friend and I had, for years, identical committee assignments in the Senate. On two of those committees we sat side by side for more than 10 years. I know of many of the major decisions he made then, and even more particularly as floor leader of this body.

I was with him a good deal when he was Vice President, and I know much of what he went through as President of the United States. He was a remarkable man. He was, as we know, a man of action, of great ability. He was always up front, where the action was. Not as an eager beaver, as we use that term, but because he liked the action, and he wanted to do things. He was willing to pay the price. He was not afraid and never dodged a problem because it was hard. But I am going to mention particularly two instances that I remember in which he rendered great service to this country in time of crisis; and he was always ready to respond to crises:

The first was at the time of sputnik, when the Soviet Union orbited the first man-made satellite. Most of us in Congress and many people over the Nation were uncertain. I will not say they were afraid, but there was an air of uncertainty. The feeling of the people was not despair, but the deepest concern as to what this event meant and where the United States stood. These questions were asked, "How delinquent, if at all, was the United States in being prepared; and What was the potential power of the Soviet Union and its technology; and What was our defense, if any?" He held the first hearings on the situation as

chairman of the Preparedness Subcommittee of the Armed Services Committee, and I sat right next to him on that committee.

I thought he rendered a tremendous service at that time. The question developed as to whether or not we were going to make space exploration a civilian program or have it under the military, as had been the case with atomic energy a few years before. He cast his thinking, his lot finally, on the idea of creating a separate, nonmilitary agency which we now call NASA.

The creation of a civilian agency and civilian space program was a successful policy. He was closely connected with it during the first years of the program, and it was truly a pioneer work. He rendered great service in the beginning and development of the space program.

Another crisis that tested him greatly, one which was graver than the first, was the tragic death of the late President John Kennedy. In that confusion, turmoil, international crisis, and crisis at home, I think Lyndon Johnson showed his worth as a man of tremendous inner courage, steadfastness, and determination. At the same time, he showed the greatest deference to our fallen President and the first family and the grief of the Nation. He was placed in as difficult a position as one could be placed. He had to assemble his thoughts in a matter of a few minutes, take the tremendous burden of being President of the United States, assure the people and pull them together, assure the free world of our course and his course, and also let all nations know that we could be firm.

It was a tremendous accomplishment amidst criticism on the part of some. A lesser man could not have carried that load the way he did. In a very short time things had settled down due largely to his assurances. The assurances came from his conduct and in the way he took charge.

I want to mention another event here that I feel throws some light on our late friend that might have passed unnoticed unless someone had had some special experience with it. Many will remember during the time of his first heart attack he was a very, very ill man for days and weeks. I lived near Bethesda Naval Hospital, and I would go out to see him after he was able to have company. On one visit, we talked about what is now known as the Jefferson Bible. As many will recall, Jefferson clipped out certain parts of the Bible and put them in a little book. This book is now known as the Jefferson Bible. Senator Johnson was very much interested in it then. I got one at the bookstore and took it to him.

He read it all and reported back to me. He was already familiar with the Bible. I do not want to be misunderstood. But he did not have knowledge of Jefferson's particular approach. He never forgot that I had given him a Bible. In the heat of controversy surrounding the White House about the war, he would quote something out of that Bible in his efforts to try to persuade a person. That showed the spiritual current that ran through his character and ran through his mind all the time. This feature surfaced when he was under stress and mak-

ing hard decisions in a crisis of one kind or another.

I think the greatest difficulty he encountered in the White House was in connection with the war. He was unable to do all he wanted to do. He could not overcome that war obstacle during his term. He was surrounded in such a way that a solution could not be found. I do not say it was his failure. He tried hard. I think, most unfortunately, he received some advice from others that turned out to be based on erroneous facts, particularly in the early years of the war. They were miscalculations of others. He, and any President has to act, at least in part, on the advice and recommendations of others, but the advice and counsel given to the late President as to what could be done under certain circumstances was under a grave error. I state this for the record deliberately, only to make my little comment on the record a little clearer what he was up against. He never made such a claim to me. I never heard him blame anyone. I am not trying to assess blame, but those of us who were close enough to know what he went through and what the facts were know how those miscalculations misfired.

To Lady Bird Johnson, who I think was one of our truly great First Ladies, and to all the family, Mrs. Stennis and I extend our condolences in their great loss. And may God bless them now and sustain them now and in the years ahead.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Ohio.

Mr. TAFT. Mr. President, I thank the distinguished majority leader for yielding. I join in the tributes to Lyndon B. Johnson. He was one of those unique men with great capacity for leadership. His meteoric rise in the Senate was itself testimony to that fact and acceptance of this quality by his colleagues. Of this he was most proud.

In a number of pleasant, personal contacts with him, he appeared to like nothing more than to reflect on his legislative battles in the Senate in which my father was often a strong adversary. But they were adversaries with great mutual respect and friendship, even in disagreement.

This man's strength and dedication to service and loyalty to his American heritage was admired by all. And, with his great legislative skill, they have already earned him great recognition in history, especially through the many great landmark pieces of legislation which were passed during his administration. I refer particularly to the Civil Rights Act, in which I was very active while a Member of the House. I do not believe that measure could have passed without his strong leadership and the support of the White House. This legislation was in the best interest of the Nation.

I remember particularly when our intelligence ship was attacked over North Korea that I made some comments to him with regard to it, expressing disagreement and caution as to what occurred. He then asked me to visit with him and Walt Rostow at the White House to be sure that I had a full understanding of the situation and the national implications involved. This, I think, was typical

of him, rising above, and recognizing that others were capable of rising above, a given situation.

Partisan though he could be, he never allowed partisanship to deter him from pursuing courses of action, no matter how difficult, that he felt were in the best interest of the Nation.

He will be remembered as a legend and will be deeply missed for his sound and careful advice that he often offered to those who knew him.

I join in expressing sympathy to Mrs. Johnson and to the entire Johnson family.

Mr. MANSFIELD. Mr. President, I yield now to the distinguished senior Senator from West Virginia.

The ACTING PRESIDENT pro tempore. The senior Senator from West Virginia is recognized.

Mr. RANDOLPH. Mr. President, I am appreciative of the opportunity provided to me by the majority leader to express a tribute during this period of eulogy.

Mr. President, our feeling for Lyndon Johnson goes back a long time. Perhaps of all of the Members in this Chamber, I actually knew him first in Capitol Hill. I came to the House of Representatives and was sworn into office in March of 1933, almost 40 years ago. There are only two Members of the Congress, Representative WRIGHT PATMAN of Texas and the Senator who now speaks, who were Members of the Congress when Franklin D. Roosevelt became the President of the United States of America.

I remember sitting in the House of Representatives on May 13, 1937, when Lyndon Johnson took his oath of office after having been elected in a special election on April 10, 1933, from a congressional district in Texas. As I recall, he had 10 or 11 opponents in the primary. He succeeded Representative Buchanan, who had died in office.

I recall that on the next day, May 14, 1937, I sat talking with Lyndon Johnson. I had known him as one of the doorkeepers in the House of Representatives. I had also known him as a member of the staff of Representative Richard Kleberg of Texas.

Mr. President, I asked him where he was going to be living. He replied:

You know, with all the thousands of people who are coming into Washington under the New Deal agencies, and with the depression that resulted in no construction of new housing, it is not easy to find a place in which to live.

It was my time to try to be helpful, saying:

I have two friends who have a furnished apartment in Washington. Their names are Edith and Sam Ourbacker. He is with the Social Security Board and has been asked to take over the office in Cleveland, Ohio. They have contacted me and asked if, perhaps, I might know of someone who would like to rent their apartment.

As always he acted at once. He said: Give me that telephone number.

I did so. He hurried into the Democratic cloakroom and called the Ourbackers. Early that evening he was at their apartment to see whether he would like it and whether their family would like him. He rented that apartment.

I will never forget what he later said to me:

Jennings, I think I will have to give you a finder's fee. I like that apartment. It has a 4-poster canopy bed that is very large, and I can stretch my legs on it.

We have poignant memories that come from earlier or later experiences with Lyndon Johnson. His careers, certainly in Congress, and his career in the White House were as one because he was a forceful and dedicated leader in every job he held or place of leadership he attained. I recall very well that he came to West Virginia, a number of times. My able colleague, Senator ROBERT C. BYRD, who is in the Chamber now, remembers many of these visits. However, before mentioning the three or four times that Senator BYRD and I were able to be with him in our State, I recall that Lyndon Johnson said to both of us in 1959 as we were sworn into service in this Chamber:

I want to be considered as the third Senator from West Virginia.

Yes, he was, in a sense, a third Senator from the State of West Virginia. He was very helpful to us.

And the former Vice President of the United States HUBERT H. HUMPHREY, now a Senator again from the State of Minnesota who is in the Chamber at this time, remembers the day, because he was presiding in this Chamber, when the Appalachian Regional Development Act passed the Senate in 1965. I recall vividly the signing at the White House of that important bill.

President Johnson said:

This is a measure, I believe, that will help people in the Appalachian region to help themselves.

And it was true. We in Appalachia are better able to help ourselves—and each other.

Lyndon came to visit the State of West Virginia more than a dozen times. He came not only as a candidate for public office, but to be with the people in the hills and valleys of our State, sharing our concerns and hopes.

It was on September 20, 1964, that he came to Morgantown, W. Va., where he was a dedicatory speaker for new airport facilities. Some 25,000 persons were present for that ceremony. The emphasis then was on the development of transportation. He spoke of the movement of people, the movement of products, and the mobility of our Nation, and the closer ties between sections of our great country.

We remember all of the challenging speeches he gave. We remember when he came on September 3, 1966, to talk on another subject in West Virginia.

He journeyed into the hill country—into the mountains—and there he dedicated the beautiful Summersville Lake. He talked about conservation, the preservation of natural resources, the strength of people who came from the land, and he understood what he was talking about, for he was from the land—a man of the soil and the sky. Some 20,000 people gathered from over the hills and out of the valleys to hear that Nicholas County speech.

I remember so very well when the president of Bethany College, now the presi-

dent emeritus, Dr. Perry Gresham, called and said,

Lyndon Johnson, the majority leader of the Senate, is a member of the Christian Church. Bethany College, in West Virginia, is a college of his denomination. We would like to have him come and make the commencement address, and present him with an honorary degree.

On June 7, 1959, he was in Bethany, W. Va., in what we call the Northern Panhandle of our State—a few miles from Wheeling—and on that occasion he talked about the need for education for the children of the United States of America. He talked about those who, for various reasons, had not had the broader opportunities for education which some portions of our population enjoy.

I have not given these incidents chronologically, because I wanted to come to one that exemplifies, in a sense, what is in our hearts today—a yearning for peace. Lyndon Johnson wanted that very much for all mankind.

We were privileged to have Lyndon Johnson in West Virginia to deliver what we then called the Armistice Day address. It was deep in the mountain country at Welch, in McDowell County, some 18,000 people were to hear him on that occasion as he told of the torment and the tribulation that was in his heart, even then as Vice President, because of the tragedy of the conflict in Southeast Asia. Bob Byrd will remember that we rode from the Mercer County Airport, located near Bluefield, in a helicopter to the Welch area, because of the rugged terrain. That was on November 11, 1963; he was to undertake the awesome duties of the Presidency of the United States because of the tragedy which befell this Nation with the death of President John Kennedy. He seemed sad on that trip as he thought of brave men who were dying in battle in Vietnam.

I have spoken intimately, but I think that is the only way I would want to discuss Lyndon Johnson today. I never saw him stepping from one point to another; he was always striding from one point to another. I never saw him walking; he was always quickly going somewhere. I think that typified his life here on Capitol Hill and in the White House. And he moved the country with him.

I do remember, as do all of us, the civil rights fight in the Senate, when he kept us in session for extended periods because he believed that the filibuster should be broken and that Members of the Senate of the United States should vote on the civil rights issue. Yes, a man from the South, or the Southwest, led the fight.

Sometimes we have forgotten—perhaps even the leaders in that battle—the breakthrough which he made possible. He must never be forgotten for the work done in the area of human rights, nor should he be forgotten for his vital leadership in the fields of education, better health, and decent housing for the people of the United States of America. Sometime in our history people will understand the constructive contributions which he made during his vigorous lifetime. It was not so long in actual years, 64, but he crowded much into those years, always pressing, always working,

always thinking, always, above all else—though some might have thought of him as an operator—endeavoring to secure programs to benefit people. He was a humanitarian, because he loved humanity—and helped humanity in dignity.

My wife Mary, and Lady Bird, were dear and cherished friends. She joins me in our sympathy to the Johnson family.

I remember his congratulatory message following our reelection to the Senate in November of last year—remembering, as always, one of the many colleagues with whom he had worked on Capitol Hill and in the White House. I responded, in part by stating:

I often recall the wonderful years I served for and with you in public life.

In an hour or so, the body of Lyndon Johnson will be carried into the rotunda of the Capitol. His spirit, however, will inspire us because his was a boundless spirit that will be captured, if it is ever to be captured, only in American history.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished senior Senator from Rhode Island (Mr. PASTORE).

Mr. PASTORE. Mr. President, on an occasion as solemn as this, I do not think what we have to say really counts for as much as what we feel. In my heart I feel that I have lost a dear friend.

I came to the Senate in December of 1950. Before that time I had never met Lyndon Johnson. But from the day that I did meet him until the day he died, I always cherished his friendship and admired his strength and the power of his character. He was very close to me, and I feel that I was very close to him. He stepped aside as a member of the Joint Committee on Atomic Energy to make room for me, and I have been a member of that committee from that day forward.

I shall never forget, in June of 1964, when I received word from one of the staff in the cloakroom—

The President of the United States is on the phone, and he would like to talk to you.

I picked up the phone and heard him say, "JOHNNY, is this you?"

I said, "Yes, this is I."

He said, "I want you to make a speech for me at the convention."

I said, "What do you mean by that, Mr. President?"

He said, "I want you to make my keynote address."

And he said, "I want you to make a good speech, good for you and good for me."

He asked me on numerous occasions before the convention to show him the speech that I was preparing. I must say that I refused to do so, because I never showed that speech to anyone. I never made that speech before I made it on the floor of the convention in Atlantic City. As I am doing now, I thought the spontaneity of the moment was required for the effectiveness that one expects to give to his utterances.

The first time I made that speech I never recorded it, but it was recorded at the convention even as I made it. When at Atlantic City I had finished speaking, President Johnson was on the telephone

again from the White House, congratulating me for what I had said on his behalf. I recall vividly what I said on that occasion, that no man in such a short period of time, the 7 months of his succession, had done more for the people of the country than Lyndon Johnson.

He was the father of the civil rights movement. For 100 years, we had struggled to carry out the issue of a civil war and the fiat of the Declaration of Independence that all men are created equal, and here was a southerner gifted with the humaneness and the humanity to realize that the color of a person's skin in America should not stand in the way of achieving his aspirations and ambitions. Lyndon Johnson fought hard. The first black man on the Supreme Court was appointed by Lyndon Johnson. The first time we heard of aid to education by the Federal Government was under Lyndon Johnson. It was the dream of President Kennedy, but it was the fulfillment of President Johnson.

These are the monuments that will endure as a reminder to all future Americans of what a good-hearted man can do.

In November of 1967, at his invitation, I sat alone with him in the Oval Room of the White House. He told me of his agony, that the war in Vietnam had accelerated to the divisive point that it had, and that he had been unable to unite the country.

He asked me this pointed question: He said:

Johnny, do you think I should step aside?

I looked him straight in the eye—I could not believe what he was saying to me—and I asked:

Mr. President, do you believe that what you are doing is right even though I disagree with you?

He said:

From my heart I believe that what I am doing is right.

I said:

Well, under those circumstances, if you are right, history will record you as being right; but if you are right and you step aside, history might record that you had failed the people of your country.

Frankly, I thought he was pulling my leg. I could not imagine that the President was serious about stepping aside. Yet I sat in the living room of my home with my wife on that night of March 31, 1968, when, at the conclusion of his speech, Lyndon Johnson said that he would not seek renomination and would refuse it if it was granted to him by the Democratic National Convention. Then I realized how serious he had been and how deep his personal agony really had been that previous November of 1967.

Yes, he stepped aside so that peace negotiations might be advanced. He gave up the Presidency because he loved his country. If Lyndon Johnson had run for reelection in 1968, he might not have achieved the overwhelming plurality of votes he received in 1964, but surely, in my heart, I believe he would have been elected.

But he said on that occasion:

If I step aside, maybe North Vietnam will realize that I am sincere and they will come to the negotiating table.

Mr. President, is it not ironic that today, when Henry Kissinger is detailing the agreement that we have achieved on a cease-fire and the termination of hostilities in Vietnam, the body of Lyndon Johnson is lying in state in the rotunda of the Capitol of the United States which he loved so intensely.

Perhaps it is prophetic—perhaps it is God's will—that this is the time peace was to come—the end of a war—the end of a life. History will judge the wisdom of his way—but right or wrong I shall remember Lyndon Johnson as my friend. He cherished his family. He adored his Lady Bird. He loved his children. A man who has that intensity of love, has love for his fellow man.

Lyndon Johnson knew hard times. He was a young man during the depression years of the 1920's. He worked for a dollar a day. He helped the underprivileged and the suffering because he knew suffering. No man can be big unless he learns to be little. When the chips were down, Lyndon Johnson had a heart for the little people.

Thus, on the occasion of his requiem today, I cannot find the words to match the greatness of this individual, because the Lord, with all His generosity, has not blessed any person with adequacy of tongue and mind to say fully what is in his heart.

I say it, as simply and as sincerely as I can—even though it be inadequate—that I mourn his passing. My home extends to his home our deepest sympathy.

I pray that God will give the family of Lyndon Johnson the strength to remember the years of happiness they spent together. Let this serve as the premise and the promise for their future good fortune, good health, and happiness.

Mr. ROBERT C. BYRD. Mr. President, I now yield to the distinguished Senator from Rhode Island (Mr. PELL).

Mr. PELL. Mr. President, the news of the death Monday night of President Lyndon Johnson saddened me very deeply, for the world seems an emptier place without his immense energy.

Lyndon Johnson was a true leader of men during the 31 consecutive years that he served his State and his country as a Congressman, Senator, naval officer, Vice President, and President.

Guided by his deep compassion and concern for the problems of all our people, he directed his driving force toward improving the quality of life for our people.

The list of his legislative accomplishments, both in the Congress and as President, seems limitless. So many of the programs that we almost take for granted today would not be on the lawbooks were it not for his singular determination and his masterful skill as a legislator.

He was a man who put less stock in rhetoric than in accomplishment. He told us that we as a Nation had talked too long about equality of opportunity for all our citizens. He sought action and he saw to it that we passed the most comprehensive civil rights bill in 100 years.

He sought and obtained action in other fields: medical care for the aged, a higher minimum wage, a major new

housing program, and a start toward cleaning up our polluted environment.

And he provided the impetus for a massive infusion of Federal funds into our elementary and secondary schools, programs that I have had the opportunity to oversee for the past 4 years.

No matter what may have been our views on various subjects, I never failed to admire his determination to do what he thought was right for the people who had chosen him as their leader.

Lyndon Johnson was a big man who thought in big terms. The world today is a smaller place without him.

My wife and I extend all our sympathy and condolences to his lovely wife and family.

Mr. ROBERT C. BYRD. Mr. President, I now yield to the distinguished Senator from Mississippi (Mr. EASTLAND).

Mr. EASTLAND. Mr. President, even as we mourn the loss of Harry Truman—accomplished Senator and great President—we suffer yet another lessening in the thin ranks of America's giants of this era.

Lyndon Johnson—Senator without peer, President awaiting history's assessment of his labors—is no longer with us.

It seems to me fitting and proper that Texas placed this man on the national stage and the international scene. One of our largest States gave us a leader almost larger than life.

President Johnson was, in every sense, a big man. His goals, his desire to serve his country and her people, his hopes for a better future for mankind, his unwavering faith in that future, were all on a towering scale.

None of us in this body can ever forget that Lyndon Johnson stood here and symbolized the title of Senator. He was a driving, striving, tireless leader, and he gave real meaning to the honored concept of "the loyal opposition"—a meaning carried forward in outstanding fashion by our present, distinguished majority leader.

He reached out his strong hand to a Chief Executive from our other great political party, and he contributed mightily to the effective functioning of this Government during the Eisenhower years.

When he sought—and lost—the presidential nomination, the breadth of his talent was, of course, recognized by President Kennedy. He became, as always, a working member of the Kennedy team and served with a loyalty that testified to the depth of his character.

When tragedy overtook us—when an assassin struck down John Kennedy and crisis was thrust upon us—Lyndon Johnson met and measured up to that gravest of tests.

He assumed the burden of the Presidency. He took the reins firmly and courageously and spoke to the American people, saying, with a calm and steady faith in them, and in the way of freedom, "Let us continue."

Continue we did—and as we will—under leadership selected by our citizens—until the end of time.

Lyndon Johnson cast a giant shadow across America and across the earth. It is a sad shadow today because of his passing. However, I believe that in the

decades ahead it will be a sheltering shadow for men—here and everywhere—against the evils that beset mankind. I believe this land and the world are better because he tried so very hard to make them better.

If we who knew him and worked with him—and against him, at times—would raise up a monument to President Johnson, I suggest that it might be done here, in the Senate, he loved with all his heart.

Let us, in this Chamber, salute him by continuing in the work we are in—the work he gave a lifetime to—the ongoing task of dedicating all of the strength and whatever talent we possess to fashioning a brighter tomorrow for each American and for everyone on this earth.

Mr. ROBERT C. BYRD. Mr. President, I now yield to the Senator from New Hampshire (Mr. McINTYRE) and then to the Senator from South Carolina (Mr. THURMOND).

Mr. McINTYRE. Mr. President, no President since Abraham Lincoln bore the barbs of criticism and the stings of abuse with more grace than Lyndon Johnson.

This proud and sensitive man must have had his moments of bitter anguish, must have had his moments of despair, must have had his share of heartbreak as he watched his monumental accomplishments for this country sullied and disdained in the wash of disenchantment over a war that deceived both predecessors and successor—and many of us in this very Chamber.

But let us look behind this greatest tragedy of our times, a tragedy now, thank God, about to end, and remember once again what Lyndon Johnson really was, what Lyndon Johnson did for us.

When John F. Kennedy was taken from us in November of 1963, it remained for Lyndon Johnson to restore our national spirit and renew our determination.

I wonder, Mr. President, if there was any other man in Government at that time who had the will, the courage, and the skill to set this Nation back on its feet and start it moving again.

And 1 year later a landslide victory at the polls gave him the mandate he needed to start building the Great Society, on the leading edge of the New Frontier.

He accepted that mandate, and in the next 3½ years he started more programs for social progress than any other administration in our history.

He sought to care for the sick through medicare and medicaid, to feed the hungry through food stamps and surplus food, to secure the golden years with landmark increases in social security, to educate the young through a tripling of Federal money for schools, to give to the able-bodied through manpower training and vocational rehabilitation, to provide equal rights and human dignity for all men with civil rights legislation that advanced the cause more significantly than any measure since the Emancipation Proclamation.

Let us think about that legislation for a moment: voting rights, elementary and secondary education, higher education, model cities, rent supplements, minimum wage, the Department of Housing and Urban Development, the Department of

Transportation, Job Corps, VISTA, food stamps, a host of antipoverty measures, food for freedom.

Now, Mr. President, it is politically fashionable these days to belittle the accomplishments of these nobly inspired Great Society programs. And perhaps the critics are right. Perhaps it is, indeed, true that legislation alone, money alone, will not cure our social ills.

But this conclusion, even if valid, cannot, shall not, dull the luster of Lyndon Johnson's intent.

This son of the Southwest believed, truly believed, in America's promise for every man—and he worked, as best he knew how, toward that end.

He was brought down, finally, by a war that deceived him, and by the flames of rising expectations that he himself had kindled with the very highest of purpose.

Mr. President, 144 years ago Alexis de Toqueville wrote something poignantly appropriate to any consideration of Lyndon Johnson. De Toqueville wrote:

Only great ingenuity can save one who undertakes to give relief to subjects after long oppression. The sufferings that are endured patiently as being inevitable, become intolerable the moment it appears there might be an escape. Reform then only serves to reveal more clearly what still remains oppressive and now all the more unbearable. The suffering—it's true—has been reduced. But one's sensitivity has become more acute.

And so it was with Lyndon Johnson, Mr. President. He began to lift the oppression of bigotry minorities bore so patiently for so many years. He began to lift the oppression of poverty which millions—white and black—endured as inevitable.

But in so doing, he acutely sensitized those who had suffered before in silence. So along with hope, came frustration and turmoil.

From those on the right with a pathological resistance to change, Lyndon Johnson was criticized for even raising these hopes. From his critics on the left, he was condemned for not righting the wrongs of centuries in 4 short years.

But history will be kind to Lyndon Johnson, Mr. President. History will be kind, because history does not perceive with tunnel vision. History will see a big picture of a very big man, a very great President.

May he rest in the peace he so richly deserves.

Mr. ROBERT C. BYRD. Mr. President, I now yield to the Senator from South Carolina (Mr. THURMOND) and then to the Senator from Utah (Mr. MOSS).

Mr. THURMOND. Mr. President, today we are here to eulogize a man who, had he never served his country beyond his service in the Senate, would still be regarded as a distinguished figure in American history. During his tenure in this body, Lyndon Johnson made the Senate a focal point of government and politics on the national scene. He was a man of purpose who believed those purposes useless if not acted upon. With great skill, determination, and courage, he became a master of the legislative process and his stamp was firmly placed on the Senate and the laws which emanated from it. Where opportunity ex-

isted, he seized it; where no opportunity was apparent, he created it.

Although Lyndon Johnson would have made his place in history with his record as a U.S. Senator, he later brought the same impressive abilities and qualities which served him so well as a member of the legislative branch to the Presidency.

Mr. President, it is only natural that students of government, and indeed the American people, will differ in their individual assessments of President Johnson's policies. That, after all, is the premise upon which this country was founded. It is my opinion that history will judge Lyndon Johnson as a man, as a Senator, and as a President far more charitably than many of his contemporary critics.

I believe it will be seen that he accepted the responsibility thrust upon him, that he made the decisions required of him, and that he did not retreat when lesser men might have. While reasonable men disagree as to the wisdom of his policies, reasonable men of good will, I believe, agree that our country has lost a giant of a man.

Mr. President, my deepest sympathies are with his gracious and dedicated wife, Lady Bird, and to the members of his family. Let us hope our concern for them and their loss will be a comfort to them.

Mr. ROBERT C. BYRD. Mr. President, I now yield to the distinguished Senator from Utah (Mr. MOSS).

Mr. MOSS. Mr. President, for those of us who served with Lyndon Baines Johnson in the Senate, and who worked with him during his White House years to achieve a more equitable measure of human decency for all, his passing leaves a great void. He was always one of us in a special sort of way.

He towers over his times as a colossus—a man who was larger than life size almost from the beginning of his public career. He was an outstanding Representative and an outstanding Senator. The consummate legislative skill with which he operated as majority leader in the Senate has seldom been surpassed, or equaled in our history. And no President ever worked harder, or with more compassion, to obtain his goals.

It was in the field of domestic legislation that he leaves his greatest legacy. He used his understanding of the legislative process to drive through Congress measures which produced the most substantial advance in civil rights since the time of Lincoln, and spelled the end of an apartheid society in America. It was his leadership which helped us achieve Federal aid to education, medicare, and medicaid, some of our best antipollution programs, a revised concept of immigration, the Teacher Corps, and increased assistance to the least of us—the poor—through a series of programs to help them help themselves.

More than anything else Lyndon Johnson wanted to help people—and more than anything else he did just that.

That he could not end the war in Vietnam and bring peace to Southeast Asia was a heavy affliction to him. He sought only for the people of South Vietnam the freedom to choose their own destiny,

and he hoped for them the benefits of a democratic way of life. It was a noble aspiration, and one which most people of America shared with him. When he found his objective was out of reach, under the terms the Nation had set for itself in the war in Vietnam, he sought to end the hostilities. That he could not, and did not do so, was his greatest agony. He lived with that agony to the end of his days, and it is a bitter irony of fate that he died on the eve of a ceasefire in Vietnam. No one would have been more grateful for last night's news than Lyndon Baines Johnson.

Lyndon Johnson was my friend and colleague. He was also a great friend of the State I represent. I recall one incident, especially. Legislation to clarify the status of the relicted lands around Great Salt Lake had passed the 89th Congress, after extensive consideration and debate. Its enactment was most important to Utah. It reached President Johnson's desk with a recommendation for a veto from his legal advisers. I discussed the bill with his staff and appealed to the President to sign it. Shortly before the deadline for taking final action on the bill, I received a call from President Johnson at his ranch in Texas. I was in Utah. He read to me the veto message prepared for him. The defect noted in the bill was that Federal interests were subjected to State action. In our conversation, the President, ever ready to find a way to get things done, said that an amendment to protect the interests of the Federal Government would satisfy the deficiency in the bill. I promised I would promptly introduce in the Senate such an amendment. So, in a spirit of trust and friendship, the President signed the Great Salt Lake bill. Thereafter, my amendment was introduced and enacted promptly by the Congress.

Lyndon Johnson proved that night to me that he was willing to walk the extra mile to get a bill of immense importance to the people of my State. He was, indeed, President of all of America—of all of the people.

The world mourns the passing of this compassionate, forceful, wise, and dedicated leader. Phyllis joins me in expressing deepest sympathy to his charming and gifted wife, Lady Bird, for whom we have the warmest feeling of friendship, and to his two attractive daughters. Their loss is immense, because a great man is gone. But they will live in the glow of his greatness for the rest of their lives.

