claims; to the Committee on Foreign Affairs.

828. Also, petition of Chiyokichi Arakaki, Iheya-son, Okinawa, relative to an early solution of the problem of pretreaty claims; to the Committee on Foreign Affairs.

829. Also, petition of Junji Nishime, mayor of Naha City, Okinawa, relative to an early solution of the problem of pretreaty claims; to the Committee on Foreign Affairs.

SENATE

THURSDAY, MARCH 26, 1964

(Legislative day of Monday, March 9, 1964)

The Senate met at 9 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. METCALF].

The Most Reverend Archbishop Vasili, of the Byelorussian Autocephalic Orthodox Church, Brooklyn, N.Y., offered the following prayer:

In the name of the Father, and the Son, and the Holy Ghost.

Almighty God, our Heavenly Father, we lift up our hearts in prayer to Thee, and invoke Thy divine blessings upon our country, the United States of America. Grant Thy guidance and strength; sustain and illuminate with Thy Holy Spirit the hearts of all the Members of the Senate, this temple of peace, freedom, and justice.

Eternal God and Redeemer, we pray today for Thy divine mercy and judgment for the national welfare of the Byelorussian nation, whose Proclamation of Independence, as the Byelorussian National Republic, was observed 46 years ago, and whose people have striven during these years to free themselves from the tyranny of an atheistic oppression, in the hope of enjoying the liberties and freedom, under God, as is the way in the United States. We pray today that the benefits of freedom granted to democracies all over the world may serve as an infallible encouragement to the people of Byelorussia, for the vision of everlasting freedom is not lost among them, but burns like a torch in the depth of their hearts with the desire to be a member in the family of the free and God-fearing nations of the entire world.

We humbly bow our heads before Thee, our God and Saviour, and faithfully implore Thee: Accept this, our prayer; bless the United States of America and Byelorussia; reign and shine in our hearts; and be blessed, now and forever. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 25, 1964, was dispensed with.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. MANSFIELD. Mr. President, there will be no morning business this morning.

What is the pending question?

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of House bill 7152, the Civil Rights Act of 1963.

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

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

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

[No. 100 Leg.]

Aiken	Hartke	Morse
Bartlett	Hayden	Morton
Bayh	Hickenlooper	Mundt
Beall	Hill	Muskie
Bible	Holland	Neuberger
Boggs	Hruska	Pastore
Brewster	Humphrey	Pell
Burdick	Inouye	Prouty
Byrd, Va.	Jackson	Proxmire
Byrd, W. Va.	Javits	Ribicoff
Cannon	Johnston	Robertson
Carlson	Jordan, N.C.	Russell
Case	Jordan, Idaho	Saltonstall
Clark	Keating	Scott
Cooper	Kennedy	Smathers
Cotton	Kuchel	Smith
Dirksen	Lausche	Sparkman
Dodd	Long, Mo.	Stennis
Dominick	Long, La.	Symington
Douglas	Magnuson	Talmadge
Eastland	Mansfield	Thurmond
Edmondson	McCarthy	Walters
Ellender	McClellan	Williams, N.J.
Ervin	McGee	Williams, Del.
Fong	McGovern	Yarborough
Fulbright	McIntyre	Young, N. Dak.
Gore	Mechem	Young, Ohio
Gruening	Metcalf	
Hart	Miller	

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. MOSS], and the Senator from Wisconsin [Mr. NELSON] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from California [Mr. ENGLE] are necessarily absent.

I further announce that the Senator from West Virginia [Mr. RANDOLPH] is absent because of illness.

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. PEARSON] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Nebraska [Mr. CURTIS], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

The ACTING PRESIDENT pro tempore. A quorum is present.

Mr. CASE. Mr. President, during the course of the debate on the motion to take up the civil rights bill, there have been a number of allusions to the Myart against Motorola, Inc., case. The significance of this finding of a hearing examiner of the Illinois Fair Employment Practices Commission has, to say the least, been greatly exaggerated.

In the first place, the decision is merely that of an examiner and, as the chairman of the Illinois Commission made clear in a letter to the New York Times on March 25, the Illinois Commission "has not taken any stand of any kind at any time on the issue of the use of tests in employment."

Even were the Illinois Commission to follow the recommendation of the examiner, an assumption for which there is no basis, the action would have no relevance to the bill now coming before us.

To clear away misconceptions on this whole case, I have had prepared a memorandum which makes clear, I believe, that it would not be possible for a decision such as the finding of the examiner in the Motorola case to be entered by a Federal agency against an employer under title VII.

This is so, first, because the Equal Employment Opportunities Commission established by title VII would have no adjudicative functions and no authority to issue enforcement orders.

Second, title VII clearly would not permit even a Federal court to rule out the use of particular tests by employers because they do not "equate inequalities and environmental factors among the disadvantaged and culturally deprived groups."

Mr. President, I ask that the text of the letter from Charles W. Gray, chairman of the State of Illinois Fair Employment Practices Commission, and of the memorandum to which I have referred be printed in full at this point in the RECORD.

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

[From the New York Times, Mar. 25, 1964]

ILLINOIS FEPC—COMMISSIONER DONISS TAKING STAND ON USE OF TESTS IN HIRING

To the EDITOR:

Arthur Krock, writing in the Times of March 13, states that the Illinois Fair Employment Practices Commission has ruled on an issue involving the use of preemployment tests by Motorola.

The facts are these. The law establishing the Illinois Fair Employment Practices Commission provides that in the event a private conciliation conference between a respondent and a complainant fails to produce a mutually acceptable settlement, it shall be set for a public hearing.

The public hearing is conducted by a hearing examiner, who must be a lawyer. The hearing examiner is appointed by the commission, but is in no way an employee of the commission, and, therefore, certainly not a political appointee.

The findings of the hearing examiner are just that—not a ruling of the commission, nor are they necessarily the opinion or judgment of the commission.

NO POSITION ON FINDING

The Illinois Fair Employment Practices Commission has not acted on the Motorola finding, has issued no orders and has taken no position on whether the hearing examiner's finding will be the order of the commission.

The protection of both parties that our law provides is such that it is highly unlikely that this commission, or any other commission so constituted, could seize the kind of autocratic control of which Mr. Krock writes.

The hearing examiner's finding will be carefully considered by the commission. It will then issue an order which may or may not include the recommended conclusion of the hearing examiner. Once the commission rules on the matter, the ruling can be appealed directly to the courts under the Administrative Review Act in the statutes of the State of Illinois.

This commission has not taken any stand of any kind at any time on the issue of the use of tests in employment. Until we do so, it is totally inappropriate for anyone or any publication to make assumptions about the outcome of this matter.

CHARLES W. GRAY,
Chairman, State of Illinois Fair Employment Practices Commission.
CHICAGO, *March 17, 1964.*

MYART *v.* MOTOROLA, INC.

The decision of a hearing examiner in *Myart* v. *Motorola, Inc.*, a case under the Illinois Fair Employment Practices Act (CONGRESSIONAL RECORD, Mar. 19, 1964, pp. 5662–5664), has been the subject of some recent discussion.

In that case, the hearing examiner found that an employment test administered by respondent Motorola to a Negro job applicant was "obsolete" because "its norm was derived from standardization on advantaged groups," apparently meaning that persons coming from underprivileged or less well educated groups were less likely to be able to pass the test. He said that "in the light of current circumstances and the objectives of the spirit as well as the letter of the law, this test does not lend itself to equal opportunity to qualify for the hitherto culturally deprived and the disadvantaged groups." Accordingly, in addition to the relief he directed for the complainant, the hearing examiner ordered that Motorola cease to employ the test in question, and that if it chose to use any test, it should adopt one "which shall reflect and equate inequalities and environmental factors among the disadvantaged and culturally deprived groups." There is no description of the test in the hearing examiner's report, and no further discussion of why the test was considered unfair.

Of course, it should be noted, and indeed emphasized, that the decision in the Motorola case was merely an initial or preliminary decision of a part-time hearing examiner,[1] that this decision is subject to review by the full Illinois Fair Employment Practices Commission, and that any commission decision is subject to review by the Illinois courts. Consequently, no one can say with any degree of certainty at this time that the examiner's decision is a correct interpretation of the Illinois law.

It has been suggested, nevertheless, that the decision by the hearing examiner should be taken as indicative of the kinds of decisions which might be expected to be made by Federal bureaucrats if title VII of the pending civil rights bill were enacted. Of course, this is completely wrong. It would definitely not be possible for a decision like Motorola to be entered by a Federal agency against an employer under title VII. This is so for two very basic reasons.

First, unlike the Illinois commission, the Equal Employment Opportunities Commission established by title VII would have no adjudicative functions and no authority to issue enforcement orders. Its duties would be to receive and investigate complaints, to attempt to resolve disputes and to achieve compliance with the act through voluntary methods, and, where conciliation fails, to bring suit to obtain compliance in Federal court. Only a Federal court would have the authority to determine whether or not a practice is in violation of the act and only the court could enforce compliance. The Commisison not only could issue no enforcement orders, it could make no determination as to whether or not the act has been violated. Thus, enactment of title VII would not allow a Federal administrative agency to issue any compliance orders, much less one paralleling that of the Illinois hearing examiner.

Second, it is perfectly clear that title VII would not permit even a Federal court to rule out the use of particular tests by employers because they do not "equate inequalities and environmental factors among the disadvantaged and culturally deprived groups." Of course, it is not appropriate to comment here on whether the Motorola decision is correct as a matter of Illinois law. This is for the State commission and the State courts to determine. It is enough to note that the result seems questionable. There is no doubt, however, that such a result would be unmistakably improper under the proposed Federal law. The Illinois case is based on the apparent premise that the State law is designed to provide equal opportunity to Negroes, whether or not as well qualified as white job applicants.

The hearing examiner in the Motorola case wrote: "The task (of personnel executives) is one of adapting procedures within a policy framework to fit the requirements of finding and employing workers heretofore deprived because of race, color, religion, national origin, or ancestry. Selection techniques may have to be modified at the outset in the light of experience, education, or attitudes of the group. * * * The employer may have to establish in-plant training programs and employ the heretofore culturally deprived and disadvantaged persons as learners, placing them under such supervision that will enable them to achieve job success."

Whatever its merit as a socially desirable objective, title VII would not require, and no court could read title VII as requiring, an employer to lower or change the occupational qualifications he sets for his employees simply because proportionaly fewer Negroes than whites are able to meet them. Thus, it would be ridiculous, indeed, in addition to being contrary to title VII, for a court to order an employer who wanted to hire electronic engineers with Ph. D.'s to lower his requirements because there were very few Negroes with such degrees or because prior cultural or educational deprivation of Negroes prevented them from qualifying. And unlike the hearing examiner's interpretation of the Illinois law in the Motorola case, title VII most certainly would not authorize any requirement that an employer accept an unqualified applicant or a less qualified applicant and undertake to give him any additional training which might be necessary to enable him to fill the job.

Title VII says merely that a covered employer cannot refuse to hire someone simply because of his color, that is, because he is a Negro. But it expressly protects the employer's right to insist that any prospective applicant, Negro or white, must meet the applicable job qualifications. Indeed, the very purpose of title VII is to promote hiring on the basis of job qualifications, rather than on the basis of race or color. Title VII would in no way interfere with the right of an employer to fix job qualifications and any citation of the Motorola case to the contrary as precedent for title VII is wholly wrong and misleading.

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[1] Hearing examiners are apparently not full-time employees of the commission. A panel of attorneys residing throughout the State, including at least two from each of the five supreme court districts, are designated as hearing examiners. Article VIII, Rules and Regulations of Procedure of the Illinois Fair Employment Practices Commission.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays on my motion.

The yeas and nays were ordered.

Mr. MANSFIELD. I ask the Chair to call the roll.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD]. The yeas and nays have been ordered, and the clerk will call the roll.

Mr. DIRKSEN and Mr. RUSSELL addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Illinois.

Mr. DIRKSEN. Will the Chair state the question?

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana [Mr. MANSFIELD] that the Senate proceed to the consideration of H.R. 7152, the Civil Rights Act of 1963.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FULBRIGHT. Mr. President, on this vote I have a live pair with the Senator from West Virginia [Mr. RANDOLPH]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Michigan [Mr. MCNAMARA], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. Moss], and the Senator from Wisconsin [Mr. NELSON] are absent on official business.

I also announce that the Senator from West Virginia [Mr. RANDOLPH] is absent because of illness.

I further announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from California [Mr. ENGLE] are necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Idaho [Mr. CHURCH], the Senator from California [Mr. ENGLE], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. Moss], and the Senator from Wisconsin [Mr. NELSON] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. PEARSON] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Nebraska [Mr. CURTIS], the Senator from Wyoming [Mr. SIMPSON], and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from Arizona [Mr. GOLDWATER] is detained on official business.

I further announce that, if present and voting, the Senator from Utah [Mr. BENNETT], the Senator from Nebraska [Mr. CURTIS], the Senator from Arizona [Mr. GOLDWATER], the Senator from Kansas [Mr. PEARSON], and the Senator from Wyoming [Mr. SIMPSON] would each vote "yea."

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Texas would vote "nay."

The result was announced—yeas 67, nays 17, as follows:

[No. 101 Leg.]

YEAS—67

Aiken	Hart	Miller
Bartlett	Hartke	Morse
Bayh	Hayden	Morton
Beall	Hickenlooper	Mundt
Bible	Hruska	Muskie
Boggs	Humphrey	Neuberger
Brewster	Inouye	Pastore
Burdick	Jackson	Pell
Byrd, W. Va.	Javits	Prouty
Cannon	Jordan, Idaho	Proxmire
Carlson	Keating	Ribicoff
Case	Kennedy	Saltonstall
Clark	Kuchel	Scott
Cooper	Lausche	Smith
Cotton	Long, Mo.	Symington
Dirksen	Magnuson	Walters
Dodd	Mansfield	Williams, N.J.
Dominick	McCarthy	Williams, Del.
Douglas	McGee	Yarborough
Edmondson	McGovern	Young, N. Dak.
Fong	McIntyre	Young, Ohio
Gore	Mechem	
Gruening	Metcalf	

NAYS—17

Byrd, Va.	Johnston	Smathers
Eastland	Jordan, N.C.	Sparkman
Ellender	Long, La.	Stennis
Ervin	McClellan	Talmadge
Hill	Robertson	Thurmond
Holland	Russell	

NOT VOTING—16

Allott	Fulbright	Pearson
Anderson	Goldwater	Randolph
Bennett	McNamara	Simpson
Church	Monroney	Tower
Curtis	Moss	
Engle	Nelson	

So Mr. MANSFIELD'S motion that the Senate proceed to the consideration of H.R. 7152 was agreed to, and the Senate proceeded to consider the bill.

Mr. MORSE. Mr. President, I move that H.R. 7152 be referred to the Committee on the Judiciary, with instructions to report it back to the Senate not later than April 8, 1964. I send the written notice to the desk.

Mr. SCOTT. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I should like to have the attention of the majority leader.

The ACTING PRESIDENT pro tempore. If the Senator from Oregon will send his notice to the desk, the clerk will read it.

The LEGISLATIVE CLERK. The Senator from Oregon moves that H.R. 7152 be referred to the Committee on the Judiciary, with instructions to report it back to the Senate not later than April 8, 1964.

Mr. MORSE. Mr. President, I should like to have the attention of the majority leader. Several Senators have asked me to yield to them as a matter of courtesy, without my losing my right to the floor. I should like to accommodate them, in order to save time. I would not want to take advantage of my position on the floor and not yield to them. I should like to yield first to the Senator from Pennsylvania [Mr. SCOTT], who I understand wishes to introduce a bill.

Mr. MANSFIELD. I am sure the leadership would not be averse to having the distinguished Senator from Oregon yield; but I would hope that if he does yield, Senators would not take advantage of his generosity and courtesy to make hour-long speeches. I would express the hope that the Senator from Oregon himself would make his main speech in behalf of his motion and that he would be followed by the distinguished minority leader, who I understand will speak in support of the motion, and, as I understand, will make certain explanations as to what he believes should be done about the bill. Then I should like to end the discussion by speaking for about 15 minutes, and moving to table the motion of the Senator from Oregon.

I should like to have this take place in a reasonable time, because immediately upon the conclusion of the action on this motion, one way or the other, it is the intention of the leadership to move that the Senate adjourn, in order to afford Senators an opportunity to return to their home States for a well-deserved holiday. I am sure that accords with the views of the Senator from Oregon.

Mr. ROBERTSON. Mr. President, reserving the right to object——

Mr. MANSFIELD. There is nothing to object to.

The ACTING PRESIDENT pro tempore. The Senator from Oregon has the floor.

Mr. MORSE. First, in a spirit of cooperation, I would be perfectly willing to have the majority leader, after he confers with whomever he wishes to confer, give consideration to a time limitation on this proposal.

Mr. MANSFIELD. How much time would the Senator from Oregon suggest?

Mr. MORSE. I have an idea as to what will happen. Perhaps the best way to proceed is to see if an agreement cannot be reached to vote at a reasonable hour. I am perfectly willing to have that done. However, I am aware of the situation we are likely to face, and I do not propose to put myself in the position of being discourteous to Senators, provided they conform to the rules of the Senate. As I understand, two or three Senators wish to speak for 2 or 3 minutes each on the motion, so as to place themselves on the record. I could force them to ask me questions, which the Senator from Montana knows would accomplish the same end.

Mr. MANSFIELD. No; the Senator from Oregon misinterprets what I said. I said a "reasonable time."

Mr. MORSE. I am not commenting adversely on anything the majority leader said. I am merely trying to explain to him my parliamentary plan. It will be my intention, unless objection is raised, to yield for 2 or 3 minutes to two or three Senators who wish to speak for the RECORD on the motion during the course of my remarks. However, if the Senator from Montana desires to have the rules enforced, I will see to it that the rules are enforced, and will require Senators to ask me questions which will accomplish the same purpose, although it will take about four times longer to proceed in that way.

Mr. MANSFIELD. That is not my intention.

Mr. MORSE. Perhaps the majority leader ought to speak with the Senator from Minnesota [Mr. HUMPHREY] and the minority leader [Mr. DIRKSEN] to see if a suggestion could be made as to a time when the Senate might vote. I do not know what the convenience of all Members of the Senate may be, and what plane schedules will have to be met; the majority leader does. Senators all know how they will vote on this question, although I hope that the unanswerable argument which I am about to make will be persuasive; but I am not sure that it will. I desire to cooperate. I should think a time could be set early this afternoon for the vote, and the intervening time could be divided. Perhaps the time for the vote could be set for 3 o'clock. Perhaps the vote could come sooner.

Mr. MANSFIELD. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. MANSFIELD. After consulting with various Senators, it is believed inadvisable, unfortunately, to ask for a unanimous-consent agreement to vote at a time certain. I am sure the leadership—and I would hope the Senate, as well—would have no objection to the Senator from Oregon, the proposer of the motion now pending, yielding to Senators who desire to make brief comments on the motion.

Mr. MORSE. I assure the majority leader that I will enforce the spirit of that suggestion. If I yield to any Senator, it will be for a brief time only.

Mr. President, several Senators have expressed the desire that the motion be read.

The ACTING PRESIDENT pro tempore. The motion has been read by the clerk. The motion of the Senator from Oregon is now before the Senate.

Mr. MORSE. That is an illustration of the disorder of the Senate, which is certainly not the fault of the Chair, for I did not hear my own motion read.

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

Mr. MORSE. I yield.

Mr. HOLLAND. I should like to address one or two questions on the motion to the Senator from Oregon. Do I correctly understand that if the motion is agreed to, the Committee on the Judiciary will be allowed, in its ordinary fashion, to render a written report on the bill, the report to become a part of the legislative record?

Mr. MORSE. There are two primary reasons why I desire to have the bill referred to committee. One is to afford the Committee on the Judiciary an opportunity to hold such hearings as it wishes to conduct. The second is to carry out what I think is the clear duty of the committee namely, to supply the Senate with a report and minority views, if there are Senators who wish to submit minority views. That is the inescapable duty of the Committee on the Judiciary. I shall deal with that point at some length before I finish my remarks. If ever there was an occasion when a committee owed

a responsibility to the Senate to provide the Senate with a committee report, this is an instance in which the committee owes a clear duty to the American people and the courts, in connection with the litigation that will be instituted for the next 10 years if the bill is passed.

Mr. HOLLAND. I believe the Senator has perhaps answered my next question, but is the purpose of the motion to allow the committee, if it be granted the right to consider the bill, to submit as many reports as necessary, both majority and minority, agreeing and dissenting, to become a part of the legislative record of this important bill?

Mr. MORSE. It is of great importance that that be done.

Mr. President, I understand that the Senator from Missouri [Mr. SYMINGTON] desired to me to yield to him. I apologize for not having previously yielded to him. He has left the Chamber momentarily. If a staff member would ask him to return, I shall be glad to yield to him.

Mr. McCLELLAN. Mr. President, will the Senator from Oregon yield for a parliamentary inquiry?

Mr. MORSE. I yield.

Mr. McCLELLAN. Mr. President, do I correctly understand that the time for the debate on the motion to refer is not controlled?

Mr. MORSE. That is correct.

Mr. McCLELLAN. There has been no agreement in that respect?

Mr. MORSE. That is correct.

Mr. McCLELLAN. There have been comments to the effect that a few Senators would be privileged to speak, while others possibly would have to ask questions. I should like to have the parliamentary situation clarified. I do not understand that any Senator will be precluded from obtaining the floor in his own right and making whatever remarks he may desire to make, after the Senator from Oregon has concluded his remarks.

Mr. MORSE. That is correct. However, I believe the plan is that after two or three Senators speak, the old gag technique, by means of a motion to lay my motion on the table, will be applied.

Mr. McCLELLAN. I realize that; but I did not want it understood—by implication or otherwise—that I would agree to such a procedure.

Mr. MORSE. Neither would I agree to it.

Mr. President, I understand that a coffee hour is about to be held in the Foreign Relations Committee room. Of course, I have no objection to the holding of a social function while the Senate is in session, because no Senate rule prohibits that; but I have previously assured the chairman of the Foreign Relations Committee and other members of the committee that they will not be able to hold an official meeting of the committee while the Senate is in session. I do not know whether a transcript will be made of the meeting; but I assure them that if one is made, objection will be made if an attempt is made to make payment for it from the funds of the Senate.

I understand that during that coffee hour, the Senators present will listen to the Secretary of Defense present his alibis and excuses for the administration's course of action in regard to South Vietnam. I understand that the Secretary of Defense will also address the people of the country tonight. Unfortunately, the Senate will not be in session tomorrow; it will not hold another session until Monday. But I give notice that on Monday, I shall answer the Secretary of Defense, for his remarks will need to be answered. The advance notice of his remarks indicates that he intends to try to justify the unjustified policy of the administration in connection with the use of U.S. troops in South Vietnam.

Not only am I convinced that the course of action of the administration in regard to South Vietnam is entirely wrong, but I predict that the annals of history will show that that course of action will rise to plague our Nation.

Therefore, although I hope members of the Foreign Relations Committee will enjoy their coffee hour—even though most of the coffee served these days is chicory, I also hope they will take notice of the fact that the statements made by the Secretary of Defense in the committee this morning and the statements he plans to make over the television later today will be answered, because this administration has drawn the issue in regard to South Vietnam, and I am accepting invitations across the country to discuss the South Vietnam issue with the American people. Certainly they have a right to know the other side of that issue, and then make their judgment, and hold the administration to an accounting for the course of action it is following in regard to South Vietnam.

In speaking on the floor of the Senate yesterday afternoon, we answered—really—the President, when we expressed our disagreement with the policy of the chairman of the Foreign Relations Committee in regard to South Vietnam and some other policies of his. However, one would not know that on that occasion the President was answered, because the kept press that sits in the gallery over the clock to my left, or at least its editors, do not intend to permit the American people to hear voices of dissent with regard to this unsound American policy. The kept press intends to keep that covered up. However, the American people are beginning to learn the facts; and when they learn them, they will resent that situation, and their action will be just that much more vigorous.