Mr. ROBERT C. BYRD. Mr. President, I now yield to the distinguished Senator from Vermont (Mr. AIKEN).

Mr. AIKEN. Mr. President, I come from a rural State, and in the loss of President Lyndon B. Johnson I do not hesitate to say that the rural areas and the agricultural areas of America have lost one of the best friends, if not, indeed, the best friend, they ever had in the White House.

Lyndon Johnson was human.

He had human virtues and he made human mistakes occasionally, but his loyalty to the people of this country could never be questioned.

I recall many a time when the farm people of America were in difficulty or faced a crisis.

Under such circumstances, I found that I could call him at any time, day or night, even before breakfast, and he would respond with action appropriate to averting the danger.

I could go on reciting incident after incident where his prompt action kept the people of our great country out of difficulty.

In the field of foreign policy he made enemies who rejoiced in making charges against him.

This was particularly true in the case of our involvement in Indochina.

And I disagreed with him from time to time myself, but I will say here and now that whenever, in my opinion, he made a mistake he thought he was doing that which would shorten our military involvement in Southeast Asia.

I know that he always hoped to bring that conflict to an early close.

I know, too, that he contemplated giving our aid for reconstruction work even in North Vietnam after the turmoil was over.

Probably I saw more of Lyndon B. Johnson than any other President under whom I have served.

I worked with him on domestic matters. I know his sympathy for the needy people of America and, above all else, his loyalty to his flag and his country.

I never knew anyone else just like him and my wife, Lola, and I extend our deepest sympathy to Lady Bird, Lynda, and Luci during this period of sadness.

Mr. ROBERT C. BYRD. Mr. President, I yield now to the distinguished Senator from Minnesota (Mr. HUMPHREY).

Mr. HUMPHREY. Mr. President, when great men pass on, it is most fitting to talk about their legacies to the Nation; and when great men pass on, men who have enriched one's life with the gift of their friendship, then the remarks concerning that individual take on a very special meaning.

I have been a very fortunate man. Life has been good to me. The rewards of my life have been in the treasured friendships that have come from the Members of this body, neighbors, associates back in my home State, and, above all, the men and women of fame and responsibility who from time to time cross the path of our lives.

I came to the U.S. Senate in 1949, as a Member of the 81st Congress. Another Member of that Congress was Lyndon Baines Johnson, the then junior Senator from the State of Texas. Senator Johnson was no newcomer to Washington, however, in 1949. He had been a Member of the House of Representatives. He had worked as an aide to a Congressman. He had been employed on a congressional staff. He knew Capitol Hill and he knew all the prominent people of this interesting city on the American scene.

He always took pride in saying that Capitol Hill was his second home. If there were any two areas of this Nation that he loved, they were the hill country of Texas, his home, his ranch, Johnson City, and Capitol Hill. He was, every inch of him, a Member of the Congress of the United States, even in the days when he served in the Presidency.

But I remember so well that Lyndon Johnson, as a Senator in that year of

1949, seemed to know the powerful people in this city.

I was a newcomer to Washington. My background in politics had been as mayor of Minneapolis. Frankly, I knew no one here except what I had read about them. Within the first 2 weeks of my being in the Senate, Lyndon Johnson took time to visit with me. He called on me at the office, we visited in this cloakroom right off the Senate floor.

I can say to my colleagues that I was a very lonesome young Senator in those days. This body was much different than it is now. There were rigid lines of division, not only on the basis of party and region and ideology, but also seniority and position. Freshmen Senators were not given important assignments. Freshmen Senators were told not to speak. I am generally considered as one who is rather loquacious, but, Mr. President, I did not speak a word in this body until April 1949.

It was a different Senate—a very different Senate—but there was a young Senator who was not young to Washington, to experience in this city, who was a protege of Franklin D. Roosevelt, an intimate friend of the respected Speaker of the House, Sam Rayburn, an associate of the then senior Senator from Texas, Tom Connally, a man who knew distinguished Senators such as Richard Russell and Walter George of Georgia and Harry Flood Byrd of Virginia, just to mention a few. And it meant so much to me that this man cared enough just to say hello to a young Senator from Minnesota, a man he had never met, and, for no particular reason, to want to take time to be friendly.

That was the beginning of our relationship, and that relationship developed over the years. Many were the times that I was privileged to go to his home here in Washington to meet his young daughters, to be with his marvelous and wonderful wife, Lady Bird Johnson, to meet his friends. Yes, I always knew that he was an unusual man.

When you come to talk about a man of the quality of Lyndon Johnson—Congressman, Senator, Vice President, and President—we generally try to make it look as though, somehow or other, here was the perfect man. But Lyndon Johnson would be the last person to want this record to so appear. He was a very human, earthy, strong, outgoing, forceful, relentless in pursuit of his objectives. He was a total political man, giving of himself to politics, if it were possible, 24 hours a day, 7 days a week. He was a man of ambition, he asked much from others and gave much. He understood that the purpose of knowledge was action. Lyndon Johnson was a man who understood people and things, not an intellectual, but a man of great commonsense and understanding. And he was surely not a modest man, but I say he knew his capacity. He had faith in himself.

He also had an unlimited faith in this country and its ability to do anything that needed to be done. He was, as I said here yesterday, an unusual, unique, remarkable individual. You could not label him, Mr. President.

I remember when we came here, you were either a liberal or a conservative. You were either a reactionary or a progressive. You were either a northerner or a southerner. That is the way it used to be. How many times I heard Lyndon Johnson say he was first a free man, then an American, a public servant and a member of the Democratic Party and in that order. His respect for the Senate was an article of faith with him. But above all, while he was from the Southwest and he was a Texan and he was a Democrat, he reminded us that what he really was was an American; he knew neither North nor South, East nor West, in that sense. He quoted frequently from Sam Rayburn, who often reminded his colleagues in the other body, and this country, of the necessity of thinking in terms of the Nation rather than in terms of groups or segments or regions or sections.

I can remember the columnists and the writers and the commentators trying to put a label on Lyndon Johnson. What was he? Who was he? How would you classify him? It is so much easier around here, particularly for the purposes of contemporary history, to be able to put a person in a slot or column, to compartmentalize him. He defied all of them. He was far too complex a personality to submit to easy description. Here was a man from the South who led the fight from the Capitol and the White House for civil rights. Here was a man from the South who in 1957 and 1960 helped put through Congress the very first legislation in the field of civil rights. Here was a man from the South who refused to sign the Southern Manifesto.

We tend to forget those facts. Those were days when you were really almost compelled by party politics, if you were from a certain region of this country, to line up with the prejudices and parochial attitudes of that region. Lyndon Johnson was proud to be a Texan, and he would let you know about it. He was not always the silent man, and he surely was not the most suave and sophisticated in his approach. He would tell you bluntly he was from Texas and, as far as he was concerned, that was it.

He talked with great pride of having a vision about this country that was far greater than any State, community, or section. He was inspired by Franklin Roosevelt. Many were the days he would tell us in intimate conversation about when he first met Roosevelt.

I think he was so pleased that he was looked upon in the public print and by the public as one of the young Members of Congress in those days, in the late thirties and the early forties, who shared in Roosevelt's fellowship and trust. He was a New Dealer in that sense. However, again it was not 100 percent. Again, you could not put a label on him.

Lyndon Johnson had the most amazing set of friends. In this body, possibly the closest friend was the esteemed and revered late Richard Russell. They were intimate friends. This I know. Yet they did not always vote alike. And surely in the days of his Presidency, President Johnson recommended many things that Richard Russell could not support. But the same man who was a friend of Rich-

ard Russell was also a friend of Herbert Lehman, that marvelous humanitarian, the beloved Senator from New York. The very first person from the Senate who came to the bedside of Lyndon Johnson when Lyndon was stricken with a heart attack was Herbert Lehman. Lyndon Johnson never forgot that.

The same man who was a friend of Harry Flood Byrd, Sr., the very essence of what we call American political conservatism, shared the friendship of a man who used to stand in this Chamber, a man by the name of Senator Wayne Morse, the maverick and the progressive.

Mr. President, I was fortunate to be one of Lyndon Johnson's friends. And in those days in the Senate, he sort of looked to me as a kind of bridge between what he called the liberals—and he even used to refer to them and use the term "bomb throwers." We all know that he had a way of needling you and putting you on, and that was just his way.

Many were the times that I discussed with him many matters relating to the policy committee. I remember one time when he said to me, "Whom would you like to recommend?" I do not want to go into details because it is rather personal. However, the recommendation was made and the appointment was made.

I can remember in 1953 when Lyndon Johnson called me when I was visiting in New York City with Adlai Stevenson. At that time he said to me: "I want you to get off the Committee on Agriculture and Forestry and the Committee on Labor." They were the two committees that meant more to me than almost anything in Congress at that time. He said: "We want to put you on the Foreign Relations Committee, and we also want to have MIKE MANSFIELD on it."

I said: "I can't do that."

He said: "We have already discussed it. I have been speaking with Sam Rayburn, the Speaker, and we have been talking about adding some new faces on the Committee on Foreign Relations."

I do not think I need to tell you, Mr. President, that he was a very persuasive man. There was hardly a Member of the Senate here who did not have to have his lapels repaired from time to time after a session with Lyndon Johnson. I want to talk about my friend, Lyndon Johnson, as he was. There was hardly a Member of the Senate who served in this body who did not have to have his ears patched up from time to time as a result of having spoken with Lyndon Johnson.

How many of us remember how he would come over and talk to us. I used to say that he knew more about every individual Member of this body than J. Edgar Hoover or a psychiatrist. He was a master in the art of politics, particularly in the legislative body. Many people did not like it because many people do not like to be known that well. He not only knew the Senators, but he also knew their families. He knew all about them. And he was a considerate man.

Many a Senator will remember how former Senator Johnson used to call a member of his family who was ill or how he would call the Senator's wife and explain that the husband could not be home that night because the Senate was going to have a late session.

Mr. President, I have a storehouse full of stories that I could tell about Lyndon Johnson's capacity for compassion and human understanding.

I shall never forget the time that the late Theodore Francis Green walked out of this Chamber after talking with former Senator Lyndon Johnson. Lyndon Johnson was occupying a seat about where the Senator from West Virginia (Mr. ROBERT C. BYRD) is sitting now. And dear Senator Green said to Lyndon: "I have to go to a very important meeting. Would you consider handling this little voting rights bill for servicemen for me. If you can take care of it for me, it will help me so much. It is noncontroversial."

This happened to be a night on which Mrs. Johnson expected her husband at a particular affair at the Australian Embassy. That meeting meant a great deal to them because he had been in Australia during the war, and they had friends there that they were supposed to meet.

A bitter argument went on over this little bill of former Senator Green's, and we were here until 11 o'clock at night. When Lyndon Johnson got home, his wife asked him why he had not been able to leave. He said to her, "You must understand that we have a job to do in the Senate." She said, "Is that right?"

He said, "One of the most important Members of the United States Senate wanted us to be there for a bill."

She said, "Who was that?"

He said, "It was that beloved man, Senator Theodore Francis Green."

There were even times that this shrewd, remarkable man could be outmaneuvered by a man who seemed so quiet and modest as the late Theodore Francis Green.

We could fill this RECORD with stories about this man's contribution to our Nation.

Lyndon Johnson could be angry. He could take a bite out of you as big as a Texas T-bone steak. Yet, the very next day he would throw his arms around you as though you were a long-lost brother.

I can remember many times when there were reports that there must be some problems existing between the President and Vice President. That only indicated that they did not understand the man in the White House.

When I happened to get public criticism on a matter, I could be sure of getting sympathy from the President.

I knew the man very well. And I really miss him. Many of us here knew him very well. And in a real sense we talk of him in the present because we remember him so well.

I was on a television show with Joe Califano yesterday. And we were talking about Lyndon Johnson. The telephone rang, and I said: "Joe, don't you be surprised if he is calling."

Many of us remember the calls we used to get when he was our leader and when he was our President. The telephone was not an electronic instrument. It was an extension of his body. It was an instrument of persuasion. He was a master of the use of the telephone.

Mr. President, these are just a few reflections. I thought I would add a little human touch today, because I shall write

about him in the years to come. And I shall write about him as he was.

This was a very strong, powerful, dedicated, and able human being. I repeat that he was a master of the art of colloquy and the art of politics.

So when we talk about the legacies that people leave, I want to talk about the legacy of Lyndon Johnson. History books are full of legacies of great men of politics. They speak, for example, of Washington's legacy of independence as the father of our country; of Jefferson's legacy of freedom as the author of the Declaration of Independence, and of his passionate dedication to education.

They speak of Lincoln's legacy of the Union preserved, with justice for all; of Wilson's legacy of peace and international order; of Franklin Roosevelt's legacy of hope and compassion; of Harry Truman's legacy of reconstruction for a war-ravaged world; of the remarkable decisiveness and courage of John Kennedy's legacy of dynamism, of a new generation at the helm of government and power.

So it is well to ask, what will be the legacy of Lyndon Johnson?

Well, that legacy will be recorded in the history books; and, by the way, any real, truly objective evaluation of a strong and great man is never possible by his contemporaries. No President who has ever served this country well has been judged fairly by his contemporaries. Lincoln was not popular in his day. Neither was Jefferson nor Jackson. There were people who abhorred and denounced Woodrow Wilson, and there were the Roosevelt haters who became almost a cult. I remind the Members of this body that when Harry Truman left the Presidency, he was one of the most unpopular men who ever left Washington, D.C. He departed from Union Station almost by himself, he and his beloved wife, Bess.

Very few great men are popular in their time; and we will never be able to get a truly objective judgment of Lyndon Baines Johnson at this hour, in this day. It will require the refinement of time to filter out the dust of minutiae, in order to find the solid rock of character and accomplishment.

But it will come. And I predict we will see that Lyndon Johnson's legacy is a living one. In fact, it is here now. It is the legacy of a black or a brown child who will never have to face a segregated hotel or restaurant; who, in this time of our life, can walk tall and strong as a free man or woman—a child who will never have to live in a society that has been divided by law on the basis of race.

It will be the legacy of universal suffrage for all: rich, poor, black, and white. How well I remember President Johnson saying to me that the one thing that we must do for black people is guarantee them their precious right on the vote. He said, "Until they have that, they will always be living at the sufferance of someone else. The way to make the powerless powerful is to give them the precious right of the vote, and protect that right." And he led the fight in this body for the right to vote, and not only for the right, but for the protection of the right to vote. I shall never forget that

joint session of Congress when the President came to us with the Voting Rights Act, when he took those words of Dr. Martin Luther King, Jr., as he ended that message by saying, "We shall overcome." The Voting Rights Act alone has changed America.

It will be the legacy of hope for more than 20 million elderly Americans that they can have greater security in their final years. Yes, Lyndon Johnson would have changed the life of this Nation if he had done nothing more than to see through this Congress the passage of medicare.

And he did not forget, by the way, that medicare was initiated originally by Harry Truman. Where did he go to sign the bill? To Independence, Mo., in the presence of the man who pioneered the idea, Harry Truman.

The legacy of Lyndon Johnson will be the legacy of an education for every boy and girl in this country. He was a school-teacher who never forgot that education was the key to opportunity, a man who knew that civil rights was meaningless in ignorance; a man who knew that there was no human dignity in ignorance. And, as has been said from this floor today, he moved mountains to pass the Elementary and Secondary Education Act. Federal aid to education died in Congress year after year on the anvil of either race or religion. We would pass it here, and it would be killed in the House of Representatives, or it would pass the House of Representatives and be killed here, one or the other. But Lyndon Johnson rose above that, and we have today massive infusions of Federal funds to the educational structure of this country. We have all the little children in project Headstart. There are hundreds of thousands of parents today who will remember Lyndon Johnson because their child got a chance in a Headstart class.

There is a young man, who is heavyweight champion of the world today, by the name of George Foreman. He got a chance in a Job Corps camp. George Foreman traveled with me in 1968 for more than a month in my campaign. His wife lives in the Twin Cities, and he is a friend of mine. George Foreman, a clean-cut American youth, the Olympic boxing champion, who stood in Mexico City after he won the heavyweight boxing championship in the Olympics proudly holding that little American flag. George Foreman will never forget Lyndon Johnson. Regrettably, Lyndon Johnson lived to see the closing of some Job Corps camps.

There are thousands of people in the ghettos who got their first chance under the program known as VISTA, and the youth opportunity centers that opened across this land. I traveled with this program to every one of the major cities of this land, Mr. President. President Johnson sent my wife and me to the ghettos of Philadelphia, Chicago, New York, and Cleveland, to open up programs that we dared to ask the country to undertake.

Yes, the legacy of Lyndon Johnson is a living one. It is the legacy of economic opportunity for hundreds of thousands who needed help and assistance. He was the man who had the courage to declare war on poverty; and I remember all the

smart ones in this city who said, "He will never do it." I wonder how many Senators know that a special task force report had been prepared and that in the so-called inside communities of Washington, where they really figure out everything in advance that generally does not happen, the betting was about 10 to 1 that Lyndon Johnson would never act on the report that had been made, which came forth with the recommendation for the creation of the Office of Economic Opportunity. The war on poverty; I helped draft some of the provisions of that bill. Lyndon Johnson dared to try.

These are some of Lyndon Johnson's living legacies, which are today more valuable than any page in history. There are so many others, including the first moves in the field of environmental control. And let us not forget at all times, he pledged more to those who had less. Yes, he was a populist. He was the farmer's friend. He had the trust of the working people.

I can recall serving with him as Vice President when, at the White House, men of industry and of labor would be brought together at the same table because President Johnson believed in partnership, in cooperation, and not in confrontation.

There is so much to be said, and today we cannot say it all.

Finally, let me point out that it is tragic that in light of major accomplishments in the domestic area that President Johnson's administration has been marked in the public view primarily by the tragic war in Vietnam. He told us many times that he did not seek a military victory, that he sought only to prevent the success of aggression, that he sought only to see to it that force should not determine the future course of a people, that he sought only to protect the right of self-determination.

Only history will judge all of this war. But we know now that it lasted too long and most of us wish it had never happened.

But, Mr. President, I think I am in a position to tell this body that no man agonized more over the war in Vietnam than the man who was President then, Lyndon Johnson. I am sure that one of the reasons he is not with us now is due to the hours of pain, worry, and anguish that he endured because of that war.

I heard the distinguished Senator from Rhode Island (Mr. Pastore) speak of the message of the President of the United States, when he decided he would not be a candidate for reelection. I recall that he had said, "I do not think I will ever run again." I never believed him, because all of us in politics resign about once a month, only we are so worried that someone will take us up on it, but we get so frustrated and discouraged.

But I remember, on March 31, 1968, Mrs. Humphrey and I were at home, and I had been asked by President Johnson to represent the United States in Mexico City at the signing of a treaty to prohibit the stationing of nuclear weapons of mass destruction in Latin America. I had interested myself in that subject matter when I was a Senator. He came

to me that day—he had been to church—and he said, "I need to talk to you." We sat down, and he read to me the message that I knew he had been working on the week before, which was primarily a message about the economy and the war. And then he read me the paragraph that said he would not seek reelection, that he would not accept the nomination if it were offered to him, nor would he run. I urged upon him not to make that statement.

I said, "Mr. President, you can be reelected. It will be difficult, but you can be reelected. What is more, no one is better capable of carrying out what you want than you yourself."

I shall never forget when he told me that the main reason he was taking that action was that he knew, if he had to stand for reelection, his motives would be questioned as he sought peace in Vietnam, that he would be under suspicion and, more significantly, he would have to give time to the campaign that he should be giving to the search for peace. He said, "I have made up my mind." Then he said something else. He said, "Hubert, a campaign is an arduous and exhausting experience. I have not had the best of health. For me to undertake another campaign might be too much."

Then he said, "The men in my family have not lived long." How well I remember that.

Well, Mr. President, as I have said two or three times these past days, the conference in Paris that made possible the agreement which the President of the United States announced last evening, was initiated by Lyndon Johnson. It was on October 31, 1968, that he stopped the bombing. It was during the summer of 1968 that he encouraged and was able to get the representatives of North Vietnam and South Vietnam to come to the conference table in Paris.

I know, too, that he was as disappointed as I was when President Thieu of South Vietnam, during the first part of November 1968, had indicated for a while that he would not come to the conference table.

But the forum—yes indeed, the table that made possible the negotiations was, in a sense, constructed by the man we mourn today.

I believe that history will also note that this man set the course for better relationships with the Soviet Union. I want my colleagues to know that he gave instructions to his Cabinet that we should not speak in cold war terms. Not once during those years did President Johnson use the rhetoric that was so customary in many places in this country concerning the Soviet Union.

He diligently prepared the way for the strategic arms limitation talks which we entered into in 1969. He would have initiated those talks but for the fact that the Soviet Union moved in to attack Czechoslovakia in August of 1968.

Furthermore, Mr. President, I remember the order to his Cabinet that we should speak with great respect of the President of the Republic of France, Charles de Gaulle, that he did not want us to engage in the oratory and the rhetoric of division.

There were many other things, Mr. President, that were accomplished during those days.

As we look to the future, as we look to Asia, remember that the Asian Development Bank, that program for the economic reconstruction of Asia, was a part of that administration.

So, Mr. President, the legacy of Lyndon Johnson is to be found in the faces of children today who have better health, because he cared; to be found in the smiles on the faces of senior citizens who needed medical care and can get it now, because he cared.

The legacy of Lyndon Johnson is to be found in the schools and colleges of this land whose programs he so greatly strengthened. In the legacy of Lyndon Johnson is to be found the fact that hundreds of thousands, yes, millions of impoverished people were recognized for the first time by their Government as being worthy of attention and help.

I want to say, while the time is mine, that we are not going to turn back from that course of humanitarianism and the enrichment of human resources. I am not going to let this day of remembrance of Lyndon Johnson be just a testimonial to the man.

I say to every Senator who has spoken of him today: Remember what he stood for. As efforts are being made to weaken the programs of health, education, and child care, to weaken programs to clean up our cities and make them livable again, remember that a testimonial to a dead President, honoring him for what he did but failing to stand up in the days to come for what we need and for what he fought for would be so unfortunate and so false.

I mourn the loss of my friend. Mrs. Humphrey and I have been very sad these days. There is no way to express this sorrow except to say unashamedly that tears have filled our eyes. Our sadness is, of course, but a little, compared with the grief of that lovely family.

The reward of public life is the privilege to know great, unusual, remarkable, and gifted men and women. I have had many rewards based on that standard, but none was more generous, more meaningful, or more rich than the reward of being a companion, a colleague, an associate, a fellow Senator, a friend, and a Vice President with Lyndon Baines Johnson.

Mr. ROBERT C. BYRD. I now yield to the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, this is an occasion on which we are reminded, once again, of the poignant words of the Persian poet:

For some we loved, the loveliest and the best
That from his Vintage rolling Time hath
prest,

Have drunk their Cup a Round or two before,
And one by one crept silently to rest.

Those of us who were privileged to serve in the U.S. Senate with Lyndon Johnson as majority leader mourn his passing. We recognize that he was a big man physically and that he was a big man in all other aspects. I shall not undertake to review at any great length his achievements as a public figure.

As the distinguished Senator from Minnesota (Mr. HUMPHREY) has just stated, Lyndon Johnson was of the earth, earthy. He was quite a human individual. As a public figure, he was more of a man of action than he was a philosopher. As a consequence, he was more concerned with political objectives than he was with basic constitutional or governmental principles.

I had the privilege of knowing him when he was a Member of the House from Texas, back in 1946. As the majority leader of the Senate, after I came to the Senate, he gave me several important assignments, such as serving on the committee to study the censure of Senator Joseph McCarthy, and the committee to investigate improper activities in the labor-management area, and membership upon the Commission on Intergovernmental Relationships. After he became President, he appointed me to membership on the National Commission.

I like to think of Lyndon Johnson as a friendly, loving human being. His great achievements in the realm of public affairs have been recounted, and will be recounted, by others.

Lyndon Johnson had the uncanny capacity of making anyone with whom he had contact feel that in Lyndon Johnson's mind, he was one of the greatest of human beings. This won for Lyndon many friends. All of us like appreciation from others.

Lyndon Johnson had a genuine love for those with whom he came in contact. He never forgot his personal affection for others. I recall that on one occasion I had the privilege of flying down to North Carolina, where he made a speech and received an honorary degree at Elon College. I asked him for an autograph of the program of the event for my little grandson Jimmy. Lyndon Johnson never forgot Jimmy. Every time he saw me after that, he would ask me how Jimmy was getting along. That was the kind of man Lyndon Johnson was. Although he had some opponents, he was on friendly terms with virtually everyone. I think that of all the men who walked earth's surface during his lifetime, the man he loved most was Sam Rayburn. Lyndon Johnson would take advice from Sam Rayburn which he would not have taken from any other human being.

When Sam Rayburn was Speaker of the House, Lyndon Johnson was leader of the Senate.

I have always thought that perhaps the greatest tragedy that came to Lyndon Johnson after he became President was the fact that he did not have Sam Rayburn from whom to seek advice, because Sam Rayburn was a man of great wisdom and vast experience, and all through his life a wise counselor.

Another great tragedy was the occurrence of the Vietnam war during his administration. I think it can be truly said of Lyndon Johnson that he came to the Presidency with the vastest experience on the Washington level of any other President. He had served as an aide to a Member of Congress. He had served in the House of Representatives. He had served in the Senate, where he undoubtedly proved himself to be the most ef-

fective majority leader in the history of our Nation. He had served as Vice President. He carried all the experience gained in those offices to the Presidency. The fact that the Vietnam war became accelerated and demanded so much of his attention and time and care seriously handicapped in consummating many of his dreams for our country.

I think we can comprehend why some men are successful if we know their wives. When I was a student at the University of North Carolina I heard Horace Williams, professor of philosophy, speak to my class on the subject of the kind of girls we ought to marry.

He said we ought to marry a girl who would stand beside us as a tower of strength in good times and bad times, in joy and in sorrow, and in victory and defeat. He also said we should marry a girl who would make for us a good home in which we could find rest and relaxation, as well as inspiration.

Lyndon Johnson was most fortunate in that he married a girl who answered to all of those descriptions. I do not think the Nation has ever had a more charming First Lady than Lady Bird Johnson.

She stood by Lyndon at all times. She was his constant inspiration. A great deal of his success, which led from comparatively humble beginnings in Texas to the highest office within the gift of the American people, was due to the fact that she walked beside him and encouraged him. She supported his efforts at all times. She made a home in which he could find such relaxation as so restless a man as Lyndon could find anywhere on earth.

On behalf of my wife, who shares my great admiration and deep affection for Lady Bird Johnson, and myself, I wish to extend to Lady Bird Johnson our deepest sympathy in the irreparable loss which she and our country have sustained.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from Wyoming (Mr. McGEE).

Mr. McGEE. Mr. President, I shall take the minute we have before we go elsewhere to call the attention of Senators to the richness and the warmth of the remarks of the Senator from Minnesota (Mr. HUMPHREY), who added more chapters of understanding to the history of this great American, Lyndon Johnson, than I think have been available to most of us until now.

I would only wish that more had been able to attend his remarks at the time.

I would like to reserve the privilege, Mr. President, of injecting the remarks that I have been collecting at a more leisurely moment, but to urge my colleagues to address themselves to HUBERT HUMPHREY's very wide-ranging and very deeply moving reminiscences of his associations with Lyndon B. Johnson.

Mr. ROBERT C. BYRD. Mr. President, I yield to the distinguished Senator from New Hampshire (Mr. COTTON).

Mr. COTTON. Mr. President, as I sought to put into words my own feelings as we all join in paying tribute to former President Lyndon Johnson, I suddenly realized that for the first time in all my years here, I was speaking not only of a departed President and would

leader but also of a personal friend. In company with my colleagues, I had on many occasions met and conferred with the first three Presidents under whom I served, but Lyndon Johnson was the first President who I could honestly call a warm personal friend. He was a Member of the House of Representatives when I entered it but quickly departed to the Senate. From 1954 when I came to the Senate, I served under him as majority leader, as Vice President, and as the President of the United States.

Lyndon Johnson was a powerful floor leader. He was not necessarily greater or more effective than other floor leaders before and since, but he was different. Lyndon Johnson was dramatic in whatever role he appeared. It was his nature and he could not help it any more than he could control the shape of his head or the color of his eyes. Had he been a man of lesser intellect and abilities, he might have been called flamboyant. None of us will ever forget his dynamic personality so clearly displayed in the place where he was at his best—the Senate. We remember how he used to persuade and cajole us as he moved about, putting his hand on our shoulder, straightening our tie, while he confided to us what he was seeking to accomplish on some particular occasion and how we could help. We remember him equally well in moments of deep tension when he moved the Senate by his eloquence and sometimes even stormed at us. He was a man of many moods—passionate, forceful, harsh, humorous, sympathetic, and kind. But in the end he was our friend in those days of intimate association and, as such, will always live in our hearts. Despite political and partisan differences, I always supported and never criticized him in his darkest days in the White House. That remains my solace and comfort today.

Others may analyze his leadership as President of the United States, his role in world affairs, his successes, his failures, and his place in history. I choose on this sad day to remember him, affectionately, as my friend who was kind and helpful to me when I came here as a freshman Senator and who continued his kindness through all the years since.

Over whatever seas he is sailing

Whatever strange winds fan his brow,

What company rare he's regaling,

I know it is well with him now.

And when my last voyage I am making

May I go, as he went, unafraid,

And, the Pilot that guided him taking,

May I make the same port he has made.