From conversations this morning with other Senators, I understand that the television and radio announcers have not stated that I made my speech yesterday, but, instead, have announced that I would make it at a later time. Of course, that is a typical falsification by the news media, for I made no such statement. To the contrary, yesterday afternoon I spoke for approximately 1 hour and a half, and proceeded to answer both the President and the chairman of the Foreign Relations Committee; and also, by implication, I answered the Secretary of State and the Secretary of Defense.

I wish to make my position on that matter perfectly clear.

Mr. LAUSCHE. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. LAUSCHE. I understand that the Senator from Oregon is willing to yield to other Senators, to permit them to make statements concurring with his views. In that connection, would he prefer first to present his statement, and thereafter to yield to other Senators?

Mr. MORSE. I shall be glad to yield either before or after I make my statement. However, once I begin to make my major remarks, I shall prefer to complete them without yielding.

Therefore, at this time I am glad to yield to the Senator from Ohio.

Mr. LAUSCHE. I thank the Senator from Oregon.

With respect to the issue now before the Senate, I contemplate voting in the affirmative. My decision to do so will be based on my judgment in regard to the procedural matter involved, not in regard to the merits of the bill.

Throughout my entire career as a lawyer and the 10 years during which I served as a judge, I learned clearly that there must be uniformity of treatment of problems; it is clearly wrong to attempt to apply different rules, on the basis of attempting to suit the whims of the one who is making the judgment.

In the Senate there has been rather uniform application of its rule that each bill is to be sent to a Senate committee, for study and report. During the 7 years I have served in the Senate, I have listened to many other Senators endorse that rule; and I subscribe to it.

This bill contains many titles. I state with a great deal of confidence that even when one sits down, applies himself most diligently, and brings to his study of this subject all the knowledge he has, he still will not be able to be certain of the meaning of many of the provisions of the bill.

Clearly it would be wrong to adopt the view that bills shall be referred to Senate committees only when that would suit the fancy or the cause of certain Senators. Clearly it would be fallacious and dangerous to subscribe to the view that bills would be railroaded by being referred to whatever committees would act either favorably or unfavorably, in accordance with the will of the sponsor.

So, Mr. President, I believe the Senator from Oregon is entirely correct in the position he takes in regard to this measure. He and other Senators who join him in that view will be criticized, of course; but if we allow criticism to warp our honest judgment, we shall not be worthy of being Members of the Senate or of the Congress.

A grave mistake was made 3 weeks ago when the bill was not sent to the committee. If it had been sent there at that time, hearings would have been conducted there, judgments would have been formulated, opinions would have been expressed, and today the bill would be before the Senate, ready to be dealt with in the normal procedure. However, that was not done.

I confess that it was easier for me to vote 3 weeks ago in favor of sending the bill to committee than it will be for me to vote today on that question. However, it is still true that a very important principle is involved—a principle which I

have always considered one of the sacred aspects of our democratic system; namely, uniformity of treatment, equal justice to all. Therefore, Mr. President, regardless of the significance of this bill, it clearly does not warrant treatment different from that given to other bills which come before the Senate.

Finally, Mr. President, I submit a bit of documentary support. Our deceased and martyred President in 1957, when a civil rights bill was before this body, voted contrary to the judgment of the majority to send the bill to the committee.

The then majority leader, now President of the United States, Lyndon Johnson, voted against the majority and said that the bill should be sent to committee.

The present majority leader on the Democratic side similarly voted for referral of the bill to committee.

The situation today is no different from what it was then. For our own honor and respect for the orderly procedures of the Senate, it behooves us to refer the bill to the committee with a definite limitation upon the time when it shall be brought back.

Mr. President, if the bill is not reported back to the Senate at the designated time, and arguments are made which would contemplate delay in the reporting of the bill, I shall vote for prompt cloture to bring the bill back to the Senate.

I thank the Senator very much.

Mr. MORSE. Mr. President, I thank the Senator for the support he has given me. I agree with everything that he has said, except that I would make one little modification. He has said he would vote with a little less enthusiasm today to send the bill to committee than he would have voted 3 weeks ago. I shall take out of order now one of the arguments I had planned to make in support of sending the bill to the committee.

I believe there is much stronger reason today to send the bill to committee because of the debate that has occurred on the floor of the Senate during the last 14 days. I have listened to much of that debate. I have listened to the Senators from Alabama [Mr. SPARKMAN and Mr. HILL], the Senators from Georgia [Mr. RUSSELL and Mr. TALMADGE], the Senator from South Carolina [Mr. THURMOND], and the Senator from North Carolina [Mr. ERVIN]. I have listened to all the opponents of the bill.

I have listened to the Senator from Pennsylvania [Mr. CLARK], the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from Minnesota [Mr. HUMPHREY], the Senator from Montana [Mr. MANSFIELD], and many other proponents of the bill.

If I ever saw a bill that needed to be clarified for the courts by way of a committee report, the argument which has taken place on the floor of the Senate in the past 14 days has shown that bill to be the one before the Senate.

The Senators to whom I have referred have proved my case. They did not know they were proving it at the time, I am sure, but they have proved my case for sending the bill back to committee in order to obtain a committee report.

Those Senators cannot agree on any part of the bill. They cannot agree on definitions. They cannot agree on meanings. What can we expect the courts to do when they come to consider legislation about which Senators are in such disagreement?

But I will suggest what those Senators can do. They can sit down and write a scholarly majority report that the courts can use in the hotly contested litigation that will take place in innumerable cases in the next decade. If I say nothing else today, I hope Senators will remember that the essence of the position of the Senator from Oregon is that the Senate has a duty—spelled "d-u-t-y"—to the courts of our country to give the courts the benefit of both majority and minority views, and to use those views as the basis for cross-examination in the debate that will follow as to the meaning of the bill.

I desire that committee report on which to buttress the arguments that the Senator in charge of the bill has asked me to make on certain constitutional issues involved in the bill. I have been assigned certain major constitutional issues involved in the bill to present later in the course of the debate. I shall do the best I can, for I am for the strongest possible bill. But I should like to have a committee report to which I can refer in that discussion and make the legislative history in relationship to that committee report for the future reference of the courts of our country. For that reason, I believe it is more important now than 3 weeks ago that the bill be referred to the committee.

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

Mr. MORSE. I yield to the Senator from Ohio.

Mr. LAUSCHE. Probably the words I used had an improper impact. My hesitation came from my hope that the Senate will dispose of the business before it. But the other aspect of the problem is so grave, and the delay of 10 days so inconsequential, that I cannot abandon my original judgment. Conformity to orderly procedure is more important than rushing the bill through.

In conclusion, let us remember that when we think we are doing the greatest good by setting aside law and rules, we find that eventually a disregard for orderly procedure will come back to haunt us—and it will in the present case because of the many ramifications and the novel provisions contained in the bill.

I thank the Senator very much for yielding to me.

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

Mr. MORSE. I yield.

Mr. CLARK. I have read the Senator's motion at the desk. I should like to inquire of the Senator whether he thinks the words of the motion are appropriate for the result which he would like to achieve. I make that statement for the following reason:

It is my recollection that on a previous occasion a bill on a subject pertaining to civil rights was referred to the Committee on the Judiciary with instructions to report back on a day certain. The Judiciary Committee did, without recommendation; and that, I believe, was strictly within the language of the terms of reference.

Earlier this year there was a somewhat similar situation in the Committee on Banking and Currency, on which I serve, when there was referred to that committee the Mundt wheat bill, which dealt with the sale of wheat to Russia. But in that instance the committee was directed to report back its judgment as to whether the bill should or should not pass.

By a vote of 8 to 7 we recommended that the bill should not pass. The chairman of the committee, the junior Senator from Virginia [Mr. ROBERTSON] was very insistent—and he had time on his side—that neither a majority report nor minority views should be prepared and filed.

In the light of the language in the Senator's motion I am fearful that the same thing will happen in the Committee on the Judiciary which, as we know, is under the very careful control of the Senator from Mississippi [Mr. EASTLAND]. He will never even poll the committee. There will be no report, so that in the end we shall have some testimony which will merely reiterate much of the testimony already taken in two other committees and in the House, and we shall have wasted 10 days.

If the Senator could assure the Senate that if his motion were agreed to the Senate would get written reports, including majority and minority views, by the time fixed, I would be much more inclined to support the Senator's motion. But, as I read what I take to be the legal meaning of his language, it would be within the power of the chairman of the committee, who I am afraid would prevent a report from being made.

Mr. MORSE. While I am making my legal argument, I wish the Senator from Pennsylvania would confer with the Parliamentarian. The motion was written by the Parliamentarian. I was assured that it would accomplish the purpose that I have in mind. As the Senator from Pennsylvania knows, I first desired to include in the motion a requirement that the bill be made the pending business when it was reported back to the Senate. The Senator will recall the conversation I had with him. But I checked with the Parliamentarian, and he said that such a provision would be out of order and could not be included.

The point I wish to make is that I am assured nothing can stop a majority of the members of the Committee on the Judiciary from writing and signing a majority report and filing it with the Senate as a report of the majority.

No chairman of any committee could stop it if he tried it. It would be presumptuous of me to presume that the chairman of the Judiciary Committee would try it. I shall have something to say later about that, in my prepared statement. I wish to cover this point now.

In my judgment, a clear duty rests on the majority of the Judiciary Committee who favor a civil rights bill to get busy

and start preparing a report on the bill, and sign it, and submit it to the Senate on April 8th. That would be a report of the majority of the Judiciary Committee, no matter how opposed to the report the chairman of the committee might be.

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

Mr. MORSE. I yield.

Mr. CLARK. I would hope my friend from Oregon would prove to be correct. He might. I fear—and I am afraid my fears are justified—that the end result of the language used in the motion will not be the result the Senator wishes. I would hope the Senator, who is a skilled parliamentarian and a first-class lawyer, would think long about the wording the Parliamentarian put in the motion, because, as I read it as a lawyer, it is subject to the interpretation that, first, no written report need be filed, and, second, that when the bill comes back it will not be the pending business.

Mr. MORSE. If after consultation with the Parliamentarian the Senator from Pennsylvania still holds that view, I announce that I will be willing to accept any modification of the motion the Senator from Pennsylvania suggests is necessary in order to assure that there can be a majority report and minority views, within the rules of the Senate.

Whatever the Senator from Pennsylvania decides is necessary in the changing of this language—if a language change is needed—is acceptable to me. I would not have offered it in this form if I had not satisfied myself that the motion would accomplish the purpose sought. But if the Senator will tell me what change he wants, I shall be glad to accept the change.

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

Mr. MORSE. I yield, without losing my right to the floor.

Mr. GRUENING. As one who will support the motion of the Senator from Oregon and will fight for a strong civil rights bill, which I have been convinced for a long time has been necessary, and indeed long overdue, I ask the Senator if there is any danger, if his motion prevails, that when the bill comes back from the Judiciary Committee it will not be the pending business, and that there is likely to be a further delay of days, such as we have had in the last 2 weeks, before the bill can be taken up.

Mr. MORSE. I wish to make it very clear that it will not be the pending business, but the Senate is going to have to face that question one way or another, anyhow. What difference does it make in the long run? We shall have all summer, if the opposition wants to fight all summer, in order to overcome the parliamentary tactics that the opposition will use to prevent a vote. I am not at all impressed with the argument that we may find it necessary to invoke cloture to get the bill back on the calendar. So what? We may have to invoke cloture a second time. So what?

We must make up our minds whether or not we are going to fight this battle in the alleys and from the housetops and in the corridors and at the crossroads—parliamentarily speaking—for as long as it takes. We may have to vote cloture two or three times with respect to some aspects of the debate. That is a part of the problem. If the Senate has the votes for cloture, it will continue to have the votes for cloture, because the issue will be the same—ending the debate.

Refusing to send the bill to committee cannot be justified on the ground that when the bill comes back to the Senate, it will not be the pending business. We will make it the pending business. Let the opposition talk for a while.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MORSE. I shall yield to the Senator from Delaware, but let me make clear that if there are any procedural questions to be asked, the Senator should ask them now, because once I start my legal argument, I will not yield until I complete it. I want it to appear in continuity in the RECORD. In fairness to the RECORD, I owe it to those who support me to make the speech without interruptions. But I am glad to yield to the Senator for any questions he wants to ask now.

Mr. WILLIAMS of Delaware. I thank the Senator for yielding. I wonder if the Senator from Oregon will amend the motion to provide that when the bill is reported back on April 8, it will automatically be the pending business.

Mr. MORSE. I had proposed that. The Parliamentarian advised me it would be subject to a point of order.

Mr. WILLIAMS of Delaware. I understand from the Parliamentarian that it would be subject to a point of order. I wonder if it would be worth the effort to try it, anyway. Perhaps no point of order would be made.

Mr. MORSE. Does the Senator really think so?

Mr. WILLIAMS of Delaware. We can try it. I am sure many votes would depend on whether or not such a provision were included as a part of the motion. I think it would be well worth the effort. Perhaps by unanimous consent there could be an agreement reached that if the motion carried, the day the bill was reported back it would be made the pending business.

Mr. MORSE. Let us try to obtain such a unanimous-consent agreement before the vote this afternoon. The Senator from Delaware may not appreciate my view, but I find it impossible, as a lawyer, to put something in the motion that I know is subject to a point of order. That is not very artistic work for a lawyer to engage in.

I think the Senator from Delaware knows that a host of objections would be made. The Senator does not think the opposition would agree to that request, does he? I take judicial notice that my wonderful but mistaken friends from the South would almost rise as a body to raise a point of order.

Mr. WILLIAMS of Delaware. Would not that be an indication that the person who objects is more interested in an issue than in an orderly consideration of this subject?

Mr. MORSE. I think we can take judicial notice that they are interested in killing the bill by any exercise of their parliamentary rights.

Mr. WILLIAMS of Delaware. I am not at all sure the objection would come from the quarters the Senator from Oregon thinks it would; so I wonder if he would try it.

Mr. MORSE. I am willing to put the unanimous-consent request, without changing my motion. It would be inartistic for me to do that. As a lawyer, I do not like to propose something that I know is illegal when I propose it. My profession is criticized enough for trying to support illegal proposals. I could not do that. But I would go along, before the motion was put to a vote, with asking unanimous consent that there be an agreement that the bill be made the pending business when returned to the Senate.

Mr. WILLIAMS of Delaware. I appreciate that.

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

Mr. MORSE. I yield.

Mr. MANSFIELD. I think I should state that if such a motion is made I would like to be notified. I give notice that I would raise a point of order, and I would object to the unanimous consent request.

Mr. MORSE. Therefore, I am not going to make the unanimous-consent request. I would not think of putting the majority leader in that position.

Mr. MANSFIELD. The Senator knows that he would not put me in any position. Many other Senators would offer the objection. I believe he knows that.

Mr. MORSE. I agree. The Senator will agree that my reply to the Senator from Delaware was appropriate, in view of this discussion.

Mr. MANSFIELD. And the point would be raised on both sides.

Mr. MORSE. Yes.

Mr. WILLIAMS of Delaware. I thank the Senator for accepting the suggestion. I respect the majority leader, but I do not understand why he would object to its being made the pending business, immediately upon the bill being reported back to the Senate. It would seem to me that after 3 weeks of delay in trying to make the bill the pending business, that is exactly what he would want when the bill was reported back.

Such an agreement would in no way affect the right of each Senator to vote for or against the motion. It would only insure immediate consideration of the bill on April 8 should the motion carry. But I respect his views and would still hope the Senator will raise that question.

Mr. MORSE. Not now. I have already raised it and received my answer.

Mr. KEATING. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. KEATING. The Senator is sincere in making the motion, as we know, and has stated there were differences of opinion in the debate so far concerning definitions in the bill, and so forth. Certainly, there have been differences. Does the Senator really feel in his heart that any of those differences would be resolved by sending the bill to committee and re-

ceiving a majority report and minority views?

Mr. MORSE. This question will be resolved in the courts of America, not by sending it to committee. The thesis of my remarks is that we are not giving the courts the best evidence as to congressional intent. It is that simple. I believe we have a duty to give the courts the best evidence of congressional intent—or at least to try to do so.

I know some of the views of the Senator from New York—and undoubtedly he will express them again—as to the situation that exists within the committee; but we shall never know until we try. I believe the odds are all in favor of obtaining a good committee report.

I do not flatter the Senator from New York—and in this I am as sincere as I can be—but the fact is that the Senator from New York is a member of the Judiciary Committee. That means a great deal to me. The fact that he is on that committee gives the Senate great assurance that the Senate will get a legal document by way of a committee report for which in the decade ahead the courts will thank the committee. So will the Senate. I wish to have that legal service from the Senator from New York. I do not wish to deprive him of the opportunity to join in the preparation of a majority report which I am sure he would join in preparing, if the bill is referred to committee for 10 days.

Mr. KEATING. I do not wish to delay the Senator starting his speech. He has been kind and generous. I might tell him, however, that yesterday one of my constituents, who heard the Senator's gracious reference to me as being one of his teachers in the field of civil rights, asked me whether the Senator from Oregon flunked the course.

Mr. MORSE. That constituent was not in the class. If he had been in the class, he would not have made that comment.

Mr. KEATING. That is probably true.

I feel that the Senator is unrealistic about what will happen in the Judiciary Committee, unless all history is changed. There will be no amendments voted on. There will be, perhaps, one or two witnesses called. This same question came before the Senate in 1960, and the actual work in the Judiciary Committee was far from fruitful. The committee reported the bill back without any recommendations, which I assume it would be permitted to do under the motion before the Senate at the present time.

Mr. MORSE. I will cover that part in my speech.

Mr. President, I proceed with my argument in support of the motion. As I have announced, I shall not yield until I finish reading the manuscript, a copy of which is on the desk of each Senator.

It will be noted that it involves considerable technical and legal discussion of cases and, therefore, in fairness to myself and to those who support the motion, I shall not yield.

Before I turn to the manuscript, I wish to put to rest a cloakroom rumor about the position taken by civil rights forces in this country, to the effect that they are all against the Morse motion.

I should like to make it clear to the proponents of civil rights legislation, of which I am one, that civil rights proponents, including proponents among the Negroes of America, are far from unanimous in opposition to the motion.

Prominent Negro leaders have come to my office in recent days and expressed their complete approval of my motion, once they came to understand it.

One of the great Negro women of America came to my office believing she was against my motion and she spent an hour with me. Now she is out in the country making it clear to Negro civil rights groups that she believes I am right and some of their leaders wrong in their opposition.

It is true that a large number of Negro leaders are against the bill going to committee, for the major reason that they do not wish any amendments made to the bill. They wish us to rubberstamp the House bill. Their motives are mixed. In part, they wish us to rubberstamp the House bill because they believe that if any amendments are added to the bill in the Senate committee, or on the floor of the Senate, and it has to go to conference, it might encounter difficulties on the House side with the Rules Committee.

I believe we are in rather bad shape if on the House side the proponents do not have sufficient votes for a civil rights bill to discharge the Rules Committee if it should raise any objections against sending a bill that comes out of the Senate to conference. Of course, this is all hypothetical.

If I have listened to an argument without any substance, it is the argument that Senators should be against the Morse motion on the ground that if the motion should be agreed to, the result might be some amendments; and that if amendments were made and the bill went to conference, the result might be a "hassle" on the House side, and there might be difficulty with the Rules Committee in the House.

What an argument. I make my last answer to the argument by saying: Does anyone seriously think the bill will pass the Senate without amendment? Does anyone think we could pass the bill in its present form if we lack cloture?

More than that, since when do we sit in the Senate and act as rubber stamps for the House, yielding to any argument that we must not interpose anything the House presents on a major piece of legislation such as this? If Senators ever owed a solemn trust to their constituents, they owe it to them in connection with this bill, for this is a bill of great importance to the country.

We had better take the bill and analyze it section by section in committee and section by section on the floor of the Senate, so that when Senators answer the final rollcall on the bill they will have kept their trust.

We have no right to pass the buck, so far as our obligations on the bill are concerned, to the House of Representatives, particularly, as I shall point out later, because when we read the report of the committee of the House of Representatives, we find in that report one little paragraph which can be used by a court in the future in passing judgment upon the meaning of the bill as it went to the House. We do not have anything now that can be helpful to a court in determining the meaning of the bill as it came from the House. The discussions on the floor of the Senate between the pros and the cons in the past 14 days would not be of any help to a court, either.

I shall now proceed to my manuscript, to prove it.

Mr. President, throughout the Senate's consideration of civil rights legislation I have consistently urged that the Senate function through its normal procedure of sending the bill to the Senate Judiciary Committee for hearings and a report. I took this position in 1957, in 1960, and I am taking it again in 1964.

My first and foremost interest is in expediting the work of the Senate itself. In the 20 years that I have been in this body, I have never known a debate, or consideration of a measure, that was not expedited in many ways when it came to the floor with a committee report explaining its terms and their meaning. I have seldom known a time when the Senate was not in deep water when it considered a major bill or amendment that did not have hearings and a committee report explaining it.

This does not mean that I have not myself offered and supported far-reaching floor amendments that did not come from a committee. I have done so in the past and shall undoubtedly do so in the future. But I know very well the handicap that is imposed upon every Member of this body when we try to draft legislation on the floor of the Senate.

On some subjects, the background of hearings and a committee report is more vital than on other subjects. But there is no issue that is ever considered by this body that is more legalistic, that is more intricately wrapped up in legal precedents and meanings, than is civil rights legislation. One other class of legislation that is also highly legalistic is labor-management legislation, and before I am through with my speech, I am going to tell the Senate what the U.S. Supreme Court said about one effort of this body to draft labor legislation on the floor of the Chamber.

As a lawyer, and as a teacher of law for many years, I read this civil rights bill, H.R. 7152, with many unresolved questions of what term after term and phrase after phrase of it really mean. One almost has to be a lawyer just to detect the complexities in it.

I am a cosponsor of the companion bill, S. 1731. I am proud to be a cosponsor of that civil rights bill. I know what kind of legislation I think should be enacted on this subject, and I hope S. 1731 accomplishes what I have in mind as a cosponsor.

But I know all too well that there are infinite questions that could be put to me about the exact impact of it that I could not answer. Frankly, I have some doubts that the language of the bill really goes as far and does as firmly and conclusively what I believe it should. I can see that there may well be other laws

and precedents that would vitiate some of the provisions of either H.R. 7152 or S. 1731.

I am primarily anxious that the House-passed bill undergo the committee procedure in the Senate because I want to be sure it is as strong a bill as I think it should be. Moreover, it was amended on the House floor. For the meaning and import of those amendments we have no guidance except what was said about them in the House debate. One can easily see why the courts are reluctant to go to floor debates for the intent of Congress.

One section of the bill in which I am most interested is title VI. It deals with the termination of Federal financial participation in programs or activities of the States that are segregated. I introduced S. 1665 on June 4, 1963, requiring administrators of all Federal participation programs to cut off such aid to any segregated portion of it. I think that should have been done already, because I do not believe Federal money can be disbursed for activities that are unconstitutional. But I also believe that Congress has the duty to establish a policy on this matter if the administration has failed to do it.

Let me stress the fact that, in my judgment, from the President on down in the administration, the constitutional power to do that has always existed. Be that as it may, I believe legislation is needed that would leave no room for doubt as to mandatory compliance on the part of the President and the executive agencies of the Government.

Mr. President, I ask unanimous consent that the text of Senate bill 1665 be printed at this point in my remarks.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the United States that, in all programs administered or executed by or for the benefit of the States or their political subdivisions and supported, in whole or in part, with funds provided by the United States, no individuals participating in or benefiting from such programs shall be segregated or otherwise discriminated against because of race or color.

SEC. 2. No moneys shall be paid by the United States to or for the benefit of any State or political subdivision thereof under any program of Federal assistance—

(1) to plan or provide facilities, services, benefits, or employment in such State or political subdivision,

(2) to defray administrative expenses of a program in such State or political subdivision, or

(3) to defray the cost of carrying out a program in such State or political subdivision,

if the participants in or beneficiaries of such program in such State or political subdivision are segregated, or otherwise discriminated against because of race or color.