Mr. ROBERT C. BYRD. Mr. President, I yield now to the distinguished Senator from Massachusetts (Mr. KENNEDY).

Mr. KENNEDY. Mr. President, so long as the story of America is told, Lyndon Johnson will be remembered as one of our Nation's greatest public servants. Throughout a lifetime of dedicated service to his country, he was an outstanding Congressman, Senate majority leader, Vice President, and President. He was a loyal Vice President to President John F. Kennedy. He had the deep respect and affection of my brother, and I shall never forget the many, many pri-

vate kindnesses he showed to all the members of our family over the years.

As President, his brilliant leadership on the Civil Rights Act of 1964 and the Voting Rights Act of 1965 has earned him a place in the history of civil rights alongside Abraham Lincoln. And his immense efforts to help the poor, the sick, and the oppressed stand out as landmarks of America's concern for those too weak to help themselves. The Great Society, of which he dreamed and for which he worked, still endures in the hearts and minds of all who believe in equality and social justice in America, and who share his faith that "We shall overcome."

Today, as we celebrate his life and mourn his death, we also celebrate the advent of the peace he sought in Indochina. As the long years of national sacrifice and tragedy and bitterness over the war now pass, we see more clearly the immense achievements of President Johnson in so many areas. Now, he belongs to history, and history will record him as one of our finest leaders. Without him, America is the poorer.

Mr. President, so that these proceedings may reflect some of the enduring monuments to Lyndon Johnson's greatness, I ask unanimous consent to include in these remarks the texts of the Civil Rights Act of 1964 and the Voting Rights Act of 1965, together with the statements made by President Johnson when he signed these measures into law. I also ask unanimous consent to include the text of his address, "The American Promise," delivered to Congress on March 15, 1965. That address, one of the most eloquent and inspiring by any President, contains the famous passage that stated his faith in the promise of America so well:

This great, rich, restless country can offer opportunity and education and hope to all: black and white, North and South, sharecropper and city dweller. These are the enemies: poverty, ignorance, disease. They are enemies and not our fellow man, not our neighbor. And these enemies too, poverty, disease and ignorance, we shall overcome.

There being no objection, the text of the acts and address were ordered to be printed in the Record, as follows:

CIVIL RIGHTS ACT OF 1964

(88th Congress, H.R. 7152, July 2, 1964)

An act to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Civil Rights Act of 1964".

TITLE I—VOTING RIGHTS

Sec. 101. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and as further amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), is further amended as follows:

(a) Insert "1" after "(a)" in subsection (a) and add at the end of subsection (a) the following new paragraphs:

"(2) No person acting under color of law shall—

"(A) in determining whether any individual is qualified under State law or laws to vote in any Federal election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote;

"(B) deny the right of any individual to vote in any Federal election because of an error or omission on any record to requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election; or

"(C) employ any literacy test as a qualification for voting in any Federal election unless (i) such test is administered to each individual and is conducted wholly in writing, and (ii) a certified copy of the test and of the answers given by the individual is furnished to him within twenty-five days of the submission of his request made within the period of time during which records and papers are required to be retained and preserved pursuant to title III of the Civil Rights Act of 1960 (42 U.S.C. 1974-74e; 74 Stat. 88): Provided, however, That the Attorney General may enter into agreements with appropriate State or local authorities that preparation, conduct, and maintenance of such tests in accordance with the provisions of applicable State or local law, including such special provisions as are necessary in the preparation, conduct, and maintenance of such tests for persons who are blind or otherwise physically handicapped, meet the purposes of this subparagraph and constitute compliance therewith.

"(3) For purposes of this subsection—

"(A) the term 'vote' shall have the same meaning as in subsection (e) of this section;

"(B) the phrase 'literacy test' includes any test of the ability to read, write, understand, or interpret any matter."

(b) Insert immediately following the period at the end of the first sentence of subsection (c) the following new sentence: "If in any such proceeding literacy is a relevant fact there shall be a rebuttable presumption that any person who has not been adjudged an incompetent and who has completed the sixth grade in a public school in, or a private school accredited by, any State or territory, the District of Columbia, or the Commonwealth of Puerto Rico where instruction is carried on predominantly in the English language, possesses sufficient literacy, comprehension, and intelligence to vote in any Federal election."

(c) Add the following subsection "(f)" and designate the present subsection "(f)" as subsection "(g)":

"(f) When used in subsection (a) or (c) of this section, the words 'Federal election' shall mean any general, special, or primary election held solely or in part for the purpose of electing or selecting any candidate for the office of President, Vice President, presidential elector, Member of the Senate, or Member of the House of Representatives."

(d) Add the following subsection "(h)":

"(h) In any proceeding instituted by the United States in any district court of the United States under this section in which the Attorney General requests a finding of a pattern or practice of discrimination pursuant to subsection (e) of this section the Attorney General, at the time he files the complaint, or any defendant in the proceeding, within twenty days after service upon him of the complaint, may file with the clerk of such court a request that a court of three judges be convened to hear and determine the entire case. A copy of the request for a

three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

"In any proceeding brought under subsection (c) of this section to enforce subsection (b) of this section, or in the event neither the Attorney General nor any defendant files a request for a three-judge court in any proceeding authorized by this subsection, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or, in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

"It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited."

TITLE II—INJUNCTIVE RELIEF AGAINST DISCRIMINATION IN PLACES OF PUBLIC ACCOMMODATION

SEC. 201. (a) All persons shall be entitled to the full and equal enjoyment of the goods, services, facilities, privileges, advantages, and accommodations of any place of public accommodation, as defined in this section, without discrimination or segregation on the ground of race, color, religion, or national origin.

(b) Each of the following establishments which serves the public is a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action:

(1) any inn, hotel, motel, or other establishment which provides lodging to transient guests, other than an establishment located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the proprietor of such establishment as his residence;

(2) any restaurant, cafeteria, lunchroom, lunch counter, soda fountain, or other facility principally engaged in selling food for consumption on the premises, including, but not limited to, any such facility located on the premises of any retail establishment; or any gasoline station;

(3) any motion picture house, theater, concert hall, sports arena, stadium or other place of exhibition or entertainment; and

(4) any establishment (A) (i) which is physically located within the premises of any establishment otherwise covered by this subsection, or (ii) within the premises of which is physically located any such covered establishment, and (B) which holds itself out as serving patrons of such covered establishment.

(c) The operations of an establishment affect commerce within the meaning of this title if (1) it is one of the establishments described in paragraph (1) of subsection (b); (2) in the case of an establishment described

in paragraph (2) of subsection (b), it serves or offers to serve interstate travelers or a substantial portion of the food which it serves, or gasoline or other products which it sells, has moved in commerce; (3) in the case of an establishment described in paragraph (3) of subsection (b), it customarily presents films, performances, athletic teams, exhibitions, or other sources of entertainment which move in commerce; and (4) in the case of an establishment described in paragraph (4) of subsection (b), it is physically located within the premises of, or there is physically located within its premises, an establishment of the operations of which affect commerce within the meaning of this subsection. For purposes of this section, "commerce" means travel, trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia and any State, or between any foreign country or any territory or possession and any State or the District of Columbia, or between points in the same State but through any other State or the District of Columbia or a foreign country.

(d) Discrimination or segregation by an establishment is supported by State action within the meaning of this title if such discrimination or segregation (1) is carried on under color of any law, statute, ordinance, or regulation; or (2) is carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof; or (3) is required by action of the State or political subdivision thereof.

(e) The provisions of this title shall not apply to a private club or other establishment not in fact open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b).

SEC. 202. All persons shall be entitled to be free, at any establishment or place, from discrimination or segregation of any kind on the ground of race, color, religion, or national origin, if such discrimination or segregation is or purports to be required by any law, statute, ordinance, regulation, rule, or order of a State or any agency or political subdivision thereof.

SEC. 203. No person shall (a) withhold, deny, or attempt to withhold or deny, or deprive or attempt to deprive, any person of any right or privilege secured by section 201 or 202, or (b) intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person with the purpose of interfering with any right or privilege secured by section 201 or 202, or (c) punish or attempt to punish any person for exercising or attempting to exercise any right or privilege secured by section 201 or 202.

SEC. 204. (a) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 203, a civil action for preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order, may be instituted by the person aggrieved and, upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the civil action without the payment of fees, costs, or security.

(b) In any action commenced pursuant to this title, the court, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee as part of the costs, and the United States shall be liable for costs the same as a private person.

(c) In the case of an alleged act or prac-

tice prohibited by this title which occurs in a State, or political subdivision of a State, which has a State or local law prohibiting such act or practice and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no civil action may be brought under subsection (a) before the expiration of thirty days after written notice of such alleged act or practice has been given to the appropriate State or local authority by registered mail or in person, provided that the court may stay proceedings in such civil action pending the termination of State or local enforcement proceedings.

(d) In the case of an alleged act or practice prohibited by this title which occurs in a State, or political subdivision of a State, which has no State or local law prohibiting such act or practice, a civil action may be brought under subsection (a): *Provided*, That the court may refer the matter to the Community Relations Service established by title X of this Act for as long as the court believes there is a reasonable possibility of obtaining voluntary compliance, but for not more than sixty days: *Provided further*, That upon expiration of such sixty-day period, the court may extend such period for an additional period, not to exceed a cumulative total of one hundred and twenty days, if it believes there then exists a reasonable possibility of securing voluntary compliance.

SEC. 205. The Service is authorized to make a full investigation of any complaint referred to it by the court under section 204(d) and may hold such hearings with respect thereto as may be necessary. The Service shall conduct any hearings with respect to any such complaint in executive session, and shall not release any testimony given therein except by agreement of all parties involved in the complaint with the permission of the court, and the Service shall endeavor to bring about a voluntary settlement between the parties.

SEC. 206. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this title, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such preventive relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

(b) In any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of the copy of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of

the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district to hear and determine the case. In the event that no judge in the district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

SEC. 207. (a) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this title and shall exercise the same without regard to whether the aggrieved party shall have exhausted any administrative or other remedies that may be provided by law.

(b) The remedies provided in this title shall be the exclusive means of enforcing the rights based on this title, but nothing in this title shall preclude any individual or any State or local agency from asserting any right based on any other Federal or State law not inconsistent with this title, including any statute or ordinance requiring nondiscrimination in public establishments or accommodations, or from pursuing any remedy, civil or criminal, which may be available for the vindication or enforcement of such right.

TITLE III—DESEGREGATION OF PUBLIC FACILITIES

SEC. 301. (a) Whenever the Attorney General receives a complaint in writing signed by an individual to the effect that he is being deprived of or threatened with the loss of his right to the equal protection of the laws, on account of his race, color, religion, or national origin, by being denied equal utilization of any public facility which is owned, operated, or managed by or on behalf of any State or subdivision thereof, other than a public school or public college as defined in section 401 of title IV hereof, and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly progress of desegregation in public facilities, the Attorney General is authorized to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

(b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would

jeopardize the personal safety, employment, or economic standing of such person or persons, their families, or their property.

SEC. 302. In any action or proceeding under this title the United States shall be liable for costs, including a reasonable attorney's fee, the same as a private person.

SEC. 303. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in any facility covered by this title.

SEC. 304. A complaint as used in this title is a writing or document within the meaning of section 1001, title 18, United States Code.

TITLE IV—DESEGREGATION OF PUBLIC EDUCATION

DEFINITIONS

SEC. 401. As used in this title—

(a) "Commissioner" means the Commissioner of Education.

(b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

(c) "Public school" means any elementary or secondary educational institution, and "public college" means any institution of higher education or any technical or vocational school above the secondary school level, provided that such public school or public college is operated by a State, subdivision of a State, or governmental agency within a State, or operated wholly or predominantly from or through the use of governmental funds or property, or funds or property derived from a governmental source.

(d) "School board" means any agency or agencies which administer a system of one or more public schools and any other agency which is responsible for the assignment of students to or within such system.

SURVEY AND REPORT OF EDUCATIONAL OPPORTUNITIES

SEC. 402. The Commissioner shall conduct a survey and make a report to the President and the Congress, within two years of the enactment of this title, concerning the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin in public educational institutions at all levels in the United States, its territories and possessions, and the District of Columbia.

TECHNICAL ASSISTANCE

SEC. 403. The Commissioner is authorized, upon the application of any school board, State, municipality, school district, or other governmental unit legally responsible for operating a public school or schools, to render technical assistance to such applicant in the preparation, adoption, and implementation of plans for the desegregation of public schools. Such technical assistance may, among other activities, include making available to such agencies information regarding effective methods of coping with special educational problems occasioned by desegregation, and making available to such agencies personnel of the Office of Education or other persons specially equipped to advise and assist them in coping with such problems.

TRAINING INSTITUTES

SEC. 404. The Commissioner is authorized to arrange, through grants or contracts, with institutions of higher education for the operation of short-term or regular session institutes for special training designed to improve the ability of teachers, supervisors, counselors, and other elementary or secondary school personnel to deal effectively with special educational problems occasioned by desegregation. Individuals who attend such an institute on a full-time basis may be paid stipends for the period of their attendance at such institute in amounts specified by the Commissioner in regulations, including allowances for travel to attend such institute.

GRANTS

SEC. 405. (a) The Commissioner is authorized, upon application of a school board, to make grants to such board to pay, in whole

(1) giving to teachers and other school personnel inservice training in dealing with problems incident to desegregation, and

(2) employing specialists to advise in problems incident to desegregation.

(b) In determining whether to make a grant, and in fixing the amount thereof and the terms and conditions on which it will be made, the Commissioner shall take into consideration the amount available for grants under this section and the other applications which are pending before him; the financial condition of the applicant and the other resources available to it; the nature, extent, and gravity of its problems incident to desegregation; and such other factors as he finds relevant.

PAYMENTS

SEC. 406. Payments pursuant to a grant or contract under this title may be made (after necessary adjustments on account of previously made overpayments or underpayments) in advance by way of reimbursement, and in such installments, as the Commissioner may determine.

SUITS BY THE ATTORNEY GENERAL

SEC. 407. (a) Whenever the Attorney General receives a complaint in writing—

(1) signed by a parent or group of parents to the effect that his or their minor children, as members of a class of persons similarly situated, are being deprived by a school board of the equal protection of the laws, or

(2) signed by an individual, or his parent, to the effect that he has been denied admission to or not permitted to continue in attendance at a public college by reason of race, color, religion, or national origin,

and the Attorney General believes the complaint is meritorious and certifies that the signer or signers of such complaint are unable, in his judgment, to initiate and maintain appropriate legal proceedings for relief and that the institution of an action will materially further the orderly achievement of desegregation in public education, the Attorney General is authorized, after giving notice of such complaint to the appropriate school board or college authority and after certifying that he is satisfied that such school board or authority has had a reasonable time to adjust the conditions alleged in such complaint, to institute for or in the name of the United States a civil action in any appropriate district court of the United States against such parties and for such relief as may be appropriate, and such court shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, provided that nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to insure compliance with constitutional standards. The Attorney General may implead as defendants such additional parties as are or become necessary to the grant of effective relief hereunder.

(b) The Attorney General may deem a person or persons unable to initiate and maintain appropriate legal proceedings within the meaning of subsection (a) of this section when such person or persons are unable, either directly or through other interested persons or organizations, to bear the expense of the litigation or to obtain effective legal representation; or whenever he is satisfied that the institution of such litigation would jeopardize the personal safety, employment, or economic standing of such person or persons, their families, or their property.

(c) The term "parent" as used in this sec-

tion includes any person standing in loco parentis. A "complaint" as used in this section is a writing or document within the meaning of section 1001, title 18, United States Code.

Sec. 408. In any action or proceeding under this title the United States shall be liable for costs the same as a private person.

Sec. 409. Nothing in this title shall affect adversely the right of any person to sue for or obtain relief in any court against discrimination in public education.

Sec. 410. Nothing in this title shall prohibit classification and assignment for reasons other than race, color, religion, or national origin.

TITLE V—COMMISSION ON CIVIL RIGHTS

Sec. 501. Section 102 of the Civil Rights Act of 1957 (42 U.S.C. 1975a; 71 Stat. 634) is amended to read as follows:

"RULES OF PROCEDURE OF THE COMMISSION HEARINGS"

"SEC. 102. (a) At least thirty days prior to the commencement of any hearing, the Commission shall cause to be published in the Federal Register notice of the date on which such hearing is to commence, the place at which it is to be held and the subject of the hearing. The Chairman, or one designated by him to act as Chairman at a hearing of the Commission, shall announce in an opening statement the subject of the hearing.

"(b) A copy of the Commission's rules shall be made available to any witness before the Commission or required to produce written or other matter shall be served with a copy of the Commission's rules at the time of service of the subpoena.

"(c) Any person compelled to appear in person before the Commission shall be accorded the right to be accompanied and advised by counsel, who shall have the right to subject his client to reasonable examination, and to make objections on the record and to argue briefly the basis for such objections. The Commission shall proceed with reasonable dispatch to conclude any hearing in which it is engaged. Due regard shall be had for the convenience and necessity of witnesses.

"(d) The Chairman or Acting Chairman may punish breaches of order and decorum by censure and exclusion from the hearings.

"(e) If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony or summary of such evidence or testimony in executive session. The Commission shall afford any person defamed, degraded, or incriminated by such evidence or testimony any opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses requested by him, before deciding to use such evidence or testimony. In the event the Commission determines to release or use such evidence or testimony in such manner as to reveal publicly the identity of the person defamed, degraded, or incriminated, such evidence as testimony, prior to such public release or use, shall be given at a public session, and the Commission shall afford such person an opportunity to appear as a voluntary witness or to file a sworn statement in his behalf and to submit brief and pertinent sworn statements of others. The Commission shall receive and dispose of requests from such person to subpoena additional witnesses.

"(f) Except as provided in sections 102 and 105(f) of this Act, the Chairman shall receive and the Commission shall dispose of requests to subpoena additional witnesses.

"(g) No evidence or testimony or summary of evidence or testimony taken in executive session may be released or used in public sessions without the consent of the Commission. Whoever releases or uses in public without the consent of the Commission such evi-

dence or testimony taken in executive session shall be fined not more than \$1,000, or imprisoned for not more than one year.

"(h) In the discretion of the Commission, witnesses may submit brief and pertinent sworn statements in writing for inclusion in the record. The Commission shall determine the pertinency of testimony and evidence adduced at its hearings.

"(i) Every person who submits data or evidence shall be entitled to retain or, on payment of lawfully prescribed costs, procure a copy or transcript thereof, except that a witness in a hearing held in executive session may for good cause be limited to inspection of the official transcript of his testimony. Transcript copies of public sessions may be obtained by the public upon the payment of the cost thereof. An accurate transcript shall be made of the testimony of all witnesses at all hearings, either public or executive sessions, of the Commission or of any subcommittee thereof.

"(j) A witness attending any session of the Commission shall receive \$6 for each day's attendance and for the time necessarily occupied in going to and returning from the same, and 10 cents per mile for going from and returning to his place of residence. Witnesses who attend at points so far removed from their respective residences as to prohibit return thereto from day to day shall be entitled to an additional allowance of \$10 per day for expenses of subsistence, including the time necessarily occupied in going to and returning from the place of attendance. Mileage payments shall be tendered to the witness upon service of a subpoena issued on behalf of the Commission or any subcommittee thereof.

"(k) The Commission shall not issue any subpoena for the attendance and testimony of witnesses or for the production of written or other matter which would require the presence of the party subpoenaed at a hearing to be held outside of the State wherein the witness is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process except that, in any event, the Commission may issue subpoenas for the attendance and testimony of witnesses and the production of written or other matter at a hearing held within fifty miles of the place where the witness is found or resides or is domiciled or transacts business or has appointed an agent for receipt of service of process.

"(1) The Commission shall separately state and currently publish in the Federal Register (1) descriptions of its central and field organization including the established places at which, and methods whereby, the public may secure information or make requests; (2) statements of the general course and method by which its functions are channeled and determined, and (3) rules adopted as authorized by law. No person shall in any manner be subject to or required to resort to rules, organization, or procedure not so published."

Sec. 502. Section 103(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(a); 71 Stat. 634) is amended to read as follows:

"Sec. 103. (a) Each member of the Commission who is not otherwise in the service of the Government of the United States shall receive the sum of \$75 per day for each day spent in the work of the Commission, shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2; 60 Stat. 808)."

Sec. 503. Section 103(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975b(b); 71 Stat. 634) is amended to read as follows:

"(b) Each member of the Commission who is otherwise in the service of the Government of the United States shall serve without compensation in addition to that received for such other service, but while en-

gaged in the work of the Commission shall be paid actual travel expenses, and per diem in lieu of subsistence expenses when away from his usual place of residence, in accordance with the provisions of the Travel Expenses Act of 1949, as amended (5 U.S.C. 835-42; 63 Stat. 166)."

Sec. 504. (a) Section 104(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(a); 71 Stat. 635), as amended, is further amended to read as follows:

"DUTIES OF THE COMMISSION"

"SEC. 104. (a) The Commission shall—

"(1) investigate allegations in writing under oath or affirmation that certain citizens of the United States are being deprived of their right to vote and have that vote counted by reason of their color, race, religion, or national origin; which writing, under oath or affirmation, shall set forth the facts upon which such belief or beliefs are based;

"(2) study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion or national origin or in the administration of justice;

"(3) appraise the laws and policies of the Federal Government with respect to denials of equal protection of the laws under the Constitution because of race, color, religion or national origin or in the administration of justice;

"(4) serve as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion or national origin, including but not limited to the fields of voting, education, housing, employment, the use of public facilities, and transportation, or in the administration of justice;

"(5) investigate allegations, made in writing and under oath or affirmation, that citizens of the United States are unlawfully being accorded or denied the right to vote, or to have their votes properly counted, in any election of presidential electors, Members of the United States Senate, or of the House of Representatives, as a result of any patterns or practice of fraud or discrimination in the conduct of such election; and

"(6) Nothing in this or any other Act shall be construed as authorizing the Commission, its Advisory Committees, or any person under its supervision or control to inquire into or investigate any membership practices or internal operations of any fraternal organization, any college or university fraternity or sorority, any private club or any religious organization."

(b) Section 104(b) of the Civil Rights Act of 1957 (42 U.S.C. 1975c(b); 71 Stat. 635), as amended, is further amended by striking out the present subsection "(b)" and by substituting therefor:

"(b) The Commission shall submit interim reports to the President and to the Congress at such times as the Commission, the Congress or the President shall deem desirable, and shall submit to the President and to the Congress a final report of its activities, findings, and recommendations not later than January 31, 1968."

Sec. 505. Section 105(a) of the Civil Rights Act of 1957 (42 U.S.C. 1975d(a); 71 Stat. 636) is amended by striking out in the last sentence thereof "\$50 per diem" and inserting in lieu thereof "\$75 per diem."

Sec. 506. Section 105(f) and section 105(g) of the Civil Rights Act of 1957 (42 U.S.C. 1975d(f) and (g); 71 Stat. 636) are amended to read as follows:

"(f) The Commission, or on the authorization of the Commission any subcommittee of two or more members, at least one of whom shall be of each major political party, may, for the purpose of carrying out the provisions of this Act, hold such hearings and act at such times and places as the Commission or such authorized subcommittee may deem advisable. Subpoenas for the attendance and testimony of witnesses or the

production of written or other matter may be issued in accordance with the rules of the Commission as contained in section 102 (j) and (k) of this Act, over the signature of the Chairman of the Commission or of such subcommittee, and may be served by any person designated by such Chairman. The holding of hearings by the Commission, or the appointment of a subcommittee to hold hearings pursuant to this subparagraph, must be approved by a majority of the Commission, or by a majority of the members present at a meeting at which at least a quorum of four members is present.

"(g) In case of contumacy or refusal to obey a subpoena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a subcommittee thereof, there to produce pertinent, relevant and nonprivileged evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof."

SEC. 507. Section 105 of the Civil Rights Act of 1957 (42 U.S.C. 1975d; 71 Stat. 636), as amended by section 401 of the Civil Rights Act of 1960 (42 U.S.C. 1975d(h); 74 Stat. 89), is further amended by adding a new subsection at the end to read as follows:

"(i) The Commission shall have the power to make such rules and regulations as are necessary to carry out the purposes of this Act."

TITLE VI—NONDISCRIMINATION IN FEDERALLY ASSISTED PROGRAMS

SEC. 601. No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

SEC. 602. Each Federal department and agency which is empowered to extend Federal financial assistance to any program or activity, by way of grant, loan, or contract other than a contract of insurance or guaranty, is authorized and directed to effectuate the provisions of section 601 with respect to such program or activity by issuing rules, regulations, or orders of general applicability which shall be consistent with achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken. No such rule, regulation, or order shall become effective unless and until approved by the President. Compliance with any requirement adopted pursuant to this section may be effected (1) by the termination of or refusal to grant or to continue assistance under such program or activity to any recipient as to whom there has been an express finding on the record, after opportunity for hearing, of a failure to comply with such requirement, but such termination or refusal shall be limited to the particular political entity, or part thereof, or other recipient as to whom such a finding has been made and, shall be limited in its effect to the particular program, or part thereof, in which such noncompliance has been so found, or (2) by any other means authorized by law: *Provided, however, That no such action shall be taken until the department or agency concerned has advised the appropriate person or persons of the failure to comply with the requirement and has determined that compliance cannot be secured by voluntary means. In the case*

of any action terminating, or refusing to grant or continue, assistance because of the failure to comply with a requirement imposed pursuant to this section, the head of the Federal department or agency shall file with the committees of the House and Senate having legislative jurisdiction over the program or activity involved a full written report of the circumstances and the grounds for such action. No such action shall become effective until thirty days have elapsed after the filing of such report.

SEC. 603. Any department or agency action taken pursuant to section 602 shall be subject to such judicial review as may otherwise be provided by law for similar action taken by such department or agency on other grounds. In the case of action, not otherwise subject to judicial review, terminating or refusing to grant or to continue financial assistance upon a finding of failure to comply with any requirement imposed pursuant to section 602, any person aggrieved (including any State or political subdivision thereof and agency of either) may obtain judicial review of such action in accordance with section 10 of the Administrative Procedure Act, and such action shall not be deemed committed to unreviewable agency discretion within the meaning of that section.

SEC. 604. Nothing contained in this title shall be construed to authorize action under this title by any department or agency with respect to any employment practice of any employer, employment agency, or labor organization except where a primary objective of the Federal financial assistance is to provide employment.

SEC. 605. Nothing in this title shall add to or detract from any existing authority with respect to any program or activity under which Federal financial assistance is extended by way of a contract of insurance or guaranty.

TITLE VII—EQUAL EMPLOYMENT OPPORTUNITY

DEFINITIONS

SEC. 701. For the purposes of this title—

(a) The term "person" includes one or more individuals, labor unions, partnerships, associations, corporations, legal representatives, mutual companies, joint-stock companies, trusts, unincorporated organizations, trustees in bankruptcy, or receivers.

(b) The term "employer" means a person engaged in an industry affecting commerce who has twenty-five or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include (1) the United States, a corporation wholly owned by the Government of the United States, an Indian tribe, or a State or political subdivision thereof, (2) a bona fide private membership club (other than a labor organization) which is exempt from taxation under section 501(c) of the Internal Revenue Code of 1954: *Provided, That during the first year after the effective date prescribed in subsection (a) of section 716, persons having fewer than one hundred employees (and their agents) shall not be considered employers, and, during the second year after such date, persons having fewer than seventy-five employees (and their agents) shall not be considered employers; and, during the third year after such date, persons having fewer than fifty employees (and their agents) shall not be considered employers: Provided further, That it shall be the policy of the United States to insure equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex or national origin and the President shall utilize his existing authority to effectuate this policy.*

(c) The term "employment agency" means any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer and

includes an agent of such a person; but shall not include an agency of the United States, or an agency of a State or political subdivision of a State, except that such term shall include the United States Employment Service and the system of State and local employment services receiving Federal assistance.

(d) The term "labor organization" means a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency, or employee representation committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment, and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

(e) A labor organization shall be deemed to be engaged in an industry affecting commerce if (1) it maintains or operates a hiring hall or hiring office which procures employees for an employer or procures for employees opportunities to work for an employer, or (2) the number of its members (or, where it is a labor organization composed of other labor organizations or their representatives, if the aggregate number of the members of such other labor organization) is (A) one hundred or more during the first year after the effective date prescribed in subsection (a) of section 716, (B) seventy-five or more during the second year after such date or fifty or more during the third year, or (C) twenty-five or more thereafter, and such labor organization—

(1) is the certified representative of employees under the provisions of the National Labor Relations Act, as amended, or the Railway Labor Act, as amended;

(2) although not certified, is a national or international labor organization or a local labor organization recognized or acting as the representative of employees of an employer or employers engaged in an industry affecting commerce; or

(3) has chartered a local labor organization or subsidiary body which is representing or actively seeking to represent employees of employers within the meaning of paragraph (1) or (2); or

(4) has been chartered by a labor organization representing or actively seeking to represent employees within the meaning of paragraph (1) or (2) as the local or subordinate body through which such employees may enjoy membership or become affiliated with such labor organization; or

(5) is a conference, general committee, joint or system board, or joint council subordinate to a national or international labor organization, which includes a labor organization engaged in an industry affecting commerce within the meaning of any of the preceding paragraphs of this subsection.

(f) The term "employee" means an individual employed by an employer.

(g) The term "commerce" means trade, traffic, commerce, transportation, transmission, or communication among the several States; or between a State and any place outside thereof; or within the District of Columbia, or a possession of the United States; or between points in the same State but through a point outside thereof.

(h) The term "industry affecting commerce" means any activity, business, or industry in commerce or in which a labor dispute would hinder or obstruct commerce or the free flow of commerce and includes any activity or industry "affecting commerce" within the meaning of the Labor-Management Reporting and Disclosure Act of 1959.

(i) The term "State" includes a State of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, Guam, Wake Island, the Canal Zone,

and Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act.

EXEMPTION

SEC. 702. This title shall not apply to an employer with respect to the employment of aliens outside any State, or to a religious corporation, association, or society with respect to the employment of individuals of a particular religion to perform work connected with the carrying on by such corporation, association, or society of its religious activities or to an educational institution with respect to the employment of individuals to perform work connected with the educational activities of such institution.

DISCRIMINATION BECAUSE OF RACE, COLOR, RELIGION, SEX, OR NATIONAL ORIGIN

SEC. 703. (a) It shall be an unlawful employment practice for an employer—

(1) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin; or

(2) to limit, segregate, or classify his employees in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of such individual's race, color, religion, sex, or national origin.

(b) It shall be an unlawful employment practice for an employment agency to fail or refuse to refer for employment, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin, or to classify or refer for employment any individual on the basis of his race, color, religion, sex, or national origin.

(c) It shall be an unlawful employment practice for a labor organization—

(1) to exclude or to expel from its membership, or otherwise to discriminate against, any individual because of his race, color, religion, sex, or national origin;

(2) to limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual, in any way which would deprive or tend to deprive any individual of employment opportunities, or otherwise adversely affect his status as an employee or as an applicant for employment, because of such individual's race, color, religion, sex, or national origin; or

(3) to cause or attempt to cause an employer to discriminate against an individual in violation of this section.

(d) It shall be an unlawful employment practice for any employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining, including on-the-job training programs to discriminate against any individual because of his race, color, religion, sex, or national origin in admission to, or employment in, any program established to provide apprenticeship or other training.

(e) Notwithstanding any other provision of this title, (1) it shall not be an unlawful employment practice for an employer to hire and employ employees, for an employment agency to classify, or refer for employment any individual, for a labor organization to classify its membership or to classify or refer for employment any individual, or for an employer, labor organization, or joint labor-management committee controlling apprenticeship or other training or retraining programs to admit or employ any individual in any such program, on the basis of his religion, sex, or national origin in those certain instances where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise, and (2) it shall not be an unlawful employment practice for a school, college, university, or other educational institution

or institution of learning to hire and employ employees of a particular religion if such school, college, university, or other educational institution or institution of learning is, in whole or in substantial part, owned, supported, controlled, or managed by a particular religion or by a particular religious corporation, association, or society, or if the curriculum of such school, college, university, or other educational institution or institution of learning is directed toward the propagation of a particular religion.

(f) As used in this title, the phrase "unlawful employment practice" shall not be deemed to include any action or measure taken by an employer, labor organization, joint labor-management committee, or employment agency with respect to an individual who is a member of the Communist Party of the United States or of any other organization required to register as a Communist-action or Communist-front organization by final order of the Subversive Activities Control Board pursuant to the Subversive Activities Control Act of 1950.

(g) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to fail or refuse to hire and employ any individual for any position, for an employer to discharge any individual from any position, or for an employment agency to fail or refuse to refer any individual for employment in any position, or for a labor organization to fail or refuse to refer any individual for employment in any position, if—

(1) the occupancy of such position, or access to the premises in or upon which any part of the duties of such position is performed or is to be performed, is subject to any requirement imposed in the interest of the national security of the United States under any security program in effect pursuant to or administered under any statute of the United States or any Executive order of the President; and

(2) such individual has not fulfilled or has ceased to fulfill that requirement.

(h) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, or national origin, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test provided that such test, its administration or action upon the results is not designed, intended or used to discriminate because of race, color, religion, sex or national origin. It shall not be an unlawful employment practice under this title for any employer to differentiate upon the basis of sex in determining the amount of the wages or compensation paid or to be paid to employees of such employer if such differentiation is authorized by the provisions of section 6(d) of the Fair Labor Standards Act of 1938, as amended (29 U.S.C. 206(d)).

(i) Nothing contained in this title shall apply to any business or enterprise on or near an Indian reservation with respect to any publicly announced employment practice of such business or enterprise under which a preferential treatment is given to any individual because he is an Indian living on or near a reservation.

(j) Nothing contained in this title shall be interpreted to require any employer, employment agency, labor organization, or joint labor-management committee subject to this title to grant preferential treatment to any individual or to any group because of the race, color, religion, sex, or national origin of

such individual or group on account of an imbalance which may exist with respect to the total number or percentage of persons of any race, color, religion, sex, or national origin employed by any employer, referred or classified for employment by any employment agency or labor organization, admitted to membership or classified by any labor organization, or admitted to, or employed in, any apprenticeship or other training program, in comparison with the total number or percentage of persons of such race, color, religion, sex, or national origin in any community, State, section, or other area, or in the available work force in any community, State, section, or other area.

OTHER UNLAWFUL EMPLOYMENT PRACTICES

SEC. 704. (a) It shall be an unlawful employment practice for an employer to discriminate against any of his employees or applicants for employment, for an employment agency to discriminate against any individual, or for a labor organization to discriminate against any member thereof or applicant for membership, because he has opposed any practice made an unlawful employment practice by this title, or because he has made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this title.

(b) It shall be an unlawful employment practice for an employer, labor organization, or employment agency to print or publish or cause to be printed or published any notice or advertisement relating to employment by such an employer or membership in or any classification or referral for employment by such a labor organization, or relating to any classification or referral for employment by such an employment agency, indicating any preference, limitation, specification, or discrimination, based on race, color, religion, sex, or national origin, except that such a notice or advertisement may indicate a preference, limitation, specification, or discrimination based on religion, sex, or national origin when religion, sex, or national origin is a bona fide occupational qualification for employment.

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

SEC. 705. (a) There is hereby created a Commission to be known as the Equal Employment Opportunity Commission, which shall be composed of five members, not more than three of whom shall be members of the same political party, who shall be appointed by the President by and with the advice and consent of the Senate. One of the original members shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years, and one for a term of five years, beginning from the date of enactment of this title, but their successors shall be appointed for terms of five years each, except that any individual chosen to fill a vacancy shall be appointed only for the unexpired term of the member whom he shall succeed. The President shall designate one member to serve as Chairman of the Commission, and one member to serve as Vice Chairman. The Chairman shall be responsible on behalf of the Commission for the administrative operations of the Commission, and shall appoint, in accordance with the civil service laws, such officers, agents, attorneys, and employees as it deems necessary to assist it in the performance of its functions and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Vice Chairman shall act as Chairman in the absence or disability of the Chairman or in the event of a vacancy in that office.

(b) A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission and three members thereof shall constitute a quorum.

(c) The Commission shall have an official seal which shall be judicially noticed.

(d) The Commission shall at the close of each fiscal year report to the Congress and to the President, concerning the action it has taken; the names, salaries, and duties of all individuals in its employ and the moneys it has disbursed; and shall make such further reports on the cause of and means of eliminating discrimination and such recommendations for further legislation as may appear desirable.

(e) The Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2201-2209), is further amended—

(1) by adding to section 105 thereof (5 U.S.C. 2204) the following clause:

"(32) Chairman, Equal Employment Opportunity Commission"; and

(2) by adding to clause (45) of section 106(a) thereof (5 U.S.C. 2205(a)) the following: "Equal Employment Opportunity Commission (4)."

(f) The principal office of the Commission shall be in or near the District of Columbia, but it may meet or exercise any or all its powers at any other place. The Commission may establish such regional or State offices as it deems necessary to accomplish the purpose of this title.

(g) The Commission shall have power—

(1) to cooperate with and, with their consent, utilize regional, State, local, and other agencies, both public and private, and individuals;

(2) to pay to witnesses whose depositions are taken or who are summoned before the Commission or any of its agents the same witness and mileage fees as are paid to witnesses in the courts of the United States;

(3) to furnish to persons subject to this title such technical assistance as they may request to further their compliance with this title or an order issued thereunder;

(4) upon the request of (i) any employer, whose employees or some of them, or (ii) any labor organization, whose members or some of them, refuse or threaten to refuse to cooperate in effectuating the provisions of this title, to assist in such effectuation by conciliation or such other remedial action as is provided by this title;

(5) to make such technical studies as are appropriate to effectuate the purposes and policies of this title and to make the results of such studies available to the public;

(6) to refer matters to the Attorney General with recommendations for intervention in a civil action brought by an aggrieved party under section 706, or for the institution of a civil action by the Attorney General under section 707, and to advise, consult, and assist the Attorney General on such matters.

(h) Attorneys appointed under this section may, at the direction of the Commission, appear for and represent the Commission in any case in court.

(i) The Commission shall, in any of its educational or promotional activities, cooperate with other departments and agencies in the performance of such educational and promotional activities.

(j) All officers, agents, attorneys, and employees of the Commission shall be subject to the provisions of section 9 of the Act of August 2, 1939, as amended (the Hatch Act), notwithstanding any exemption contained in such section.

PREVENTION OF UNLAWFUL EMPLOYMENT PRACTICES

SEC. 706. (a) Whenever it is charged in writing under oath by a person claiming to be aggrieved, or a written charge has been filed by a member of the Commission where he has reasonable cause to believe a violation of this title has occurred (and such charge sets forth the facts upon which it is based) that an employer, employment agency, or labor organization has engaged in an unlawful employment practice, the Commission

shall furnish such employer, employment agency, or labor organization (hereinafter referred to as the "respondent") with a copy of such charge and shall make an investigation of such charge, provided that such charge shall not be made public by the Commission. If the Commission shall determine, after such investigation, that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation, and persuasion. Nothing said or done during and as a part of such endeavors may be made public by the Commission without the written consent of the parties, or used as evidence in a subsequent proceeding. Any officer or employee of the Commission, who shall make public in any manner whatever any information in violation of this subsection shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$1,000 or imprisoned not more than one year.

(b) In the case of an alleged unlawful employment practice occurring in a State, or political subdivision of a State, which has a State or local law prohibiting the unlawful employment practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, no charge may be filed under subsection (a) by the person aggrieved before the expiration of sixty days after proceedings have been commenced under the State or local law, unless such proceedings have been earlier terminated, provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State or local law. If any requirement for the commencement of such proceedings is imposed by a State or local authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of this subsection at the time such statement is sent by registered mail to the appropriate State or local authority.

(c) In the case of any charges filed by a member of the Commission alleging an unlawful employment practice occurring in a State or political subdivision of a State, which has a State or local law prohibiting the practice alleged and establishing or authorizing a State or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto upon receiving notice thereof, the Commission shall, before taking any action with respect to such charge, notify the appropriate State or local officials and, upon request, afford them a reasonable time, but not less than sixty days (provided that such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective day of such State or local law), unless a shorter period is requested, to act under such State or local law to remedy the practice alleged.

(d) A charge under subsection (a) shall be filed within ninety days after the alleged unlawful employment practice occurred, except that in the case of an unlawful employment practice with respect to which the person aggrieved has followed the procedure set out in subsection (b), such charge shall be filed by the person aggrieved within two hundred and ten days after the alleged unlawful employment practice occurred, or within thirty days after receiving notice that the State or local agency has terminated the proceedings under the State or local law, whichever is earlier, and a copy of such charge shall be filed by the Commission with the State or local agency.

(e) If within thirty days after a charge

is filed with the Commission or within thirty days after expiration of any period of reference under subsection (c) (except that in either case such period may be extended to not more than sixty days upon a determination by the Commission that further efforts to secure voluntary compliance are warranted), the Commission has been unable to obtain voluntary compliance with this title, the Commission shall so notify the person aggrieved and a civil action may, within thirty days thereafter, be brought against the respondent named in the charge (1) by the person claiming to be aggrieved, or (2) if such charge was filed by a member of the Commission, by any person whom the charge alleges was aggrieved by the alleged unlawful employment practice. Upon application by the complainant and in such circumstances as the court may deem just, the court may appoint an attorney for such complainant and may authorize the commencement of the action without the payment of fees, costs, or security. Upon timely application, the court may, in its discretion, permit the Attorney General to intervene in such civil action if he certifies that the case is of general public importance. Upon request, the court may, in its discretion, stay further proceedings for not more than sixty days pending the termination of State or local proceedings described in subsection (b) or the efforts of the Commission to obtain voluntary compliance.

(f) Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of actions brought under this title. Such an action may be brought in any judicial district in the State in which the unlawful employment practice is alleged to have been committed, in the judicial district in which the employment records relevant to such practice are maintained and administered, or in the judicial district in which the plaintiff would have worked but for the alleged unlawful employment practice, but if the respondent is not found within any such district, such an action may be brought within the judicial district in which the respondent has his principal office. For purposes of sections 1404 and 1406 of title 28 of the United States Code, the judicial district in which the respondent has his principal office shall in all cases be considered a district in which the action might have been brought.

(g) If the court finds that the respondent has intentionally engaged in or is intentionally engaging in an unlawful employment practice charged in the complaint, the court may enjoin the respondent from engaging in such unlawful employment practice, and order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without back pay (payable by the employer, employment agency, or labor organization, as the case may be, responsible for the unlawful employment practice). Interim earnings or amounts earnable with reasonable diligence by the person or persons discriminated against shall operate to reduce the back pay otherwise allowable. No order of the court shall require the admission or reinstatement of an individual as a member of a union or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled or was refused employment or advancement or was suspended or discharged for any reason other than discrimination on account of race, color, religion, sex or national origin or in violation of section 704(a).

(h) The provisions of the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes," approved

March 23, 1932 (29 U.S.C. 101-115), shall not apply with respect to civil actions brought under this section.

(i) In any case in which an employer, employment agency, or labor organization fails to comply with an order of a court issued in a civil action brought under subsection (e), the Commission may commence proceedings to compel compliance with such order.

(j) Any civil action brought under subsection (e) and any proceeding brought under subsection (i) shall be subject to appeal as provided in sections 1291 and 1292, title 28, United States Code.

(k) In any action or proceeding under this title the court, in its discretion, may allow the prevailing party, other than the Commission or the United States, a reasonable attorney's fee as part of the costs, and the Commission and the United States shall be liable for costs the same as a private person.

SEC. 707. (a) Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of resistance to the full enjoyment of any of the rights secured by this title, and that the pattern or practice is of such a nature and is intended to deny the full exercise of the rights herein described, the Attorney General may bring a civil action in the appropriate district court of the United States by filing with it a complaint (1) signed by him (or in his absence the Acting Attorney General), (2) setting forth facts pertaining to such pattern or practice, and (3) requesting such relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or persons responsible for such pattern or practice, as he deems necessary to insure the full enjoyment of the rights herein described.

(b) The district courts of the United States shall have and shall exercise jurisdiction of proceedings instituted pursuant to this section, and in any such proceeding the Attorney General may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case. Such request by the Attorney General shall be accompanied by a certificate that, in his opinion, the case is of general public importance. A copy of the certificate and request for a three-judge court shall be immediately furnished by such clerk to the chief judge of the circuit (or in his absence, the presiding circuit judge of the circuit) in which the case is pending. Upon receipt of such request it shall be the duty of the chief judge of the circuit or the presiding circuit judge, as the case may be, to designate immediately three judges in such circuit, of whom at least one shall be a circuit judge and another of whom shall be a district judge of the court in which the proceeding was instituted, to hear and determine such case, and it shall be the duty of the judges so designated to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited. An appeal from the final judgment of such court will lie to the Supreme Court.

In the event the Attorney General fails to file such a request in any such proceeding, it shall be the duty of the chief judge of the district (or in his absence, the acting chief judge) in which the case is pending immediately to designate a judge in such district is available to hear and determine the case, the chief judge of the district, or the acting chief judge, as the case may be, shall certify this fact to the chief judge of the circuit (or in his absence, the acting chief judge) who shall then designate a district or circuit judge of the circuit to hear and determine the case.

It shall be the duty of the judge designated pursuant to this section to assign the case for hearing at the earliest practicable date and to cause the case to be in every way expedited.

EFFECT ON STATE LAWS

SEC. 708. Nothing in this title shall be deemed to exempt or relieve any person from any liability, duty, penalty, or punishment provided by any present or future law of any State or political subdivision of a State, other than any such law which purports to require or permit the doing of any act which would be an unlawful employment practice under this title.

INVESTIGATIONS, INSPECTIONS, RECORDS, STATE AGENCIES

SEC. 709. (a) In connection with any investigation of a charge filed under section 706, the Commission or its designated representative shall at all reasonable times have access to, for the purposes of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to unlawful employment practices covered by this title and is relevant to the charge under investigation.

(b) The Commission may cooperate with State and local agencies charged with the administration of State fair employment practices laws and, with the consent of such agencies, may for the purpose of carrying out its functions and duties under this title and within the limitation of funds appropriated specifically for such purpose, utilize the services of such agencies and their employees and, notwithstanding any other provision of law, may reimburse such agencies and their employees for services rendered to assist the Commission in carrying out this title. In furtherance of such cooperative efforts, the Commission may enter into written agreements with such State or local agencies and such agreements may include provisions under which the Commission shall refrain from processing a charge in any cases or class of cases specified in such agreements and under which no person may bring a civil action under section 706 in any cases or class of cases so specified, or under which the Commission shall relieve any person or class of persons in such State or locality from requirements imposed under this section. The Commission shall rescind any such agreement whenever it determines that the agreement no longer serves the interest of effective enforcement of this title.

(c) Except as provided in subsection (d), every employer, employment agency, and labor organization subject to this title shall (1) make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, (2) preserve such records for such periods, and (3) make such reports therefrom, as the Commission shall prescribe by regulation or order, after public hearing, as reasonable, necessary, or appropriate for the enforcement of this title or the regulations or orders thereunder. The Commission shall, by regulation, require each employer, labor organization, and joint labor-management committee subject to this title which controls an apprenticeship or other training program to maintain such records as are reasonably necessary to carry out the purpose of this title, including, but not limited to, a list of applicants who wish to participate in such program, including the chronological order in which such applications were received, and shall furnish to the Commission, upon request, a detailed description of the manner in which persons are selected to participate in the apprenticeship or other training program. Any employer, employment agency, labor organization, or joint labor-management committee which believes that the application to it of any regulation or order issued under this section would result in undue hardship may (1) apply to the Commission for an exemption from the application of such regulation or order, or (2) bring a civil action in the United States district court for the district where such records are kept. If the Commission or the court, as the case may be, finds that the application of the regulation or order to the

employer, employment agency, or labor organization in question would impose an undue hardship, the Commission or the court, as the case may be, may grant appropriate relief.

(d) The provisions of subsection (c) shall not apply to any employer, employment agency, labor organization, or joint labor-management committee with respect to matters occurring in any State or political subdivision thereof which has a fair employment practice law during any period in which such employer, employment agency, labor organization, or joint labor-management committee is subject to such law, except that the Commission may require such notations on records which such employer, employment agency, labor organization, or joint labor-management committee keeps or is required to keep as are necessary because of differences in coverage or methods of enforcement between the State or local law and the provisions of this title. Where an employer is required by Executive Order 10925, issued March 6, 1961, or by any other Executive order prescribing fair employment practices for Government contractors and subcontractors, or by rules or regulations issued thereunder, to file reports relating to his employment practices with any Federal agency or committee, and he is substantially in compliance with such requirements, the Commission shall not require him to file additional reports pursuant to subsection (c) of this section.

(e) It shall be unlawful for any officer or employee of the Commission to make public in any manner whatever any information obtained by the Commission pursuant to its authority under this section prior to the institution of any proceeding under this title involving such information. Any officer or employee of the Commission who shall make public in any manner whatever any information in violation of this subsection shall be guilty of a misdemeanor and upon conviction thereof, shall be fined not more than \$1,000, or imprisoned not more than one year.

INVESTIGATORY POWERS

SEC. 710. (a) For the purposes of any investigation of a charge filed under the authority contained in section 706, the Commission shall have authority to examine witnesses under oath and to require the production of documentary evidence relevant or material to the charge under investigation.

(b) If the respondent named in a charge filed under section 706 fails or refuses to comply with a demand of the Commission for permission to examine or to copy evidence in conformity with the provisions of section 709(a), or if any person required to comply with the provisions of section 709(c) or (d) fails or refuses to do so, or if any person fails or refuses to comply with a demand by the Commission to give testimony under oath, the United States district court for the district in which such person is found, resides, or transacts business, shall, upon application of the Commission, have jurisdiction to issue to such person an order requiring him to comply with the provisions of section 709(c) or (d) or to comply with the demand of the Commission, but the attendance of a witness may not be required outside the State where he is found, resides, or transacts business and the production of evidence may not be required outside the State where such evidence is kept.

(c) Within twenty days after the service upon any person charged under section 706 of a demand by the Commission for the production of documentary evidence or for permission to examine or to copy evidence in conformity with the provisions of section 709(a), such person may file in the district court of the United States for the judicial district in which he resides, is found, or transacts business, and serve upon the Commission a petition for an order of such court modifying or setting aside such demand. The

time allowed for compliance with the demand in whole or in part as deemed proper and ordered by the court shall not run during the pendency of such petition in the court. Such petition shall specify each ground upon which the petitioner relies in seeking such relief, and may be based upon any failure of such demand to comply with the provisions of this title or with the limitations generally applicable to compulsory process or upon any constitutional or other legal right or privilege of such person. No objection which is not raised by such a petition may be urged in the defense to a proceeding initiated by the Commission under subsection (b) for enforcement of such a demand unless such proceeding is commenced by the Commission prior to the expiration of the twenty-day period, or unless the court determines that the defendant could not reasonably have been aware of the availability of such ground of objection.

(d) In any proceeding brought by the Commission under subsection (b), except as provided in subsection (c) of this section, the defendant may petition the court for an order modifying or setting aside the demand of the Commission.

NOTICES TO BE POSTED

SEC. 711. (a) Every employer, employment agency, and labor organization, as the case may be, shall post and keep posted in conspicuous places upon its premises where notices to employees, applicants for employment, and members are customarily posted a notice to be prepared or approved by the Commission setting forth excerpts from or summaries of the pertinent provisions of this title and information pertinent to the filing of a complaint.

(b) A willful violation of this section shall be punishable by a fine of not more than \$100 for each separate offense.

VETERANS' PREFERENCE

SEC. 712. Nothing contained in this title shall be construed to repeal or modify any Federal, State, territorial, or local law creating special rights or preference for veterans.

RULES AND REGULATIONS

SEC. 713. (a) The Commission shall have authority from time to time to issue, amend, or rescind suitable procedural regulations to carry out the provisions of this title. Regulations issued under this section shall be in conformity with the standards and limitations of the Administrative Procedure Act.

(b) In any action or proceeding based on any alleged unlawful employment practice, no person shall be subject to any liability or punishment for or on account of (1) the commission by such person of an unlawful employment practice if he pleads and proves that the act or omission complained of was in good faith, in conformity with, and in reliance on any written interpretation or opinion of the Commission, or (2) the failure of such person to publish and file any information required by any provision of this title if he pleads and proves that he failed to publish and file such information in good faith, in conformity with the instructions of the Commission issued under this title regarding the filing of such information. Such a defense, if established, shall be a bar to the action or proceeding, notwithstanding that (A) after such act or omission, such interpretation or opinion is modified or rescinded or is determined by judicial authority to be invalid or of no legal effect, or (B) after publishing or filing the description and annual reports, such publication or filing is determined by judicial authority not to be in conformity with the requirements of this title.

FORCIBLY RESISTING THE COMMISSION OR ITS REPRESENTATIVES

SEC. 714. The provisions of section 111, title 18, United States Code, shall apply

to officers, agents, and employees of the Commission in the performance of their official duties.

SPECIAL STUDY BY SECRETARY OF LABOR

SEC. 715. The Secretary of Labor shall make a full and complete study of the factors which might tend to result in discrimination in employment because of age and of the economy and individuals affected. The Secretary of Labor shall make a report to the Congress not later than June 30, 1965, containing the result of such study and shall include in such report such recommendations for legislation to prevent arbitrary discrimination in employment because of age as he determines advisable.

EFFECTIVE DATE

SEC. 716. (a) This title shall become effective one year after the date of enactment.

(b) Notwithstanding subsection (a), sections of this title other than sections 703, 704, 706, and 707 shall become effective immediately.

(c) The President shall, as soon as feasible after the enactment of this title, convene one or more conferences for the purpose of enabling the leaders of groups whose members will be affected by this title to become familiar with the rights afforded and obligations imposed by its provisions, and for the purpose of making plans which will result in the fair and effective administration of this title when all of its provisions become effective. The President shall invite the participation in such conference or conferences of (1) the members of the President's Committee on Equal Employment Opportunity, (2) the members of the Commission on Civil Rights, (3) representatives of State and local agencies engaged in furthering equal employment opportunity, (4) representatives of private agencies engaged in furthering equal employment opportunity, and (5) representatives of employers, labor organizations, and employment agencies who will be subject to this title.

TITLE VIII—REGISTRATION AND VOTING STATISTICS

SEC. 801. The Secretary of Commerce shall promptly conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. Such a survey and compilation shall, to the extent recommended by the Commission on Civil Rights, only include a count of persons of voting age by race, color, and national origin, and determination of the extent to which such persons are registered to vote, and have voted in any statewide primary or general election in which the Members of the United States House of Representatives are nominated or elected, since January 1, 1960. Such information shall also be collected and compiled in connection with the Nineteenth Decennial Census, and at such other times as the Congress may prescribe. The provisions of section 9 and chapter 7 of title 13, United States Code, shall apply to any survey, collection, or compilation of registration and voting statistics carried out under this title: *Provided, however,* That no person shall be compelled to disclose his race, color, national origin, or questioned about his political party affiliation, how he voted, or the reasons therefore, nor shall any penalty be imposed for his failure or refusal to make such disclosure. Every person interrogated orally, by written survey or questionnaire or by any other means with respect to such information shall be fully advised with respect to his right to fall or refuse to furnish such information.

TITLE IX—INTERVENTION AND PROCEDURE AFTER REMOVAL IN CIVIL RIGHTS CASES

SEC. 901. Title 28 of the United States Code, section 1447(d), is amended to read as follows:

"An order remanding a case to the State

court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise."

SEC. 902. Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws under the fourteenth amendment to the Constitution on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action upon timely application if the Attorney General certifies that the case is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

TITLE X—ESTABLISHMENT OF COMMUNITY RELATIONS SERVICE

SEC. 1001. (a) There is hereby established in and as a part of the Department of Commerce a Community Relations Service (hereinafter referred to as the "Service"), which shall be headed by a Director who shall be appointed by the President with the advice and consent of the Senate for a term of four years. The Director is authorized to appoint, subject to the civil service laws and regulations, such other personnel as may be necessary to enable the Service to carry out its functions and duties, and to fix their compensation in accordance with the Classification Act of 1949, as amended. The Director is further authorized to procure services as authorized by section 15 of the Act of August 2, 1946 (60 Stat. 810; 5 U.S.C. 55(a)), but at rates for individuals not in excess of \$75 per diem.

(b) Section 106(a) of the Federal Executive Pay Act of 1956, as amended (5 U.S.C. 2205(a)), is further amended by adding the following clause thereto:

"(52) Director, Community Relations Service."

SEC. 1002. It shall be the function of the Service to provide assistance to communities and persons therein in resolving disputes, disagreements, or difficulties relating to discriminatory practices based on race, color, or national origin which impair the rights of persons in such communities under the Constitution or laws of the United States or which affect or may affect interstate commerce. The Service may offer its services in cases of such disputes, disagreements, or difficulties whenever, in its judgment, peaceful relations among the citizens of the community involved are threatened thereby, and it may offer its services either upon its own motion or upon the request of an appropriate State or local official or other interested person.

SEC. 1003. (a) The Service shall, whenever possible, in performing its functions, seek and utilize the cooperation of appropriate State or local, public, or private agencies.

(b) The activities of all officers and employees of the Service in providing conciliation assistance shall be conducted in confidence and without publicity, and the Service shall hold confidential any information acquired in the regular performance of its duties upon the understanding that it would be so held. No officer or employee of the Service shall engage in the performance of investigative or prosecuting functions of any department or agency in any litigation arising out of a dispute in which he acted on behalf of the Service. Any officer or other employee of the Service, who shall make public in any manner whatever any information in violation of this subsection, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 or imprisoned not more than one year.

SEC. 1004. Subject to the provisions of sections 205 and 1003(b), the Director shall, on or before January 31 of each year, submit to

the Congress a report of the activities of the Service during the preceding fiscal year.

TITLE XI—MISCELLANEOUS

SEC. 1101. In any proceeding for criminal contempt arising under title II, III, IV, V, VI, or VII of this Act, the accused, upon demand therefor, shall be entitled to a trial by jury, which shall conform as near as may be to the practice in criminal cases. Upon conviction, the accused shall not be fined more than \$1,000 or imprisoned for more than six months.

This section shall not apply to contempts committed in the presence of the court, or so near thereto as to obstruct the administration of justice, nor to the misbehavior, misconduct, or disobedience of any officer of the court in respect to writs, orders, or process of the court. No person shall be convicted of criminal contempt hereunder unless the act or omission constituting such contempt shall have been intentional, as required in other cases of criminal contempt.

Nor shall anything herein be construed to deprive courts of their power, by civil contempt proceedings, without a jury, to secure compliance with or to prevent obstruction of, as distinguished from punishment for violations of, any lawful writ, process, order, rule, decree, or command of the court in accordance with the prevailing usages of law and equity, including the power of detention.