SEC. 3. The programs of Federal assistance referred to in this Act include, but are not limited to, programs—

(1) to assist the construction of hospitals, schools, highways, airports, parks and recreational areas, community facilities, and public works generally;

(2) to provide old-age assistance, medical assistance for the aged, assistance to needy families with children, assistance for maternal and child welfare, assistance to the blind, assistance to the disabled, and public health and welfare assistance programs generally;

(3) to provide financial assistance to the unemployed and assistance in the training, retraining, and placement of workers;

(4) to provide assistance to business, including agriculture;

(5) to provide assistance to educational institutions and to individuals for educational purposes; and

(6) to provide assistance to National Guard and civil defense activities.

Mr. MORSE. Mr. President, title VI of the civil rights bill deals with the same problem. The House Judiciary Committee report describes the meaning and intent of title VI as it was reported from the Judiciary Committee. But that title was amended on the House floor. The amendment states that no action shall be taken to cut off the Federal share of these moneys except on the direction of the President. In my opinion, that destroys the entire policy direction of S. 1665, and of the House bill as it came from the committee.

The President already has this authority, in my opinion; it is the lack of action under it that I think Congress should correct, because it is ultimately the responsibility of Congress to establish the policy for the disbursements of Federal funds, be they for hospital construction or foreign aid.

Another section in which I have tremendous interest is title III. This is similar to the old title III of the civil rights bill of 1957. I voted against the 1957 bill when title III was dropped out of it because I thought its removal left nothing but a piece of paper—the wrapper on that old loaf from which the bread had been removed.

This title authorizes the Attorney General to institute proceedings under certain circumstances to protect the rights of citizens. I warn Senators that they are entering one of the most treacherous shoals of legislation when they deal with the litigious powers of Federal authorities. If we do so without benefit of our own hearings and our own committee's report on this title, we may not actually do what we sponsors and backers of civil rights legislation want to do in passing this legislation.

It is not only the language of the bill that will confront us. There will be amendments offered, too. We are going to be on fluid and shifting ground in trying to say what the effect of amendments will be, when we have no firm guide of our own on what the language of the title itself means.

Yes, we have the report of the House Judiciary Committee. But it deals only with the bill which went to the House floor. We have no guide except what we have been able to scrounge as to what the amended bill means. Moreover, it is a very cryptic report. Virtually all of it is a section-by-section analysis, which is only descriptive of the legislation. The section entitled: "Purposes and Content of the Legislation" consists of only one paragraph.

We have the House report. And we have the brief prepared by the Justice Department. These are the most definite guides the Senate has as to the meaning of H.R. 5172. But the House report describes it not as it came from the House floor—only as it went to the House floor.

Why, moreover, should not the Senate function as the separate body it is? We are not the retainers of the Justice Department. In the legislative process, it is the agencies that are supposed to be on tap, not on top. But if we proceed with the bill without benefit of our independent legal study of it, we will be almost entirely dependent upon the Justice Department for guidance.

COMMITTEE REPORT NEEDED TO HELP SENATE

Our operations on the Senate floor will be characterized by guesses and by curbstone judgments throughout the consideration of the bill. If one does not think so, he should read the CONGRESSIONAL RECORD for the past 14 days, or he should have listened to as much debate as I have heard for the past 14 days. As I said earlier, if ever a case was made for a bill to be referred to the Judiciary Committee, it has been made in the debate during the past 14 days. No court could bring any rhyme or reason out of the RECORD if it sought to use it in trying to determine the legislative intent of the Senate.

As one who is profoundly anxious to enact, at long last and 100 years late, a meaningful enforcement of the 13th, 14th, and 15th amendments, I do not want our forces to go into this fray with such a handicap.

There is no quality that works so much against our side as the quality of doubt. Senators who are doubtful of the meaning of words are the least likely to vote to put those words on the statute books. How often have we said to each other: "Well, I don't think I want to vote for that because I don't know just what its effect will be"? In the end, such doubts lead to no legislation at all.

This is why I believe those of us who strongly favor and support this bill will be in a better and a stronger position to get it adopted intact if we have a committee report behind us. A committee report will strengthen our hand. A committee report will make much easier the task of those of us assigned to act as floor managers for various titles of the bill. Some of the titles have been reported as separate bills, including the public accommodations title and the fair employment title. But we are on our own when it comes to the important matters of title I on voting rights, title III on the authority of the Attorney General to institute desegregation proceedings, title IV on desegregation of schools, title V on the Civil Rights Commission, and title VI on federally assisted programs.

We have a duty to see to it that we have a committee report which will give meaning to our action by way of legislative intent, to which the courts can later resort.

RELIANCE OF COURTS UPON COMMITTEE REPORTS

Beyond our obligation to ourselves to legislate with the best means we have of informing and educating ourselves, we also have an obligation to leave to those who will litigate under a civil rights statute a sound record of our intent. This is important to the litigants them-

selves, and to the courts who one day will be called upon to apply our handiwork to specific cases.

As I have in years past, I wish to make available for Senators what the Supreme Court has said and done over the years about finding and evaluating the intent of Congress.

In one of its earliest cases which touched on this point, Chief Justice Taney made these comments in 1845 in *Aldridge* v. *Williams* (3 How. 9). He was discussing the construction of a tariff act:

> In expounding this law, the judgment of the Court cannot in any degree be influenced by the construction placed upon it by individual Members of Congress in the debate which took place on its passage, nor by the motives or reasons assigned by them for supporting or opposing amendments that were offered. The law as it passed is the will of the majority of both Houses, and the only mode in which that will is spoken is in the act itself; and we must gather their intention from the language there used, comparing it when any ambiguity exists with the laws upon the same subject, and looking, if necessary, to the public history of the times in which it was passed.

In 1897 a court again commented, in a much quoted decision:

> Looking simply at the history of the bill from the time it was introduced in the Senate until it was finally passed, it would be impossible to say what were the views of a majority of the Members of each House in relation to the meaning of the act. It cannot be said that a majority of both Houses did not agree with Senator Hoar in his views as to the construction to be given to the act as it passed the Senate. All that can be determined from the debates and reports is that various Members had various views, and we are left to determine the meaning of this act, as we determine the meaning of other acts, from the language used therein.
>
> There is, too, a general acquiescence in the doctrine that debates in Congress are not appropriate sources of information from which to discover the meaning of the language of a statute passed by that body. *U.S.* v. *Union Pacific Railway Co.* (91 U.S. 72, 79); *Aldridge et al.* v. *Williams* (3 How. 9); *Mitchell* v. *Great Works Milling and Manufacturing Co.* (2 Story 648, 653); *Queen* v. *Hertford College* (3Q.B.D. 693, 707).
>
> The reason is that it is impossible to determine with certainty what construction was put upon an act by the Members of a legislative body that passed it by resorting to the speeches of individual Members thereof. Those who did not speak may not have agreed with those who did; and those who spoke might differ from each other; the result being that the only proper way to construe a legislative act is from the language used in the act, and upon occasion, by a resort to the history of the times when it was passed.

In this case, *U.S.* v. *Trans-Missouri Freight Association* (166 U.S. 290, 318), the Court was construing the Sherman Antitrust Act.

In 1914, the Court brought in committee reports as a guide to congressional intent *Lapina* v. *Williams*, 232 U.S. 78, 1914. In construing an immigration act, the Court said:

> Counsel for petitioner finds the debates in Congress as indicating that the act was not understood to refer to any others than immigrants. But the unreliability of such debates as a source from which to discover the meaning of the language employed in an act of Congress has been frequently pointed out, and we are not disposed to go beyond the reports of the committees.

In this decision the Court quoted the reports of both the House and Senate committees.

In *U.S.* v. *St. Paul M. & M. Railway Co.* (247 U.S. 310, at 318(1918), the Supreme Court enlarged its reliance upon committee reports to include the floor statements of the committee chairman managing the bill. It said:

> It is not our purpose to relax the rule that debates in Congress are not appropriate or even reliable guides to the meaning of the language of an enactment. But the reports of a committee, including the bill as introduced, changes made in the bill in the course of its passage, and statements made by the committee chairman in charge of it, stand upon a different footing, and may be resorted to under proper qualifications * * *. The remarks of Mr. Lacey (chairman of the committee and in charge of the bill) and the amendment offered by him * * * were in the nature of a supplementary report of the committee * * * they may very properly be taken into consideration as throwing light upon the meaning of the proviso * * * to remove any ambiguity.

I invite the attention of Senators to the strong influence of the case of United States against St. Paul M. & M. Railway Company in 1918. There is not a Senator who has not witnessed the influence of the St. Paul case on Senate proceedings many times during his tenure. I have witnessed it time and time again during my 20 years in the Senate.

What is the procedure? We get into a forensic argument as to the meaning of something in a bill. We ask the chairman of the committee, if he is with the majority, or we ask a member of the majority of the committee if the chairman is not with the majority, or is not available, to answer questions.

We say we are making legislative history. How do we do that? We write out questions and we talk with the chairman or another Senator whom we intend to cross-examine before we ever come to the Chamber. Usually the Senator writes out his answers to our questions.

We stand in the Chamber and formally say: "I would like to ask some questions of the Senator in charge of the bill, or of the chairman of the committee."

The Senator reads the first question, and the chairman answers the question from another copy. The Senator reading the questions has the answers before him. He knows what the answers will be. We follow that procedure, which is quite proper, because we want to make the history. We want to help the Court, because we are following the decision of the Court in the famous St. Paul M. & M. Railway Company case in 1918, from which I have just quoted.

And in *Imhoff-Berg Silk Dyeing Company* v. *U.S.* (43 Fed. 836, at 837–838 (D.C. N.J., 1930)):

> While legislative debate, partaking of necessity very largely of impromptu statements and opinions, cannot be resorted to with any confidence as showing the true intent of Congress in the enactment of statutes, a somewhat different standard obtains with reference to the pronouncements of committees having in charge the preparation of such proposed laws. These committee announcements do not, of course, carry the weight of a judicial opinion, but are rightly regarded as possessing very considerable value of an explanatory nature regarding legislative intent where the meaning of a statute is obscure.

In the famous case of *Duplex Company* v. *Deering* (254 U.S. 443 at 474–575, 1921), the Court said:

> By repeated decisions of this Court it has come to be well established that the debates in Congress expressive of the views and motives of individual Members are not a safe guide, and hence may not be resorted to, in ascertaining the meaning and purpose of the lawmaking body (citations). But reports of committees of House or Senate stand upon a more solid footing, and may be regarded as an exposition of the legislative intent in a case where otherwise the meaning of a statute is obscure (citation). And this has been extended to include explanatory statements in the nature of a supplemental report made by the committee member in charge of a bill in course of passage

That was a reiteration by the Supreme Court of its decision in the old St. Paul M. & M. case, which, as I have stated, is faithfully followed time and time again on the floor of the Senate, during each session of the Senate, as Senators try to build up legislative histories of bills.

Lest it be thought that these cases are those of ancient history and no longer applicable, let me bring to Senator's attention a 1942 case. In *U.S.* v. *Wrightwood* (315 U.S. 110, 1942), the Court had to construe the Agricultural Marketing Agreement Act of 1937. In construing that act, and after citing the House and Senate committee reports, the Court said:

> The opinions of some Members of the Senate conflicting with the explicit statements of the meaning of the statutory language made by the committee reports and members of the committees on the floor of the Senate and the House are not to be taken as persuasive of the congressional purpose.

On the contrary, the Court relied on the committee report.

But a 1947 case has the greatest relevancy to our present situation. This case was the upshot of the strike of the United Mine Workers after the Government had taken over the mines under the War Labor Disputes Act and had obtained a temporary restraining order to keep the miners on the job. In *U.S.* v. *United Mine Workers* (330 U.S. 258, 1947), the Court had to construe the War Labor Disputes Act and the Norris-LaGuardia Act of 1932, since there was a question whether the Federal injunction could lie against workers in light of the Norris-LaGuardia Act. So the question arose whether the Norris-LaGuardia Act included the U.S. Government in the term "employer," and hence forbade the use of injunctions in industries seized by the Government. The question also arose whether Congress had meant to amend the Norris-LaGuardia Act when it passed the War Labor Disputes Act.

What became the War Labor Disputes Act over Franklin Roosevelt's veto was popularly known as the Smith-Connally bill. It was introduced first as S. 796 by Senator Connally. No hearings were

held on S. 796 itself, although hearings on similar bills had been held by the Senate Judiciary Committee in the preceding Congress. S. 796 was reported from the Senate Judiciary Committee; but no hearings were held by the committee on it.

That situation bears some similarity to the present situation, for it will be recalled that several weeks ago the Senator from Minnesota [Mr. HUMPHREY], who is in charge of the bill on the floor of the Senate, and who is doing, and will continue to do, a magnificent job, discussed the situation to which I have referred in connection with this case; namely, a situation in which the Court pointed out that no hearings had been held on the Smith-Connally bill, although hearings had been held in previous Congresses on similar bills. Several weeks ago the Senator from Minnesota piled up on his desk a number of committee reports and a number of committee hearings of previous years on other civil rights bills, and used them in support of his fallacious contention that there were already plenty of hearings and plenty of committee reports on civil rights bills, and that there was no need to have more committee hearings and committee reports on that subject. However, I say good naturedly that my friend, the Senator from Minnesota, is a pharmacist, not a lawyer; so I am not surprised that he missed this basic point of parliamentary law. We lawyers are inclined to say that arguments such as the one he made then are immaterial, inconsequential, and irrelevant; and that argument of the Senator from Minnesota was such.

The only position taken by the Supreme Court on this point—as made clear by the position it took on the Smith-Connally bill—is that it will consider only reports and hearings on the bill under consideration, not on other bills.

Therefore, I point out that the only report or hearings the Court will consider when this bill finally is brought before it is whatever committee hearings and committee report there may be on this bill, not on any other bill.

In 1943, after some debate and action on some amendments, Senator Connally offered a substitute for his whole bill. That amendment was really an entirely different bill, and there were no committee hearings on it. Likewise, today we have before us a House bill, and there has been no Senate committee hearing or Senate committee report on it. That was the situation which Senator Connally created when he offered that amendment in the nature of a new bill. The majority leader at the time was the incomparable, great Alben Barkley, of Kentucky. Senator Connally's proposal—his amendment in the nature of a complete substitute for the Smith-Connally bill—caused Senator Barkley, the majority leader of the Senate, to make the following comment:

> Before I do that, I wish to predicate by question upon the following observation:
>
> I think it is unfortunate that we are compelled under the circumstances to try to write a labor legislative policy on the floor of the Senate of the United States. However, that is what we are compelled to do under the circumstances. Evidently the Committee on the Judiciary—and I do not say this in criticism but merely as an observation of the fact—did not give thorough consideration to the bill; otherwise it would have changed it from its original terms which were drawn before we got into the war, before the War Labor Board was set up, and before any formula was adopted by the Government for the settlement of wage disputes. The bill was presented in its original form after the War Labor Board had been in existence for a year and after the Government had done all that it had done by the various Executive orders and by the interpretations of those Executive orders in the attempt to adjust labor disputes. The accuracy of the observation I have just made is confirmed by the fact that the Senator from Texas, the author of the bill, has undertaken to correct that situation by offering his substitute.
>
> All I have said emphasizes the unfortunate fact that we are trying to write a bill on the floor of the Senate.

The situation led some Senators to request that the bill be recommitted to the Judiciary Committee—an interesting bit of history. A motion was made on May 5, 1943, by Senator Wheeler to send the bill back to the Judiciary Committee with instructions to report it back to the Senate by May 20. This motion was defeated by 27 yeas to 52 nays.

If any Senators wish to take any consolation from the fact that the Senate would make a grievous mistake, as has been proposed by those who do not wish to send the bill back to the Judiciary Committee, I wish to point out that the same error was committed at the time of the Smith-Connally bill.

When the Supreme Court came to consider the application of the Norris-LaGuardia Act to disputes involving the Government, it relied in part on the House debates of 1932 wherein the Court thought Congressman LaGuardia, who was in charge of the bill, had indicated that the bill did not contemplate the Federal Government as being included in the term "employer." Interestingly enough, Justice Frankfurter in his own opinion, used the same statements of Congressman LaGuardia to come to the opposite conclusion.

That shows how unreliable are statements made on the floor of the Senate when it comes to subsequent interpretation by the courts, in the absence of a committee report on which to bottom any statements that Senators in charge of bills may wish to make during the course of the debate concerning intent.

But the majority opinion also said:

> But regardless of the determinative guidance so offered, defendants rely upon the opinions of several Senators uttered in May 1943, while debating the Senate version of the War Labor Disputes Act. * * * We have considered these opinions but cannot accept them as authoritative guidance to the construction of the Norris-LaGuardia Act. They were expressed by Senators, some of whom were not Members of the Senate in 1932 and none of whom was on the Senate Judiciary Committee which reported the bill. They were expressed 11 years after the act was passed and cannot be accorded even the same weight as if made by the same individuals in the course of the Norris-LaGuardia debates.

I have underlined the following sentence in my manuscript for emphasis:

> Moreover, these opinions were given by individuals striving to write legislation from the floor of the Senate and working without the benefit of hearings and committee reports on the issues crucial to us here. We fail to see how the remarks of these Senators in 1943 can serve to change the legislative intent of Congress expressed in 1932.

In other words, in the absence of hearings and a committee report, the Court would not accept the opinions of Senators as to whether and how the Norris-LaGuardia Act would be affected by the pending Connally bill.

In the end, the Court relied upon factors other than the unsupported opinions of Senators to find that the Norris-LaGuardia Act did not prevent an injunction from lying against a union when the United States was in command of the industry, and that the War Labor Disputes Act, which authorized seizure, had not changed the previously existing situation with respect to use of the injunction.

I call attention again to the words of the Court:

> Working without the benefit of hearings and committee reports on the issues crucial to us here.

Can Senators say with certainty how legislation already on the books is affected by the bill now under consideration? Can either the backers or opponents of title I, the voting section, say with certainty how the title affects or changes the statutes of 1957 and 1960? Is any section of those earlier laws repealed? How are they superseded by the present title I? Or is all the language of title I merely an addition to existing law?

One may look at the House report for the incorporation of the bill reported by the committee into existing law. But there is no such guide for the bill as it came to us from the House. And there is no commentary even in the House report on the ways in which the 1957 and 1960 statutes have been found wanting and in need of expansion. We may know for a fact that they are; but we also need to know in what particulars they need expansion.

Or one may look at the various titles that authorize the Attorney General to initiate suits. Titles II, III, and IV have such provisions. But only title II specifically mentions "preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order." Does the omission of these words from titles III and IV mean that the Attorney General may not seek preventive relief under them?

In its most recent cases, the Supreme Court has continued to rely primarily upon the committee reports and the supplementary statements of floor managers speaking for their committees.

In the case of *Schwegmann Bros.* v. *Calvert Corp.* (341 U.S. 284, 1951), the Court used both the committee report and the floor statements of the Senate sponsor of the measure, Senator Tydings, to determine the intent of the Miller-

Tydings Act. This legislation came to the floor in the form of a rider to a District of Columbia revenue bill. It was added by the Senate District Committee. Senator Tydings was committee spokesman on behalf of this particular amendment, as well as sponsor of the bill from which it was taken.

But in this particular case, Justice Frankfurter also quoted from both committee reports and the floor statements of Senator Tydings, and arrived at exactly the opposite conclusion as to intent.

Perhaps the most meaningful comment from the Court, insofar as Congress is concerned, was contained in a concurring opinion of Justice Jackson, joined in by Justice Minton. It is a rebuke to the Court for undertaking what these judges considered a fruitless inquiry into legislative history; but it was also a rebuke to Congress for what Justice Jackson called the "unedifying and unilluminating" legislative history of the Miller-Tydings Act.

In this case, too, the Senate was acting not as a result of a report and recommendation from the committee to which the original Tydings bill had been referred; it was working on a rider reported out of another committee. Since the Jackson opinion is a short one, I would like to read it in full:

I agree with the Court's judgment and with its opinion insofar as it rests upon the language of the Miller-Tydings Act. But it does not appear that there is either necessity or propriety in going back of it into legislative history.

Resort to legislative history is only justified where the face of the act is inescapably ambiguous, and then I think we should not go beyond committee reports, which presumably are well considered and carefully prepared. I cannot deny that I have sometimes offended against that rule. But to select casual statements from floor debates, not always distinguished for candor or accuracy, as a basis for making up our minds what law Congress intended to enact is to substitute ourselves for the Congress in one of its important functions. The rules of the House and Senate, with the sanction of the Constitution, require three readings of an act in each House before final enactment. That is intended, I take it, to make sure that each House knows what it is passing and passes what it wants, and that what is enacted was formally reduced to writing. It is the business of Congress to sum up its own debates in its legislation. Moreover, it is only the words of the bill that have Presidential approval, where that approval is given. It is not to be supposed that, in signing a bill, the President endorses the whole CONGRESSIONAL RECORD. For us to undertake to reconstruct an enactment from legislative history is merely to involve the Court in political controversies which are quite proper in the enactment of a bill but should have no place in its interpretation.

Moreover, there are practical reasons why we should accept whenever possible the meaning which an enactment reveals on its face. Laws are intended for all of our people to live by; and the people go to law offices to learn what their rights under those laws are. Here is a controversy which affects every little merchant in many States. Aside from a few offices in the larger cities, the materials of legislative history are not available to the lawyer who can afford neither the cost of acquisition, the cost of housing, or the cost of repeatedly examining the whole congressional history. Moreover, if he could, he would not know any way of anticipating what would impress enough members of the Court to be controlling. To accept legislative debates to modify statutory provisions is to make the law inaccessible to a large part of the country.

By and large, I think our function was well stated by Mr. Justice Holmes: "We do not inquire what the legislature meant; we ask only what the statute means." (Holmes, "Collected Legal Papers," 207. See also *Soon Hing* v. *Crowley* (113 U.S. 703, 710–711)). And I can think of no better example of legislative history that is unedifying and unilluminating than that of the act before us.

Another case when a floor manager for a bill on behalf of a committee was quoted was in *Mastro Plastics Corporation* v. *National Labor Relations Board* (350 U.S. 260, 1956). The Court said of the 1947 amendments to the National Labor Relations Act:

There is sufficient ambiguity here to permit consideration of relevant legislative history. While such history provides no conclusive action, it is consistent with the view taken by the Board and by the Courts of Appeals for the Second and Seventh Circuits.

Senator Ball, who was a manager for the 1947 amendments in the Senate and one of the conferees on the bill, stated that section 8(d) made mandatory what was already good practice and also aimed at preventing such interruptions of production as the "quickie strikes" occasionally used to gain economic advantage. * * * One minority report suggested a fear that section 8(d) would be applicable to unfair practice strikes. The suggestion, however, was not even made the subject of comment by the majority reports or in the debates. An unsuccessful minority cannot put words into the mouths of the majority and thus indirectly amend a bill.

As late as 1957, the Supreme Court again stressed its heavy reliance upon committee reports as the best source of congressional intent. When called upon to construe a certain portion of the Taft-Hartley Act in *United States* v. *United Auto Workers* (352 U.S. 567, 1957), the Court said, after citing the committee reports:

Although not entitled to the same weight as these carefully considered committee reports, the Senate debate preceding the passage of the Taft-Hartley Act confirms what these reports demonstrate.

In *Cole* v. *Young* (351 U.S. 536, 1956) the Court was concerned with legislation relating to the loyalty of Federal employees. In construing the history of the act of 1950, it relied entirely upon the reports of the House and Senate, plus one quotation of a Government witness taken from the hearings.

This is by no means an exhaustive recital of Supreme Court comments on this subject of legislative history and how it may be determined by the courts. But since the Supreme Court first undertook to examine legislative history to determine the intent of Congress, it has consistently looked first and foremost to the reports of the House and Senate committees as the one authoritative source of that intent.

I do not suggest that either the Senate or the courts will be helpless if we proceed to deal with H.R. 7152 on the Senate floor without benefit of hearings and report. But I do say we will be severely handicapped, and so will the courts.