SEC. 1102. No person should be put twice in jeopardy under the laws of the United States for the same act or omission. For this reason, an acquittal or conviction in a prosecution for a specific crime under the laws of the United States shall bar a proceeding for criminal contempt, which is based upon the same act or omission and which arises under the provisions of this Act; and an acquittal or conviction in a proceeding for criminal contempt, which arises under the provisions of this Act, shall bar a prosecution for a specific crime under the laws of the United States based upon the same act or omission.

SEC. 1103. Nothing in this Act shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General or of the United States or any agency or officer thereof under existing law to institute or intervene in any action or proceeding.

SEC. 1104. Nothing contained in any title of this Act shall be construed as indicating an intent on the part of Congress to occupy the field in which any such title operates to the exclusion of State laws on the same subject matter, nor shall any provision of this Act be construed as invalidating any provision of State law unless such provision is inconsistent with any of the purposes of this Act, or any provision thereof.

SEC. 1105. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 1106. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Approved July 2, 1964.

(Public Law 89-110, 89th Congress, S. 1564, August 6, 1965)

VOTING RIGHTS ACT OF 1965

An act to enforce the fifteenth amendment to the Constitution of the United States and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act shall be known as the "Voting Rights Act of 1965".

SEC. 2. No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote on account of race or color.

SEC. 3. (a) Whenever the Attorney General institutes a proceeding under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court shall authorize the appointment of Federal examiners by the United States Civil Service Commission in accordance with section 6 to serve for such period of time and for such political subdivisions as the court shall determine is appropriate to enforce the guarantees of the fifteenth amendment (1) as part of any interlocutory order if the court determines that the appointment of such examiners is necessary to enforce such guarantees or (2) as part of any final judgment if the court finds that violations of the fifteenth amendment justifying equitable relief have occurred in such State or subdivision: *Provided*, That the court need not authorize the appointment of examiners if any incidents of denial or abridgement of the right to vote on account of race or color (1) have been few in number and have been promptly and effectively corrected by State or local action, (2) the continuing effect of such incidents has been eliminated, and (3) there is no reasonable probability of their recurrence in the future.

(b) If in a proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that a test or device has been used for the purpose or with the effect of denying or abridging the right of any citizen of the United States to vote on account of race or color, it shall suspend the use of tests and devices in such State or political subdivisions as the court shall determine is appropriate and for such period as it deems necessary.

(c) If in any proceeding instituted by the Attorney General under any statute to enforce the guarantees of the fifteenth amendment in any State or political subdivision the court finds that violations of the fifteenth amendment justifying equitable relief have occurred within the territory of such State or political subdivision, the court, in addition to such relief as it may grant, shall retain jurisdiction for such period as it may deem appropriate and during such period no voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting different from that in force or effect at the time the proceeding was commenced shall be enforced unless and until the court finds that such qualification, prerequisite, standard, practice, or procedure does not have the purpose and will not have the effect of denying or abridging the right to vote on account of race or color: *Provided*, That such qualification, prerequisite, standard, practice, or procedure may be enforced if the qualification, prerequisite, standard, practice, or procedure has been submitted by the chief legal officer or other appropriate official of such State or subdivision to the Attorney General and the Attorney General has not interposed an objection within sixty days after such Attorney General certifies with respect to any political subdivision named in, or included within the scope of, determinations made under section 4(b) that (1) he has received complaints in writing from twenty or more residents of such political subdivision alleging that they have been denied the right to vote under color of law on account of race or color, and that he believes such complaints to be meritorious, or (2) that in his judgment (considering, among other factors, whether the ratio of nonwhite persons to white persons registered to vote within such subdivision appears to him to be reasonably attributable to violations of the fifteenth amendment or whether substantial evidence exists that bona fide efforts are being made within such subdivision to comply with the fifteenth amendment), the appointment of examiners is otherwise necessary to enforce the guarantees of the fifteenth amendment, the Civil Service Commission shall

appoint as many examiners for such subdivision as it may deem appropriate to prepare and maintain lists of persons eligible to vote in Federal, State, and local elections. Such examiners, hearing officers provided for in section 9(a), and other persons deemed necessary by the Commission to carry out the provisions and purposes of this Act shall be appointed, compensated, and separated without regard to the provisions of any statute administered by the Civil Service Commission, and service under this Act shall not be considered employment for the purposes of any statute administered by the Civil Service Commission, except the provisions of section 9 of the Act of August 2, 1939, as amended (5 U.S.C. 1181), prohibiting partisan political activity: *Provided*, That the Commission is authorized, after consulting the head of the appropriate department or agency, to designate suitable persons in the official service of the United States, with their consent, to serve in these positions. Examiners and hearing officers shall have the power to administer oaths.

SEC. 7. (a) The examiners for each political subdivision shall, at such places as the Civil Service Commission shall by regulation designate, examine applicants concerning their qualifications for voting. An application to an examiner shall be in such form as the Commission may require and shall contain allegations that the applicant is not otherwise registered to vote.

(b) Any person whom the examiner finds, in accordance with instructions received under section 9(b), to have the qualifications prescribed by State law not inconsistent with the Constitution and laws of the United States shall promptly be placed on a list of eligible voters. A challenge to such listing may be made in accordance with section 9(a) and shall not be the basis for a prosecution under section 12 of this Act. The examiner shall certify and transmit such list, and any supplements as appropriate, at least once a month, to the offices of the appropriate election officials, with copies to the Attorney General and the attorney general of the State, and any such lists and supplements thereto transmitted during the month shall be available for public inspection on the last business day of the month and in any event not later than the forty-fifth day prior to any election. The appropriate State or local election official shall place such names on the official voting list. Any person whose name appears on the examiner's list shall be entitled and allowed to vote in the election district of his residence unless and until the appropriate election officials shall have been notified that such person has been removed from such list in accordance with subsection (d): *Provided*, That no person shall be entitled to vote in any election by virtue of this Act unless his name shall have been certified and transmitted on such a list to the offices of the appropriate election officials at least forty-five days prior to such election.

(c) The examiner shall issue to such person whose name appears on such a list a certificate evidencing his eligibility to vote.

(d) A person whose name appears on such a list shall be removed therefrom by an examiner if (1) such person has been successfully challenged in accordance with the procedure prescribed in section 9, or (2) he has been determined by an examiner to have lost his eligibility to vote under State law not inconsistent with the Constitution and the laws of the United States.

SEC. 8. Whenever an examiner is serving under this Act in any political subdivision, the Civil Service Commission may assign, at the request of the Attorney General, one or more persons, who may be officers of the United States, (1) to enter and attend at any place for holding an election in such subdivision for the purpose of observing whether persons who are entitled to vote are being permitted to vote, and (2) to enter and attend at any place for tabulating the votes

cast at any election held in such subdivision for the purpose of observing whether votes cast by persons entitled to vote are being properly tabulated. Such persons so assigned shall report to an examiner appointed for such political subdivision, to the Attorney General, and if the appointment of examiners has been authorized pursuant to section 3(a), to the court.

Sec. 9. (a) Any challenge to a listing on an eligibility list prepared by an examiner shall be heard and determined by a hearing officer appointed by and responsible to the Civil Service Commission and under such rules as the Commission shall by regulation prescribe. Such challenge shall be entertained only if filed at such office within the State as the Civil Service Commission shall by regulation designate, and within ten days after the listing of the challenged person is made available for public inspection, and if supported by (1) the affidavits of at least two persons having personal knowledge of the facts constituting grounds for the challenge and (2) a certification that a copy of the challenge and affidavits have been served by mail or in person upon the person challenged at his place of residence set out in the application. Such challenge shall be determined within fifteen days after it has been filed. A petition for review of the decision of the hearing officer may be filed in the United States court of appeals for the circuit in which the person challenged resides within fifteen days after service of such decision by mail on the person petitioning for review but no decision of a hearing officer shall be reversed unless clearly erroneous. Any person listed shall be entitled and allowed to vote pending final determination by the hearing officer and by the court.

(b) The times, places, procedures, and form for application and listing pursuant to this Act and removals from the eligibility lists shall be prescribed by regulations promulgated by the Civil Service Commission and the Commission shall, after consultation with the Attorney General, instruct examiners concerning applicable State law not inconsistent with the Constitution and laws of the United States with respect to (1) the qualifications required for listing, and (2) loss of eligibility to vote.

(c) Upon the request of the application or the challenger or on its own motion the Civil Service Commission shall have the power to require by subpoena the attendance and testimony of witnesses and the production of documentary evidence relating to any matter pending before it under the authority of this section. In case of contumacy or refusal to obey a subpoena, any district court of the United States or the United States court of any territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or is domiciled or transacts business, or has appointed an agent for receipt of service of process, upon application by the Attorney General of the United States shall have jurisdiction to issue to such person an order requiring such person to appear before the Commission or a hearing officer, there to produce pertinent, relevant, and nonprivileged documentary evidence if so ordered, or there to give testimony touching the matter under investigation; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

Sec. 10. (a) The Congress finds that the requirement of the payment of a poll tax as a precondition to voting (i) precludes persons of limited means from voting or imposes unreasonable financial hardship upon such persons as a precondition to their exercise of the franchise, (ii) does not bear a reasonable relationship to any legitimate State interest in the conduct of elections, and (iii) in some areas has the purpose or effect of denying persons the right to vote because of race or

color. Upon the basis of these findings, Congress declares that the constitutional right of citizens to vote is denied or abridged in some areas by the requirement of the payment of a poll tax as a precondition to voting.

(b) In the exercise of the powers of Congress under section 5 of the fourteenth amendment and section 2 of the fifteenth amendment, the Attorney General is authorized and directed to institute forthwith in the name of the United States such actions, including actions against States or political subdivisions, for declaratory judgment or injunctive relief against the enforcement of any requirement of the payment of a poll tax as a precondition to voting, or substitute therefor enacted after November 1, 1964, as will be necessary to implement the declaration of subsection (a) and the purposes of this section.

(c) The district courts of the United States shall have jurisdiction of such actions which shall be heard and determined by a court of three judges in accordance with the provisions of section 2284 of title 28 of the United States Code and any appeal shall lie to the Supreme Court. It shall be the duty of the judges designated to hear the case to assign the case for hearing at the earliest practicable date, to participate in the hearing and determination thereof, and to cause the case to be in every way expedited.

(d) During the pendency of such actions, and thereafter if the courts, notwithstanding this action by the Congress, should declare the requirement of the payment of a poll tax to be constitutional, no citizen of the United States who is a resident of a State or political subdivision with respect to which determinations have been made under subsection 4(b) and a declaratory judgment has not been entered under subsection 4(a), during the first year he becomes otherwise entitled to vote by reason of registration by State or local officials or listing by an examiner, shall be denied the right to vote for failure to pay a poll tax if he tenders payment of such tax for the current year to an examiner or to the appropriate State or local official at least forty-five days prior to election, whether or not such tender would be timely or adequate under State law. An examiner shall have authority to accept such payment from any person authorized by this Act to make an application for listing, and shall issue a receipt for such payment. The examiner shall transmit promptly any such poll tax payment to the office of the State or local official authorized to receive such payment under State law, together with the name and address of the applicant.

Sec. 11. (a) No person acting under color of law shall fail or refuse to permit any person to vote who is entitled to vote under any provision of this Act or is otherwise qualified to vote, or willfully fail or refuse to tabulate, count, and report such person's vote.

(b) No person, whether acting under color of law or otherwise, shall intimidate, threaten, or coerce, or attempt to intimidate, threaten, or coerce any person for voting or attempting to vote, or intimidate, threaten, coerce, or attempt to intimidate, threaten, or coerce any person for urging or aiding any person to vote or attempt to vote, or intimidate, threaten, or coerce any person for exercising any powers or duties under section 3(a), 6, 8, 9, 10, or 12(e).

(c) Whoever knowingly or willfully gives false information as to his name, address, or period of residence in the voting district for the purpose of establishing his eligibility to register or vote, or conspires with another individual for the purpose of encouraging his false registration to vote or illegal voting, or pays or offers to pay or accepts payment either for registration to vote or for voting shall be fined not more than \$10,000 or imprisoned not more than five years, or both: *Provided, however*, That this provision shall be applicable only to general, special,

or primary elections held solely or in part for the purpose of selecting or electing any candidate for the office of President, Vice President, presidential elector, Member of the United States Senate, Member of the United States House of Representatives, or Delegates or Commissioners from the territories or possessions, or Resident Commissioner of the Commonwealth of Puerto Rico.

(d) Whoever, in any matter within the jurisdiction of an examiner or hearing officer knowingly and willfully falsifies or conceals a material fact, or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

Sec. 12. (a) Whoever shall deprive or attempt to deprive any person of any right secured by section 2, 3, 4, 5, 7, or 10 or shall violate section 11(a) or (b), shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(b) Whoever, within a year following an election in a political subdivision in which an examiner has been appointed (1) destroys, defaces, mutilates, or otherwise alters the marking of a paper ballot which has been cast in such election, or (2) alters any official record of voting in such election tabulated from a voting machine or otherwise, shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(c) Whoever conspires to violate the provisions of subsection (a) or (b) of this section, or interferes with any right secured by section 2, 3, 4, 5, 7, 10, or 11 (a) or (b) shall be fined not more than \$5,000, or imprisoned not more than five years, or both.

(d) Whenever any person has engaged or there are reasonable grounds to believe that any person is about to engage in any act or practice prohibited by section 2, 3, 4, 5, 7, 10, 11, or subsection (b) of this section, the Attorney General may institute for the United States, or in the name of the United States, an action for preventive relief, including an application for a temporary or permanent injunction, restraining order, or other order, and including an order directed to the State and State or local election officials to require them (1) to permit persons listed under this Act to vote and (2) to count such votes.

(e) Whenever in any political subdivision in which there are examiners appointed pursuant to this Act any persons allege to such an examiner within forty-eight hours after the closing of the polls that notwithstanding (1) their listing under this Act or registration by an appropriate election official and (2) their eligibility to vote, they have not been permitted to vote in such election, the examiner shall forthwith notify the Attorney General if such allegations in his opinion appear to be well founded. Upon receipt of such notification, the Attorney General may forthwith file with the district court an application for an order providing for the marking, casting, and counting of the ballots of such persons and requiring the inclusion of their votes in the total vote before the results of such election shall be deemed final and any force or effect given thereto. The district court shall hear and determine such matters immediately after the filing of such application. The remedy provided in this subsection shall not preclude any remedy available under State or Federal law.

(f) The district courts of the United States shall have jurisdiction of proceedings instituted pursuant to this section and shall exercise the same without regard to whether a person asserting rights under the provisions of this Act shall have exhausted any administrative or other remedies that may be provided by law.

Sec. 13. Listing procedures shall be terminated in any political subdivision of any

State (a) with respect to examiners appointed pursuant to clause (b) of section 6 whenever the Attorney General notifies the Civil Service Commission, or whenever the District Court for the District of Columbia determines in an action for declaratory judgment brought by any political subdivision with respect to which the Director of the Census has determined that more than 50 per centum of the nonwhite persons of voting age residing therein are registered to vote, (1) that all persons listed by an examiner for such subdivision have been placed on the appropriate voting registration roll, and (2) that there is no longer reasonable cause to believe that persons will be deprived of or denied the right to vote on account of race or color in such subdivision, and (b), with respect to examiners appointed pursuant to section 3(a), upon order of the authorizing court. A political subdivision may petition the Attorney General for the termination of listing procedures under clause (a) of this section, and may petition the Attorney General to request the Director of the Census to take such survey or census as may be appropriate for the making of the determination provided for in this section. The District Court for the District of Columbia shall have jurisdiction to require such survey or census to be made by the Director of the Census and it shall require him to do so if it deems the Attorney General's refusal to request such survey or census to be arbitrary or unreasonable.

SEC. 14. (a) All cases of criminal contempt arising under the provisions of this Act shall be governed by section 151 of the Civil Rights Act of 1957 (42 U.S.C. 1955).

(b) No court other than the District Court for the District of Columbia or a court of appeals in any proceeding under section 9 shall have jurisdiction to issue any declaratory judgment pursuant to section 4 or section 5 or any restraining order or temporary or permanent injunction against the execution or enforcement of any provision of this Act or any action of any Federal officer or employee pursuant hereto.

(c) (1) The terms "vote" or "voting" shall include all action necessary to make a vote effective in any primary, special, or general election, including, but not limited to, registration, listing pursuant to this Act, or other action required by law prerequisite to voting, casting a ballot, and having such ballot counted properly and included in the appropriate totals of votes cast with respect to candidates for public or party office and propositions for which votes are received in an election.

(2) The term "political subdivision" shall mean any county or parish, except that where registration for voting is not conducted under the supervision of a county or parish, the term shall include any other subdivision of a State which conducts registration for voting.

(d) In any action for a declaratory judgment brought pursuant to section 4 or section 5 of this Act, subpoenas for witnesses who are required to attend the District Court for the District of Columbia may be served in any judicial district of the United States: *Provided*, That no writ of subpoena shall issue for witnesses without the District of Columbia at a greater distance than one hundred miles from the place of holding court without the permission of the District Court for the District of Columbia being first had upon proper application and cause shown.

SEC. 15. Section 2004 of the Revised Statutes (42 U.S.C. 1971), as amended by section 131 of the Civil Rights Act of 1957 (71 Stat. 637), and amended by section 601 of the Civil Rights Act of 1960 (74 Stat. 90), and as further amended by section 101 of the Civil Rights Act of 1964 (78 Stat. 241), is further amended as follows:

(a) Delete the word "Federal" wherever it appears in subsections (a) and (c);

(b) Repeal subsection (f) and designate the present subsections (g) and (h) as (f) and (g), respectively.

SEC. 16. The Attorney General and the Secretary of Defense, jointly, shall make a full and complete study to determine whether, under the laws or practices of any State or States, there are preconditions to voting, which might tend to result in discrimination against citizens serving in the Armed Forces of the United States seeking to vote. Such officials shall, jointly, make a report to the Congress not later than June 30, 1966, containing the results of such study, together with a list of any States in which such preconditions exist, and shall include in such report such recommendations for legislation as they deem advisable to prevent discrimination in voting against citizens serving in the Armed Forces of the United States.

SEC. 17. Nothing in this Act shall be construed to deny, impair, or otherwise adversely affect the right to vote of any person registered to vote under the law of any State or political subdivision.

SEC. 18. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

SEC. 19. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

Approved August 6, 1965.

RADIO AND TELEVISION REMARKS UPON SIGNING THE CIVIL RIGHTS BILL

(Broadcast from the East Room at the White House, July 2, 1964, at 6:45 p.m.)

My fellow Americans: I am about to sign into law the Civil Rights Act of 1964. I want to take this occasion to talk to you about what that law means to every American.

One hundred and eighty-eight years ago this week a small band of valiant men began a long struggle for freedom. They pledged their lives, their fortunes, and their sacred honor not only to found a nation, but to forge an ideal of freedom—not only for political independence, but for personal liberty—not only to eliminate foreign rule, but to establish the rule of justice in the affairs of men.

That struggle was a turning point in our history. Today in far corners of distant continents, the ideals of those American patriots still shape the struggles of men who hunger for freedom.

This is a proud triumph. Yet those who founded our country knew that freedom would be secure only if each generation fought to renew and enlarge its meaning. From the minutemen at Concord to the soldiers in Viet-Nam, each generation has been equal to that trust.

Americans of every race and color have died in battle to protect our freedom. Americans of every race and color have worked to build a nation of widening opportunities. Now our generation of Americans has been called on to continue the unending search for justice within our own borders.

We believe that all men are created equal. Yet many are denied equal treatment.

We believe that all men have certain unalienable rights. Yet many Americans do not enjoy those rights.

We believe that all men are entitled to the blessings of liberty. Yet millions are being deprived of those blessings—not because of their own failures, but because of the color of their skin.

The reasons are deeply imbedded in history and tradition and the nature of man. We can understand—without rancor or hatred—how this all happened.

But it cannot continue. Our Constitution,

the foundation of our Republic, forbids it. The principles of our freedom forbid it. Morality forbids it. And the law I will sign tonight forbids it.

That law is the product of months of the most careful debate and discussion. It was proposed more than one year ago by our late and beloved President John F. Kennedy. It received the bipartisan support of more than two-thirds of the Members of both the House and the Senate. An overwhelming majority of Republicans as well as Democrats voted for it.

It has received the thoughtful support of tens of thousands of civic and religious leaders in all parts of this Nation. And it is supported by the great majority of the American people.

The purpose of the law is simple.

It does not restrict the freedom of any American, so long as he respects the rights of others.

It does not give special treatment to any citizen.

It does say the only limit to a man's hope for happiness, and for the future of his children, shall be his own ability.

It does say that there are those who are equal before God shall now also be equal in the polling booths, in the classrooms, in the factories, and in hotels, restaurants, movie theaters, and other places that provide service to the public.

I am taking steps to implement the law under my constitutional obligation to "take care that the laws are faithfully executed."

First, I will send to the Senate my nomination of LeRoy Collins to be Director of the Community Relations Service. Governor Collins will bring the experience of a long career of distinguished public service to the task of helping communities solve problems of human relations through reason and commonsense.

Second, I shall appoint an advisory committee of distinguished Americans to assist Governor Collins in his assignment.

Third, I am sending Congress a request for supplemental appropriations to pay for necessary costs of implementing the law, and asking for immediate action.

Fourth, already today in a meeting of my Cabinet this afternoon I directed the agencies of this Government to fully discharge the new responsibilities imposed upon them by the law and to do it without delay, and to keep me personally informed of their progress.

Fifth, I am asking appropriate officials to meet with representative groups to promote greater understanding of the law and to achieve a spirit of compliance.

We must not approach the observance and enforcement of this law in a vengeful spirit. Its purpose is not to punish. Its purpose is not to divide, but to end divisions—divisions which have all lasted too long. Its purpose is national, not regional.

Its purpose is to promote a more abiding commitment to freedom, a more constant pursuit of justice, and a deeper respect for human dignity.

We will achieve these goals because most Americans are law-abiding citizens who want to do what is right.

This is why the Civil Rights Act relies first on voluntary compliance, then on the efforts of local communities and States to secure the rights of citizens. It provides for the national authority to step in only when others cannot or will not do the job.

This Civil Rights Act is a challenge to all of us to go to work in our communities and our States, in our homes and in our hearts, to eliminate the last vestiges of injustice in our beloved country.

So tonight I urge every public official, every religious leader, every business and professional man, every workingman, every housewife—I urge every American—to join in this effort to bring justice and hope to all our people—and to bring peace to our land.

My fellow citizens, we have come now to a time of testing. We must not fail.

Let us close the springs of racial poison. Let us pray for wise and understanding hearts. Let us lay aside irrelevant differences and make our Nation whole. Let us hasten that day when our unmeasured strength and our unbounded spirit will be free to do the great works ordained for this Nation by the just and wise God who is the Father of us all.

Thank you and good night.

REMARKS IN THE CAPITOL ROTUNDA AT THE SIGNING OF THE VOTING RIGHTS ACT, AUGUST 6, 1965

Mr. Vice President, Mr. Speaker, Members of Congress, members of the Cabinet, distinguished guests, my fellow Americans:

Today is a triumph for freedom as huge as any victory that has ever been won on any battlefield. Yet to seize the meaning of this day, we must recall darker times.

Three and a half centuries ago the first Negroes arrived at Jamestown. They did not arrive in brave ships in search of a home for freedom. They did not mingle fear and joy, in expectation that in this New World anything would be possible to a man strong enough to reach for it.

They came in darkness and they came in chains.

And today we strike away the last major shackle of those fierce and ancient bonds. Today the Negro story and the American story fuse and blend.

And let us remember that it was not always so. The stories of our Nation and of the American Negro are like two great rivers. Welling up from that tiny Jamestown spring they flow through the centuries along divided channels.

When pioneers subdued a continent to the need of man, they did not tame it for the Negro. When the Liberty Bell rang out in Philadelphia, it did not toll for the Negro. When Andrew Jackson threw open the doors of democracy, they did not open for the Negro.

It was only at Appomattox, a century ago, that an American victory was also a Negro victory. And the two rivers—one shining with promise, the other dark-stained with oppression—began to move toward one another.

THE PROMISE KEPT

Yet, for almost a century the promise of that day was not fulfilled. Today is a towering and certain mark that, in this generation, that promise will be kept. In our time the two currents will finally mingle and rush as one great stream across the uncertain and the marvelous years of the America that is yet to come.

This act flows from a clear and simple wrong. Its only purpose is to right that wrong. Millions of Americans are denied the right to vote because of their color. This law will ensure them the right to vote. The wrong is one which no American, in his heart, can justify. The right is one which no American, true to our principles, can deny.

In 1957, as the leader of the majority in the United States Senate, speaking in support of legislation to guarantee the right of all men to vote, I said, "This right to vote is the basic right without which all others are meaningless. It gives people, people are individuals, control over their own destinies."

Last year I said, "Until every qualified person regardless of . . . the color of his skin has the right, unquestioned and unrestrained, to go in and cast his ballot in every precinct in this great land of ours, I am not going to be satisfied."

Immediately after the election I directed the Attorney General to explore, as rapidly as possible, the ways to ensure the right to vote.

And then last March, with the outrage of Selma still fresh, I came down to this Capitol one evening and asked the Congress and the people for swift and for sweeping action to guarantee to every man and woman the right to vote. In less than 48 hours I sent the Voting Rights Act of 1965 to the Congress. In little more than 4 months the Congress with overwhelming majorities, enacted one of the most monumental laws in the entire history of American freedom.

THE WAITING IS GONE

The Members of the Congress, and the many private citizens, who worked to shape and pass this bill will share a place of honor in our history for this one act alone.

There were those who said this is an old injustice, and there is no need to hurry. But 95 years have passed since the 15th amendment gave all Negroes the right to vote.

And the time for waiting is gone.

There were those who said smaller and more gradual measures should be tried. But they had been tried. For years and years they had been tried, and tried, and tried, and they had failed, and failed, and failed.

And the time for failure is gone.

There were those who said that this is a many-sided and very complex problem. But however viewed, the denial of the right to vote is still a deadly wrong.

And the time for injustice has gone.

This law covers many pages. But the heart of the act is plain. Wherever, by clear and objective standards, States and counties are using regulations, or laws, or tests to deny the right to vote, then they will be struck down. If it is clear that State officials still intend to discriminate, then Federal examiners will be sent in to register all eligible voters. When the prospect of discrimination is gone, the examiners will be immediately withdrawn.

And, under this act, if any county anywhere in this Nation does not want Federal intervention it need only open its polling places to all of its people.

THE GOVERNMENT ACTS

This good Congress, the 89th Congress, acted swiftly in passing this act. I intend to act with equal dispatch in enforcing this act.

And tomorrow at 1 p.m., the Attorney General has been directed to file a lawsuit challenging the constitutionality of the poll tax in the State of Mississippi. This will begin the legal process which, I confidently believe, will very soon prohibit any State from requiring the payment of money in order to exercise the right to vote.

And also by tomorrow the Justice Department, through publication in the Federal Register, will have officially certified the States where discrimination exists.

I have, in addition, requested the Department of Justice to work all through this weekend so that on Monday morning next, they can designate many counties where past experience clearly shows that Federal action is necessary and required. And by Tuesday morning, trained Federal examiners will be at work registering eligible men and women in 10 to 15 counties.

And on that same day, next Tuesday, additional poll tax suits will be filed in the States of Texas, Alabama, and Virginia.

And I pledge you that we will not delay, or we will not hesitate, or we will not turn aside until Americans of every race and color and origin in this country have the same right as all others to share in the process of democracy.

So, through this act, and its enforcement, an important instrument of freedom passes into the hands of millions of our citizens.

But that instrument must be used.

Presidents and Congresses, laws and lawsuits can open the doors to the polling places and open the doors to the wondrous rewards which await the wise use of the ballot.

THE VOTE BECOMES JUSTICE

But only the individual Negro, and all others who have been denied the right to vote, can really walk through those doors, and can use that right, and can transform the vote into an instrument of justice and fulfillment.

So, let me now say to every Negro in this country: You must register. You must vote. You must learn, so your choice advances your interest and the interest of our beloved Nation. Your future, and your children's future, depend upon it, and I don't believe that you are going to let them down.

This act is not only a victory for Negro leadership. This act is a great challenge to that leadership. It is a challenge which cannot be met simply by protests and demonstrations. It means that dedicated leaders must work around the clock to teach people their rights and their responsibilities and to lead them to exercise those rights and to fulfill those responsibilities and those duties to their country.

If you do this, then you will find, as others have found before you, that the vote is the most powerful instrument ever devised by man for breaking down injustice and destroying the terrible walls which imprison men because they are different from other men.

THE LAST OF THE BARRIERS TUMBLE

Today what is perhaps the last of the legal barriers is tumbling. There will be many actions and many difficulties before the rights woven into law are also woven into the fabric of our Nation. But the struggle for equality must now move toward a different battlefield.

It is nothing less than granting every American Negro his freedom to enter the mainstream of American life: not the conformity that blurs enriching differences of culture and tradition, but rather the opportunity that gives each a chance to choose.

For centuries of oppression and hatred have already taken their painful toll. It can be seen throughout our land in men without skills, in children without fathers, in families that are imprisoned in slums and in poverty.

RIGHTS ARE NOT ENOUGH

For it is not enough just to give men rights. They must be able to use those rights in their personal pursuit of happiness. The wounds and the weaknesses, the outward walls and the inward scars which diminish achievement are the work of American society. We must all now help to end them—help to end them through expanding programs already devised and through new ones to search out and forever end the special handicaps of those who are black in a Nation that happens to be mostly white.

So, it is for this purpose—to fulfill the rights that we now secure—that I have already called a White House conference to meet here in the Nation's Capital this fall.

So, we will move step by step—often painfully but, I think, with clear vision—along the path toward American freedom.

It is difficult to fight for freedom. But I also know how difficult it can be to bend long years of habit and custom to grant it. There is no room for injustice anywhere in the American mansion. But there is always room for understanding toward those who see the old ways crumbling. And to them today I say simply this: It must come. It is right that it should come. And when it has, you will find that a burden has been lifted from your shoulders, too.

It is not just a question of guilt, although there is that. It is that men cannot live with a lie and not be stained by it.

DIGNITY IS NOT JUST A WORD

The central fact of American civilization—one so hard for others to understand—is that

freedom and justice and the dignity of man are not just words to us. We believe in them. Under all the growth and the tumult and abundance, we believe. And so, as long as some among us are oppressed—and we are part of that oppression—it must blunt our faith and sap the strength of our high purpose.

Thus, this is a victory for the freedom of the American Negro. But it is also a victory for the freedom of the American Nation. And every family across this great, entire, searching land will live stronger in liberty, will live more splendid in expectation, and will be prouder to be American because of the act that you have passed that I will sign today.

Thank you.

SPECIAL MESSAGE TO THE CONGRESS: THE AMERICAN PROMISE

(As delivered in person before a joint session March 15, 1965 at 9:02 p.m.)

Mr. Speaker, Mr. President, Members of the Congress:

I speak tonight for the dignity of man and the destiny of democracy.

I urge every member of both parties, Americans of all religions and of all colors, from every section of this country, to join me in that cause.

At times history and fate meet at a single time in a single place to shape a turning point in man's unending search for freedom. So it was at Lexington and Concord. So it was a century ago at Appomattox. So it was last week in Selma, Alabama.

There, long-suffering men and women peacefully protested the denial of their rights as Americans. Many were brutally assaulted. One good man, a man of God was killed.

There is no cause for pride in what has happened in Selma. There is no cause for self-satisfaction in the long denial of equal rights of millions of Americans. But there is cause for hope and for faith in our democracy in what is happening here tonight.

For the cries of pain and the hymns and protests of oppressed people have summoned into convocation all the majesty of this great Government—the Government of the great Nation on earth.

Our mission is at once the oldest and the most basic of this country: to right wrong, to do justice, to serve man.

In our time we have come to live with moments of great crisis. Our lives have been marked with debate about great issues; issues of war and peace, issues of prosperity and depression. But rarely in any time does an issue lay bare the secret heart of America itself. Rarely are we met with a challenge, not to our growth or abundance, our welfare or our security, but rather to the values and the purposes and the meaning of our beloved Nation.

The issue of equal rights for American Negroes is such an issue. And should we defeat every enemy, should we double our wealth and conquer the stars, and still be unequal to this issue, then we will have failed as a people and as a nation.

For with a country as with a person, "What is a man profited, if he shall gain the whole world, and lose his own soul?"

There is no Negro problem. There is no Southern problem. There is no Northern problem. There is only an American problem. And we are met here tonight as Americans—not as Democrats or Republicans—we are met here as Americans to solve that problem.

This was the first nation in the history of the world to be founded with a purpose. The great phrases of that purpose still sound in every American heart, North and South: "All men are created equal"—"government by consent of the governed"—"give me liberty or give me death." Well, those are not just clever words, or those are not just empty theories. In their name Americans have fought and died for two centuries, and to-

night around the world they stand there as guardians of our liberty, risking their lives.

Those words are a promise to every citizen that he shall share in the dignity of man. This dignity cannot be found in a man's possessions; it cannot be found in his power or in his position. It really rests on his right to be treated as a man equal in opportunity to all others. It says that he shall share in freedom, he shall choose his leaders, educate his children, and provide for his family according to his ability and his merits as a human being.

To apply any other test—to deny a man his hopes because of his color or race, his religion or the place of his birth—is not only to do injustice, it is to deny America and to dishonor the dead who gave their lives for American freedom.

THE RIGHT TO VOTE

Our fathers believed that if this noble view of the rights of man was to flourish, it must be rooted in democracy. The most basic right of all was the right to choose your own leaders. The history of this country, in large measure, is the history of the expansion of that right to all of our people.

Many of the issues of civil rights are very complex and most difficult. But about this there can and should be no argument. Every American citizen must have an equal right to vote. There is no reason which can excuse the denial of that right. There is no duty which weighs more heavily on us than the duty we have to ensure that right.

Yet the harsh fact is that in many places in this country men and women are kept from voting simply because they are Negroes.

Every device of which human ingenuity is capable has been used to deny this right. The Negro citizen may go to register only to be told that the day is wrong, or the hour is late, or the official in charge is absent. And if he persists, and if he manages to present himself to the registrar, he may be disqualified because he did not spell out his middle name or because he abbreviated a word on the application.

And if he manages to fill out an application he is given a test. The registrar is the sole judge of whether he passes this test. He may be asked to recite the entire Constitution, or explain the most complex provisions of State law. And even a college degree cannot be used to prove that he can read and write.

For the fact is that the only way to pass these barriers is to show a white skin.

Experience has clearly shown that the existing process of law cannot overcome systematic and ingenious discrimination. No law that we now have on the books—and I have helped to put three of them there—can ensure the right to vote when local officials are determined to deny it.

In such a case our duty must be clear to all of us. The Constitution says that no person shall be kept from voting because of his race or his color. We have all sworn an oath before God to support and to defend that Constitution. We must now act in obedience to that oath.

GUARANTEEING THE RIGHT TO VOTE

Wednesday I will send to Congress a law designed to eliminate illegal barriers to the right to vote.

The broad principles of that bill will be in the hands of the Democratic and Republican leaders tomorrow. After they have reviewed it, it will come here formally as a bill. I am grateful for this opportunity to come here tonight at the invitation of the leadership to reason with my friends, to give them my views, and to visit with my former colleagues.

I have had prepared a more comprehensive analysis of the legislation which I had intended to transmit to the clerk tomorrow but which I will submit to the clerks tonight. But I want to really discuss with you now briefly the main proposals of this legislation.

This bill will strike down restrictions to voting in all elections—Federal, State, and local—which have been used to deny Negroes the right to vote.

This bill will establish a simple, uniform standard which cannot be used, however ingenious the effort, to flout our Constitution.

It will provide for citizens to be registered by officials of the United States Government if the State officials refuse to register them.

It will eliminate tedious, unnecessary lawsuits which delay the right to vote.

Finally, this legislation will ensure that properly registered individuals are not prohibited from voting.

I will welcome the suggestions from all of the Members of Congress—I have no doubt that I will get some—on ways and means to strengthen this law and to make it effective. But experience has plainly shown that this is the only path to carry out the command of the Constitution.

To those who seek to avoid action by their National Government in their own communities; who want to and who seek to maintain purely local control over elections, the answer is simple:

Open your polling places to all your people. Allow men and women to register and vote whatever the color of their skin.

Extend the rights of citizenship to every citizen of this land.

THE NEED FOR ACTION

There is no constitutional issue here. The command of the Constitution is plain.

There is no moral issue. It is wrong—deadly wrong—to deny any of your fellow Americans the right to vote in this country.

There is no issue of States rights or national rights. There is only the struggle for human rights.

I have not the slightest doubt what will be your answer.

The last time a President sent a civil rights bill to the Congress it contained a provision to protect voting rights in Federal elections. That civil rights bill was passed after 8 long months of debate. And when that bill came to my desk from the Congress for my signature, the heart of the voting provision had been eliminated.

This time, on this issue, there must be no delay, no hesitation and no compromise with our purpose.

We cannot, we must not, refuse to protect the right of every American to vote in every election that he may desire to participate in. And we ought not and we cannot and we must not wait another 8 months before we get a bill. We have already waited a hundred years and more, and the time for waiting is gone.

So I ask you to join me in working long hours—nights and weekends, if necessary—to pass this bill. And I don't make that request lightly. For from the window where I sit with the problems of our country I recognize that outside this chamber is the outraged conscience of a nation, the grave concern of many nations, and the harsh judgment of history on our acts.

WE SHALL OVERCOME

But even if we pass this bill, the battle will not be over. What happened in Selma is part of a far larger movement which reaches into every section and State of America. It is the effort of American Negroes to secure for themselves the full blessings of American life.

Their cause must be our cause too. Because it is not just Negroes, but really it is all of us, who must overcome the crippling legacy of bigotry and injustice.

And we shall overcome.

As a man whose roots go deeply into Southern soil I know how agonizing racial feelings are. I know how difficult it is to reshape the attitudes and the structure of our society.

But a century has passed, more than a hundred years, since the Negro was freed. And he is not fully free tonight.

It was more than a hundred years ago that Abraham Lincoln, a great President of another party, signed the Emancipation Proclamation, but emancipation is a proclamation and not a fact.

A century has passed, more than a hundred years, since equality was promised. And yet the Negro is not equal.

A century has passed since the day of promise. And the promise is unkept.

The time of justice has now come. I tell you that I believe sincerely that no force can hold it back. It is right in the eyes of man and God that it should come. And when it does, I think that day will brighten the lives of every American.

For Negroes are not the only victims. How many white children have gone uneducated, how many white families have lived in stark poverty, how many white lives have been scarred by fear, because we have wasted our energy and our substance to maintain the barriers of hatred and terror?

So I say to all of you here, and to all in the Nation tonight, that those who appeal to you to hold on to the past do so at the cost of denying you your future.

This great, rich, restless country can offer opportunity and education and hope to all: black and white, North and South, sharecropper and city dweller. These are the enemies: poverty, ignorance, disease. They are the enemies and not our fellow man, not our neighbor. And these enemies too, poverty, disease and ignorance, we shall overcome.

AN AMERICAN PROBLEM

Now let none of us in any sections look with prideful righteousness on the troubles in another section, or on the problems of our neighbors. There is really no part of America where the promise of equality has been fully kept. In Buffalo as well as in Birmingham, in Philadelphia as well as in Selma, Americans are struggling for the fruits of freedom.

This is one Nation. What happens in Selma or in Cincinnati is a matter of legitimate concern to every American. But let each of us look within our own hearts and our own communities, and let each of us put our shoulder to the wheel to root out injustice wherever it exists.

As we meet here in this peaceful, historic chamber tonight, men from the South, some of whom were at Iwo Jima, men from the North who have carried Old Glory to far corners of the world and brought it back without a stain on it, men from the East and from the West, are all fighting together without regard to religion, or color, or region, in Viet-Nam. Men from every region fought for us across the world 20 years ago.

And in these common dangers and these common sacrifices the South made its contribution of honor and gallantry no less than any other region of the great Republic—and in some instances, a great many of them, more.

And I have not the slightest doubt that good men from everywhere in this country, from the Great Lakes to the Gulf of Mexico, from the Golden Gate to the harbors along the Atlantic, will rally together now in this cause to vindicate the freedom of all Americans. For all of us owe this duty; and I believe that all of us will respond to it.

Your President makes that request of every American.

PROGRESS THROUGH THE DEMOCRATIC PROCESS

The real hero of this struggle is the American Negro. His actions and protests, his courage to risk safety and even to risk his life, have awakened the conscience of this Nation. His demonstrations have been designed to call attention to injustice, designed to provoke change, designed to stir reform.

He has called upon us to make good the promise of America. And who among us can say that we would have made the same progress were it not for his persistent bravery, and his faith in American democracy.

For at the real heart of battle for equality is a deep-seated belief in the democratic process. Equality depends not on the force of arms or tear gas but upon the force of moral right; not on recourse to violence but on respect for law and order.

There have been many pressures upon your President and there will be others as the days come and go. But I pledge you tonight that we intend to fight this battle where it should be fought; in the courts, and in the Congress, and in the hearts of men.

We must preserve the right of free speech and the right of free assembly. But the right of free speech does not carry with it, as has been said, the right to holler fire in a crowded theater. We must preserve the right to free assembly, but free assembly does not carry with it the right to block public thoroughfares to traffic.

We do have a right to protest, and a right to march under conditions that do not infringe the constitutional rights of our neighbors. And I intend to protect all those rights as long as I am permitted to serve in this office.

We will guard against violence, knowing it strikes from our hands the very weapons which we seek—progress, obedience to law, and belief in American values.

In Selma as elsewhere we seek and pray for peace. We seek order. We seek unity. But we will not accept the peace of stifled rights, or the order imposed by fear, or the unity that stifles protest. For peace cannot be purchased at the cost of liberty.

In Selma tonight, as in every—and we had a good day there—as in every city, we are working for just and peaceful settlement. We must all remember that after this speech I am making tonight, after the police and the FBI and the Marshals have all gone, and after you have promptly passed this bill, the people of Selma and the other cities of the Nation must still live and work together. And when the attention of the Nation has gone elsewhere they must try to heal the wounds and to build a new community.

This cannot be easily done on a battleground of violence, as the history of the South itself shows. It is in recognition of this that men of both races have shown such an outstandingly impressive responsibility in recent days—last Tuesday, again today.

RIGHTS MUST BE OPPORTUNITIES

The bill that I am presenting to you will be known as a civil rights bill. But, in a larger sense, most of the program I am recommending is a civil rights program. Its object is to open the city of hope to all people of all races.

Because all Americans just must have the right to vote. And we are going to give them that right.

All Americans must have the privileges of citizenship regardless of race. And they are going to have those privileges of citizenship regardless of race.

But I would like to caution you and remind you that to exercise these privileges takes much more than just legal right. It requires a trained mind and a healthy body. It requires a decent home, and the chance to find a job, and the opportunity to escape from the clutches of poverty.

Of course, people cannot contribute to the Nation if they are never taught to read or write, if their bodies are stunted from hunger, if their sickness goes untended, if their life is spent in hopeless poverty just drawing a welfare check.

So we want to open the gates to opportunity. But we are also going to give all our people, black and white, the help that they need to walk through those gates.

THE PURPOSE OF THIS GOVERNMENT

My first job after college was as a teacher in Cotulla, Tex., in a small Mexican-American school. Few of them could speak English, and I couldn't speak much Spanish. My students were poor and they often came to class without breakfast, hungry. They knew even in their youth the pain of prejudice. They never seemed to know why people disliked them. But they knew it was so, because I saw it in their eyes. I often walked home late in the afternoon, after the classes were finished, wishing there was more that I could do. But all I knew was to teach them the little that I knew, hoping that it might help them against the hardships that lay ahead.

Somehow you never forget what poverty and hatred can do when you see its scars on the hopeful face of a young child.

I never thought then, in 1928, that I would be standing here in 1965. It never even occurred to me in my fondest dreams that I might have the chance to help the sons and daughters of those students and to help people like them all over this country.

But now I do have that chance—and I'll let you in on a secret—I mean to use it. And I hope that you will use it with me.

This is the richest and most powerful country which ever occupied the globe. The might of past empires is little compared to ours. But I do not want to be the President who built empires, or sought grandeur, or extended dominion.

I want to be the President who educated young children to the wonders of their world. I want to be the President who helped to feed the hungry and to prepare them to be taxpayers instead of tax eaters.

I want to be the President who helped the poor to find their own way and who protected the right of every citizen to vote in every election.

I want to be the President who helped to end hatred among his fellow men and who promoted love among the people of all races and all religions and all parties.

I want to be the President who helped to end war among the brothers of this earth.

And so at the request of your beloved majority leader, the Senator from Illinois; the minority leader, Mr. McCulloch, and other Members of both parties, I came here tonight—not as President Roosevelt came down one time in person to veto a bonus bill, not as President Truman came down one time to urge the passage of a railroad bill—but I came down here to ask you to share this task with me and to share it with the people that we both work for. I want this to be the Congress, Republicans and Democrats alike, which did all these things for all these people.

Beyond this great chamber, out yonder in 50 States, are the people that we serve. Who can tell what deep and unspoken hopes are in their hearts tonight as they sit there and listen. We all can guess, from our own lives, how difficult they often find their own pursuit of happiness, how many problems each little family has. They look most of all to themselves for their futures. But I think that they also look to each of us.

Above the pyramid on the great seal of the United States it says—in Latin—"God has favored our undertaking."

God will not favor everything that we do. It is rather our duty to divine His will. But I cannot help believing that He truly understands and that He really favors the undertaking that we begin here tonight.

NOTE.—The address was broadcast nationally.

Mr. ROBERT C. BYRD. Mr. President, I yield now to the distinguished Senator from Illinois (Mr. STEVENSON).

Mr. STEVENSON. Mr. President, it is said that Lyndon Johnson was a difficult

man. I suspect that secretly he rather enjoyed that reputation. And now, even in death, he continues to frustrate those who try to capture him in words.

Lyndon Johnson was so large he defied normal description. Even those close to him saw only aspects of the man; it was impossible to see the entirety of such an enormous figure. Those of us who knew him only slightly came away with vivid impressions. My foremost impression is of a man whose whole approach to life and politics was always deeply personal, emotional, even sentimental.

To President Johnson, politics was never merely a matter of loyalty to abstract ideals. It was a matter of personalities—of real men, their problems, their families, and their lives.

He never thought of his constituents as a vast, faceless mass, to be measured by the Gallup poll and manipulated by Madison Avenue. He saw the American people as individuals and families, in real homes under real rooftops with real hopes and real difficulties. When he talked about them, he described them as "Molly and the babies"—a phrase that to sophisticates seemed naive, but to him represented the people he knew and served.

His approach to his colleagues in politics was similarly human, emotional, and sentimental. His was the politics not of abstractions, but of human encounter: the handshake; the hurried conversation in a hallway; the long, pleading telephone call, the personal favor, the friendly drink, the unexpected gesture of friendship or sympathy. If he was a shrewd and canny political animal, he was also a man who went to weddings and funerals and shed real tears.

To my father, his contemporary in American politics, President Johnson was not only correct and courteous, but generous and thoughtful. Though they sometimes differed on issues, they were always friends, who saw themselves as laborers in common for the public good. And after my father's death, President Johnson's kindness was directed toward our family. He came to the funeral in Bloomington, Ill. At the height of Mr. Johnson's difficulties during the Vietnam conflict, he took time out to unveil a bust of my father in the White House Cabinet Room. And though my father had been a critic of that conflict, the President spoke of him with warmth and magnanimity and showed our family the most genuine courtesy.

Lyndon Johnson was a product of the countryside and the small town. He brought to our highest national affairs the virtues of the small town; real, not synthetic emotion, and the human touch.

Others will elaborate upon his public achievements. I will close by offering my warmest respect and sympathy to Mrs. Johnson and all his family, and by quoting Stephen Spender's words about those who "were truly great." Spender speaks of:

Those who in their lives fought for life, who wore at their hearts the fire's center.

Lyndon Johnson, in his life, fought for life. And in his tempestuous, achieving career, he stood near the fire's center.

It is tempting to say that losing President Johnson is like losing a part of our national landscape. But Lyndon Johnson

was always too restless and fast-moving to be described as a mere landmark. Losing him is more like losing a part of the weather. We will miss him.

Mr. MANSFIELD. Mr. President, I yield to the Senator from Washington.

Mr. MAGNUSON. Mr. President, it is with the deepest kind of sorrow that I stand here today. We are paying our tributes, making our eulogies, to a President of the United States. But I have also lost a friend.

It is a lucky man, after a good life, who can count his friends on the fingers of his hands. I am especially lucky, because I always could count Lyndon Johnson among mine.

Today, on this day of such mixed emotions, I am luckier than most because I can look back upon good memories and warm times. Lyndon Johnson and I came to Congress together more than three decades ago. We served on the same committees and went to war together in the Pacific. It was my great privilege that Lyndon Johnson stood up for me at my wedding and my bride's great privilege that Lady Bird Johnson stood for her. Those memories are my treasures now.

Life is not always kind and Lyndon Johnson took its thorns with its roses. He presided over this Nation at a time of great accomplishment and of great agony. Only history can be the final judge on those times.

But I have my own personal judgments about President Johnson—and there is no doubt in my mind about his place in history. Can any of us on this floor forget those heady days in 1964 when we approved more progressive legislation than perhaps any Congress in history?

It was Lyndon Johnson who saw Medicare through to passage after two decades of bickering. Millions of Americans will never forget. But it only began there—a stream of accomplishments that uplifted that part of our Nation that had been held down so long.

If there is to be a memorial to Lyndon Baines Johnson, it seems clear to me what that memorial should be. Washington is ripe these days with rumors of the dismantling of the great social programs enacted in the 1960's. Our memorial should be a simple one—to assure that what Lyndon Johnson did is not undone, that the memorial he erected is not torn down.

Now that the war that tortured him is all but over, let us turn ourselves to the priorities that Lyndon Johnson himself would have established. He set out to build a great society. And, at least he set its foundations.

Which of our Presidents did more for the impoverished, more for the ghetto dwellers and the underprivileged, more for the frustrated and the disenfranchised?

That is his legacy now, and a legacy we should devote our own energies to maintaining. We can, as he would have wished, build our fair and great Nation into a fairer and greater Nation.

Just over 10 years ago, when Lyndon Johnson was elevated to the Presidency on one of the saddest days in our Nation's history, he quietly urged: "Let us continue." He would urge the same thing

today. As a friend—and as a believer—I make the pledge now to do what I can to continue.

Aside from his beloved land on the Pedernales, this place in which we now stand—the Senate—is the place that gave Lyndon Johnson his greatest sustenance. I would hope that here in this Senate his work will go on. Let us, his colleagues, not allow his dream to die. There still is so much to be done.

Mr. HUDDLESTON. Mr. President, the Nation has lost a dedicated and humane leader. President Johnson cared about people and their needs, and this was reflected in a lifetime of public service dedicated to providing his fellow citizens with better education, improved health care, equal rights, a cleaner environment, and many other amenities of the good life.

I believe history will remember Lyndon Johnson as one who demonstrated great concern for his fellow man—especially the "little man" born in poverty and want. To demonstrate such concern for the less fortunate is not always politically popular; but that does not deny the moral imperative to do so. That Lyndon Johnson sought to fulfill this moral imperative is a tribute to his courage and humanity.

President Johnson assumed the high office of President following a national tragedy, and not the least of his many accomplishments was his ability to take hold of the office and carry on the Nation's business during a very trying period. A lesser man might well have been overwhelmed by the magnitude of such responsibilities thrust upon him so suddenly, and in such trying times.

But President Johnson took firm hold of the reins of leadership and moved forward to some of his greatest accomplishments immediately after he became President. His leadership led to passage of legislation outlawing discrimination in places of public accommodation, programs to alleviate poverty, Medicare, and health care for the aged, and a program for improving living conditions in Appalachia.

These are the things for which Lyndon Johnson will be remembered. They are his living monuments, and the Nation is highly indebted to him for providing the leadership and determination necessary to bring them about.

It has often been said that Lyndon Johnson's happiest days were spent right here in the U.S. Senate. That is easy to understand when you consider his many legislative accomplishments while serving in this body.

We in Kentucky have always felt a close kinship to Lyndon Johnson. Although he was a Texan by birth he had roots in Kentucky through both sides of his family. The President's grandmother, Eliza Bunton, was born in Russellville, Ky. and later moved to Texas. His mother was Rebecca Baines, whose maternal grandparents were natives of Kentucky.

But whether he is linked to Kentucky or to Texas, his real constituency was the Nation and he served it well.

I think all will agree that he was a dedicated American, who sought what he thought best for his country and his peo-

ple. It is hard to ask any more of a public servant, or of a man.

Mr. BELLMON. Mr. President, President Lyndon Johnson will principally be remembered by many for his role in the Vietnam war. Such narrow identity overlooks the fact that he was a courageous, effective President who was probably the alltime master of the legislative art.

Throughout his long career, he remained a southwesterner. He maintained his direct, sometimes blunt manner, which sometimes caused him problems after he went to the White House.

While I differed with him on occasion, it is my opinion that history will be kind to the record and the memory of President Lyndon Johnson. I feel that our world today would have been a vastly different and less desirable place had he not taken his courageous yet unpopular stand in Southeast Asia and persevered even at the cost of his personal political career.

Mr. HRUSKA. Mr. President, this Senator notes the passing of Lyndon Baines Johnson, 36th President of the United States, with sorrow and regret. I wish to extend my deepest sympathy to Lady Bird, her two daughters, and their children.

We of the Senate will never forget L. B. J. We will remember him as a man driven to achieve greatness by some inner power. We will remember him as a Senator who was perhaps one of the most skilled statesmen to walk and speak in our halls and chambers. We will remember him as a President who could cover 31,500 miles in a 17-day factfinding tour and still remain ready for more work.

He was, indeed, a leader, who as President Nixon has said of him, was a "partisan of principle." Those of us who knew him and sometimes disagreed with him in the Senate can attest to his unfailing principle and devotion to the Republic. He was a man who viewed America's future with optimism.

Although fate has chosen to take him from us at the age of 64, all of us have a responsibility to do justice to his expectations for America. He would have expected no less from us.

We of the Senate shall miss his principle. The Nation shall miss his guidance, expertise, and insight. The passing of a great man is like the stillness after thunder. This Nation is smaller today without Lyndon Johnson.

Mr. MONDALE. Mr. President, this Nation has suffered a tragic loss in the death of our 36th President, Lyndon Baines Johnson.

We have lost a strong man who, by sheer force of character and ability, exercised unparalleled influence over the history of this Nation in the last quarter century.

As Senate majority leader and President, he worked tirelessly to transform the 14th amendment's commitment to racial equality into a living national purpose.

He sponsored the greatest social reform since the New Deal—medicare, medicaid, and expanded social security benefits for the elderly, aid to public education, a national commitment to end poverty and hunger.

And when he saw that the war in Southeast Asia had irrevocably divided the American people, he stepped aside in an unselfish effort to end the war and to unite the American people.

He left us an unfinished agenda for social justice—an end to hunger and malnutrition; decent housing for all American families; safe working conditions, a fair wage and a secure retirement for working men and women; real educational opportunities, and a chance in life for children of all backgrounds.

We will honor the memory of a man who cared deeply about the lives of the American people, who knew and hated poverty, and who longed for the peace which he tragically did not live to see.

Mr. HUGHES. Mr. President, I join with my colleagues and with Americans everywhere in bidding goodbye to a great President and in extending to his lovely wife and family my deepest sympathy.

To me, as to many other Americans, President Johnson was an enigma, but I never doubted his greatness, his devotion to his country, his determination to carry out what he believed to be the right things no matter what effort was required.

Having experienced both his generosity and his anger, I can personally attest to the fact that both were king size. We parted friendly relations over Vietnam. It was an honest difference of opinion that I have always regretted, but it had to be. But this in no sense diminished my admiration for this President's colossal record of service to his country—in civil rights, in medical care for the aged, in elementary and secondary education, in housing, in the alleviation of poverty, in raising the minimum wage, in pioneering environmental protection, and in countless other areas.

To me the most remarkable quality of Lyndon Johnson as President was not his strength as a decisionmaker, which was undeniable, or his skill as a leader—as in his relations with Congress—which was awesome, but in the fact that I always knew he cared, cared about people and the problems they have, including the run of the mill, the afflicted and the victims of discrimination.

And, of course, he built a mighty edifice of laws and administrative acts built on this capacity to care.

As the country is mourning the loss of this very complex and human President, it is reported that the people value programs he innovated and put through Congress with his incomparable skill and energy are now being dismantled and laid aside.

It appears to be true, but in my judgment, this is only a temporary phase. It is probably true that too much was attempted by the Johnson administration in too short a time to help too many people. But thank God, somebody cared enough to make the effort.

As I see it, the idea of the Great Society is not dead. It will rise again, in a different, more workable and lasting form, because the concept fundamentally is right and just and we are a nation of conscience.

And when this concept lives again, it seems to me that it will be the most

splendid memorial that any President could have. It could be written as an epitaph that on a big scale, as with everything else he did, Lyndon Johnson cared.

Mr. HART. Mr. President, President Johnson lies in state today just as the war that caused him so much anguish appears to be coming to an end.

History has played a curious trick on us, giving us great cause to rejoice but compelling us at the same time to mourn and sorrow.

The tragedy of this day, January 24, lies in the timing of President Johnson's death.

He died almost precisely at the moment when the dust clouds of an unfortunate war appear to be subsiding. And now, as they subside, they reveal—for the first time to many—the memorials that will honor the name of Lyndon B. Johnson for many generations.

His true memorials stand among us. They are those millions of black Americans who now vote because of Lyndon Johnson's ceaseless efforts and his devotion to democracy.

They are those millions of Americans who are better schooled today because of his determined pursuit of more educational funds.

They are those other millions who have achieved a greater measure of dignity in their old age because he pressed hard and long for medicare.

Those millions will continue to have a benign effect on the course of the Nation long after the Vietnam war is a footnote in the history books.

When Lyndon Johnson left office, he could look across this country and honestly tell himself, "Well, I fixed something."

That is a sentence, I suppose, that many politicians utter to themselves at one time or another. But Lyndon Johnson had the record to back it up.

If 30 years ago you had asked American blacks to guess the origin of this century's greatest civil rights President, not many of them would have named Texas.

His fervor for equality was not generated by political need, because I suspect he could have slid through in this area by making encouraging noises and symbolic gestures.

He did not. He had identified the racial problem as one crucial to the survival of the Nation. And he moved. He moved with all the energy and skill at his command—and that was considerable.

As a consequence, we had the Omnibus Civil Rights Act of 1964. In retrospect, that one does not seem much. Its principal concept—one that seems rather quaintly anachronistic in 1973—was that blacks have the right to eat in restaurants and sleep in hotels.