In my judgment, there is no sound reason whatever for us to proceed under that handicap. If there were no way whatever to obtain hearings and a report on H.R. 7152 from the Judiciary Committee, we would have no alternative but to bypass the committee. But there is an alternative.

It was used only a few weeks ago, when the amendment offered by Senator MUNDT to the foreign aid bill, and which dealt with the wheat sale to Russia, was sent to the Banking and Currency Committee. It was withdrawn as an amendment, introduced as a separate bill, and referred to the Banking Committee. In the referral process, the majority leader obtained a unanimous-consent agreement that the committee be instructed to report the bill back to the Senate by November 25. That was done on November 15; as the majority leader put it:

A bill has been introduced and referred to the Committee on Banking and Currency. By direction of the Senate, it will be reported no later than a week from Monday, November 25.

Of course, that was done by unanimous consent. But it could be done by motion, too, as I am proposing to do today with respect to the pending bill.

If those of us who are backing this civil rights bill have the votes to bypass the Judiciary Committee, we also have the votes to instruct the Judiciary Committee.

We had no problem with the wheat deal measure. It was back on the floor on the appointed day. In all the history of the Senate, so the Parliamentarian informs me, no committee has ever violated or failed to obey the instructions given it by the whole Senate.

I see no reason at all why we should vary from that wise and sound procedure. Senators may say: "But civil rights are a lot more important than the wheat deal." My answer is: "All the more reason why we should avail ourselves of the best we have in providing guidelines to Members who must pass upon this highly important matter, and to the courts who must apply it."

Do not forget, either, the importance of following a fair procedure insofar as attitudes toward the bill itself are concerned. When the time comes to try to close this debate under rule 22, we will need two-thirds of the Senators to close it. So long as Senators have any reason to feel that a fair procedure was not followed, there will be those who will vote against cloture on that ground alone, or on that excuse alone.

Why give them that alibi? Why give them the chance to say that this bill was brought up under steamroller tactics and did not receive a fair hearing before it was brought to the floor? Why give them a chance to vote against cloture on the ground that the only chance opponents had to make their case and bring out what facts they had to bring out was on the floor of the Senate itself? Any time this body ignores a normal and traditional procedure in favor of one that bypasses a major part of the Senate's

regular means of considering legislation, a presumption is at once created in favor of extended floor debate in compensation for the lack of committee consideration.

I think it is most regrettable that the Senate did not uphold the Russell point of order of February 26, and then send this bill to committee with instructions. The unanimous-consent agreement requested by the majority leader the next day would have brought a report back by March 4. Objection was lodged to that request by supporters of the bill. Yet it was long after March 4 had come and gone before we disposed of other legislation and got back to H.R. 7152. It took until March 9 to come back to H.R. 7152. We could have had a report before us right now. So the facts do not bear out that referral to committee then would have delayed consideration of the bill. And before we are through, we are going to find that referral now will expedite it.

In 1957 we bypassed the Judiciary Committee. The debate droned on for weeks. It became evident that there was not a two-thirds majority in the Senate to impose cloture.

The result was that the major sections of the bill had to be dropped as the price for allowing it to go to a vote. We never did get cloture. The bill only came to a vote when it had been rendered innocuous.

It was rendered so innocuous, in my opinion, that I voted against the bill.

A vote against the bill was misunderstood by many throughout the country, as my mail has shown, because most people thought it was a civil rights bill before the Senate and that a pro-civil-righter would vote for any civil rights bill. I never vote for what I consider to be a deception. I considered the 1957 bill a gross deception. It misled pro-civil-righters in the country to believe we would help along the cause of civil rights by passing the bill. I held to the point of view that we set it back. We did not help it. So I voted against the bill.

In 1960, we started out the same way. We dealt only with amendments to a private bill. My effort to discharge the committees of civil rights legislation failed.

That debate staggered along from February 15 to March 24. A lot of amendments were offered and some were voted on. An effort to invoke cloture did not even get a majority vote. We did not get down to business until a voting rights bill came over from the House. When it did, the majority leader moved to send it to the Judiciary Committee for 5 calendar days.

The motion was overwhelmingly agreed to; the committee did report the bill back as directed. It will be recalled that by that time the heat had largely gone out of the struggle. It was evident that sufficient support was lacking for cloture on the Dirksen floor amendment. Thereafter, the principal objective was one of accepting the House bill without substantial change; that is, with only those amendments likely to be accepted by the House.

The House bill was a weak bill when it came to the Senate. It was a weak bill when it left the Senate. The most that can be said for it, is that it was passed with reasonable expedition once it came out of committee. The weeks of floundering on the floor with the Dirksen amendment may well have set the stage for the consensus that resulted in the modest and weak measure that finally passed both the House and the Senate.

If this motion is passed, part of the time between now and April 8 will be accounted for by the Easter recess. We are not going to be in session Friday or Saturday, in any event, so the practical effect of the resolution will be to put the bill over for a little more than a week.

In other words, the 10 days I have referred to would begin to run after the Easter recess. I do not expect, if my motion is agreed to, that the Judiciary Committee will meet on Friday and Saturday. They are entitled to the Easter recess. The Easter recess, which carries great import to many Senators from a religious standpoint, should not be interrupted.

I wish to make clear to the Senate that it is not intended by the mover of this motion that the Judiciary Committee should go into session Friday and Saturday; but it should go into session early Monday morning, and it should stay in session until it can have a fair and reasonable hearing of a selected cross section of witnesses. By that I mean witnesses who represent a fair cross section of all points of view. The majority of the committee, as I shall point out in a moment, should start its work on drafting a committee report, so that it can be ready on April 8.

I ask the supporters of this bill whether they think the result looks any different this time from the time it took in the past when successful attempts were made to bypass the Judiciary Committee.

If we do not have enough support for cloture, this bill will not come to a vote until its most important and effective sections have been dropped.

It is time we devised a civil rights strategy that will gain us the two-thirds needed for cloture. If we do not, we will only be going through the 1957 and 1960 experience again.

We all know that cloture is not so difficult to obtain on other issues. It need not be impossible to obtain it on civil rights. We never have really taken the pains to plan our strategy with a view to obtaining cloture. It has only been our plan to get a civil rights bill to the floor in any way possible, and then take our chances.

That makeshift did not serve us well in 1957 or 1960. Why hasten to use it again? It is time for a meaningful civil rights bill, not just another oratorical exercise. But we will not get a meaningful bill until we can get cloture, and I am doubtful that we can get it so long as we follow the procedure of bypassing the Judiciary Committee. I have no way of knowing whether going through the normal procedure would prove more fruitful in obtaining cloture. But we have not come close to obtaining it in any other way. We shall never find out until we try.

Mr. President, there has been some suggestion that sending the bill to committee would be a waste of time, because the committee will not conduct good faith hearings, that a witness will be put on the stand and will be examined by a member of the committee at great length, hour in and hour out, and there will be a hassle in the committee in regard to the committee report.

MAJORITY CAN DETERMINE COMMITTEE POLICY

Mr. President, I speak respectfully, and I speak out of great esteem for each member of the Judiciary Committee. It is composed of great Senators. Listen to the roster:

The Democrats are Senators EASTLAND, JOHNSTON, MCCLELLAN, ERVIN, DODD, HART, LONG of Missouri, KENNEDY, BAYH, and BURDICK.

The Republicans are Senators DIRKSEN, HRUSKA, KEATING, FONG, and SCOTT.

That is a powerhouse committee. If we wish to evaluate it from the standpoint of ability and great prestige in the Senate and from the standpoint of learning—I do not care what criteria are used—that is a great committee.

It might be asked if there is any basis—which I refuse to accept—for the talk in the cloakroom that it is a helpless committee. It is said "You do not understand that committee. You do not understand the inner workings of that committee. You do not understand what we are up against. You have no conception of how hopeless it is."

I say good naturedly that they are not mice; they are Senators.

The time has come for the Senate to call upon them to function as Senators.

It is unthinkable that such a powerhouse would be stopped or incapacitated, legislatively speaking.

I will not accept the tommyrot that a minority or any individual on the committee could prevent it from functioning as a committee.

I will not accept such an argument. If that be true, the greatest revolution that is needed in the Senate is needed in the Judiciary Committee. The members ought to stand up and declare their independent. There is nothing in the world can stop a majority of those great Senators. They know their procedural rights. They are learned in the law. They are learned in procedure. They know that it is tommyrot to think that a chairman of a committee could prevent the committee from functioning. I mean no offense by intention or in fact when I say that. It is said that the Senator from Mississippi [Mr. EASTLAND], the chairman of the committee, will not let certain things happen. Mr. President, he is not the committee; he is only one member of it. He is not the Senate; he is only one Member of it. He could not possibly produce the results it is said he would produce. The members of that committee would not allow it to happen.

I should like to see the chairman of the Committee on Labor and Public Welfare try to exercise any one-man power. I should like to see the chairman of the Foreign Relations Committee try to exercise any one-man power. I am speaking hypothetically now about the Judiciary

Committee because I do not accept the major premise.

The power rests in each committee to function. A majority of the Judiciary Committee are brilliant lawyers. They ought to control the Judiciary Committee by majority rule, and they ought to give us a report. I plead for a report. I beg for a report. A majority of the committee is on record in support of a strong civil rights bill; at least 9 out of 15. Does anyone mean to tell me that 9 Senators who are assigned to a committee, cannot give the Senate a report by April 8, with all the power legislatively and parliamentarily that attaches to the position of Senator?

Of course they can. I plead for it. I beg for it. I urge support for my motion. That is my case.

I plead with the Senate to handle this bill in a way that will afford the best prospect of enactment of a strong measure. That means having a committee report and hearings for our use and reference.

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

Mr. MORSE. I am ready to yield the floor, but I am glad to yield to the Senator from South Carolina.

DEATH OF JAMES A. CAMPBELL, FORMER PRESIDENT OF THE AMERICAN FEDERATION OF GOVERNMENT EMPLOYEES

Mr. JOHNSTON. Mr. President, I am deeply saddened by the death of my close friend of many years, Mr. James A. Campbell, former president of the American Federation of Government Employees.

Jim Campbell will be sorely missed by those who knew him personally as a man of warmth, intelligence, and integrity. Further, his loss will be felt by Federal employees everywhere, in whose behalf he labored long and effectively for a great part of his career.

As chairman of the Committee on Post Office and Civil Service and as a member of that committee, I came to know Jim Campbell as one of this Nation's most effective spokesmen for Federal employees' rights. Much of the beneficial civil service legislation now on the statute books was proposed and advocated by this forward-looking union leader. He will be remembered as a man who always advanced his cause with fairness, forcefulness, and a thorough knowledge of the problems of both the employee and Federal management.

Under his leadership, the AFGE grew in prestige, authority, membership, and financial resources. During his career, when forward studies were made by Federal employee groups, we always found Jim Campbell in the forefront. I deeply regret his loss. He will be missed particularly by those of us who shared many of his ideals and his concept that the Federal Government should grow to be an employer second to none.

To Mrs. Campbell and her two sons, I extend my sincerest condolences in their loss.

Mr. MORSE. Mr. President, I owe an apology to the Senator from Missouri [Mr. SYMINGTON]. Earlier I agreed to yield to him. I yielded to several other Senators first, and when I turned to yield to him, he had left the Chamber. I should have yielded to him in preference to other Senators, because he had asked me first.

Mr. SYMINGTON. That is perfectly all right. Secretary McNamara was in the Committee on Foreign Relations, to speak to us on South Vietnam. I left the floor for that reason; otherwise, I would have been present.

Mr. MORSE. I yield to the Senator from Missouri.

GOVERNMENT CREDIT BEING USED TO ADD TO OUR DEFICITS

Mr. SYMINGTON. Mr. President, last week the Inter-American Development Bank floated a $50 million bond issue in this country.

In view of the continued payments deficit, it is paradoxical that the U.S. Government's credit is being used to add to our deficits.

At the time the Inter-American Development Bank's increased capitalization was approved on January 14, there was talk that the Bank might try to sell its bonds in Europe or even in Latin America, but apparently the Bank was already prepared to issue dollar bonds in this country even before they allowed themselves time to explore alternative sources of capital.

I ask unanimous consent that two articles which appeared yesterday morning, "Drain on Dollars Still a Problem," in the New York Times, and "U.S. Payments Deficit Improved Less in 1963 Than Thought; Some Aid Was Temporary," in the Wall Street Journal, be inserted at this point in the RECORD.

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

[From the New York (N.Y.) Times, Mar. 25, 1964]

DRAIN ON DOLLARS STILL A PROBLEM—REIERSON FINDS NO REASON TO SAY IT IS DISAPPEARING

Roy L. Reierson, chief economist of the Bankers Trust Co., surveyed the U.S. international payments problem yesterday and found no reason to conclude it is disappearing.

His assessment was decidedly more cautious than other recent comment on the prospects for reducing the country's net outflow of dollars. The volume of the drain has been shrinking steadily since mid-1963, giving rise to renewed optimism about approaching equilibrium and strengthening the dollar's international position.

"The sentiment goes from one extreme to the other," Dr. Reierson commended in a talk to New York University's Men in Finance Club, which met for luncheon at the Lawyers' Club.

"NOT GLOOMY," HE SAYS

Dr. Reierson did not categorize his own sentiment other than to say he was "not gloomy." The tone of his talk was admonitory: Present policies and conditions do not point to early elimination of the payments deficit and it would be premature to believe the problem is about to be solved, he suggested.

Referring to a recommendation last week by the Joint Economic Committee of Congress for repeal of the so-called gold cover, Dr. Reierson asserted that the timing of the proposal was "ill considered and ill advised." He reiterated his own view that the gold cover should be terminated, but not while the United States still has a substantial dollar drain.

The cover is the requirement that the Federal Reserve hold gold equal to at least 25 percent of outstanding Federal Reserve currency and deposits. At present, the cover ties up about $12.5 billion of the Government's $15.5 billion of gold.

Dr. Reierson, a highly regarded economist in financial circles, expressed a view that the tax cut just passed would be "detrimental to the balance of payments." He indicated he thought such an effect could be averted by tighter credit but that he did not expect such a policy to materialize.

DISCOUNT RATE RISE SEEN

In response to a question, Dr. Reierson said he thought an increase in the Federal Reserve rate was likely by the yearend.

An expanding economy, he said, means higher imports. Yet, he said, there is no strong upward trend in exports and hence "no evidence the United States is building up its trade surplus enough to carry capital outflows and military and foreign aid."

Long-term portfolio investment abroad is bound to rise after enactment of the pending interest equalization tax, he said. Efforts to tap Europe's capital markets have had limited success, he added.

If the Government persists in "overemphasis on easy credit," Dr. Reierson continued, a shrinkage in capital outflows would be likely.

He said there was no sign that Europe's inflationary trend was helping exports of American manufactures. These exports may be hurt by anti-inflation measures in Europe, he said.

[From the Wall Street Journal, Mar. 25, 1964]

U.S. PAYMENTS DEFICIT IMPROVED LESS IN 1963 THAN THOUGHT; SOME AID WAS TEMPORARY

WASHINGTON.—The U.S. balance-of-payments deficit didn't improve as much last year as was thought, and some of the improvement was only temporary.

The deficit is currently calculated at $3,301 million for last year, nearly 10 percent larger than the previous estimate of $3,020 million. The 1963 deficit is still narrower than the $3,573 million of 1962 but is newly placed somewhat wider than the $3,043 million deficit of 1961.

A payments deficit results when dollars acquired by foreigners through U.S. spending, lending, and aid exceed the inflow of dollars here from abroad. The administration has been striving to end the persistent U.S. deficit, which gives foreigners mounting claims on the dwindling gold stock.

Not since 1957, when the Suez Canal closing resulted in an export spurt, has the United States shown a surplus ($520 million that year) in its international accounts.

NEW DATA STRETCHED DEFICIT

The revision in the 1963 deficit results from recent information to the Commerce Department showing that foreigners piled up about $100 million more in U.S. bank accounts than had been calculated; also, shipments of military goods to foreigners, which count as exports, were about $150 million less than initially reported.

And the Government agency, in a payments report, noted that part of the improvement recorded last year reflects "developments which have had only temporary significance" as well as some basic economic gains.

Exports of farm products, for instance, were exceptionally high due to such strictly temporary factors as bad weather and poor crops in Europe, the report said; such conditions boosted farm exports by up to

$150 million, mostly in the final quarter. Lower import barriers helped coal exports gain nearly $150 million, the report said, but the rise was accentuated by weather conditions and interruptions in coal production in Europe last spring.

Temporary factors also appear to have pushed up fourth-quarter bank loans and direct investment abroad, which count as outflows. But temporary help came from an unusual inflow of funds from Canadian banks.

Even with the temporary help, however, the revised data put the 1963 fourth-quarter gap at $527 million, or a seasonally adjusted annual rate of $2,108 million. Previously the final-quarter deficit had been estimated at $377 million, or a $1,508 million annual rate. While advance estimates are even more subject to error than reports soon after a period ends, so far this year no marked change in trend from the fourth quarter appears to be developing, authorities say.

The fourth-quarter annual rate in the payments deficit, even after being revised upward, is still much less severe than the revised $5,228 million annual rate of last year's April–June quarter. Sharply higher outflows of private U.S. capital then prompted the late President Kennedy to propose an "interest equalization tax" on sales of foreign securities here, intending to discourage foreigners long-term portfolio borrowing by adding 1 percentage point to their effective interest costs. Other efforts to trim the dollar outflow by reducing military spending abroad and tying more foreign aid to purchases here also were accelerated. The tax, which would be retroactive to last July 19, has passed the House, but Senate action probably will have to wait until after the civil rights fight.

PRIVATE CAPITAL OUTFLOW DOUBLED

The new figures show that the total net outflow of private capital in the final 1963 quarter rose to about $945 million—about double the total of the previous period, though well short of the total in the April–June quarter. The $945 million consisted of:

Two hundred and fifteen million dollars in long-term portfolio investment such as American citizen purchases of foreign bonds and stocks, the area that is the target of the proposed tax.

One hundred and twenty-nine million dollars in short-term capital movement, compared with a small net inflow in the previous quarter when interest rates here were raised.

Six hundred and one million dollars in direct investment, including acquisitons of foreign companies and construction of oversea factories and oil refineries by U.S. concerns.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. STENNIS. Mr. President, I commend the Senator from Oregon for the very fine and unanswerable argument he has made in behalf of parliamentary procedure and regular standards and safeguards which we ordinarily apply to important legislation.

Mr. MORSE. I thank the Senator.

Mr. STENNIS. In the course of the debate I have referred to the points that have been fully expressed in the Senator's address on this important subject. I hope the arguments in favor of the usual procedure will touch the conscience of every Member of this body.

I believe he has had influence, not only in that speech, but in other remarks and contacts which he has made. I hope that this motion will be fully discussed. I have already discussed it, as I have said, in the appearances that I have made. I should like to hear a response from every Senator to the challenge of the senior Senator from Oregon.

I ask unanimous consent to have printed at this point in the RECORD a report on the television debate recently held between the Senator from South Carolina [Mr. THURMOND] and the Senator from Minnesota [Mr. HUMPHREY] with reference to the pending matter, and also an editorial published in the Atlanta Journal and Constitution of March 22, 1964, concerning the same debate.

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

ANNOUNCER. "CBS Reports" continues. Here again is Eric Sevareid.

Mr. SEVAREID. For 9 days the U.S. Senate has been debating a motion to take up the civil rights bill and a vote to do that could come at anytime. When it does, debate on the merits of the bill developing into a filibuster will begin. Now, Senate rules allow a Senator to talk as long as he wants to, or he's able to, on any question at issue. And when several Senators try to talk a bill to death the resulting filibuster can go on for days, weeks, or even months. For decades Southerners have used the filibuster successfully to defeat or at least to water down civil rights bills. Tonight 19 Southern Senators are ready to try that again. One of them is Senator STROM THURMOND, of South Carolina. Leading the opposition to them is Senator HUBERT H. HUMPHREY, of Minnesota. Now these two men have been on opposite sides of this civil rights question at least since the Democratic presidential convention in Philadelphia in 1948. HUBERT HUMPHREY was a delegate then—he was also mayor of Minneapolis—and he led a floor fight for a very strong civil rights plank in that Democratic platform. That fight was won, and a good many Southern delegates walked out of the convention to form the States Rights Party. And STROM THURMOND, then the Governor of South Carolina, became their presidential candidate. So, in a way this live debate we are having is a continuation of one that began 16 years ago. It's also a prelude, in a way, to the one about to begin in the Senate. Right now each of the two Senators with me will have about 3 minutes for an opening statement in this short debate. Senator HUMPHREY drew the longest straw. Would you begin?

Senator HUMPHREY. Well, thank you very much. Mr. Sevareid, and my colleague Senator THURMOND. I believe that what we've seen and heard tonight is a challenge to the conscience of this Nation. We simply have to face up to this question: Are we as a Nation now ready to guarantee equal protection of the laws, as declared in our Constitution, to every American regardless of his race, his color or his creed? The time has arrived for this Nation to create a framework of law in which we can resolve our problems honorably and peacefully. Each American knows that the promises of freedom and equal treatment found in the Constitution and the laws of this country are not being fulfilled for millions of our Negro citizens and for some other minority groups. Deep in our heart we know—we know that such denials of civil rights, which we have heard about and which we've witnessed are still taking place today—and we know that as long as freedom and equality is denied to anyone, it, in a sense, weakens all of us. There is indisputable evidence that fellow Americans who happen to be Negro have been denied the right to vote in a flagrant fashion. And we know that fellow Americans who happen to be Negro have been denied equal access to places of public accommodation—denied in their travels the chance for a place to rest, and to eat, and to relax. We know that one decade after the Supreme Court's decision declaring school segregation to be unconstitutional that less than 2 percent of the southern school districts are desegregated. And we know that Negroes do not enjoy equal employment opportunities. Frequently, they are the last to be hired and the first to be fired. Now, the time has come for us to correct these evils—and the civil rights bill before the Senate is designed for that purpose. It is moderate—it is reasonable—it is well designed. It was passed by the House 290 to 130. It is bipartisan. And I think it will help give us the means to secure, for example, the right to vote for all of our people—and it will give us the means to make possible the admittance to schoolrooms of children regardless of their race. And it will make sure that no American will have to suffer the indignity of being refused service at a public place. This passage of the civil rights issue or bill to me is one of the great moral challenges of our time. This is not a partisan issue. This is not a sectional issue. This is in essence a national issue, and it is a moral issue, and it must be won by the American people.

Mr. SEVAREID. Senator HUMPHREY that takes your 3 minutes, I think. And now, Senator THURMOND, 3 minutes for you.

Senator THURMOND. Mr. Sevareid, and my colleague Senator HUMPHREY. This bill, in order to bestow preferential rights on a favored few who vote en bloc, would sacrifice the constitutional rights of every citizen and would concentrate in the National Government arbitrary powers, unchained by laws, to suppress the liberty of all. This bill makes a shambles of constitutional guarantees and the Bill of Rights. It permits a man to be jailed and fined without a jury trial. It empowers the National Government to tell each citizen who must be allowed to enter upon and use his property without any compensation or due process of law as guaranteed by the Constitution. This bill would take away the rights of individuals and give to government the power to decide who is to be hired, fired and promoted in private businesses. This bill would take away the right of individuals and give to government the power to abolish the seniority rule in labor unions and apprenticeship programs. This bill would abandon the principle of a government of laws in favor of a government of men. It would give the power in government to government bureaucrats to decide what is discrimination. This bill would open wide the door for political favoritism with Federal funds. It would vest the power in various bureaucrats to give or withhold grants, loans and contracts on the basis of who, in the bureaucrat's discretion, is guilty of the undefined crime of discrimination. It is because of these and other radical departures from our constitutional system that the attempt is being made to railroad this bill through Congress without following normal procedures. It was only after lawless riots and demonstrations sprang up all

over the country that the administration, after 2 years in office, sent this bill to Congress, where it has been made even worse. This bill is intended to increase—to appease those waging a vicious campaign of civil disobedience. The leaders of the demonstrations have already stated that passage of the bill will not stop the mobs. Submitting to intimidation will only encourage further mob violence and to gain preferential treatment. The issue is whether the Senate will pay the high cost of sacrificing a precious portion of each and every individual's constitutional rights in a vain effort to satisfy the demands of the mob. The choice is between law and anarchy. What shall rule these United States, the Constitution or the mob?