But it forced the Nation to confront the problem. It set events in motion.

And a year later, President Johnson was back to Congress again, this time with the Voting Rights Act. It passed. But when it passed it did not seem as important as the bill that had gone before, for some reason. Perhaps because it was shorter, because it did not have as many titles, because it applied to fewer States.

But I think Lyndon Johnson knew what it would do. He knew it would change things, and not just in the South. Its ripples have now been felt in one way or another throughout the country. And I think we are the better for it, the stronger for it.

Late last year, while driving to a vacation in Mexico with two of my sons, the highway took us through a Mississippi town called Fayette.

It distresses me to admit that I could not immediately recall why the name rang a bell. Then, of course, it came. Fayette had a mayor named Charles Evers.

We stopped. We saw the town. We saw the mayor. We heard the history of the first black administration in the community's history. We talked to whites.

And it is reassuring to report that we could find no indication anywhere that democracy is a mistake.

Charles Evers knew who was primarily responsible for that concept of democracy. And he said he had made it a point frequently to call the L.B.J. ranch and thank the man he held most responsible.

As the years pass, we will all have more and more cause to reflect on Mr. Johnson's accomplishments. They will be about us for generations. And they will not be mere forgotten milestones on unremembered roads. They will be growing oaks that will soften our landscape and shade us for as far into the future as we can see now.

Yes, we will reflect on his career. And as we do, all of us, I think, will become more and more appreciative that he was here—and that he had the wisdom to fix some things that need fixing.

Mr. WILLIAMS. Mr. President, history is marked by islands of time on which are clustered several events of great magnitude which occur, coincidentally, within historical moments of each other; we are living through one of those time islands now.

Less than 1 month ago, our Nation was deeply saddened at the news that former President Harry S. Truman had died. But, within weeks of that unhappy time, our spirits were lifted by reports that the awful ordeal in Southeast Asia might soon be at an end. And then, at virtually the same time that the dream of peace was being transformed into reality, we were shocked by the unexpected tragedy of the death of former President Lyndon Baines Johnson.

It is ironic that Lyndon Johnson died 2 days after the expiration of what would have been his second term as President. And it is a cruel irony indeed, that his death came shortly before a treaty to end the war in Vietnam was to be finally agreed to. There can be no doubt that Lyndon Johnson longed for an end to this war as fervently as anyone in this country.

Mr. President, I know I do not have to remind any Member of this body that Lyndon Johnson has left behind him a magnificent legacy of social progress for millions of Americans—and for millions more yet unborn. Virtually his entire life was dedicated to public service; it was a career marked by compassion for human needs, and a fierce dedication to

making the promise of America a reality for all Americans.

Lyndon Johnson summed up his philosophy of government in a speech he made near the beginning of his full term as President in 1964, when he said:

I want a happy nation, not a harassed people—a people who love instead of hate—a people who are fearless instead of fearful—men with pride in their ancestry and hope for their posterity—but humble before their God and concerned always with the wants and needs of their fellow human beings.

Mr. President, Lyndon Johnson's life in itself was an embodiment of the American experience. His ancestors helped settle the West, and he grew up living close to the land. He started work as a construction worker, went on to become a teacher, and was introduced to National Government as a congressional staff member during the depths of the depression. He went on, of course, to become one of the most powerful leaders this body has ever had, and then to the highest office in American political life.

Those of us who were privileged to serve in the Senate when Lyndon Johnson was majority leader, and later when he was Vice President and then President, know very well that he was a grand master of the political process. The politics he practiced was sometimes rough, usually colorful, and almost always effective. He knew better than any of us how to pass legislation, and he used his skill to its utmost to compile one of the most magnificent legislative records in our Nation's history.

Lyndon Johnson knew the needs of average Americans, and the legislation he worked for was addressed to those needs. He was an ardent supporter of the kind of economic reforms begun by Franklin Roosevelt's New Deal, and he was one of the first Members of Congress to recognize the urgent need for legislation to erase discrimination in all phases of American life.

When the tragedy in Dallas left Lyndon Johnson heir to the Presidency, he was scrupulously loyal to the programs he inherited from John F. Kennedy. And when he won a great mandate to his own term in the White House, he consolidated his dreams for America in a program he called "The Great Society"; it was a program he described this way:

The Great Society asks not only how much, but how good; not only how to create wealth but how to use it; not only how fast we are going, but where we are going.

Lyndon Johnson was more successful than probably any President—with the possible exception of his hero, F. D. R.—in getting his program enacted into law. As one who was privileged to play some part in achieving passage of that great and visionary program, I can only say that it was a unique and memorable experience. The great legislation on education, civil rights, economic opportunity, health care for the elderly, environmental quality, and housing and urban development, which was passed during those years, stands today as a monument to Lyndon Johnson's Presidency.

Mr. President, perhaps the most fitting description we can attribute to Lyndon

Baines Johnson is to say simply that he cared deeply about all the people of our country, and did all in his power to make their lives better. I join today with my colleagues in expressing the deepest sense of personal loss at his death, and extending my sincerest condolences to the Johnson family.

Mr. FONG. Mr. President, I join my colleagues in paying tribute to former President Lyndon B. Johnson, whose sudden death this week at age 64, shocked all of us.

It was my privilege to know Lyndon Johnson as majority leader of the Senate, as Vice President, and as President. I was always impressed by his warmth and charm and friendliness to me, and I am deeply saddened by his death. America is the poorer to lose such a dynamic elder statesman. We had hoped to have the benefit of his counsel for many years to come.

To capulize the life and achievements of this dynamic and complex man through his 31 years of public service in the legislative and executive branches of our National Government is difficult indeed. This we can say: our Nation owes him much.

Certainly those who lived through the horror of the assassination of President John F. Kennedy will always be grateful to Lyndon Johnson for the masterly manner in which he promptly and firmly took hold of the reins of government. We could have had chaos and turmoil. Instead we had order and continuity and inspiration. Through his courage, strength, and skill, Lyndon Johnson rallied the American people to weather the tragedy an assassin's bullet had inflicted upon us. His conduct and leadership during those difficult circumstances were exemplary.

Lyndon Johnson leaves a record of tremendous achievements and some disappointments, the most notable of course his failure to end the war in Vietnam that he inherited. He felt he had done everything he possibly could, including sacrificing a bid for a second elective term, to no avail. Yet it is a mark of the man that he would not settle for a peace that would only be surrender in disguise.

On those other issues that remain unfinished and controversial, only time and future events will give us the necessary perspective and tell us whether he was right or wrong. At this time, however, there is no doubt that in the death of Lyndon Johnson, our Nation has lost a leader whose life was marked by enormous energy, vitality, and a capacity for leadership few men possess.

We know he was a master of the legislative process as his effective tenure as majority leader of the Senate attests. And, as President, his knowledge of Congress and Congressmen enabled him to push to enactment a record number of new domestic programs.

The Civil Rights Act of 1964 and the Voting Rights Act of 1965 stand as noble monuments to his tireless work as President in behalf of all Americans.

Imbued with a deep-rooted love of America, he was a man in the familiar tradition of our country, rising from

humble beginnings to the highest elective offices in the land. And it is to his everlasting credit that he never forgot his humble origins. Undoubtedly his zeal for wiping out poverty and his strong support of better education for all had their roots in his early life. Those American citizens disadvantaged by color, race, or poverty knew that in Lyndon Johnson they had a staunch champion.

Born and raised in the dirt-poor hill country of central Texas, Lyndon Johnson knew what it was for people to scratch for a living. But he also knew that in America a person could get an education and work his way up. Throughout his public career, he strove mightily to widen that opportunity for those Americans in need.

Lyndon Johnson was a big man from big country. Six feet two inches tall and large of frame, he came from Texas, our largest State until Alaska entered the Union. He thought big. He planned big. His horizons were so big they had no finite limits. He dreamed big dreams for America and he labored tirelessly to make those dreams come true.

It was this capacity for dreaming big and thinking big that enabled Lyndon Johnson to embrace enthusiastically the idea of statehood for Alaska and Hawaii. While others clung to a United States of America with only contiguous States, Lyndon Johnson saw the feasibility of accepting noncontiguous Alaska and mid-Pacific Hawaii. Lyndon Johnson was one of the architects of statehood for Alaska and Hawaii. I am sure I speak for all citizens of Hawaii when I say the people of the 50th State will always have a special aloha for Lyndon Johnson.

Just as Lyndon Johnson led the drive for statehood for Alaska and Hawaii in 1959, so in 1960, he made possible enactment of legislation to establish in Hawaii the Center for Cultural and Technical Interchange between East and West. He agreed that Hawaii, a crossroads between the United States and Asian-Pacific lands, should be the site of a Federal institution supported by the people of America to promote understanding between our people and our neighbors in Asia and the Pacific. The East-West Center has been in operation for more than a decade in the work he envisioned.

Many years ago, when ground-breaking ceremonies were scheduled for the East-West Center, President and Mrs. Johnson agreed to attend and they invited Mrs. Fong and myself to fly to Hawaii with them and join in the ceremonies. The aircraft assigned us had only two sleeping bunks. President Johnson insisted that Mrs. Fong and I take one of the bunks and he and Mrs. Johnson would take the other. We, of course, demurred and tried to persuade them to keep both bunks. But in his customary generous and warm-hearted way, President Johnson would not take "No" for an answer. He and Mrs. Johnson gave up one bunk so that we could be comfortable. It is such acts of kindness that we recall on this sad occasion.

It is little wonder that in 1964, Hawaii gave Lyndon Johnson an overwhelming vote of thanks and confidence. In his election campaign, 79 percent

of Hawaii's voters cast their ballots for Lyndon Johnson.

We in Hawaii are very, very sorry to lose such a staunch friend and we bid him a sad aloha.

My wife Ellyn joins me in extending to Mrs. Johnson, to daughters Lynda and Luci, and to their families our deepest condolences in their bereavement. We know how proud he was of them and how much comfort he derived from their love and loyalty.

Mr. CHURCH. Mr. President, the death of former President Lyndon Johnson leaves a great void, nowhere felt more poignantly than in this Capital.

For it was in Washington that Lyndon Johnson pursued his remarkable career during most of his adult life. And it was here in Washington that his friends were legion, his talents most appreciated and best understood.

As a man, Lyndon Johnson was bigger than life; as a Senator, he was bigger than Texas; as majority leader of the Senate, he soon became the second biggest man in the Government. Only the Presidency itself was cut to fit his size.

The irony is that the people never knew Lyndon Johnson for what he really was, a man of warmth who cared deeply about the dispossessed. The public could not know the private Lyndon Johnson, so pungent, volatile, folksy, and sentimental.

I will remember him for these intensely human qualities; for the leadership he gave to good causes such as civil rights; for the landmark legislation he pulled through Congress, Medicare for the elderly and better education for the young.

His life, so full of struggle, was buoyed by the constant companionship and encouragement of his faithful wife, Lady Bird. She matched his energies and shared his ideals. To her, their children, and grandchildren, my wife, Bethine, and I extend our heartfelt sympathy.

Though we differed on the question of the war, my regard for Lyndon Johnson never faltered. He was a giant of a man, and I will miss him.

Mr. MUSKIE. Mr. President, Lyndon Johnson was, in many ways, larger than life. In a political career spanning nearly four decades, he exemplified so many of the attributes commonly associated with his beloved State of Texas—flamboyance and pride, coupled with enormous charm and a canny perception of the frailties and strengths of those with whom he worked.

All of us who worked closely with him marvelled at his energy, respected his vigorous dedication and were amazed by his tenacity and persuasive qualities. During his 12 years as majority leader, we could be sure that when Lyndon Johnson promised a night-long session, we would be at our desks through the night. He was totally absorbed in his work, and I suspect that if it had been within his power, he would have created 25-hour work days.

His personality enveloped the Senate, and it will be a rare leader who will run the Senate Lyndon's way again.

He proved here that he was master in the art of the possible, but he also dem-

onstrated that he had dreams and the courage and talent to make many of those dreams reality.

After the tragedy in Dallas, Lyndon Johnson was thrust without warning into the Nation's highest office. He met the challenge with characteristic energy, vision, and remarkable strength of leadership. And he presided with great personal dignity over the most tumultuous and troubling period in recent American history.

He understood that continuity was vital to the country and the world, vital to demonstrate the durability of our institutions and the stability of our society and our political mechanisms. President Johnson's first message to Congress began with the ringing:

We shall continue.

And he did continue. His mastery of the intricacies of the Senate and Congress' responsiveness to programs begun by President Kennedy provided some momentum, but his ultimate success came for his own deep commitment to the American system and to its political institutions.

Lyndon Johnson was a big man: in body, in vision, and in ambition. His ambition stretched far beyond himself to his country. He dreamed not just of a new society, but of a Great Society, one that dealt justly and shared its riches widely with all its citizens.

The simple, inescapable fact was that this big man cared, and he cared intensely, about the farmer in Iowa, the fisherman in Massachusetts, and the rancher in Texas, and the disadvantaged of all colors, all of whom shared the same hopes and harbored the same fears. It was the task of political leaders, Johnson said in 1964, to make Americans aware of their fundamental unity of interest, purposes and belief. And it was his highest ambition "to satisfy the simple wants of the people." He demanded a better quality of life for those Americans, he saw ringed into ghettos of indifference, of prejudice, of ignorance.

A distinguishing quality of a great free society is its freedom to experiment, freedom to make mistakes, freedom to change direction, to back away from failure and to enlarge on success. President Johnson had the courage to risk uncertain results in his determination to find bold new ways of reducing domestic problems of staggering complexity and magnitude—problems stemming from quiet words—poverty—hunger—education—opportunity.

Most importantly, Lyndon Johnson made a commitment to those American society had treated unfairly. "We shall overcome," he said. And he put those words into action, enacting sweeping civil rights reforms which America is still building on today in order to make this a truly just society.

When history judges Lyndon Johnson, I am certain that that effort will not be forgotten.

All of us who knew him have personal recollections of his unique personality. I came to know his bite and his bark, his warmth and his charm, his icy disapproval and his overgenerous praise. He

was the most fascinating human being I have known in my political life.

So many of us shared with him the tragedy of the war which marked his Presidency so indelibly. I was always conscious of his agonizing desire to know what was right; and now history must write the final judgment.

Mr. HOLLINGS. Mr. President, I was both surprised and saddened to learn of the untimely passing of Lyndon Baines Johnson. Coming so closely as it does to the death of another of the architects of modern times—Harry S. Truman—President Johnson's passing leaves a certain silence on our tongues as well as a pain in our hearts. The words to express any judgment on the tumultuous events of the Johnson years come slowly. So close are we to the events themselves that we are denied the luxury of perspective and judgment. It remains for the future to determine the outcome of the many fateful decisions it was Lyndon Johnson's destiny to make.

As Congressman, Senator, majority leader, Vice President, and finally President of the United States, Lyndon Johnson was a man of true compassion. He cared greatly about people. At the pinnacle of power, he never forgot the underprivileged and downtrodden. Indeed, once he found himself in a position to really make a difference, he bent his every effort to improving the lives of those who needed help. No President was more passionately committed to improving the health and education and housing of the American people. None was more convinced of the essential equality of men. And none did more to insure that every American—regardless of race—enjoyed the blessings of liberty and democracy.

Lyndon Johnson was—more than most men—a son of the soil. Time and again throughout his life, he returned to the Texas hill country for sustenance and reinvigoration. From his early experiences with friends and neighbors who had to struggle to survive, he drew his fundamental faith in the goodness of people.

He knew that given a chance, most Americans would work long and hard to vindicate the hopes and dreams of those who built America. He knew the American dream was reality because he lived it.

His experiences as a young man developed in the future President a sincere and intense love of country. Lyndon Johnson was a patriot. He was proud of America, and he did what he believed was right for his country. Never a prisoner of party, Johnson was—as President Nixon observed so well—a partisan of principle. As majority leader of the U.S. Senate, Johnson developed a fine working relationship with President Dwight Eisenhower. It was a case of two men rising above party and dedicating themselves to the greater good.

Many of President Johnson's decisions were highly controversial. None, of course, knew this better than the President himself. I think immediately of the tough decisions on Vietnam. The wisdom of some of those decisions will long be debated. But one thing is certain—Pres-

ident Johnson made his decisions with the well-being of his country uppermost in mind. When he realized in 1968 that his continuance in office might make it even more difficult to achieve a peace, he decided to forgo the Presidency by not running again. It must have been a difficult decision for a proud man to make—but he stuck with it because he believed it was the right thing to do.

Probably my most vivid and enduring memory of the Johnson Presidency is the leadership given in the wake of John F. Kennedy's assassination. In a time of confusion and fear, Johnson provided direction and assurance. He assumed the reins of government with confidence; he provided a program; and he immediately got down to the business of first calming—and then moving—a nation. His address to the Congress just a few days after the assassination is among the most moving and eloquent addresses in all the annals of the Presidency. It did credit to Johnson, and Johnson did credit to the Nation.

Now, in this Chamber that he loved so much, we mourn the passing of another of the giants. He was a controversial man in difficult times, but Lyndon Johnson never recoiled from either controversy or difficulty. He was more than willing to have his case submitted to posterity. He died confident in the belief that history would vindicate his actions. I am sure that history will smile upon much of the Johnson legacy, and I am consoled by the thought that this true patriot kept his confidence and pride in country to the very end. Mr. President, I join the Nation in mourning the passing of Lyndon Johnson, and I extend my condolences to the Johnson family.

Mr. SYMINGTON. Mr. President, those of us who enjoyed the friendship of our late President Lyndon B. Johnson knew of his incredible capacity for hard work, his rare natural gift of leadership, his determination to carry out the programs he felt wise and good for the people, especially the little people, of America.

No American, no citizen of any country at any time in history, has ever done more to improve the lot of millions of his fellow men and women.

A large part of his great success as a statesman resulted from his fortunate marriage. The inspiring lady who stood by his side for so many years was equally responsible for the love story that has become a saga in the history of the country they both loved so well.

To her, to the daughters he loved so ardently, and to his family, speaking for his legion of friends in Missouri, I extend my heartfelt sympathy.

Mr. McCLELLAN. Mr. President, Lyndon Baines Johnson is dead—and we are all diminished by his passing. Today, the Nation mourns a lost leader—and I have lost a friend. Coming so soon and so unexpectedly after the death of Harry S. Truman, the only other living former Chief Executive, Lyndon Johnson's death leaves a sorrowful void in American life.

It is altogether fitting that we pay tribute to him in this Chamber. Lyndon Johnson loved the Senate. Here he

spent some of the happiest and most rewarding years of his life—as Senator from Texas, member of the Committee on Appropriations, where we served together from 1956 to 1961, majority leader and, finally, as Vice President. Few men have known and understood the heart and mind of this body so well.

Many of us here today knew him as a colleague and were proud to call him our friend. We all have memories of this tall Texan, who often seemed to embody in himself all the exuberance associated with his native State. Sometimes, both as a colleague and as President, we disagreed with him—but I am firmly convinced that none doubted his sincerity or his conviction that whatever he was doing was in the best interests of the American people.

Lyndon Johnson's life was a fulfillment of the American dream. When he summoned the Nation to a war on poverty, he knew the enemy at first hand. He had been born in a three-room house in the back-country hills of Texas. When he introduced legislation to improve our schools, it was based upon his own experience. A hard-won education had set him on the path to leadership.

Lyndon Johnson was a son of the frontier. This is not so much a geographic place as it is a symbol—a symbol of America's confidence that beyond the moment, over the horizon, the world will be brighter, the future better.

The United States has become a more populous and far more urbanized nation, but Lyndon Johnson labored to preserve the heritage of the frontier. Open country, clear skies, clean streams, equality of opportunity, the dignity of the individual, the commitment to justice for all—are derived from this legacy.

Lyndon Johnson believed that political unrest, economic uncertainty, and social upheaval have not dulled the values that our historical experience has taught us.

I am reminded of something that Lyndon Johnson once wrote in a forward to "The Texas Rangers," a book by his good friend and fellow Texan, Dr. Walter P. Webb, where he recalled that one Ranger had defined courage as "a man who keeps on coming on."

Lyndon Johnson said:

You can slow a man like that, but you can't defeat him—the man who keeps on coming on is either going to get there himself, or make it possible for a later man to reach the goal.

In these challenging and perilous times, free men everywhere might profitably consider this motto. We cannot be certain we will reach and fulfill the goals of our society or the ideals upon which our system stands. But we can, by dedication and commitment, be the kind of people who "keep coming on."

Mr. President, Lyndon Baines Johnson was such a man.

Mr. HATHAWAY. Mr. President, Lyndon Johnson's life was a chronicle of great achievement. Like all men who are doers, he knew the taste of both victory and defeat; of great satisfaction and deep despair.

He will be remembered most for his

passionate commitment to social justice; for his efforts to redeem our national pledge of equal justice and protection under law.

While the great personages of the world will eulogize him, the lowly will recall him as one who, with unprecedented zeal, sought to better educate our young; feed our undernourished, improve the condition of our poor, and eliminate the barriers to equal opportunity in our society.

Lyndon Johnson envisioned a great society for America, one in which the promises set forth by our Founding Fathers will finally be fulfilled.

This vision is his legacy to us. He pointed the way and led us part way down the path. It is now incumbent on us who labor in these halls he once trod to honor him in the manner most appropriate to this body—by continuing his efforts to build a country "with liberty and justice for all."

Mr. PERCY. Mr. President, I join with my Senate colleagues here today and Americans from every part of the country in mourning the death of President Lyndon Baines Johnson. In the short time since the President's death, I have been remembering my personal encounters with him and rereading the accounts of his life—from his boyhood in the Texas hills to the zenith of his career in the White House. In my opinion, no single sentence has captured the whole of the man's personality and accomplishment more effectively than the comment his wife made when she was recounting their whirlwind courtship and marriage. She said:

Sometimes Lyndon simply takes your breath away.

Lyndon Johnson's astonishing career in the political arena did, indeed, take away the breath of all who followed it. As a young Congressman, he carefully watched and absorbed the way the political process operates in the Congress. Under the tutelage of such political greats as President Franklin Roosevelt and House Speaker Sam Rayburn, young Congressman Johnson developed into the greatest politician of them all.

As he rose through the ranks in the Congress until he became the powerful Senate majority leader, he learned the political art of bargaining and compromise as no other man had done. And as his influence grew, so did his compassion and his understanding of the average citizen and his needs.

There is no need to recount here the circumstances of his accession to the Presidency. But it is good to remember that he presided over the country during that difficult, painful time with an uncommon grace and a strength which enabled all of us to move out of our anguish over President Kennedy's death and move forward to accomplish so much of the program he had hoped to achieve.

Lyndon Johnson took the reins of Government and channeled our energy toward solving the massive social problems that had come to a head in the early 1960's. As was his wont, he took on the issues with gusto, sending to the Congress for consideration and action more social legislation than any Presi-

dent had ever offered. Out of this highly productive time came the most important civil rights legislation ever enacted in this country. He saw the need for quality housing and fought for legislation that would make that possible. He knew the needs of the elderly and the poor of this country, and he offered the medicare program as a solution.

It is safe to say that no President, not even his teacher and hero Franklin D. Roosevelt, compiled a greater record of domestic legislation than Lyndon Johnson.

It would be less than honest in any discussion of President Johnson not to mention the Vietnam war, which was to divide our Nation and end one of the most extraordinary political careers in our history. I, along with many other Americans, am sorry that President Johnson did not live to see the end of this war. I did not agree with his policies in Indochina, but I believed him when he said that no man living wished more profoundly for an end to the war than he did.

Lyndon Johnson was a powerful man. Although he has been far from the public eye on all but the rarest occasions since he left the White House just 4 years ago, we shall all miss the presence which once dominated our lives. He was a good man, who did what he believed was right in every situation, both when the public, whose admiration he desired so intensely, was with him and, in the end, when it was turned against him. His devotion to principle should be a lesson to every one of us here.

It took a man of Lyndon Johnson's imagination and magnitude to call for the creation of a great society. If he did not see the fulfillment of his dream of a great society; if that dream was shattered by the sheer profundity of the problems all Americans faced; if, indeed, the great society he longed for took second place while he waged a war that fewer and fewer Americans believed was right, he should have—and I deeply hope he did—take pride, great pride, in the fact that he made this country better for his efforts.

Mr. President, Mrs. Percy and our children, to whom the entire Johnson family was always very kind, join me in extending to Mrs. Johnson and her children and grandchildren our deepest sympathy in this time of sorrow. I hope that they can take some measure of comfort in the realization that their unfailing devotion to him was returned in full measure.

Mr. FANNIN. Mr. President, Lyndon B. Johnson was a remarkable man who worked mightily to improve the Nation he loved.

His life itself was a fulfillment of the American dream—from humble origins to schoolteacher to Congressman to Senator to Senate Leader to Vice President to President.

He was—and I say this with greatest admiration and respect—perhaps the most effective politician in recent American history.

For himself and for the Nation he set lofty goals and he had the capacity to bring about the means he believed would achieve these goals.

He sought to wipe out discrimination, to eradicate poverty, to advance medical care, and to improve education in America.

Abroad, he vowed to keep America's commitment to help defend free nations against aggression.

Once committed to these goals, President Johnson remained steadfast even when he was abandoned by former supporters when the going got rough.

As a member of the opposition party I often differed with President Johnson regarding his programs for achieving national goals, but I certainly agreed with him on the objectives.

As President Nixon has observed, it is especially saddening that Mr. Johnson passed away on the eve of the announcement that a peace agreement has been reached in Vietnam. President Johnson sacrificed his political life in his determination to bring the Vietnam war to a conclusion. It is ironic that on this day when we celebrate the reaching of a peace agreement we also mourn the death of the man who suffered and struggled so long to resolve this conflict.

In my experience with President Johnson he was always very cordial. He was a man who lived and enjoyed life to the fullest.

Mr. President, I mourn the passing of this man whose brand is on such a long and important segment of American history. I join the Senate and my fellow Americans in extending condolences to Mrs. Johnson and members of the family.

Mr. YOUNG. Mr. President, this is a sad day for the Senate of the United States. Death has taken one of our great men of this country, President Lyndon Baines Johnson.

He was one who for most of his life served as a devoted, dedicated, and able public servant. He was one of our ablest and best liked majority leaders of the Senate.

President Johnson was the most personable and likable President in my time. He was the easiest to contact and visit with. Part of this was because we were so closely associated for many years while he was in the Senate. Following his years as a great leader of the Senate, he was to be elected Vice President of the United States, during which time he endeared himself to Members of the Senate even more—if that were possible.

No President ever was responsible for getting more domestic programs enacted by Congress. He fought very hard for many of them, even though they were not always popular in his own State, because he believed they were right and necessary.

President Johnson was the closest to agriculture and rural America of any President I have ever known. He was a man of the soil and this had much to do with his overall philosophy of life.

He succeeded to the Presidency at a most difficult time when we were already halfway into the war in Vietnam. He inherited many top government officials who were very war minded. Largely because of this, he got deeply involved in the war in Vietnam and I cannot help but believe this had much to do with the decisions he later made. I am sure this kindly, considerate man wanted more

than anyone to end our involvement in this unpopular war.

I share the sadness of all of the Members of the Senate in the passing of this great man.

I cannot help but feel that history will deal kindly with his long record as a public servant, and particularly in his capacity as President of the United States.

Patricia and I extend our deepest sympathy to his beloved wife, Lady Bird, and all of his wonderful family.

Mr. BROCK. Mr. President, I deeply regret the passing of former President Johnson.

While our Nation's flag is still at half-mast in mourning the passing of former President Truman, we have lost another leader.

Lyndon Johnson was a unique man of the Congress. While his Nation honored him by electing him Vice President and President, it was in the Senate that his mastery of the political process was displayed most keenly.

Thrust into the Presidency by the tragedy of assassination, he led the Nation through many troubled days. History will record his strength and ability under the most difficult circumstances.

My deepest sympathy goes to his family and many friends.

Mr. JAVITS. Mr. President, "The greatest civil rights President since Lincoln," said Roy Wilkins of Lyndon Johnson. High praise from the head of the NAACP to the first southerner to sit in the White House since reconstruction, but those of us who served in this body during the sixties and who worked with him to enact landmark civil rights legislation would agree.

President Johnson did not originate the comprehensive 1964 act, he inherited it—the work of many civil rights advocates and the legacy of President Kennedy—he made it his first legislative priority. He urged, pleaded, cajoled, demanded, and implored the Congress—and his commitment and leadership played a large part in winning the votes we needed for cloture and passage. He also provided the moral leadership which moved the American people not simply to accept, but to demand the civil rights revolution of the sixties. The phrase may be cliché now, but those of us who were present at the joint session of Congress on March 15, 1965, will never forget the words of the President still shocked by Selma: "We shall overcome." We knew then, for he had promised in the language of the movement itself, that his commitment was moral as well as political, that he understood personally the cause of the black Americans who had suffered so much and that his determination to see justice done was formidable. We passed the Voting Rights Act, and he enforced it to the hilt.

His initiatives in the war on poverty, his advocacy of medicare and medicaid, the Job Corps, the Headstart program, and his support of large-scale Federal aid to education are all major milestones in American history. They reflect a deep and real concern for people, especially the poor and disadvantaged.

His responsibility in the Vietnam war

will be better understood, especially by those who differed with him, as an intense loyalty, according to his lights, to the principle of self-determination of peoples, which he held most dear.

When history is written, I believe the greatest achievements of his administration will be the Civil Rights Acts of 1964, 1965, and 1968. Just last month, in addressing a convocation at the Johnson Library in Austin, President Johnson spoke with pride of these achievements, and with hope for the future of racial harmony in America. When we do achieve complete equality of opportunity for black and white, rich and poor, it will be in large measure due to the progress we made during Lyndon Johnson's Presidency.