Mr. SEVAREID. Senator THURMOND, thank you very much. Well, gentlemen, it seems rather clear, from these two statements at least, that the room for agreement is going to be a little cramped. From here on in this brief debate we'll let this be free-swinging. You can interrupt one another at will, though I hope each of you allows the other to finish whatever sentence he's engaged upon. But we'll get to that part of the debate right after this message.

(Announcement.)

Mr. SEVAREID. Gentlemen, this is now open debate. Let's start with the public accommodation section of this civil rights bill. Now this section, if passed, would forbid racial discrimination in hotels and motels, restaurants, theaters and similar places all over the country. Senator HUMPHREY, would you start?

Senator HUMPHREY. Well, yes, Mr. Sevareid. What title 2 does—and that's the title to which you referred—the public accommodation's title—is to declare as a national policy what already exists in 32 States as State policy. I would repeat that 32 of the States of the Union already have what we call strong and effective public accommodations laws that forbid racial discrimination in public places. Now title 2 of this bill has but one purpose, and that's to guarantee to every American citizen, regardless of his place of residence or his race, equal access to public places. And this is as old as common law itself—since the time of Chaucer, as a matter of fact. I don't think it's really unusual that the Government of the United States should want to have the 14th amendment, which insists that no State may deny any citizen of the United States equal protection of the laws or life, liberty or property without due process of law—I don't think it's unusual that this should be now effectuated by a public policy in statute.

Senator THURMOND. This title is entirely a misnomer. It's not public accommodations, it's invasion of private property. This will lead to integration of private life. The Constitution says that a man shall not be deprived of life, liberty or property. We should observe the Constitution. A man has a right to have his property protected. A similar bill to this—almost word for word—was passed by Congress in 1875 and was declared unconstitutional by the U.S. Supreme Court in 1883. The Howard Johnson case from Virginia is a case in which a man wanted to be served. Howard Johnson refused to serve him, and he went into court. But the court held that a man did not have to serve anybody on his own private property that he did not wish to. Now that was only in 1959. Why do we want to push an unconstitutional piece of legislation—one that has already been held unconstitutional by the Supreme Court? And especially since it denies people the right of trial by jury. Title 1, title 2, title 3, title 4, and title 7 have provisions that deny people the right of trial by jury.

Senator HUMPHREY. Well now, may I say to my friend, the Senator from South Carolina, that title 2—No. 1, relies for its enforcement upon the courts of the United States. Title 2 is related to the citizens of the United States, and title 2 merely says that a man, because of his race, shall not be denied access to a public place where there is—advertisements for the public to come in and do business—and it limits it to hotels, to motels, to filling stations and to places of—restaurants or eating places. And why? Because these are the facilities that are necessary in a sense for life itself and for interstate travel.

I've often wondered, Senator, why it is that we're so anxious to keep good American citizens, who pay thier taxes, who defend their country, who can be good neighbors, out of a place like a restaurant, and yet we will permit people who may be very unsavory characters—people that have a little or no good reputation—people who come from a foreign country—to come into the same place? It seems to me that what you've had here is an invasion of property rights by enforced segregation. Let me give you an example. In the city of Birmingham, Ala., up to 1963, there was an ordinance that said that if you were going to have a restaurant and you were going to permit a Negro to come in, you had to have a 7-foot wall, down the middle of the restaurant, dividing the white from the colored. Now, how foolish this is, and isn't that an invasion of private property?

Senator THURMOND. Senator, we live in a country of freedom—and under our Constitution a man has a right to use his own private property as he sees fit. The mayor of Salisbury, Md., said that if they had had a law on the books, as we're trying to pass here now, they would not have been able to have desegregated their business. Now, he says they were able to get the business people to do it voluntarily. You can't do some things by law. Some things have got to come in the hearts and minds of people. And we mustn't think that we can regiment and control and regulate the lives of people. After all we have a Constitution that guarantees freedom, and we must observe that Constitution, and we don't want to require people to live in involuntary servitude. And I think it is involuntary servitude for a woman of one race to have to give a massage to a woman of another race if she doesn't want to do it.

Senator HUMPHREY. That is not provided for in this bill, may I say most respectfully. And I want to say to the good Senator from South Carolina——

Senator THURMOND. Oh, it's provided for.

Senator HUMPHREY. I want to say to the Senator from South Carolina that all that title 2 does is to say that you shall not deny a person access to a public place like a hotel because of race.

Senator THURMOND. Suppose there's a barbershop or a beauty shop in the hotel?

Senator HUMPHREY. Ah, then it might—then it is——

Senator THURMOND. Suppose——

Senator HUMPHREY. If it is in a hotel, which is an interstate facility that accommodates transients——

Senator THURMOND. Exactly.

Senator HUMPHREY. Now, why not?

Senator THURMOND. And any store and any place is covered too, also. And so if a lady ran a massage place in a hotel, and a woman of one race went there and wanted a massage——

Senator HUMPHREY. Right.

Senator THURMOND. By a woman of another race, she'd have to give it to her whether she wanted to or not. Isn't that involuntary servitude?

Senator HUMPHREY. Well, may I say——

Senator THURMOND. Isn't she being forced to do what she doesn't want to do?

Senator HUMPHREY. May I say, my friend, most respectfully, that many people that have private property do not have full rights to do what they want to do. If you operate, for example, a bar, you don't have the right to have juveniles in it. If you operate a restaurant, you don't have a right to have unsanitary conditions. There are rules of public regulation, and I would add this: How is it that this Nation can call upon our colored people, for example, to help win us the Olympic contests, to help win our wars, to pay taxes, to do everything that a citizen of this country is required to do, but when he wants to come to a hotel and have a night's rest he's told that he can't come because he's colored.

Mr. SEVAREID. Senator, I'm going to have to break off this part of it here, much as I hate to. We would like to have a minute or two here, and it will be abbreviated, on this section of the bill that deals with equal employment opportunities. That's a very widely disputed matter. It makes racial discrimination by employers and unions unlawful. Senator THURMOND, would you start on that? I'm going to have to keep this section of the debate——

Senator THURMOND. I know of no more eloquent and convincing argument in opposition to FEPC than a statement by President Johnson on the Senate floor on March 9, 1949. These are President Johnson's words: "This to me is the least meritorious proposal in the whole civil rights program. To my way of thinking, it is this simple. If the Federal Government can, by law, tell me whom I shall employ, it can likewise tell my prospective employees for whom they must work. If the law can compel me to employ a Negro, it can compel that Negro to work for me. It might even tell him how long and how hard he would have to work. As I see it, such a law would do nothing more than enslave a minority. Such a law would necessitate a system of Federal police officers such as we have never before seen. It will require the policing of every business institution, every transaction made between an employer and employee and virtually every (indistinct) employers and employees association while it worked. I can only hope sincerely that the Senate will never be called upon to entertain seriously any such proposal again." Those are the words of President Johnson only a few years ago.

Senator HUMPHREY. Now, Senator, may I say that one of the real qualities of greatness of President Johnson is that he learns and that he is able to understand the developments in our country in terms of the changes that have taken place in our society, and isn't it interesting that President Johnson, as Vice President of the United States, was Chairman of the President's Committee on Equal Employment Opportunities and the proudest moment in his life has been when he has assured equal employment opportunities regardless of race, to thousands, yea millions of workers that work in industries where the U.S. Government does business.

Now, what does title 7 do in this bill? It does but one thing. It merely states that race shall not be a barrier to fair treatment and employment. It does not put any enforcement power in any commission. Enforcement is left to the courts of the United States. The only thing that a commission can do is to investigate and then if there is a valid case to bring it to the courts; and finally, 25 States in this Union, Senator have their Employment Practices Commissions and in those States, you have the highest rate of employment. You have the highest per capita income, you have the highest—the best economy and the most expanding economy. I think it's a pretty good proposition.

Senator THURMOND. We must remember that this bill creates no jobs, so therefore, whose jobs are these Negroes, the minority, going to take? Other Negroes' jobs, or white people's jobs? Now, I want to say that this bill tells a man whom he can hire, whom he can fire, whom he can promote, whom he can

demote. And we must remember that the Commission decides what is discrimination and if the Commission sees fit to define discrimination in such a way that there is a racial balance, then they would destroy seniority rights in unions and in other ways——

Senator HUMPHREY. Senator——

Senator THURMOND. If they will try to bring about a racial balance, as they are doing in New York schools. The people in New York don't like it. I don't believe the American people are going to want people to tell them whom they have to fire and whom they have to promote——

Senator HUMPHREY. Senator, this bill prohibits that very thing that you're talking about. Express language prohibiting any action by the Government for so-called racial balance. This bill——

Senator THURMOND. Oh, no; that's the section on education——

Senator HUMPHREY. This bill does not permit any Fair Employment Practice Commission to interfere with seniority, with the right of any employer to employ. What it does prohibit is that a man shall not be denied a job because of his color, his race, or his national origin. And I don't believe that any self-respecting American can say that he believes a man ought to be denied a job because of his color, or his race, or his religion. I would add further——

Senator THURMOND. What the Senator is referring to, I am sure, is section—is the section on education about the racial balance. There's nothing in this section, I am sure the Senator will find if he reads it carefully, along the lines about which he just spoke——

Senator HUMPHREY. And there is nothing in this section that calls for racial balance, as the Senator spoke of.

Senator THURMOND. But the Commission defines what is discrimination and if the Commission says that there is discrimination, unless you have racial balance, then you have it. The Commission makes that definition.

Senator HUMPHREY. Senator——

Senator THURMOND. And then, of course, you can appeal to the court but unless the court finds that the Commission is capricious, or arbitrary, very probably they will uphold the Commission.

Senator HUMPHREY. I'm glad the Senator used the word "probably," because the Senator knows that the provisions of the statute do not say that, that what the provision of the statute says is that the Commission shall investigate as to whether there is discrimination. If there is reasonable evidence that there is discrimination, then the case is referred to a Federal court for adjudication.

Senator THURMOND. They have to define the word "discrimination."

(Two voices at once.)

Mr. SEVAREID. Gentlemen——

Senator THURMOND. I'm sure you've read it. The word "discrimination" is not defined at all. It's left to each agency of the Government to define discrimination itself.

Mr. SEVAREID. Senator——

Senator THURMOND. We can imagine what these bureaucrats will do.

Mr. SEVAREID. Senator, may I interrupt, because I would like, before we finish this all-too-brief debate, to get to another very controversial part of that bill, and that's the section that permits the cutting off of Federal funds from State programs administered in a discriminatory way. Senator HUMPHREY, would you start that?

Senator HUMPHREY. Well, yes, I have here the copy of the bill and here's what we're talking about. Here's what is said in the bill. "Notwithstanding any inconsistent provision of any other law, 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." Now, that's rather plain. What it merely says is that public moneys out of the Federal Treasury will not be used to promote discrimination, to insure discrimination, or to carry on any discriminatory act, and I don't understand how we can ask people to pay taxes, regardless of their race or color and then deny them the benefits of the payments of those taxes when those moneys are given back to the respective States and what this provision does is simply to say that there can be no discrimination provided for by the use of—through the use of Federal funds, and then there are a number of legal protections to see to it that if such an order is made that the President of the United States must personally sign that order. There must be voluntary compliance to the degree that it's possible to obtain it, and before any such order can go into effect, the Congress must be notified 30 days in advance and then there's Federal review.

Senator THURMOND. This is—this is one of the most despicable provisions in the entire bill. Let me tell you what President Kennedy said about this provision. The late President Kennedy, in his news conference on April 24, 1963, rejected the proposal of this Civil Rights Commission for funds-withholding with these words, and these are his words, "I said that I didn't have the power to do so, and I'm not. I don't think a President should be given that power, because it could be used in other ways differently." Those are the words of President Kennedy. Why, this—this provision attempts to amend more than a hundred laws on the books. It would give unprecedented power. It would give multibillion-dollar blackjacks against the people. If this is passed, you don't need the rest of the bill, not at all. This provision affects farmers, hospitals, schools, local government loans, social security, veterans, banks, all Government contractors, welfare and wherever the Federal dollar comes from, and that's just about everywhere. And now it says, "any recipient"—it refers to any recipient. That means an individual, or it means a State or a political subdivision of the State as explained in the bill. Now——

Senator HUMPHREY. Will the Senator yield at that point?

Mr. SEVAREID. One more minute on this, Senator HUMPHREY?

Senator HUMPHREY. Yes, I would just simply say that the Senator from South Carolina regrettably did not read all of President Kennedy's statement, which I read in the Senate here only 3 days ago or 4 days ago. The President went on to say that he was opposed to a program that cut off all assistance for an entire State, and he made it crystal clear, and what the Senator read is that part of it. Then he went on to say, however, that he didn't have the power and it was public policy that where there was discrimination, in a particular activity or program that the Federal Government should cut off the Federal funds. But may I say this: I think this ought to be done with restraint. I don't think it ought to be precipitous and that's why there have been certain protections and limitations written into this section of the bill. But I don't believe, Senator, that you can justify collecting Federal taxes from a colored person and then denying him the benefits of Federal assistance when funds are made available to his State. I don't think you can justify——

Senator THURMOND. This is pure socialism. It is Government control of the means of production and distribution and that is socialism. Title 6 fits this definition of socialism.

Mr. SEVAREID. Senator THURMOND, we have a little time left. I would like to give each of you the opportunity for a short summation of your feelings about the bill as a whole. We won't have more than about a minute and a half for each one of you, I'm afraid, but since Senator HUMPHREY started at the beginning, would you start the summation, Senator THURMOND?

Senator THURMOND. To persons in such a State as Minnesota, it may seem feasible to accomplish total integration of the races. In Minnesota, there are only 7 Negroes per 1,000 persons. It is an entirely different matter, however, where there are 250 to 400 Negroes per 1,000 persons. Now, no one should believe that he has learned all about the * * * bill before the Senate from this brief discussion. The public accommodations, the FEPC and the fund-withholding sections, which we had discussed here, comprise only 3 of 11 titles of this bill. We have not even mentioned the powers of the Attorney General to bring suits in the field of education. President Johnson led a successful fight in the Senate in 1957 and in 1960 to reject this provision because it was so extreme and unwarranted. Nor have we had time to mention the section which attempts to override the constitutionally reserved right of each State to determine the qualifications of voters. No bill is a civil rights bill if it takes away basic liberties and constitutional rights and guarantees, and replaces them with arbitrary Government powers. The so-called civil rights movement in America has often been called a revolution. Whatever defines a revolution? Webster has defined a revolution as "a fundamental change in political organization or a government or constitution."

Mr. SEVAREID. Senator, I'm going to have to let Senator HUMPHREY have his very few remaining moments here for his summation.

Senator HUMPHREY. First of all, I would like to say thank you to my colleague for this discussion. Secondly, President Johnson vigorously, wholeheartedly supports this bill and he supported it before he became President. Then I would add that the purpose of this bill is to close a citizenship gap in this country that has existed far too long. America has been weakened because we haven't given full opportunity to all of our people and the purpose of this bill is to try to lay down a legal framework within which we can work out our problems peacefully and honorably through law, through courts, rather than through violence and through demonstrations. I happen to believe that the issue before us is the great moral issue of our time and I don't think we can avoid it. I am perfectly willing to discuss every feature of this bill and I hope every American will look into every feature of this bill, but I cannot believe that 290 Members of the House of Representatives, 152 Democrats, 138 Republicans, would have voted for this bill if it was as evil as it has been described by my opponent here tonight. I just can't believe it. Two hundred and ninety to a hundred and thirty. It is my view that this legislation is a good beginning toward making America a little better of a country, a little stronger, a little greater and with a better and a more wholesome spirit.

Mr. SEVAREID. Thank you, Senator HUMPHREY.

Senator THURMOND. It's a pleasure to be with you.

Mr. SEVAREID. And Senator THURMOND.

Senator THURMOND. It's a pleasure to be with my colleague.

Mr. SEVAREID. It's a pleasure to have you both here. The bill itself is some 55 pages long, as I recollect. We have had fewer than that many minutes to talk about this enormously complicated piece of legislation tonight. I think perhaps this discussion, however, has given people some idea, not only of the intellectual clash that's involved in this monumental piece of domestic legislation, but the enormous emotional cargo that lies behind it on both sides. This fili-

buster, or debate, or whatever is to be called in the Senate, could go on for weeks, probably for months.

Senator THURMOND. Educational debate.

Mr. SEVAREID. We have no certainty that it will come out in its present form, or even indeed that it will come out. It will certainly change the lives, if it does, of a great many Americans in rather intimate ways. Should it not be passed, we may have disorder on our streets, even as bad or worse as we have had before. Careers and elections could be affected. Well, I'm sorry we don't have unlimited debate on television, so I will have to say goodnight now. This is Eric Sevareid. Good night to you all.

(Announcement.)

ANNOUNCER. "CBS Reports" is a production of CBS news and tonight originated live and on film.

EXCITEMENT ON TV

A good many people watching the CBS documentary on the civil rights bill must have been impressed Wednesday night with what can be done with the traditional college debate format.

Senators HUBERT HUMPHREY and STROM THURMOND, standing behind simple wooden rostrums like those available in any meeting hall, brought more excitement and substance to the program than half an hour of slick camera work and smooth script could have possibly done.

There was fire in their presentations. There were interruptions, but general adherence to the rules of debate. Expressions from one Senator evoked immediate responses from the other.

All in all, it was such a lively exchange—briefly summarizing the positions of the two sides in the civil rights debate—that a viewer with any interest at all in the subject felt compelled to keep watching.

Unlike the Kennedy-Nixon debates, time was not so formally divided that spontaneity had to be lessened. The Senators had equal time, but there could be split second intrusions of one upon the other.

It is surprising to think that such a simple device, tried and true long before television came along, could still be so effective and yet so little used. It enables the public to understand why the Lincoln-Douglas debates were so fascinating even to people without much interest in politics.

CBS, which deserves a favorable response to this bit of pioneering on an old frontier, should do it again.

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

Mr. MORSE. I yield.

Mr. JOHNSTON. I commend the Senator from Oregon for the excellent way in which he has presented his views to the Senate. The Senator always presents his views on all subjects in a forceful manner. When he touches on legal questions, I listen to him with much interest, for I know he will present views which will be useful and beneficial to me. The senior Senator from Oregon has had much experience in the interpretation of laws enacted by Congress of committees reports and statements made in the Senate concerning legislative matters.

I wish to ask the Senator a question: Is it not also true that when we have before us a bill such as this, the mere changing of a few words here and there might change the entire interpretation and meaning of the bill?

Mr. MORSE. There is no doubt about it. As I said in my speech, the bill is honeycombed with many legal problems. The precise meaning of words will be very important. The courts will go through the bill with a fine-tooth legal comb in reaching a conclusion as to its legal import. That is why I made my plea for a committee report.

Mr. JOHNSTON. The meaning and context of many of the words in the bill are not explained.

Mr. MORSE. As I said, the debate during the past 2 weeks shows much confusion among the proponents and the opponents as to the meaning of many sections of the bill. That is why I should like to have the advantage of a committee report.

Mr. JOHNSTON. I thoroughly agree with the Senator from Oregon. The committee should have a right to study the bill and make suggestions to improve it. That is done with respect to all other bills. Is not that the reason for the establishment of committees?

Mr. MORSE. That is correct. I thank the Senator from South Carolina for his kind remarks.

Does the Senator from New York wish me to yield to him, or does he wish to obtain the floor in his own right?

Mr. KEATING. I desire to obtain the floor in my own right.

Mr. MORSE. I yield the floor.

Mr. KEATING. Mr. President, the Senator from Oregon has moved that the Senate refer the bill to the Committee on the Judiciary. The Senator has made an eloquent and learned appeal that the Senate avail itself of the wisdom of the investigatory and deliberative processes of the Judiciary Committee.

Speaking as a member of that committee, I express gratitude to him for the high appraisals he places on its members. I defer to none in my estimate of the committee's capabilities, industry, and integrity.

But I must question the Senator's premise that sending this bill to the Judiciary Committee—the traditional graveyard for civil rights legislation—will somehow add to the body of knowledge in this area, will provide a forum for objective discussion of the merits of the proposal and will offer an opportunity for a number of witnesses to testify, and all the members of the committee to question those witnesses.

I speak as a member of that committee. It is understandable to me that anyone who is not a member of that committee might well make the argument which the distinguished Senator from Oregon has made. A Senator would have to serve on the committee in order to understand some of the difficulties involved in the course which he proposes. With all fervor and sincerity, may I say to the Senator that I disagree with the reasoning behind his motion.

The chairman of the Judiciary Committee has decided that the rules of the Senate are also applicable to the committee. This means that a "boreathon" is not only possible, but predictable in the committee. It has happened before and, I assure you, it will happen again.

Last year, 17 civil rights bills, including the administration's civil rights package, were referred to the Constitutional Rights Subcommittee. One, providing for the extension of the Civil Rights Commission was the subject of hearings and was favorably reported—with minority views, of course—to the full committee. Fifteen bills received no consideration whatsoever.

On July 16, 17, 18, 24, 25, 30, and 31; on August 1, 8, and 23; and on September 11 of last year, the committee held hearings on the omnibus civil rights bill and received the testimony of one witness. During those 11 days, we heard over 400 pages of testimony from the Attorney General of the United States. September 11, 1963, was the last of 11 days of hearings on this bill—and as the record shows, at 12 noon, the committee adjourned, subject to the call of the Chair. We have remained subject to the call of the Chair for over 7 months now, and never during that extended period when civil rights was being intensively discussed in other committees and in the other Chamber did we receive the call of the Chair. Yet, during that 7 months, there was never any reason to doubt that the bill would come before this body, or that our hearings would become academic due to extraneous circumstances.

I can only infer from this that having subjected the Attorney General to intensive and exhaustive questioning, the chairman felt that the committee had satisfied itself with respect to the need for further testimony.

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

Mr. KEATING. I yield.

Mr. EASTLAND. Is it not true that at the conclusion of the Attorney General's testimony, the bill was referred to the Constitutional Rights Subcommittee at the request of several members of the Judiciary Committee?

Mr. KEATING. That is correct.

Mr. EASTLAND. And it is there now. The Senator discusses the Judiciary Committee. Is not the bill in the Subcommittee on Constitutional Rights?

Mr. KEATING. It is in the Subcommittee on Constitutional Rights, of which the distinguished Senator from North Carolina [Mr. ERVIN] is the chairman.

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

Mr. KEATING. I yield.

Mr. MORSE. Under my motion, the bill would not go to a subcommittee; it would go to the Judiciary Committee. I have checked the parliamentary rules and find that I am quite right in my understanding that a majority of that committee can meet and sign a report and submit that report to the Senate as a report of the majority of the committee. If a "hassle" occurs in committee, in which parliamentary difficulties are thrown in the way by the minority, that should be stated in the report. The report should state what the problem was. But that report, with the signature of the majority members of the committee, would become the report of the majority of the committee. No member of the minority could prevent the committee from taking that action.

Mr. KEATING. There is no question that the majority of the committee can make a report. On the other hand, there would be very little on which to report. A prediction that the committee will

make a report cannot be made with certainty. Such a prediction probably will not come true. However, I would predict that the same witness we have heard for 11 days, the Attorney General, would logically be called upon to continue his testimony, and after the Senator from North Carolina had completed his questioning—although, of course, the chairman would be the first, if he desired to exercise that privilege—the next questioner would be the Senator from South Carolina [Mr. JOHNSTON]; the next would be the Senator from Arkansas [Mr. MCCLELLAN]; and the next would be the Senator from North Carolina [Mr. ERVIN]. Before the more junior members of the Judiciary Committee were reached, it might develop that a week's time had elapsed, for some questions can be very long. The control of the questioning would to a considerable extent rest with the chairman of the committee.