Mr. HARTKE. Mr. President, with the passing of Lyndon Baines Johnson the Nation and the world have lost a most courageous and energetic leader. The final clouded and stormy years of his Presidency cannot belie a life of service to the American people. President Johnson took great strides toward full racial equality for all Americans. He focused our attention on the persistent problems of poverty and left us an enduring dream of a better America. History will long remember President Johnson as one of the powerful political figures in our Nation, but today let us remember him as spokesman for the underprivileged and the neglected.

Mr. COOK. Mr. President, for the second time in a period of weeks our Nation is steeped in mourning over the passing of a great leader. The sudden and untimely death of former President Lyndon Baines Johnson is a tremendous loss to our great society which he worked so diligently to improve. His contributions to domestic projects in America will have an impact on all of our lives for many years to come.

A forceful leader, Lyndon Johnson was able to set aside parochialism and partisanship as he attempted to apply the doctrines of equity and fairness across the entire spectrum of American society. He met every challenge with dedication and forthrightness and never acted other than to promote the best interests of all people. When finally beset by a nation in turmoil, he chose to dedicate all his energies to the resolution of internal and foreign conflicts rather than to engage in partisan political activity. This was perhaps one of the most difficult decisions ever made by a Chief Executive of the United States. That action typified the devotion to duty which Lyndon Johnson obviously felt. The memory of his leadership and spirit will continue to serve as an inspiration to the American people.

Mr. INOUE. Mr. President, the death of Lyndon Baines Johnson marks the passing of a great and a good man and the loss of a personal friend. He left his deep imprint upon this body, upon our Nation's Capital, and upon our country. Lyndon Johnson was a big man who felt strongly about the Senate, about our Government, and about our Nation.

It was also very difficult, if not impossible, not to feel strongly about Lyndon Johnson. I did and I liked him, re-

spected him, and admired him. I admired his tremendous energy, knowledge, and drive. But most of all, I admired his deep commitment to the principle of human equality.

The steps which our Nation took under his tireless prodding toward making it possible for all of our people to walk upright in full participation and citizenship truly marked a second proclamation of emancipation. It was, therefore, particularly appropriate that his last major public appearance was to be at ceremonies for the opening of his civil rights papers this past month.

At that time he said:

We know there is injustice. We know there is intolerance. We know there is discrimination and suspicion and division among us.

But there is a larger truth. We have proved that great progress is possible.

And he added:

We know that much remains to be done.

Despite his achievements in this field of endeavor—achievements unequalled in modern history—Lyndon Johnson was not satisfied. A mark of his greatness, and of the depth of his concern, was his unwillingness to rest on the laurels of half-way measures and half-met goals.

And although the road to his envisioned Great Society proved to be a very long and difficult one, it must be said of Lyndon Johnson that he had the courage to embark upon it. He not only had the courage to begin that journey but the will to drive ever forward even when the going proved stormy and rough. His was not the dedication of the fainthearted. His was not the patriotism of the summer soldier.

It is my firm belief that the trail which he blazed, the benchmarks to progress which he erected thereon, will remain long and beyond the efforts of lesser men who flee that field of endeavor in a denial of responsibility and in a search for escape from conflict.

Lyndon Johnson had a voracious appetite for involvement and for action. As he once remarked:

To hunger for use and to go unused is the worst hunger of all.

While even he was not able to shape all of history's forces to his indomitable will he has left us a rich legacy indeed. Enriched by his presence, warmed by his friendship, we are much saddened by his passing. The Halls of this Congress, the streets of this city, and the highways and byways of this Nation, will not see the equal of this man for many a year.

Mr. BURDICK. Mr. President, words cannot do justice to the accomplishments of Lyndon Johnson as Congressman, Senator, Vice President, and President of the United States.

His true monument will not be one of stone. It will be in the way his dreams and achievements touch the daily life of American citizens. Because of Lyndon Johnson and his works, our elderly look forward to increased financial security and improved health care; millions of young people can give thanks for better educational opportunities; members of minority groups can hold their heads high; and residents of the most under-

developed areas of the country have been given some hope for improved lives.

Through the years he held steadfast to his belief that this country was one that should offer opportunity for all people, rural and city, black and white, young and old.

And Lyndon Johnson was the true friend of the farmer throughout his career. He had firsthand knowledge of the hazards and problems farmers face. He strongly supported rural electrification, farm commodity price supports, soil and water conservation, and the programs of the Farmers Home Administration. He believed in the development of rural areas and communities as well as the rebirth of urban areas.

The problems of people shaped the course of Lyndon Johnson's life and in return his labor and energy and vision helped shape the lives of millions of his countrymen for the better.

We must make sure that these accomplishments are not obscured by the tragedy of a war which he tried vainly to bring to a conclusion.

My heartfelt sympathies go out today to that great lady, Mrs. Johnson, and to her family.

Mr. BAKER. Mr. President, former President Lyndon Johnson was a man of great actions and great expectations. He was one of the most energetic and effective Presidents this Nation has ever known—a skilled legislative leader and a strong Chief Executive who worked untiringly to translate his beliefs into solid accomplishments.

In both triumph and tragedy, President Johnson was a man satisfied with nothing less than attempting to move the Nation at the same hectic pace he required of himself. He was an ambitious man in the best sense of the word. He set great goals and committed his time and his talents to their fulfillment.

As a champion of the disadvantages, Lyndon Johnson had few equals. He helped bring about the enactment of the greatest volume of social reform legislation in the Nation's history. He acted boldly and with compassion in the fields of job training, education, poverty relief, health care, civil rights, urban development, and care for the aged. If he fell short of achieving his Great Society, it was not for a lack of good intentions.

President Johnson was a man characterized by his commitments. As Senate majority leader during President Eisenhower's administration, he played an important and responsible role as the leader of the loyal opposition. He was a dedicated partisan who rose above partisanship to meet his commitments to the Nation.

As Vice President under President John Kennedy, Lyndon Johnson was dedicated to an activist role. Serving as an international good will ambassador, Chairman of the National Aeronautics and Space Council, and a spokesman for the National Government, he helped to further elevate the office of the Vice-Presidency.

Thrust into the Presidency at a time of tragedy, President Johnson accomplished a smooth changeover in the national leadership which encouraged and inspired his fellow citizens. He carried out

his commitment to the unfinished work of his predecessor and went beyond in attempting to fashion a society dedicated to his concepts of social reform. At the same time, he dedicated himself to other commitments abroad with the same intensity. That he never accepted limitations of what he felt could be accomplished through the exercise of national power was the source of his greatest achievements and his greatest sorrows.

Lyndon Johnson stood by his commitments to what he believed to be the best interests of his Nation, even in time of great national conflict over his foreign and domestic programs. In the end he laid down his career to help seek a peaceful settlement of that most perplexing conflict in Southeast Asia.

The passing of such a renowned national leader is always a somber experience, but it is especially sad at this instance. We are now achieving that peace abroad which eluded President Johnson and which he so sincerely sought when he stepped down.

President Johnson deserves to be remembered as something more than the last casualty of the Vietnam era. With the coming of peace, the Nation will have the opportunity for a more objective evaluation of this man and his administration.

He showed us what could be accomplished through Government action—and what could never be accomplished through Government action. He showed us what Government could do for the people—and we learned what people, and nations, must do for themselves. If we have not yet achieved the Great Society, we can work to build a better society—and perhaps this commitment will be Lyndon Johnson's most fitting memorial.

Mr. MONTROYA. Mr. President, we are gathered today to pay homage to a great man. A man who we all respected and one whom many of us here knew personally.

For all of us, the death of Lyndon Baines Johnson is a profoundly saddening event.

But for me, the death of this great man is especially poignant. I was proud to know President Johnson as a friend. I spent many hours in his company at his home where I learned to know him as a warm and compassionate man.

The public record of President Johnson's administration was a true reflection of the private record of the man.

President Johnson, during a career in public office that spanned more than three decades and reached the apex of American political life, never forgot his humble origins in the hill country of Texas. He never forgot the people back home—and for him "back home" meant all of the United States, while the people meant all the people.

During his long career, President Johnson was often faced with decisions that would make a smaller man shrink away and allow the tides of history to carry him along.

But confronted with the giant and enormously complex problems of America in the 1950's, as Senate majority leader, and the 1960's as Vice President and President, President Johnson took

the bull by the horns and sought solutions instead of procrastination. He was a man who recognized that problems must be solved, not merely identified.

His response to the problems facing America was a galaxy of legislation that reflected all the best things in him and his dreams for America.

An end to poverty, equality for all Americans, better social security benefits and increased medical care were goals that motivated President Johnson.

These goals sprung from the innermost depths of President Johnson. But without his political acumen and plain commonsense, they would have remained little more than goals and dreams for millions of Americans.

The legislation that President Johnson sponsored and saw passed stands as a true and honest memorial to him.

Although in recent years, President Johnson had lived a private life, he was always ready to offer his wise counsel when it was sought. He stood like rock anchoring an important part of America's social fabric.

My family and the people of New Mexico join with me simply to say to President Johnson: Vaya con Dios. We will miss you.

Mr. JACKSON. Mr. President, I wish to join my Senate colleagues today in tribute and heartfelt remembrance of Lyndon Johnson. It was my good fortune to serve with him in the House as well as here in the Senate and to witness his steady and remarkable growth as a skilled and dynamic legislative leader. As majority leader of the Senate he knew how to get things done. He was a master of the legislative process—he consulted, he urged, he prodded, he beguiled, and the Senate responded. He was the greatest legislative leader in all our history.

I can think of few men who so completely embodied those qualities we think of as quintessentially American. Like America itself, he proceeded on the basis of large dreams, and tried to move the country toward them with boundless energy.

Lyndon Johnson assumed the Presidency in a traumatic and difficult hour. But he rose to the challenge. Under his administration, our Nation moved to correct social injustice, improve health care, advance educational opportunity, expand conservation efforts and launch new environmental programs. Tragically, the division in this country over the unfortunate and long-drawn-out Vietnam war tended to obscure Lyndon Johnson's great domestic achievements.

Certainly, Lyndon Johnson was a controversial figure. But the debate over the wisdom of his policies became for many an opportunity to abandon constructive criticism for harassment and abuse. Few of our Presidents had to endure this kind of purely personal animosity.

It is tragic that Lyndon Johnson could not have lived 48 hours longer to see the Vietnam agreement.

Lyndon Johnson was a strong man who put his own indelible stamp of leadership on everything he did. I believe history will judge him a great President.

Mr. DOMINICK. Mr. President, having

served in the House and Senate for 8 years while Lyndon Johnson was Vice President and President, I have many bright memories of him and of his lovely wife whether we were in agreement or disagreement on specific issues.

President and Mrs. Johnson came to Colorado on one occasion about a year after the 1964 Civil Rights Act had passed with my strong support. We drove through a fine residential area of Denver to which many blacks had moved following the passage by the State Legislature in 1959 while I was serving there. Mrs. Johnson was so pleased with the area and we discussed at length the upward surge which I believed the 1964 Civil Rights Act would insure for the minorities opportunities which we both thought was imperative.

President Johnson was a great believer in this wonderful country of ours, he was a man of great vitality and enthusiasm; a man fashioned by the New Deal and still trying to put those ideas into effective programs.

He went out of his way to help all Members of the Senate in the Indochina situation and went to extraordinary length to persuade the membership of the rightness of the course in which he had embarked in Vietnam.

The country will miss his experience and his strength as we continue our course through history.

My deep sympathy is extended to Mrs. Johnson and his fine family.

Mr. BAYH. Mr. President, great men do not live placid lives; they never enjoy the luxury of general acclamation. To the contrary, the conditions in which good men are elevated to greatness are inevitably marked by difficult decision-making amid sharp disagreement.

Lyndon Baines Johnson was a good man; a compassionate soul who sought power not for itself, but as the means of improving the lot of others.

But he was more than a good man. Without doubt Lyndon Johnson was a great man; a courageous individual who did not run from the hard decisions. Instead he was a noble leader who set as his high purpose the goal of sharing among all our people the fruits of our national wealth.

Racial discrimination affronted his deep moral sense that all people, regardless of color, deserved individual dignity and respect. Ignoring the pleas of those who urged him to "go slow," Lyndon Johnson moved rapidly and forcefully to extend civil rights to all Americans.

It hurt Lyndon Johnson to know that there were children who were hungry in this country and abroad. He sought to feed them, and while welcoming progress never stopped striving to do better.

Lyndon Johnson could not accept the existence of poverty in the world's wealthiest Nation. With characteristic forcefulness and conviction he declared war on poverty and sought to mobilize the American people to win that war.

The inadequacy and sometimes prohibitive cost of medical care for older Americans ran counter to Lyndon Johnson's conception of what was fair and just. The situation demanded more than lip service, and Lyndon Johnson provid-

ed the leadership which made medicare a reality.

Lyndon Johnson never took for granted the precious freedom that we are privileged to live with in this Nation. He wanted to prevent any erosion of that freedom, and to share it with others. This required hard decisions, decisions for which he was later vilified by some. There were some of us in this body who disagreed with some of those decisions, but no one who ever knew this great man doubted for an instant the sincerity and high purpose with which he made those decisions.

And those of us who had the opportunity to know Lyndon Johnson remember well that his desire for peace was as strong as his desire for justice and freedom. If anyone ever doubted the utter selflessness and decency of Lyndon Johnson those doubts were certainly dispelled when he forswore another term as President in the hope that his standing aside might hasten the peace he so desperately wanted to give to his countrymen.

There was much speculation when Lyndon Johnson left office about how history would view his Presidency. That speculation has been renewed with his sudden, shocking death.

I know that if history is fair and just, room will have to be made in the litany of great Presidents for Lyndon Baines Johnson.

For the purpose he gave his countrymen;

For the dream of a better life for the poor, the hungry;

For the courage to stand firmly and with unflinching resolve against racial discrimination;

For the commitment to bring decent housing, adequate education, and hope to all Americans;

For the unyielding devotion to democracy and freedom—the ideals we hold most dear;

For all of these things, and for much more, Lyndon Johnson unquestionably deserves to be recognized as a great man, indeed, as a great President.

And it would be shortsighted to cite only his Presidency as evidence of his greatness.

In the other body and then in this Chamber Lyndon Johnson clearly demonstrated the qualities of decency and courage which were to mark his Presidency. He made his mark and he made it indelible. When, in 1965, President Johnson told a joint session of the Congress that "We shall overcome" he was not a newcomer to civil rights. Majority Leader Johnson was pushing for civil rights in 1957 when the first modern Civil Rights Act was passed.

The earnestness of his commitment to freedom, manifest in his resolve as President, was evidenced more than two decades earlier when he left the relatively safe Halls of Congress to take a naval commission in World War II. Suffice to say that he was decorated with a Silver Star for personal courage.

Through three decades of public service Lyndon Johnson never wavered from his commitment to helping others. He never showed anything but the greatest courage and uncompromising decency.

He was a great man because of that courage and decency. Perhaps, as important in honoring his memory, let us remember that before he was anything else, before he was a Congressman, a Senator, a Vice President, a President, before all else Lyndon Johnson was a good man.

If I may be permitted a personal note, Mr. President, I am reluctant to let my reflection on this towering personality rest with Lyndon Johnson, the public man. Mrs. Bayh and I had the opportunity, for which we will be forever grateful, to know Lyndon Johnson and his dear wife, Lady Bird, his daughters Lynda and Luci and their husbands, on a treasured, personal basis.

President and Mrs. Johnson had a beautiful marriage; two strong people who gave and took strength and love from each other. The goodness which lay behind the public Lyndon Johnson was very much a part of the private Lyndon Johnson. And it is shared by Lady Bird. Never have I known anyone who cared so deeply for the well-being of others as did Lyndon Johnson. He could personalize and despair over the hunger, hopelessness, and illness of thousands of anonymous people, who for others were only statistics.

This Nation has not only lost a great leader. The community of man has lost a noble soul whose most fitting epitaph may well be, "He cared and he tried."

Marvella joins me in extending to Lady Bird and her daughters a sympathy which is so rooted in our hearts that words are inadequate for its expression. Your loss is our loss; your sadness is our sadness—and the Nation's.

Many memorials will be erected to Lyndon Baines Johnson. But it may be said rightfully that no memorial will be as fitting nor as important as the ultimate victory over the social and human evils whose eradication was his life's work.

Mr. EAGLETON. Mr. President, all Americans mourn the passing of Lyndon B. Johnson, 36th President of the United States.

It was the fate of this man to stand at the center of one of the more turbulent periods in our history. We are still too close to its promises, its conflicts, and its tragedies to fairly judge his place in history. No doubt, as with other Presidents of stature, his reputation will rise and fall with the changing perspectives of succeeding generations.

But these things we do know.

Lyndon Johnson was a large man who dreamed large dreams. He wanted to care for the ill and the elderly. He wanted to educate the young. He wanted to provide decent housing for the poor and training for the unemployed. And he wanted to assure black Americans the rights and opportunities that would enable them to move into the mainstream of our national life.

In short, he wanted to lead the American people into a great and united and just society.

And President Johnson acted upon his dreams. No President ever pursued with more vigor and persistence those policies and programs he believed to be right.

As a result he achieved the enactment

of the most comprehensive program of social legislation in our history.

Aid to education, civil rights, medicare, low-cost housing, the war on poverty—each of these landmark measures and others bore the stamp of his concern and his determination.

President Johnson loved this country, and he spent his life in its service—as Congressman, Senator, Vice President, and President.

For all of this he deserved in life—and deserves now in death—the respect and gratitude of his countrymen.

We will honor him most truly by keeping alive his vision of the Great Society and by preserving and building on the best of what he began.

Mr. NUNN. Mr. President, we are gathered here today for the second time in less than 30 days to pay homage to a fellow Senator who went on to lead our Nation at one of its most troubled times. In both instances, Harry Truman and Lyndon Johnson had to step in to lead this Nation upon the untimely death of a President.

Lyndon B. Johnson demonstrated to an anxious world that he was a singular man, of unique ability, who had prepared himself to assume the monumental role of Chief Executive at a moment's notice.

Although I have been in the U.S. Senate for only a brief time, I have developed a new dimension of respect and admiration for Lyndon B. Johnson. He is revered as the strongest leader in the history of the U.S. Senate.

I received a long telegram from former President Johnson and Lady Bird on the night of my election, reflecting not only his congratulations, but also an intimate knowledge of the campaign in Georgia. His love of political life and his deep consideration for those battling in this arena were prominent among the many traits which made him the most effective legislator in modern history and led him to the zenith of power in this Nation.

History will indelibly record his deep love for this Nation, his total dedication to his fellow man, and his great faith in the future of America.

Mr. CANNON. Mr. President, it was with great sadness that this Nation received the death of former President Lyndon Baines Johnson. This remarkable man was one of America's most outstanding Presidents, and as we here assembled know and appreciate fully, he was the greatest legislative leader in our history.

The years that President Johnson spent in the White House were troubled years, beset by war and domestic strife. Yet his was a tremendous legacy measured by a distinguished list of accomplishments for the education, the health and the civil rights of all Americans. Race, regionalism, public education, housing, and medical care found in him a tireless worker for the common good.

Lyndon Baines Johnson was the majority leader when I came to the Senate in 1959 and he was an awesome and inspiring figure during the years we served together in that body. I knew him as a most powerful leader, compiling one of the most successful records in this body.

He knew the intricacies of every piece of legislation that passed through his desk. From his leadership came the passage of the first civil rights bill to pass the Senate in 82 years. On a personal level, he took me under his wing and gave me encouragement as I aimed for committee assignments on which I felt I could most contribute.

Lyndon Johnson will not only be remembered for carrying out with zeal and with force the programs of his predecessor John Fitzgerald Kennedy. He soared even beyond these dreams as he established himself as the greatest proponent of social reform legislation in modern times. And although the tragedy of Vietnam overshadowed in public view his many and great accomplishments in the domestic field, I am convinced history will judge him as having acted with forthrightness and courage in fulfilling our international obligations. It is for this reason that I am especially saddened that Lyndon Johnson could not have lived to see the final end of this long and tragic Indochina war, a cause toward which he aimed every moment during his Presidency.

PRESIDENT JOHNSON A HUMANITARIAN

Mr. SCHWEIKER. Mr. President, I would like to join all Pennsylvanians, and all Americans, in expressing the profound loss we feel over the sudden death of President Lyndon B. Johnson.

During his long tenure as U.S. Senator from Texas, Senate majority leader, Vice President, and our Nation's 36th President, Lyndon Johnson made a significant mark on the policies and progress of America.

His sense of compassion for all Americans, his determination to make this country a more decent place for all citizens, and his sensitive sense of social justice resulted in national leadership to move our country forward with important domestic programs. His image of a Great Society included equality and prosperity for everyone, and he utilized his vast governmental experience and leadership to encourage all to join him in this effort.

In carrying on debate over what programs are most effective to accomplish these goals, and over what units of government are in the best position to provide meaningful services to our communities, we must never forget the goals and aspirations that inspired President Johnson to formulate his Great Society programs. Although times and conditions change, the overriding concern for the health and welfare of all citizens remains paramount, and President Johnson's leadership and compassion in this area still stands out as an example for every legislator and every citizen.

In recent years, the memory of the work of Lyndon Johnson has tended to be concentrated on Vietnam, and his involvement in this tragic war. With the ending of this conflict this week, it is particularly appropriate for us to remember the great domestic leadership and social consciousness of President Johnson.

The Nation mourns a great humanitarian and a great leader.

Mr. McCURE. Mr. President, twice in the past month, the American people have endured the tragic death of a former leader. In the case of Lyndon Johnson, it is particularly sad that he did not live to see an end to the Vietnamese conflict—the war which plagued his years in the Presidency.

If I were to pick one quality which best characterized Lyndon Johnson, the public servant, it would be this: More than any other man in our time, he understood the necessity for cooperation between the White House and Capitol Hill. What achievements history accords the Johnson administration were due almost solely to this quality and his ability to use the political process. First as Senate leader working with a Republican President, then as a President facing a sometimes hostile Congress, he understood the meaning of the words cooperation and bipartisan. Our country is the better for it.

Like all of those in Washington who have viewed the political process and seen its relationship to our personal freedoms, I salute the man who understood it better than anyone else. I also want to express my sadness at his passing.

Mr. GURNEY. Mr. President, for a man who loves his country, there can be no higher calling than public service. Lyndon Johnson loved his country, and for 37 years he served it to the best of his ability—as a congressional aide, a youth program administrator, a Congressman, a Senator, a Vice President and, finally as the 36th President of the United States. While there were some who questioned his policies over the years, which is always true of any strong, dynamic leader, no one could question his dedication, his commitment to doing what he believed was right for America. For this he will be well remembered.

Amidst all the hue and cry about what was wrong with America, President Johnson stood for what is right about America—its ideals, its dreams, its hopes and its commitment to freedom, not only in this country but around the world. At home, he strove to make the American dream a reality, and abroad, he fought to give others a chance to share our dream. His efforts on behalf of the cause of freedom in which he so deeply believed deserve the highest praise.

In remembering him today, we should not forget President Johnson's contributions as a Senator and as Senate majority leader. In the latter capacity, he was extremely effective; some say he was the most outstanding in the Senate history. Yet he never let partisanship interfere with what he believed to be the best interest of the country. At times of crisis during the Eisenhower years, Lyndon Johnson was there to offer support and to help unite the country.

Indeed, President Johnson was a uniter; he pulled the Nation together after the assassination of the late President John F. Kennedy and he gave up the Presidency rather than see the coun-

try further divided over the war in Southeast Asia.

I am sure, that were he alive, there would be no one happier about what happened at Paris yesterday than President Johnson. When the history books are written, I think they will show that his determination to prevent a Communist takeover of South Vietnam laid the groundwork for the honorable settlement that has now been secured.

That is no small accomplishment. Rather, it is a fitting legacy for a man who loved his country—and the cause of freedom—as much as Lyndon Johnson. His advice and counsel will be sorely missed.

Mr. MANSFIELD. Mr. President, I ask that the RECORD remain open for 15 days so that those of our colleagues who have not had the opportunity to make their remarks today can do so within that period.

The PRESIDING OFFICER (Mr. SCOTT of Virginia). Without objection, it is so ordered.

PAYMENT OF EXPENSES WITH RESPECT TO ATTENDANCE AT THE FUNERAL OF FORMER PRESIDENT LYNDON B. JOHNSON

Mr. MANSFIELD. Mr. President, on behalf of the distinguished minority leader and myself I send to the desk a resolution and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection to the present consideration of the resolution?

There being no objection, the resolution (S. Res. 34) was considered and agreed to as follows:

S. RES. 34

Resolved, That the Sergeant at Arms of the Senate shall take such steps as may be necessary to carry out the provisions of Senate Resolution 24, 93d Congress, agreed to January 23, 1973, and necessary expenses in carrying out such resolution shall be paid out of the contingent fund of the Senate.

HARRY S. TRUMAN

Mr. COOK. Mr. President, it is with deep regret that I note the passing of the late President from Missouri, Harry S. Truman. In the brief but abundant history of our great Nation, there are few who have served with such dedication, tenacity, and consistency. During his life, Mr. Truman served his country in many pursuits; as a soldier during the First World War, as a judge, as a U.S. Senator, as Vice President, and President of the United States. Throughout all these endeavors, the skill, judgment, candor, and conscious dedication which he displayed were qualities of a fine individual and a great leader, which this Nation will sorely miss.

Mr. GURNEY. Mr. President, in this time of tough decisions, it is most fitting to honor the memory of a man who, as the 33d President of the United States,

had to make some of the toughest decisions any man has had to make.

President Harry S. Truman became a symbol for many Americans—a symbol of America's emergence as a full fledged world power. He rose from humble beginnings to the highest office in the land—in the finest American tradition. Prior to becoming President he served his country with distinction—as an Army officer, a judge, a Senator, and, for a brief time, as Vice President. After assuming the Presidency, he served with even greater distinction in a period beset by crises.

It took a man of courage to make the decision to use the atomic bomb; it took a man of vision to implement the Marshall plan; it took a man of wisdom to check Communist aggression in Greece and Turkey and to formulate the Truman doctrine, and it took a man of strength to deal with the conflicting pressures of the Korean war—the first war ever fought under the nuclear shadow. Indeed, President Truman was a man of ample courage, vision, wisdom, and strength—and the record he compiled during 7 years in the White House is testimony to that.

Historians are already writing up President Truman as one of our best Presidents. Certainly, his contributions are manifold and he became recognized around the world as a stalwart in the struggle for freedom. Some may question his judgment on this or that issue, but no one can deny that President Truman was a dedicated man who loved his country and who served it well. At age 60, he did not have to accept the Vice Presidency, knowing as he did that he was likely to become President under the most difficult of circumstances, but when duty called he responded. That is the mark of statesmanship, and from the day he took office to the day he died, President Truman was every inch a statesman. His presence will be sorely missed, but his record should shine brightly in the annals of history. We can all learn from what he did.

RECOGNITION OF SENATOR ROBERT C. BYRD ON FRIDAY, JANUARY 26

Mr. ROBERT C. BYRD. Mr. President I ask unanimous consent that on Friday, following the remarks of the distinguished Senator from Alabama (Mr. ALLEN) I be recognized for not to exceed 15 minutes.

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

MESSAGE FROM THE HOUSE—ENROLLED JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Berry, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled joint resolution (H.J. Res. 163) designating the week commencing January 28,

1973, as "International Clergy Week in the United States," and for other purposes.

The enrolled joint resolution was subsequently signed by the Acting President pro tempore (Mr. CLARK).

POSTPONEMENT OF HEARINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent to have printed in the RECORD a statement by the distinguished Senator from Georgia (Mr. TALMADGE).

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

STATEMENT BY SENATOR TALMADGE

The hearings on the boxcar shortage scheduled for tomorrow, January 25, have been postponed until 10:00 a.m. Monday, January 29 because of the death of President Johnson. The hearings are being held by the Subcommittee on Agricultural Production, Marketing, and Stabilization of Prices of the Committee on Agriculture and Forestry in Room 324, Russell Office Building. Anyone wishing to testify should contact the Committee Clerk as soon as possible.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the program for Friday, January 26, is as follows:

The Senate will convene at 12 o'clock meridian. After the two leaders or their designees have been recognized under the standing order, the following Senators will be recognized, each for not to exceed 15 minutes and in the order stated: Mr. McCLELLAN, Mr. JACKSON, Mr. NUNN, Mr. STENNIS, Mr. ALLEN, and Mr. ROBERT C. BYRD.

At the conclusion of the aforesaid special orders, there will be a period for the transaction of routine morning business not to exceed 45 minutes, with statements therein limited to 5 minutes, after which the Senate will go into executive session to consider the nomination of Mr. Elliot Richardson to be Secretary of Defense.

There will be no vote on the nomination on Friday. That vote will occur on Monday next at 2:30 p.m., and it will be a yea-and-nay vote.

ADJOURNMENT UNTIL FRIDAY, JANUARY 26, 1973

Mr. MANSFIELD. Mr. President, I move that the Senate stand in adjournment, under the previous order, until 12 o'clock meridian Friday next.

The motion was agreed to; and at 2:31 p.m. the Senate adjourned until Friday, January 26, 1973.

(The Senate, preceded by the Secretary of the Senate, Mr. Francis R. Valeo, and the Sergeant at Arms, Mr. William H. Wannall, proceeded to the rotunda of the Capitol to attend the memorial services for the late President Lyndon B. Johnson.)