Mr. MORSE. Mr. President, will the Senator from New York yield again to me?

Mr. KEATING. I yield.

Mr. MORSE. I could not disagree more with what I believe is implied in the remarks of the Senator from New York in regard to the rights of the members of the committee. The bill would go to the committee on Monday; and if any such difficulty developed, the majority of the committee could control the proceedings there, by exercising their power, if they considered that dilatory tactics were being followed.

Mr. KEATING. Perhaps the Senator from Oregon should be a member of the committee.

Mr. MORSE. If I were, I would never advocate the procedure the Senator from New York has outlined.

Mr. KEATING. Many Senators who serve on the committee have endeavored to take such steps at times; but, thus far, our efforts have not been successful. I know that other members of the committee—some from each side of the aisle—have endeavored to have the committee take up civil rights bills; but nothing further in that regard has been accomplished.

The Senator from Oregon has made a very logical argument, with which normally I would find myself in agreement; namely, that each bill should first receive committee consideration. It is because of the unusual situation in connection with this committee's treatment of civil rights bills that I oppose the motion of the Senator from Oregon; and I hope the motion will be rejected.

Mr. MORSE. Mr. President, will the Senator from New York yield again to me?

Mr. KEATING. I yield.

Mr. MORSE. Let us consider the darkest side of the picture painted by the Senator from New York; namely, that all of the direst things he has predicted would obtain. First of all, I think the Senator from New York should attempt to prove that would happen. But even if what he predicts were to happen, it is certain that the eyes of the people of America would be on the committee, and it would not take long for that pressure to become such that the Senate would decide to give the committee some definite instructions in connection with its consideration of the bill.

Mr. KEATING. But the eyes of the Nation have been on the committee for years; and I think most of the American people—regardless of whether they favor or do not favor civil rights legislation—understand perfectly well the situation in the Senate Judiciary Committee, which has had this problem before it many times.

I believe a similar situation would develop there again, even though the next time it might develop there in somewhat different form. Of course I cannot tell just what that situation might be; but it is clear that a complete reversal of the history established by the Judiciary Committee in connection with civil rights bills would have to occur before the members of the committee would be permitted to vote on the amendments which some Senators would wish to offer to the bill.

So if the bill were referred to the Judiciary Committee I would be the most amazed person in the world to find that the committee would permit its members to have an opportunity to submit their amendments and to have the amendments considered by the committee.

Mr. MORSE. Let us try it.

Mr. EASTLAND. Mr. President, will the Senator from New York yield to me?

Mr. KEATING. I yield.

Mr. EASTLAND. The Senator from New York is aware, of course, that before the other bill was reported by the committee, 20 amendments were offered in the committee.

Mr. KEATING. I am aware of that fact; but that was agreed upon ahead of time.

Mr. EASTLAND. No, they were not. However, the Senator from New York said the committee would not consider a civil rights bill; and I point out that the Judiciary Committee did consider that bill, and 20 amendments were offered in the committee.

Mr. KEATING. But the bill was reported to the Senate without a recommendation by the committee. That is quite different from the course advocated by the Senator from Oregon, who states that the committee should have the benefit of the judgment of "the fine lawyers"—I use the Senator's own words, not my own—who serve on the Judiciary Committee.

Mr. EASTLAND. And in that way there could be a committee report.

Mr. KEATING. If the Senator from Mississippi is ready to agree that all the amendments would be considered by the committee and would be acted upon by the committee, and that during the period of 1 week the witnesses whom committee members wish to have called would be called, I would have quite a different attitude toward this motion.

Mr. EASTLAND. Of course, I would call all the witnesses the Senator wants called, although I am sure he realizes that I am a servant of the committee, and I cannot decide for it.

Mr. KEATING. I realize that—but I believe the Senator underestimates his own influence.

Mr. EASTLAND. No; I am only the errand boy of the committee.

Mr. President, I do not seek to detain the Senate long.

In view of the fact that the committee took all that time in subjecting the Attorney General to intensive and exhaustive questioning—a repetition of what had previously happened many times in that committee—I can only infer that the same thing would happen there again. Indeed, in view of the intensive news coverage, the extensive hearings held by other committees, the basic moral character of the issues, and the painstaking clarification of all aspects of the bill which has characterized the entire course of this proposed legislation, it would have been highly reasonable for the chairman to have assumed that any further hearings would be superfluous.

Having stood "subject to the call of the Chair" for 7 months, I am inclined to feel that no useful purpose is to be served at this late date by providing simply one more forum, one more series of discourses, one more delay, and one more procedural gambit to postpone coming to grips at long last with what appears to me to be the paramount moral issue of our times.

Unfortunately, the warm weather has already precipitated some of the riots we had hoped to avoid by prompt passage of this bill. Another week or 10 days lost could be a crucial factor, could make the difference between peace and civil strife. We are acting perfectly within the rules in taking this bill up immediately.

It is unfortunate that it is necessary to take this unusual course; but when matters of such vital importance, including perhaps, even the lives of some citizens, are at stake, we have no choice but to consider the well-known facts, and to reject empty form and futile gesture.

In my judgment, we should vote against this motion. Sincerely motivated though the Senator from Oregon has been in making his motion, I feel that it should be rejected.

Mr. GOLDWATER and Mr. HART addressed the Chair.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The Senator from Arizona is recognized.

Mr. GOLDWATER. Mr. President, my first concern is for a united people, of a single mind and purpose that justice shall be done to secure for every citizen an equality of both rights and responsibilities.

When this debate is done, and we have enacted some new form of civil rights legislation, let us make sure that the whole people is united still. And let us see to it, by our own conduct, that they have a deeper awareness than before of the bonds that hold together this immensely varied society.

My equal concern is for the preservation of the sovereign States and communities of America. It is from them

that our own authority has been delegated, by all our constituents. It is there that life is lived, in all its complexity. It is there that person-to-person, face-to-face relationships are experienced, in all their immediacy. And it is there, North and South, East and West, that such tremendous progress is now being made—and must continue to be made—to make available for every American the full promise of a free society. Let us, as we proceed, truly represent these States and communities. And let us demonstrate the vitality of our Federal Republic, and the lasting viability of the Federal principle of government.

My ultimate concern is for America as a whole. We are a great people. We have before us great tasks and a limitless national destiny. In brotherhood of common will and mutual respect, all things are possible to us—including the gradual perfection of our own free institutions. In a state of secret civil war, with law used as a bludgeon rather than a bond, we are nothing. Let us who have the privilege of enacting the Nation's laws remember all our obligations—to right and justice and equity, yes, but never at the price of the American constitutional system. Let us respond, always, to the legitimate grievances of every citizen. But in doing so, let us preserve the orderly processes of a healthy and unified society.

What is it that we are now debating? Is it some abstract ideal? Some model of a perfect society? Mr. President, I say it is not. Indeed, we are not debating the civil rights bill at all. We are attempting to establish the rules for that debate. We must first decide how to decide—whether by the rational processes of orderly deliberation, or under the riot guns of public disorder and with contempt for the traditional practices of the Senate.

On this question of procedure—which goes to the very soul of this free Federal Republic—I have made my decision. I line up with the orderly processes of the world's greatest deliberative body—not because of some parochial pride in the Senate as such, but with a sense of our unique responsibility to represent here the considered will of the whole American people. Not, I say again, some perfect community that never has and never will exist—but this America, here and now, with all its variety, with all its complexity of human relationships, with all its best hopes and honest doubts.

The Senator from Oregon asks little enough of us: only 10 days of due consideration by a committee of our colleagues. Ten days, to come to grips in some orderly way with one of the most sweeping grants of authority that we have ever contemplated delegating to the executive establishment. Its potential administrative consequences are only beginning to be understood. Its constitutional implications go to the heart of our Federal system. It is, in every true sense, a revolutionary measure we are asked to consider.

And it is, for this body, a brandnew measure—altered a dozen different ways from the bill we referred to not one but two standing committees during the last session. Even the Attorney General, when confronted with its infinite complexities, had to acknowledge his lack of understanding and his uncertainty over its precise meaning. Yet here we have a wholly new bill—on which this body has held not 1 day of searching investigation, nor heard so much as one expert witness.

I have said, Mr. President, that 10 days of committee consideration is little enough. Indeed, it is too little, far too little, on the showing of the bill's own proponents. The Senator from Oregon, who has indicated his general sympathy with the essentials of the bill, has called for at least a bare measure of orderly deliberation. In this, he is demonstrating a sense of fitness and responsibility. His fellow proponents would do well to follow his example.

Mr. MORSE. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I am happy to yield.

Mr. MORSE. I thank the Senator from Arizona very much for the support that he is giving to my motion. I should like to say to my liberal colleagues in the Senate that on the issue before the Senate it is the Senator from Arizona who is following the liberal course of action, because it is always a liberal position to exercise orderly procedure with full hearings on an issue.

I also wish to say to my liberal friends that debating an "end justifies the means" course is never a liberal course. That is what the position of liberal Senators adds up to on the present issue.

Mr. GOLDWATER. The position I am taking is a historic conservative position. The conservative believes in building the future upon the proved values of the past. I have great faith in the procedures of the Senate and in the rules of the Senate. All the Senator from Oregon is doing in the present instance is agreeing with the conservative practice by proposing to build the future of the bill upon the historic values of the Senate.

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

Mr. GOLDWATER. I am happy to yield.

Mr. MORSE. The difference that we have over the meaning of words only proves why the bill should go to the committee so that the Senate may have a committee report.

Mr. HART. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I yield.

Mr. HART. If we read the history of the past in terms of what would happen to the bill in the Committee on the Judiciary, our views on the question are 180 degrees apart.

Mr. GOLDWATER. I should like to comment in answer to my friend the Senator from Michigan, that the safeguards which I understand the motion of the Senator from Oregon contains would preclude such action on the bill before the Judiciary Committee as he suggests. Committee hearings would merely answer some questions. Frankly, to a layman like myself, who is not as fully acquainted with constitutional procedures and the law as he should be, the hearings would give some answers to questions which are being asked of me daily by my constituents.

I point out to the distinguished Senator from Michigan that in the city of Detroit last night the question was fully explored, and I discovered there, as I have discovered across the country, that the ideas of Americans as to what the bill would do are hazy and fuzzy. It would do all of us good to listen to the advice of the majority and the minority in the Judiciary Committee. That is one of the reasons why I support the motion of the Senator from Oregon.

This is called the most significant measure proposed in the field of civil rights in over a century. And they are right, however we evaluate its quality and estimate its consequences. They are right in suggesting that, within the framework of the bill, the American people would be embarking on a wholly new departure—in Federal regulatory powers, in Federal-State relations, in public control over the most intimate of private and personal relations. I do not—indeed, until our deliberations are concluded, I cannot—prejudge the outcome. I know where my predispositions lie, but I remain open to rational persuasion, on every aspect of the bill. I seek only an opportunity for persuasion, for rational debate, to go forward. I will not foreclose any step in this orderly process. Yet, in their excess of zeal—possibly, with an excess of self-righteousness—this is precisely what the bill's supporters would have us not do.

I will not sit still while the foundations of sound decisionmaking are thus undermined.

I have recently returned from an area of the Nation where residents of several communities in several States are now grappling with issues that lie at the heart of the bill before us. And I have been struck, and deeply impressed, by the earnestness with which they are searching for lasting, workable, and equitable solutions. The people of Seattle and Tacoma, the people of the State of California, are seeking just arrangements that they—all of them—can live with, in mutual harmony.

How much do any of us know about these problems, and the practical experience of communities across the Nation in coping with them? How can we know what we must, in order to write sound and enforceable legislation, in the absence of the fullest possible measure of orderly legislative procedure? We cannot, not possibly. We can, to be sure, become the captives of each day's headlines. We can react, blindly, to massive pressure. We can mistake raucous demonstrations, in contempt of orderly process, for the voice of the whole people. We can, in sum, write bad law.

This would be the easy way. And this way, we might fool ourselves that we had somehow enacted "instant morality." We could thoughtlessly extend the vast sweep of Federal compulsion, but not the enduring authority of sound law.

This way, too, lies the erosion of the true legislative process, the essential foundation of free government. The victims would be the Senate of the United States, the due order of our constitutional system, and popular respect for the authority of law itself. The ultimate victims would be the institutions of our Federal Republic. And I submit that the American people—the whole people—would end up paying the bill.

Mr. JAVITS. Mr. President, I oppose the Morse motion, on a very fundamental ground. I entirely reject the charge that we who are the proponents of the bill and the opponents of the Morse motion wish somehow to transgress, avoid, step away from, or forget about the rules of the Senate.

Every rule of the Senate has the same standing as any other rule of the Senate. The Senator from Oregon [Mr. MORSE] invokes the rule which enables him to move to refer the bill to a committee when it became the pending business. We invoked rule XIV, which enables a bill, when it comes from the other body, to be placed directly on the Senate Calendar after a second reading, a rule which is used to avoid interminable debate in committee, especially in regard to vital legislation which the people of the United States may need.

What is wrong with our using the rules for a change? Indeed, it is high time that we did. There is no lack of precedent for our use of the rules. The civil rights bill of 1957 was passed by the use of the rule, and it is the only meaningful civil rights law on the books. The 1960 bill, which went to committee, turned out to be a weak and emasculated piece of legislation. What did the committee do with it? I hold up the report of the committee on the 1960 bill—one short sheet of paper which only says, in effect, "We send it back to you."

What does that do to the argument of the Senator from Oregon [Mr. MORSE] about how much the Supreme Court is going to read out of the findings of the Judiciary Committee? It blows that argument out of the water. This short paper is the total finding of the Judiciary Committee, and nothing more.

There is talk about legislative intent. Senators already have a report on this bill from the Judiciary Committee of the House of Representatives. Over 150 amendments were considered by the House when the bill was on the floor—39 of them were adopted. I have little doubt that a good many of those will be incorporated in the law. If we are seeking to ascertain the intent of Congress, we must look to the debates in the House; we must look at the committee report of the House, just as we must look at the debates in the Senate, especially the statements of Senators in charge of the bill.

This is traditional. There is nothing unusual about it. The only thing that could result from adoption of the motion would be receipt of a report by the Senate Judiciary Committee which, according to the promise of 1960, will contribute nothing to the record.

So much for the rules of the Senate. We are obeying them. We are invoking a rule. Rule XIV is just as good as any other rule in the book.

The other part of the argument is that it is somehow good for the proponents of the bill to have the committee consider the bill. Let us see how good it is for the proponents of the bill. We have been debating for 15 days the motion to take up the bill. On previous occasions, motions to take up civil rights bills have been debated by opponents of the bills for 8 or 9 days or more.

According to the rules of the Senate, if the bill goes to the Judiciary Committee, as proposed, when the bill comes back to the Senate it will go on the calendar. It will lie over for 1 day. Then what will happen? It will again be subject to a motion to take up; and who is to tell us how long consideration of that motion will take?

The pending motion is in reality a motion to reargue the point of order with respect to the procedure under rule XIV, on which the Senate has already passed. The Senate sustained that procedure 2 weeks ago by a deliberate majority vote when the point of order was overruled. That is all the situation comes down to. We have put our feet on the path of bringing the bill before the Senate, a path dictated by everything that was said by my colleagues from New York, Michigan, and other States, because of the fact that, no matter how one slices it or dresses it up, the Judiciary Committee has been the time-honored graveyard of civil rights legislation. So it is not less than deserved that the bill was taken up in this manner.

I have personally labored on this floor, in efforts to try to discharge the Judiciary Committee from consideration of a civil rights bill of a most elementary character, and to no avail.

I am not going to say that, if the Senate orders the Judiciary Committee to return the bill to the Senate in 10 days, it will not do so. I do not think any committee would defy the Senate in that way. I am not going to enter into arguments which are not germane and fundamental to the issue. But I do argue that we are using the rules of the Senate, and that one rule of the Senate is entitled to as great respect as any other rule of the Senate.

We are not bypassing anybody. The history of the Judiciary Committee, including references to it by this body under these circumstances, indicates that it would be a practically meaningless exercise.

The last point, and a very important one, is, "Where are the problems in respect to this bill; and are we going to get any help with these problems if we send the bill to the Judiciary Committee?"

My colleague the Senator from Arizona addressed himself somewhat to that point.

Although the speech of the minority leader has not been made, I have had the privilege of receiving a copy of his speech. I do not think there will be any opportunity to reply to that speech other than this one.

For a few moments I shall deal with the generic argument that the bill is very "woolly" and requires clarification, that many of the provisions require resolution, and that therefore reference to the Judiciary Committee is required.

First and foremost, I have already made it clear that we are not going to get very much from the Judiciary Committee.

Second, since there were 155 amendments proposed in the other body, one can bet his bottom dollar that plenty of amendments will be proposed in the Senate. I do not know whether the number will be 154 or 155, but there will be many of them. Very probably, some of them will be adopted. As to those, the Senate will not have the help of the Judiciary Committee, and Senators will have to fight it out on the floor.

In addition, the questions raised by the bill will continue to be raised, and will survive passage of the bill, I have no doubt. I will give examples. We cannot settle anybody's doubts about every phase of a bill, even though it may have gone through the committee process, and even with a cooperative committee which has painstakingly examined the bill line by line over a period of months. When such a bill comes from the committee to the Senate, it is still subject to all kinds of doubts, questions, and debate. One can take his choice of any complex bill on the calendar, whether it came from the Judiciary Committee or the Commerce Committee, or whether it was the satellite communications bill or any other complex bill. I say as a lawyer, without the remotest disrespect but with the highest regard for views of others who are lawyers, that many of the questions raised as to uncertainties in the construction of the bill now before the Senate are not justified by the terms of the bill itself.

I shall give a few illustrations. For example, it is said there are some doubts in respect to title IV, relating to public school desegregation, as to whether the language in any way encompasses a private school, or deals solely with public schools.

I respectfully submit, on reading section 401(c), that it is crystal clear that the title relates only to a school which is "operated by a State, subdivision of a State, or governmental agency." There can be no question whatever about the meaning of those words. It can apply only to a public school. The Constitution will not let us apply it to anything else. The fundamental point is made clearly in the legislation itself.

Another question raised is, Does the power of the Attorney General to institute suits, in respect of achieving desegregation in public education, become complicated and uncertain by reason of the fact that desegregation is defined not to mean assignment of students to public schools in order to overcome racial imbalance? All the Attorney General is given power to do is to sue. The courts will determine the substantive issue under the Constitution, as at present. Therefore, the intention of Congress, as clearly set forth in the statute, seems to be adequate in order to give the court itself constitutional guidelines on which to come to a decision.

Another point, of some interest to me, is the question raised with respect to the severability clause in the speech of the

Senator from Illinois [Mr. DIRKSEN]. The severability clause is "boiler plate" which appears in many Federal statutes—founded on hornbook law—so that the act is severable in its various parts when any one part is struck down as applied to a specific state of facts. The Supreme Court, contrary to popular impression, cannot declare a section of a law unconstitutional except in a particular case. Someone else may sue on a different state of facts, and the Supreme Court might conceivably come to another decision as to the constitutionality of that section held unconstitutional on the first state of facts.

I have given only a few examples; there are many others. The concern, the doubts, the fuzziness of the issues stated to be present in the bill are of a nature always present in legislation which ultimately will have to be battled out on the floor of the Senate, by amendment, debate and discussion, which will clearly set forth what the Senate had in mind.

We are engaged in this process already. Judging from previous experience, our purpose will not be helped or forwarded by sending the bill to the Judiciary Committee.

It is said that a committee report is essential in order to give the Supreme Court an opportunity to understand what Congress intended in writing a piece of legislation which may be subject to more than one construction. It is true that the Supreme Court will take a committee report into consideration. I have already pointed out that there is a committee report on this matter in the other body. But the Supreme Court will also take many other things into consideration, especially the authoritative statements made on the floor by Senators in charge of the bill, and in the case of amendments, by the assertions made by the proponents of an amendment himself.

I refer to a recent Supreme Court case, Southern Railway Co. against North Carolina, which was decided on February 17, 1964, in which both the majority of the Court and the dissenters did me the honor of quoting me because I was the proponent of the particular amendment which was before the Court on that occasion. That is a personal experience, which after all is the best teacher.

In closing, the final and conclusive argument with respect to not referring the bill to committee is the question of what it will mean to the country, what will go out to the United States today if we refer the bill to the Judiciary Committee—the traditional graveyard, as the country knows, and as the occupants of the galleries know, of previous civil rights measures. It will be written down as the first defeat for civil rights in the Senate, and the precursor of emasculation of the bill.

There is not enough value to the Senate in this referral to outweigh any such conclusion being drawn from the action which the Senate might take. That conclusion will be drawn inevitably by the ladies and gentlemen in the gallery, if no one else will draw it, that this is the first test of strength with respect to a determination of the Senate to enact a meaningful civil rights bill in this session of Congress.

Much has been said about the fact that we should not legislate under any threats or with concern over demonstrations or violence. I thoroughly agree that we should not legislate under any threat, that we should not legislate in order to meet a threat, if the legislation is designed for that purpose and is not in itself a valid exercise of the legislative authority of the United States in our honest conscience and our best judgment. But that is a far cry from answering legitimate grievances which people entertain, which are manifest and clear.

In many Southern States there are State laws on the statute books, or municipal ordinances, to that effect, which provide that a restaurant may not serve Negroes in the same space with whites without first erecting a solid 7-foot partition between them. In one State, telephone booths may not be used by whites and Negroes alike. There is a fundamental social order practiced in many areas of the United States.

The argument is made that, "New York is not so well off; it has its problems in the public schools." For the purpose of this discussion, I will be a lawyer for a moment. In a demurrer, we grant the statements of fact of the other side and still say they are wrong. That is what I say about this issue. Let us lay aside all the inequities in the New York situation for the moment. We will be bound by the law created by this bill. There are no two more ardent advocates of the law, national and international, than the junior Senator from New York [Mr. KEATING] and myself.

It is one thing to try to remind people that they are violating the law by demonstrations in the streets, which may involve violence because they do not feel they can get justice any other way, and another thing to say to them, "Stay where you are. Do not do anything. We do not know whether you will get justice or not."

It is one thing to say that we will send the bill to the Judiciary Committee for 10 days and that when it comes back we will argue again whether it should be the pending business. It is quite another thing to say we are doing our utmost, within the rules and procedures of the Senate and the Constitution of the United States, to enact such laws as will bring the people justice. Only if we are doing our utmost do we have a right to say to any American citizen, whatever may be the color of his skin, "Keep your shirt on, sir. Give us an opportunity to do what the national interest requires."

Mr. SALTONSTALL. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. SALTONSTALL. I have listened with interest to the Senator. I took the brief of the Senator from Oregon and the brief of the Senator from Illinois into my little room so that I could read them quietly.

The great problem in sending the bill to committee, as I see it, is that it will have only 5 active days in which to accomplish any results. If there are to be any witnesses and any executive sessions, how can 5 days be enough to answer all the questions raised by the Senator from Oregon and the Senator from Illinois?

I cannot believe that those questions can be answered. I have great respect for members of the committee on both sides, but I cannot believe that those questions can be argued out and discussed, and a comprehensive report brought back by April 8. The committee will have only 5 active working days to do that.

For that reason, it seems to me that it would be much more wise and practical to carry the matter forward at this time without sending it to committee, although there would be merit in sending it to committee, if it had sufficient time in which to bring out a comprehensive report. I do not believe that the time between now and April 8 can possibly be enough to bring one out and answer correctly the many questions raised by the Senator from Oregon and the Senator from Illinois. This I believe is the practical reason for voting not to send the bill to the Judiciary Committee at the present time.

Mr. JAVITS. I thank the Senator from Massachusetts. I am always pleased to find myself in agreement with him. I have great respect for him. His statement bears particularly on my statement which the Senator may have heard, that 2 weeks ago we placed our feet on a certain road, which is the road of discussing the bill on the floor of the Senate. There is no real reason why we should change that direction. That is just as much in accord with the rules of the Senate as the course which the Senator from Oregon wishes us to follow.

I wish to sum up the reasons for which I oppose the motion of the Senator from Oregon.

I oppose the motion:

First. Because we, like him, are following the rules of the Senate. I see no greater force or greater tradition in following rule XIV than in following rule XXII, or any other rule of the Senate. We are following rule XIV.

Second. I believe that reference of the bill to the committee would not strengthen our hand, as the Senator from Oregon argues, but would weaken our hand. It will be worse for civil rights if word goes out to the country that, after 15 days of discussion on the floor of the Senate, we are sending the bill back to committee, to be faced again with the question of bringing it before the Senate.

Finally, because the questions which are raised with respect to the proposed legislation will either be settled on the floor of the Senate, as many were in the House, by amendment on the floor, or by substantial acceptance of the bill. Furthermore, very little could be done about the bill even if it were sent to committee, as evidenced by the 1960 action of the Judiciary Committee, when nothing was reported to the Senate except the bill, with some changes.

I do not believe that it is in the national interest or the wisdom of the

country to send the bill to committee. The bill is before the Senate. The Senate should stay with it. We should see it through. The Senate will vote cloture, if it must, to bring it to a conclusion, because the national interest urgently requires it.

Mr. DODD. Mr. President, it has been said in support of the motion of the very able Senator from Orgeon that the Senate is in need of further committee hearings, a fuller legislative record on the bill. Passing the question of whether commitment with instructions to report the bill on a day certain will in fact give us a helpful report, it is abundantly clear that the one thing the Senate does not need is another set of hearings. For this bill has been examined by more committees, in longer hearings, with more witnesses heard at greater length, than any bill within my memory.

The civil rights bill was introduced in the other body as H.R. 7152. Subcommittee No. 5 of the House Judiciary Committee held 22 days of public hearings over a period of 3 months—from May 8 to August 2, 1963; 101 witnesses were questioned, and the record of their testimony covers 2,475 pages. Of these 101 witnesses, 20 were from the South, 9 of these southern governmental officials. There were 71 additional statements submitted, which brought the total record to 2,649 pages. The subcommittee considered the bill in 17 days of executive sessions. The full committee, after 2 days of further hearings with the Attorney General which cover another 129 pages, then considered the bill in executive session for 7 days. The Judiciary Committee submitted a report, including dissenting and additional views, of 153 pages.

In its consideration of title VII of the bill, moreover, the Judiciary Committee was able to draw on extensive hearings held by the Committee on Education and Labor, which had reported out bills in 1962 and 1963.

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

Mr. DODD. I yield.

Mr. JAVITS. The Senator is making an excellent point. Should it not appear also that the Committee on Commerce of the Senate reported on title II?

Mr. DODD. Yes; I shall refer to that.

In 1962, that committee held 12 days of hearings on a fair employment bill, during which it heard 91 witnesses including many State and municipal officials. The record of those hearings covers 1,156 pages. In 1963, it held 10 days of hearings with 33 witnesses, compiling a record of 557 pages. Title VII is based on these two bills.

The bill then went before the House Rules Committee. In 9 days, the Rules Committee heard 39 witnesses, of whom 29 were representatives from the South. The record of those deliberations covers 518 pages.

And what of the Senate during this time? The Senate Committee on Commerce held 22 days of hearings on S. 1732, which comprises title II of the full bill. There were 47 witnesses, of whom 27 were southerners, heard; 13 of the southerners were Government officials. The testimony covers 1,147 pages. There were 81 additional statements submitted, swelling the record to 1,524 pages. The committee's conclusions were submitted in a report of 92 pages—to which one scholarly Senator added 256 pages of individual views and other material.

The Senate Judiciary Committee, sitting on the full bill, held 11 days of hearings in the summer of 1963. It questioned the Attorney General at length, and heard testimony from four Senators. In the 483 pages of those hearings, the Senator from North Carolina, one of the greatest lawyers I have ever known, interrogated the Attorney General at length, and with very great ability, on every concelvable implication of the bill. The committee has not, of course, presented a report.

The Senate Committee on Labor and Public Welfare held 7 days of hearings on S. 1937, a bill to grant equal employment opportunities. It heard 55 witnesses, whose testimony covers 578 pages; and it presented a 58-page report.

In sum, since last May, 6 committees of the Congress have held 83 days of hearings; heard 280 witnesses; filled 6,438 pages of small type with hearings alone. Over 6,000 pages—enough to print over 3 years' reports of the Supreme Court; enough to print full-length biographies of our 10 greatest Presidents; more than enough to keep a conscientious Senator fully occupied for at least 2 weeks merely reading them.

Further hearings could be only a repetition of what has already been said.

Some Senators contend that by refusing to refer the bill to the Judiciary Committee we would be depriving ourselves of the counsel and wisdom of its members. But surely, they and members of the other committees, will speak on the floor of the Senate during the course of the debate. Indeed, we have heard many of them already.

I think all are agreed that the debate on this bill will leave no topic unexplored and that it will be a long debate no matter what additional reports are made. In this case, referral to the Judiciary Committee would be wasted motion and, more importantly, time consuming.

So despite the high respect which I have for the Senator from Oregon, I urge Senators to vote against referring the bill to the Judiciary Committee.

Not only have I high respect for the Senator from Oregon, but I am also trying to soften him up a little bit so that he will not "get after" me too much. Generally speaking, I share the views of the Senator from Oregon on the importance of referral of bills to the proper committees. The value of committees is that they usually save the time of the Senate, so we need not indulge in full dress and detailed debate on every bill that comes before us. However, this is a unique situation. Therefore, I have made the decision to urge the Senate to vote against referral in this instance.

Mr. McNAMARA. Mr. President, the Senate has spent 14 days on the question of taking up the civil rights bill. It seems to me that the pending motion to refer the bill to the Judiciary Committee makes no sense whatever. Therefore, I shall be very happy to vote in support of the majority leader's motion to table the motion to refer the bill to committee.

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

Mr. LONG of Louisiana. Mr. President, will the Senator withhold the request? I should like to make a brief statement.

Mr. McNAMARA. No.

Mr. GRUENING. Mr. President, will the Senator withhold his request for a quorum call?

Mr. McNAMARA. No.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 102 Leg.]

Aiken	Hart	Morse
Bartlett	Hartke	Morton
Bayh	Hayden	Mundt
Beall	Hickenlooper	Muskie
Bible	Hill	Nelson
Boggs	Holland	Neuberger
Brewster	Hruska	Pastore
Burdick	Humphrey	Pell
Byrd, Va.	Inouye	Prouty
Byrd, W. Va.	Javits	Proxmire
Cannon	Johnston	Ribicoff
Carlson	Jordan, N.C.	Robertson
Case	Jordan, Idaho	Russell
Clark	Keating	Saltonstall
Cooper	Kennedy	Scott
Cotton	Kuchel	Smathers
Dirksen	Lausche	Smith
Dodd	Long, Mo.	Sparkman
Dominick	Long, La.	Stennis
Douglas	Magnuson	Symington
Eastland	Mansfield	Talmadge
Edmondson	McCarthy	Thurmond
Ellender	McClellan	Walters
Engle	McGee	Williams, N.J.
Ervin	McGovern	Williams, Del.
Fong	McIntyre	Yarborough
Fulbright	McNamara	Young, N. Dak.
Goldwater	Mechem	Young, Ohio
Gore	Metcalf	
Gruening	Miller	

The PRESIDING OFFICER. A quorum is present.

Mr. DIRKSEN obtained the floor.

Mr. MORSE. Mr. President, will the Senator from Illinois yield to me?

Mr. DIRKSEN. I yield to the distinguished Senator from Oregon.

Mr. MORSE. I intend to take only a few minutes to answer the Senator from New York; and I believe this is as good a time as any other to answer him.

First, I wish to consider his argument that there is a House committee report on this bill. I point out that the House committee report contains only one brief paragraph in regard to the intent and purpose in connection with the bill; all the rest of the House committee report is an analysis of various sections of the bill, and such an analysis could not be used by a court in determining the legislative intent. Furthermore, in the small paragraph to which I have referred, there is not enough to enable a court to determine the congressional intent.

Furthermore, that report was made on the bill before it was brought to the floor of the House and before more than 30 amendments were added to it there. So I point out to the Senator from New York that the House committee report would be of no use to a court.

The Senator from New York cited the Southern Railway case; but I point out that it involved both a House committee report and a Senate committee report.

In my speech this morning, I cited Supreme Court decision after Supreme

Court decision which show that when a committee report is available, the Court will relate to the committee report the statements made on the floor by the Members, and particularly the statements made by the Members charged with the management of the bill on the floor.

In short, Mr. President, the enthusiastic speech of the Senator from New York did not really deal with my motion. When we consider the entire speech of the Senator from New York, it is clear that his argument, basically, was, "Why should not we use the rules against them, inasmuch as they used the rules against us?" I shall tell him why. It is because the Senate should say to the majority of the Judiciary Committee, "Get busy and give us a committee report, because we are entitled to have a committee report for our use in connection with the bill; and, in addition, the courts are also entitled to have the benefit of a committee report."

Mr. President, I have checked with the Parliamentarian; and it is certain that there is nothing to prevent the majority of the Judiciary Committee from meeting and from making entirely clear that they were meeting as a majority of the committee; and then the majority could proceed to write a report, and those members would sign it, and could include in it a statement that it was the result of the decision by the majority of the committee whose signatures were attached to the report; and then they could make the report to the Senate.

So much for the speech of the Senator from New York.

As for the speech of the Senator from Connecticut [Mr. DODD], I point out that he is too good a lawyer to make the mistake he made in the course of his remarks on the floor of the Senate today, when he said many committee hearings on this subject have been held; and he cited the number of pages and the number of witnesses, and so forth. However, those are worthless statistics, because the only committee report a court could use on this bill would be one held on this very bill, not on bills introduced in previous years. Therefore, I emphasize the point that the courts are entitled to have the benefit of a committee hearing and a committee report on this bill.

Thus, it is clear that the majority of the Judiciary Committee should get together. They know what the arguments are, what the problems are, and what the questions are. They should say, "We will proceed to hold a hearing on this bill, and to call the witnesses."

I also point out that under my motion, in holding the hearing, there could be 6 full days of hearings—not 5, as some have stated — before the committee would have to report the bill to the Senate.

If the Senate sees fit to adopt my motion—and I hope the Senate will adopt it—of course the committee will then be able to decide on the details in regard to the staff job to be done in connection with its hearings on the bill.

Therefore, Mr. President, the Senate is now to decide whether it wishes to pass this bill without having the benefit of a committee report on it—in which case the result would be great difficulties in connection with litigation in the years ahead; or, instead:

First. Does the Senate wish to have the committee consider the bill, and then make a report which would be very helpful to the Senate?

Second. Does the Senate wish to have the committee make a report which would be helpful to the courts, in determining, in the future, the legislative intent in connection with this bill?

Third. Does the Senate wish to have the committee consider this bill and make a report to it, and thus banish any argument to the effect that inasmuch as the rules have been used against those of us who are procivil rights, that action would justify our now using the rules against the opponents of the bill? Mr. President, I do not play the game that way, and I do not think the Senate should do so.

My final point is that I believe the course I propose will be the best one in the long run, in order to gain the public support that is needed and to obtain the number of votes needed in order to order cloture, and also in order to place ourselves in a position in which no one could have justification for criticizing the position we have taken in this connection.

That is the way in which to pass a strong civil rights bill. I urge the adoption of my motion. That is the last statement I shall make on it.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Louisiana without losing my right to the floor.

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

Mr. LONG of Louisiana. Mr. President, in the process of our debates during the past 2 weeks on the subject of the racial integration bills, there have been many claims and counterclaims as to how the "tide" or the trend is running in relation to this issue.

My colleagues who oppose H.R. 7152 have contended that there are many evidences which indicate a ground swell all across the Nation against forced integration in general and against the proposed legislation in particular. Among many other incidents, we have noted that, in the Northern State of Michigan, the Detroit City Council last fall rejected by a vote of 7 to 2 a proposed ordinance to force open all housing to Negroes. We have seen the voters of Takoma and Seattle, in the great Northern State of Washington, defeat similar proposals. In Seattle the voters defeated the open occupancy proposition by a lopsided vote of 112,448 to 53,453. The electorate of Berkeley, Calif., recently rendered the same verdict at the polls when they voted down a similar housing ordinance.

Only this month we have noted in the CONGRESSIONAL RECORD the results of a questionnaire poll taken in Illinois' Fourth Congressional District, in Cook County, by Congressman ED DERWINSKI. The good people of that northern congressional district polled 87 percent to 10 percent for Federal civil rights legislation in the field of voting; but 64 percent to 28 percent against legislation to force school integraton; and 51 percent to 31 percent against giving permanent status to the Civil Rights Commission; and 60 percent to 27 percent against use of the interstate commerce clause to enforce access to so-called public accommodations.

In the Northern State of New York, we have observed 15,000 white mothers and fathers march in freezing rain and snow in protest of forced racial mixing in their schools. And here in Washington, D.C., we have seen and heard conclusive evidence of the flood of mail from all sections of the country opposing the enactment of the forced integration bill. The list of indications of the trend go on and on, ad infinitum.

Of course, proponents still claim that the trend is running in their favor and that indications to the contrary have somehow been conjured up by hatemongers and "outside agitators." However, I have here an item which should lend a great deal of weight to our argument that there is indeed a deep-seated movement against forced integration and in favor of the efforts of those of us who seek to defeat the proposed legislation.

Mr. President, I send to the desk and ask that it be printed at this point in my remarks a newspaper clipping from the Washington Post of Wednesday, March 25, concerning a recent Gallup Poll on the subject of the right of unlimited debate in the Senate.

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

FILIBUSTER CUTOFF VIEWS SPLIT EVENLY

(By George Gallup)

PRINCETON, N.J., March 24.—Sentiment among Americans is about evenly split over a proposal that would change Senate rules to enable a simple majority to call for an end to debate. The rules now in effect call for a two-thirds majority.

With the controversial Senate battle over the civil rights bill threatening to continue for many weeks, Gallup Poll interviews across the country asked these two questions of a representative sample of the Nation's adults:

"Will you tell me what the term 'filibuster' means to you?"

	Percent
Correct	54
Incorrect and don't know	46

Those persons who answered correctly were then asked the following question:

"It has been suggested that the Senate change its rules so that a simple majority can call for an end to discussion instead of a two-thirds majority as is now the case. Do you approve or disapprove of this?"

The latest national findings among those persons who could correctly identify the term filibuster, and the trend since 1949:

[In percent]

	Today	1957	1949
Approve	40	49	54
Disapprove	38	35	35
No opinion	22	16	11

Mr. LONG of Louisiana. Mr. President, this poll indicates that 40 percent of those Americans who understand the meaning of the term "filibuster" disapprove of it, 38 percent approve of it, and 22 percent have no opinion on the matter. But these figures do not tell the story of the trend which looms in the background.

Closer inspection of the statistics indicates that while in 1949 about 54 percent of the public favored an end to the right of unlimited debate in the Senate, that figure dropped to 49 percent in 1957 and has fallen to only 40 percent today.

The important thing to note is that there has been a marked trend over the past 15 years in favor of preserving the right of unlimited debate in the Senate. Among persons who understand what the term "filibuster" implies, there has been a 26-percent decrease in those who want to abolish this legislative safeguard. This surprising change is due to three main factors, all of which are directly involved in the forced integration bills now before the Senate.

First, I believe that there has been a general public reaction in the last decade against the unprecedented growth of Federal power, at the expense of States and individuals. The public has begun to sense that their Senators should preserve this safeguard against the power grab which is found in this bill and against similar power grabs in the future.

Secondly, millions of white citizens outside the South are growing weary of the extremist elements in the racial integration movement. These good people feel that they are registering a long overdue vote of protest when they endorse the filibuster as a final means of blocking unreasonable demands by race agitators.

Finally, the trend described by the Gallup Poll indicates a growing tide of opposition to the forced integration proposals now before the Senate. Millions of people who have favored civil rights legislation in the past are awakening to the fact that this particular bill takes away more freedoms than it confers. For the first time in their lives they are able to appreciate the value of unlimited debate in our efforts to preserve the rights of privacy, property, and free enterprise for all Americans.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Florida without losing my right to the floor.

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

Mr. HOLLAND. Mr. President, I wish to support strongly the position taken by the distinguished Senator from Louisiana, and in addition, to point out what numerous important people in other sections of the Nation outside the South are saying with reference to the exceedingly dangerous provisions of the bill. I should like to quote from John Knight of the Knight newspapers. In a signed editorial published in the Detroit Press, he states that he regards the bill as a measure which is socialistic insofar as the FEPC or the EEOE provision is concerned. He goes completely out to oppose the measure.

I cite such people as Mr. Arthur Krock, of the New York Times. I cite such people as a retired member of the U.S. Supreme Court, Mr. Justice Whittaker, who twice in the course of his remarks relative to the FEPC provision spoke of it as a socialistic approach that would be destructive of the liberties which we regard as Americans.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Arkansas, without losing my right to the floor.

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

CAREER OF SENATOR WILLIAM E. BORAH OF IDAHO

Mr. FULBRIGHT. Mr. President, the senior Senator from Idaho [Mr. CHURCH] is necessarily absent from the Senate. The Senator from Idaho [Mr. CHURCH] is in his home State to deliver a Borah Foundation lecture at the University of Idaho. His theme is the career of Senator William E. Borah, who was chairman of the Senate Committee on Foreign Relations from 1924 to 1933. I have had the opportunity to read this extremely interesting and very informative lecture and I commend it to my colleagues. The Senator from Idaho [Mr. CHURCH] is the first Idahoan since Senator Borah to serve on the Committee on Foreign Relations. His very valuable service on the committee has, I am sure, helped to produce the insights into Senator Borah's views which are captured in this lecture. Those who are not familiar with Borah's career will find this speech highly enlightening and, perhaps, a little surprising. At one point in his remarks the Senator from Idaho points out:

> History, to be sure, is a stern judge. We are not entitled to expect that Borah should be treated with kindness. But we are entitled to ask that he be treated with justice. Apart from the constructive liberal role he played in our domestic politics, his role in our foreign affairs was neither so negative, nor so naive, as is depicted nowadays. Indeed, we could profitably relate some of Borah's venturesome thinking in his time to some of the sterile, stereotyped notions which seem to currently prevail.

I recommend this lecture to my colleagues. It is a unique study of the personal and intellectual traits which made Senator Borah a highly respected and powerful figure in his time. Mr. President, I ask unanimous consent that this speech be printed in the RECORD at this point.

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

THE ROLE OF BORAH IN AMERICAN FOREIGN POLICY

(A Borah Foundation lecture by Senator FRANK CHURCH, Democrat, of Idaho, delivered at the University of Idaho, at Moscow, Idaho, on March 26, 1964)

It was not given to me to know, to hear, or even to see the living Borah. I caught no more than a fleeting glimpse of his remains, as I passed his opened coffin set upon its catafalque in the rotunda of the State Capitol in Boise. All that morning, an uninterrupted line of people walked slowly passed his bier, to take their last look at the man who had represented them for 33 years in the Senate of the United States.

It was January 25, 1940. William E. Borah, whom the country knew as the "Lion of Idaho," was dead. An illustrious company of Senators had come from Washington to pay their final respects; the attention of the Nation was focused that day upon the funeral services in Boise. Dean Rhea paid tribute to Borah by imploring God "to grant that some now silent tongue will speak the truth as courageously as he spoke it," and leading citizens in attendance said the sermon was delivered with a force and dignity that Borah himself would have approved.

As to this, I cannot personally testify. For I was barely 16 years of age, having just entered high school, and the best vantage point I could secure was on the curbstone of Capitol Boulevard directly below the depot, where the long funeral procession was later to pass by. I remember the thick crowds, the unaccustomed feeling of being a part of a larger drama than our little city could wholly comprehend or contain. I remember the pack of reporters from afar, surveying the people with cynical eyes, and the newsreel cameras, and the flashbulbs. And I remember the people who had come from all parts of the State, from the towns, from the farms, from the mountains. Some, I'm sure, came mainly out of curiosity, but many were those who came to grieve. I know, because I was one who came to grieve.

William E. Borah had been the idol of my boyhood years. I suppose, in a way, he is still an idol of mine, though I see him now in a different light. It was the towering figure of Borah in the Senate which first attracted my attention to politics. Because he was a Senator, I wanted to become one. And when I did become one, 16 years later, I sought ways to honor Borah's memory.

I nominated him for inclusion among the five outstanding Senators whose portraits were to be featured in the Senate's reception hall. A select committee, under the chairmanship of then Senator John F. Kennedy, included Borah in the final listings of the greatest men ever to serve in the Senate. The five eventually chosen—Clay, Webster, Calhoun, La Follette, and Taft, are eminently worthy men; but I still think Borah should have been placed among them.

Later, when I became a member of the Senate Foreign Relations Committee—the first Idahoan to serve on that committee since Borah—I discovered that his picture was not among those of the former chairmen in the committee anteroom. This oversight, I can report, has now been remedied. From his widow, Mary Borah, who, though frail and aged, still graces Washington, I secured a handsome portrait of the husband she still calls "Billy," which now hangs in its rightful place in the committee chamber.

So, you see, if sentiment were to dictate my remarks today, I fear I would deliver a eulogy instead of a lecture. Indeed, you might prefer a eulogy, which is usually a pleasant venture in nostalgia that permits us to comfortably recall only those parts of the past which conform to present predilections.

But this kind of rendition, while it might be pleasing to you, would be a disservice to Borah. While he lived, he was usually making things very uncomfortable for men in high station, both in and out of his party. He was not an organization man. He refused to be a stereotype thinker. He was often a champion of unpopular causes. Though a Republican, he was at odds with most of the Republican Presidents with whom he served, and frequently with the "party regulars" in his own State. He was splendidly independent, highly controversial, and when he died, his critics were as numerous as his friends. His place in history is not yet settled, but sure it is that he will have one—a distinction that comes to very few.

The people of Idaho took an uncommon pride in Borah; he gave them the opportunity to bask in the reflected glory of his own prominence. They liked to tell the story of the little boy who wandered into the lobby of the Owyhee Hotel in Boise, to find Borah standing there shaking hands with the passers-by. The Senator patted the boy on the head and sent him running home to tell his father: "Daddy, guess what, guess what,"

cried the little boy, "I have just seen Senator Borah, down at the Owyhee Hotel."

"Don't be ridiculous," replied the father, "What would a big man like Borah be doing way out here in Boise, Idaho."

There can be no question but what Borah's role in the formulation of American foreign policy was extraordinarily large. From the end of the First World War to his death in 1940, I think it does not overstate the case to say that Borah's voice in foreign affairs was the most prominent in the land. Certainly he had no peer in the Senate, and no Member of that body has since exerted so much influence over the course of our foreign policy. The foreign press was well aware of the Idaho Senator's importance. During the Hoover administration, one European agency once cabled its Washington correspondent: "Never mind Hoover statement, rush comment from Borah."

How the Senator managed to exert such powerful influence is still a matter of some conjecture. Clearly, it was partly due to the strength of the man's convictions, to his singular eloquence, and to the general force of his personality. As chairman of the Senate Foreign Relations Committee, he had the best platform on Congressional Hill from which to speak. But this is only half of the explanation.

The other half is that, during his years of greatest prominence, Borah filled a policy vacuum in the field of foreign relations. Woodrow Wilson's three Republican successors in the Presidential office were men who did not exercise vigorous leadership, and they did not greatly concern themselves with foreign affairs. The lull between the wars afforded them the luxury of detachment.

So it was, from 1924 to 1933, during the decade that Borah served as chairman of the Foreign Relations Committee, that the Presidents, to a considerable degree, defaulted to Borah the role of the country's foremost spokesman in matters of foreign policy.

It is hard to believe how this could happen, in these days of massive American involvement in the world at large, particularly when one considers that the Constitution vests something close to plenary power in the President to direct the country's external policies.

But in the twenties the climate was very different from what we know today. The disillusionment which set in after the cheering for Wilson stopped; the return to isolationism, based mainly upon the assumption that our involvement in the war itself had been a mistake; the naive notion that conditions of normalcy had been restored again; all combined to turn the country's attention away from foreign affairs. Into the gap thus created, stepped William E. Borah.

Even after Franklin D. Roosevelt became President and the Idaho Senator had to surrender his committee chairmanship to Key Pittman, of Nevada, the influence of Borah over our foreign policy remained very great. Roosevelt was preoccupied with the critical domestic problems brought on by the depression, during his early years in office, and he did not really exert his prerogative over foreign policy until the period immediately preceding the Second World War. Pittman, a man of limited interest in world affairs, occupied himself mainly with protecting the Nevada silver mines, and was content to leave the broader questions to his friend, Borah, the ranking Republican member of the committee.

In fact, during the New Deal years, Borah enjoyed a closer relationship with President Roosevelt than nearly any other Republican Senator. Although they often differed, their personal rapport was ever cordial. Borah frequently visited the President at the White House, and when Roosevelt went to Boise in 1937, he made a special point to be accompanied by Borah, who introduced him to the great throng of people gathered in front of the State Capitol. Upon Borah's death, William K. Hutchinson, a writer who knew Borah well, said that Franklin D. Roosevelt had been Borah's favorite President of all those with whom he served.

Still, if Borah's preeminence in foreign affairs was due to default at the White House, it was accentuated by his own personal traits and convictions. The press had great faith in him, and he had an equally high regard for the press. He was ardent in his belief in the commonsense of the American people, and so he held that diplomacy should be conducted in full view of the public.

This led him to leave his own door ever open to the press. It was his common practice to lunch with newspapermen, and he was glad to comment on any issue. The journalists reacted in kind, giving him generous coverage, thus enlarging his influence in the Senate and in the country.

In these exchanges, Borah was not reluctant to challenge the State Department's facts, as well as its policies, and he depended at times on his own separate sources of information. The most glaring case came late in his career, when, in the summer of 1939, he flatly predicted that there would be no war in Europe, a mistake which has neither been forgotten, nor forgiven, to this day.

Besides a good press, Borah was able to popularize his causes through skillful oratory. He was judged by many to be the best debater in the Senate. He spoke rather infrequently, so that, when he did take the floor, he drew attention. It was his practice to announce on the previous day his intention to speak on the morrow. The galleries would be packed, and he seldom disappointed his listeners. This kind of spectacle occurs no more in the Senate, for this is an era of fading Senate debate, but even in Borah's time, there were few Senators indeed who could draw a crowd simply by giving notice of their intention to speak.

Still, it was not the force of Borah's delivery alone which drew the crowds to the Senate galleries, but the anticipation of hearing a thoughtful and thorough discourse. Throughout his long tenure as a Senator, Borah was a noted scholar. His reading was extensive. Not long ago, I was discussing this aspect of Borah's life with a Senator who served with him in the latter part of his career. He would often go to visit Borah to find the Idaho Senator reading the classics aloud to himself. He attributed much of Borah's success to this kind of disciplined study.

To his studious endeavors, Borah brought a searching intellect. His powers of analysis were impressive, his arguments were relevant. George Bernard Shaw, the great British dramatist, paid Borah lavish tribute, while giving the rest of the country the back of his hand, when he said of him: "He is the only American whose brains seem properly baked; the others are either crumbs or gruel."

There were other factors, besides these personal attributes, which added to Borah's political strength. The solidity of his support in Idaho was such that he could even neglect making the annual pilgrimage home. There were intervals when he remained away from Idaho for periods of 2 and 3 years at a time. It didn't seem to matter to his constituents. They were proud to have him as their Senator; they were in broad agreement with him on his basic premise, where foreign policy was concerned, that the United States should avoid entangling alliances and stay out of foreign wars; and so they gave him their sanction to take whatever position he thought proper on specific issues. Thus Borah was cloaked with an impunity which is given to few men in public office, enabling him to act with extraordinary independence, free from the usual restraints which inhibited his colleagues.

Borah gloried in his freedom of action. He more often rejected than accepted the party line, and never hesitated to take issue with Republican Presidents. He steadfastly refused to become doctrinaire, and so he frequently found himself lined up with widely differing groups on different questions. This, too, contributed to his strength. Even when the most powerful Senators found Borah against them, they realized that on the next matter to come along, he might well be on their side, and the most eloquent advocate of their case. It was unwise to stay angry at Borah for long.

This doughty independence made the Idaho Senator a colorful and attractive figure to the rank-and-file American. He could take a radical position, and still avoid being castigated as erratic or wildeyed. He could espouse an unpopular cause and be respected for it. Certainly his patriotism was never called into question, a blessing which derived, in part, from the fact that his times may have been less afflicted with fear and foolishness than our own, but also, in part, from the way he couched his arguments in the rhetoric of American principles: homage to the Constitution, faith in the wisdom of the Founding Fathers, and respect for fundamental American morality.

His emphasis on moral values is typified by the story he once told a friend, Ray McKaig, of Boise. He explained to McKaig that, during his first term in the Senate, he lived in Washington near a man who had been a clerk to Lincoln and a Cabinet officer under President Hayes. Borah asked him why the politically inexperienced Lincoln had always been so shrewd. "This brilliant old Cabinet officer of President Hayes told me," Borah related, "that Lincoln was right because Lincoln always insisted that the proper political move was to do the honorable, the ethical, and the right thing * * * that gave me my inspiration, and I have always earnestly tried to follow that plan of Lincoln."

Connected with Borah's sense of public morality was the propriety with which he dealt with his fellow men. Borah was unrestrained and assertive in the enunciation of his views, but his strong words were never coupled with personal malice. He argued issues. He did not attack his opponents personally. He exerted influence because of the esteem with which others held him and his opinions. Although he fought in the forward rank of those Senators described by Woodrow Wilson as the "little band of willful men" who blocked our entry into the League of Nations, Wilson was able to say of him, after the fight was over, "There is one irreconcilable I can respect."

Such were the personal traits and political circumstances which made William E. Borah, dean of the Senate Foreign Relations Committee so formidable a public advocate while he lived. I regret to say that, since his death, the years have not dealt kindly with his memory.

In Washington today, the mention of Borah usually evokes some such knee-jerk reaction as, "He was the last of the head-in-the-sand isolationists," or, "He prevented us from entering the League of Nations," or, "He was a wrecker, not a builder; he never stood for anything, but always against."

History, to be sure, is a stern judge. We are not entitled to expect that Borah should be treated with kindness. But we are entitled to ask that he be treated with justice. Apart from the constructive liberal role he played in our domestic politics, his role in our foreign affairs was neither so negative, nor so naive, as it is depicted nowadays. Indeed, we could profitably relate some of Borah's venturesome thinking in his time to some of the sterile, stereotyped notions which seem to currently prevail.

For example, it is now accepted doctrine in both parties that the United States should persist unconditionally in its policy of nonrecognition of the Communist government of China. This is nothing new. For 15 years following the Russian revolution, we refused to recognize the Soviet Government. Borah, however, vigorously dissented from this negative view. I hardly need say that his was not a popular stand; on no other issue did Borah incite so much criticism. But he remained steadfast through the years, sometimes as the solitary advocate, until the country finally admitted that the Soviet Government was there to stay, whether we liked it or not, and so had to be dealt with. In 1933, Borah won his point, when we extended official recognition of the Government of the Soviet Union.

To Borah, it was simply sensible diplomacy to maintain relations with whatever foreign governments there were. He was not impressed with the argument that the Bolsheviks were untouchable, or that we should have no American Ambassador at the seat of the Red tyranny. He pointed out that many of the foreign governments we traditionally recognized were also tyrannies, and that if we followed the practice of maintaining relations only with those governments we approved, then we would deal with precious few. Besides, although Borah deplored the cruelties and excesses of the Russian Revolution, he did not deplore the revolution itself. He felt that it had given the Russian people a new sense of hope, and had released them from the bondage of "the old, dead, hopeless, past" that was the czarist period.

He contemptuously rejected the argument of the timid that recognition of the Soviet Union would mean an increased internal danger from the Communist conspiracy. As Professor Claudius O. Johnson puts it in his excellent biography of Borah:

"The grim conviction of the great majority of Americans that the Reds should be exterminated wherever found lest Americans wake up one morning to find the Red flag flying from the Capitol, the Senater considered absurd and childish. His own Americanism was such that he knew no Soviet theories could contaminate it; his faith in the Americanism of his fellow countrymen was such that he was confident that no amount of Soviet propaganda would wean them from it."

I think that the persistent opposition of the American people to Communist doctrines has since given abundant proof to the validity of Borah's view.

When I consider our predicament in Panama these days, where anti-American resentment erupts in ugly violence, or when I scrutinize the clever way Fidel Castro has managed to exploit deep-seated hostility in Cuba toward the United States, using it as a lever with which to consolidate his own power, I wish that this country had heeded the warnings of Borah in earlier years.

Latin America was a main area of concern to Borah. He was the friend and champion of the smaller countries. He sympathized with the Mexican revolutionaries in their efforts to achieve social progress, using as his maxim for United States-Mexican relations: "God has made us neighbors; let justice make us friends." In the years after the First World War, he deplored our tendency to use military force in our dealings with countries of the Caribbean. In an article entitled, "The Fetish of Force," Borah plead:

"We have been impatient. We have not been just at all times * * * we have swiftly and without sufficient cause appealed to force * * *. Possessing great power, we have used it without adequate justification. The invasion of Nicaragua was unnecessary and therefore immoral. Who can contemplate without sorrow and humiliation a great and powerful nation, inexhaustible in wealth and unmeasured in manpower, imperiously invading a perfectly helpless country. I think our conduct toward Santo Domingo and Haiti equally indefensible."

On another occasion he commented, "We have formed a habit of rushing marines hither and thither in Central America and imperiously dictating to those people." Nor was he to be a party to the use of the Monroe Doctrine as a moral cover for our forceful intervention in Latin America. As he stated in a letter written in 1928, "The trouble has been we have construed the Monroe Doctrine out of all relation with its original pronouncement."

Oddly enough, I could easily borrow from these statements of Borah, made 30 years ago, in answer to much of my daily mail. Perhaps there is truth in that old French adage that the more things change, the more they remain the same. To those who still cannot see that we are today harvesting the bitter fruits of our earlier "gunboat diplomacy" in the Caribbean, and who seem to think American bayonets will stifle, rather than spread, the seeds of communism, I offer the words of Borah in refutation, and I defy anyone to gainsay the prophetic quality of the warnings he sounded so many years ago.

Those who like to dwell on the negative role of Borah conveniently overlook his affirmative efforts to advance world peace. It is true, of course, that Borah opposed American membership in the League of Nations and the World Court—a position which I personally think was mistaken—but he did so, not because he was against peacekeeping initiatives, but rather because he believed that it was still possible for the United States to pursue a neutral course in world affairs, and he thought our membership in the Court and the League would automatically involve us in the disputes of other nations.

Nevertheless, Borah was a zealous advocate of treaties he felt would promote the cause of peace. He played an important role in initiating the Washington Disarmament Conference of 1921, which resulted in a reduction of naval forces by the leading naval powers. Between the wars, Borah was a strong advocate of disarmament, and often voted to reduce arms appropriations.

The peace plan with which Borah's name is most closely identified was his proposal for the outlawry of war. The Chicago attorney, Salmon O. Levinson, who donated the money for the Borah Foundation, under whose auspices I speak today, was one of the chief architects of this proposal. Borah sponsored the plan during the midtwenties. The idea gained momentum when French Foreign Minister Briand proposed an outlawry-of-war pact between France and the United States, in April of 1927. The American Secretary of State, Frank B. Kellogg, then became interested in the plan, which was later expanded to include Britain, Germany, Italy, and Japan. Borah guided the treaty through the Senate, defending it against all opponents; it was ratified in 1929.

It is easy to look back and ridicule the Briand-Kellogg Pact, but one must judge it in the context of the times. As unrealistic as was the idealism with which we fought the First World War, so equally was the idealism which cloaked our quest for peace afterward. We rejected the Versailles Treaty, because it did not conform to our standard of justice for either the victors or the vanquished; we withdrew to our own shores; we drastically reduced our military forces, because we suspected munitionsmakers, profiting from the war, plotted to again involve us * * * "Merchants of Death" we called them. To make certain that no President would lead us into another foreign war, Congress passed a neutrality act, which forbade the shipment of American arms to either side, whenever a conflict abroad occurred, as though we could by statute prejudge all future conflicts and predetermine what our national attitude should be toward them.

When one considers how we were mesmerized with the notion of neutralism as late as 1938, and how this concept dominated our foreign policy throughout so much of our earlier history, one wonders why Americans become so impatient and exasperated with the neutralism of the newly emerging countries of Africa and Asia, which have just begun to relish the fruits of independence. The answer, I suppose, is that our memory is short.

So it is with our tendency to belittle the Briand-Kellogg Pact from the vantage point of hindsight. Really the worst that can be said of it is that it proved ineffectual and a trifle naive. In fairness to Borah, it must be said that he did not regard the pact as a panacea. Its main usefulness, he thought, was to remove the sanction of legitimacy from the resort to war between nations. He knew that wars—had caused more problems than they had ever solved, and yet, throughout history, he argued, the resort to war had always been regarded as a legitimate form of national action. Let it be outlawed, then, by civilized nations. At the inauguration of the Borah Foundation, on September 23, 1931, here at the University of Idaho, Borah observed:

"But you will say, war may come. So it may. But if it comes, let it come as an outlaw in violation of peace treaties and in violation of international law, and not under a sanction and by the authority and with the blessings of the advocates of peace."

Subsequent events demonstrated that declarations of moral and legal principles, however solemnly entered into, are of little consequence to the avoidance of war, when national governments feel their vital interests are threatened. The house of peace still rests upon foundations of force, though great be the need for extending the writ of international law, for strengthening the tribunals which must interpret and administer it, and for augmenting those institutions, like the United Nations, which labor to achieve the peaceful resolution of international disputes.

I cannot conclude this discourse without acknowledging that Borah did not regard himself as an isolationist, in the general sense of that term. He favored our cooperation with other countries in economic and commercial matters; he pressed for the codification of international law to regularize relationships between nations; he had no objection to our joining the International Labor Organization with headquarters in Geneva. When he asked for a worldwide economic conference in 1923, he denied that he was an isolationist, and claimed that withdrawal was not a Republican policy. His party, he said, had consistently favored participation in foreign negotiations affecting American interests, and had done much to develop peaceful arbitration as a method for settling disputes. Borah argued that, in terms of trade, Americans had always been internationalists, and always would be. He insisted that the only way in which he was an isolationist was that he sought to isolate America from war.

But there was no way, as we were later to discover, that America could be isolated from war. Two years after Borah's death, on December 7, 1941, the Japanese bombing of Pearl Harbor brought home the hard truth that, in a world engulfed by war, we could not preserve our own peace.

Yet, wrong as Borah may have been about our ability, in a shrinking world, to remain uninvolved in wars abroad, he was everlastingly right in his condemnation of the course of power politics in Europe, following Versailles. He criticized the Allied Powers for treating Germany and Russia as outcast nations. He predicted that this treatment

would eventually drive the two countries closer together, in combination against the victorious Allies. Indeed, this is what finally happened; Hitler and Stalin signed their nonaggression pact in 1939, giving the Nazi dictator 2 years to conquer continental Europe, without fear of attack from the East. The outcasts of Europe presided over the subdual of their former taskmasters, until Hitler, unable to restrain his ravenous hunger for power, turned back upon the Soviet Union. Unfortunately, the many occasions when Borah was proved right are not so well remembered as those occasions when he was proved wrong.

In my own study of Borah's life, I have constantly been attracted, not to those views of his which are now irrelevant, but to those premises he held so strongly which still remain applicable to our life and times. I think of his reluctance to use force, his anti-imperialism, and his toleration for diversity in the world at large.

What great validity these premises still have. Who now defends those short-lived attempts to establish an American colonial empire? Who now thinks it was our white man's burden to take over the Philippines? And, in today's world, where we have permitted ourselves to become so massively involved that we regard every little country's frontier, no matter how remote, as our responsibility, do we not wonder whether we haven't extended our commitments beyond our capacity to fulfill? Was there not some wisdom in Borah's attempt to limit the American sphere of responsibility?

Who now would argue that Borah was wrong in attempting to find a substitute for force in the settlement of disputes between nations? His method may have been defective, but his instinct against the folly of war was true. War was bad enough in Borah's time; it has become incalculably worse since the advent of nuclear weapons. Borah was groping for a way to eliminate war. In this, he was not behind his times, but ahead of them.

Today, when we seek to explain our national purpose in world affairs, we often quote the words of our late, great President, John F. Kennedy, that we differ from the Communists in that we are striving to keep the world safe for diversity. We could, with equal aptness, quote the words of William E. Borah, expressed in 1934 before the Council of Foreign Relations in New York City:

"It is one of the crowning glories of the world that we have different peoples and different nations and different civilizations and different political concepts. Standardization may be all right for cattle and sheep and swine of all kinds, but it is not applicable to peoples or nations, and it is not in accordance with the divine economy of things."

A new generation had taken over by the time Borah died in 1940. But his death caused a deep sense of loss and shock. An unprecedented crowd flocked to the National Capitol to try and enter the Senate Chamber, where President Roosevelt joined with Borah's colleagues to mourn his passing. Afterward, a locomotive draped in black pulled his funeral train across the broad prairies where Borah had been born and reared, and over the high Rockies back to his adopted Idaho.

Many were the moving tributes paid him in death, but none more inspiring than the eulogy given by his close friend, Senator Arthur Vandenberg of Michigan, a man who was later to become, in his own right, a distinguished Republican chairman of the Senate Committee on Foreign Relations:

"No mortal words can add to the stature of a great character in human history. They can but acknowledge the vast and eternal debt of lesser men to Olympians whom God occasionally gives to the Republic. It is in this humble spirit that I rise to speak a few simple sentences regarding the greatest man I ever knew. That he was the greatest friend America had in my time and generation is the measure of the Nation's debt to the life and service and the vivid memory of the late U.S. Senator William E. Borah, of Idaho.

"There was something in him of the rugged strength of the mighty mountains of the West whence he came. There was something in him for the lonely pioneer who dares against all odds for the faith of his objective.

"He was one of those few statemen—I can think of but two or three others in our history—who was greater than any President under who he served, and for whom the Presidency itself could have added nothing to his stature or laurels. We shall not see his like again."

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Michigan without losing my right to the floor.

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

Mr. HART. Mr. President, earlier the senior Senator from New York commented on the time it has taken the Senate to come to this point in its consideration of the pending bill. I made a check and a precise analysis of the calendar and the time. For the RECORD, I believe it should be nailed down.

The motion to consider the bill was made on the 9th day of March. It is now the 26th day of March—17 calendar days were required to make the measure the pending business.

The motion of the senior Senator from Oregon would, if agreed to, on this day, March 26, send the civil rights bill to the Judiciary Committee to be reported back on the 8th day of April—14 calendar days. Seventeen days plus 14 days equals 31 days that we have already "chewed" up, chewing over the question of whether or not to take up the bill. Those 31 days, assuredly, would be lost. To that total we must add the indeterminate additional number of days to bring us back to where we were at about 10 o'clock this morning.

In the judgment of the people of America such action would make no sense at all. I share the deeply expressed conviction of the Senator from New York when he said that it would be regarded as a hideous setback in our effort to respond to the most dramatic, urgent need on the domestic scene in respect to the civil rights aspirations of the people of America.

For that reason alone I would hope that we would reject the motion made by the Senator from Oregon that the bill be referred to the Judiciary Committee.

Second, I am a member of the Judiciary Committee. I served with mixed emotions on occasion, because frustration extends into that committee as well as to other aspects of our days here in the Senate. The senior Senator from Oregon argues that 10 days with the Judiciary Committee would permit the Senate then to be in a better position intelligently to act on the bill. I know how deeply he feels that statement to be true. I can only say, with equal conviction, that I believe it is nonsense. We face a fact of life that none of us ought to pretend can be avoided by any ritualistic reference to a committee with a time certain to report back.

At the very best those nine members whom the Senator from Oregon described as devoted to the bill would, at the end of those 10 days, find themselves compelled to go to the coffee shop and sign a report that was written by them. It would reflect their best opinion. But for the life of me I cannot see how that report would obtain any status other than being the individual views of a majority of the committee, because that committee will not be permitted to vote as a committee in a formal setting on the report.

While I have never served as a judge, I cannot imagine that individual views filed by a majority of that committee would, in terms of legislative history, be any more than Choctaw. So for that reason additionally I suggest that the Senate should reject the motion of the senior Senator from Oregon.

All of us should be reminded of a comment by Mr. Justice Frankfurter in *Greenwood* v. *United States*, 350 U.S. 366, at page 374, where he said:

> This is a case for applying the canon of construction of the wag who said, when the legislative history is doubtful, go to the statute.

I think that the courts can find out what this legislation means by reading the statutory language.

The suggested hearings are unnecessary even if it were true that legislative history is needed to facilitate judicial understanding of the bill. Before the debate in this body is over we will all be surfeited with legislative history. Indeed, the other body alone managed to pile up thousands and thousands of pages of reports, hearings, and debates. On the floor of the House the bill was examined, in detail, title by title, for many days. Those debates were highly organized and rigorously structured to the end that every word, line, clause and section of the bill would be fully explored. And we have been guaranteed more—indeed, much more, a hundred times more—of the same here in the Senate. Is it possible to believe that before the close of debate in this body a single coma will be left unchallenged by opponents of this bill? A single phrase unexplained?

Indeed, the plan of debate in this body calls for a systematic approach, as in the House—a title-by-title inquiry of the most comprehensive scope. The courts will not be troubled, I am sure,

by a lack of legislative history for their guidance. Their difficulties, if any, will result from legislative history so lengthy and cumbersome as to be judicially useless.

I have the feeling also that the suggestion of the Senator from Oregon may be unrealistic. Under all of the applicable circumstances, I doubt this committee would file a report helpful to the Senator or the courts. Necessarily this motion would limit the time which the committee would have for consideration of the bill. The subject matter of the bill, the structure of the committee, and the history of its performance—as recently as this Congress—all point to this conclusion.

For all of these reasons, I submit, the need for an additional legislative record to guide the courts is not a sufficient excuse for procrastinating 10 days more.

Mr. DIRKSEN. Mr. President, I ask unanimous consent that I may yield to the Senator from Kentucky without losing my right to the floor.

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

Mr. COOPER. Mr. President, I shall vote for the motion of the Senator from Oregon to refer the bill (H.R. 7152) to the Committee on the Judiciary, with instructions to report it back to the Senate by April 8, 1964. I shall cast that vote as one who supports the purposes of this bill. In considering our vote on this motion, we should remember that we are concerned not only with the eventual passage of a civil rights bill at this session, but also with the way in which it will be interpreted and enforced in the future, and—as I shall point out in a moment or two—the measure of acceptance and consent that it will receive by the people of our country.

In casting this vote, I know that I shall be voting for a motion which, if accepted, will delay consideration of the bill by the full Senate for 10 to 20 days. The delay might be 30 days. I also realize that the referral of the bill to the Committee on the Judiciary may be an exercise in futility, because the committee may not take any action, and it may not make a report on the bill which would inform the Senate and make clear its legislative intent. Nevertheless, we ought not to assume that the committee will not act, that it will not improve the bill, and that it will not make a report, now lacking, in explanation of the bill and its legislative intent.

The courts have held that it is only the report of a committee, and the statements made by the managers of a bill in connection with the report, which can afford evidence of legislative intent. That does not mean that opinions of Senators who speak on the bill do not have great significance in explaining their views and convictions; but the courts have held that the speeches of Senators have very little significance in the judicial interpretation of legislative intent with respect to various sections of a bill.

My chief reason for voting for the motion to refer is that long after a civil rights bill is passed—and I hope it will be passed this session—we shall have to deal with its enforcement and acceptance. We can expect litigation over its provisions. The courts, including the Supreme Court, have had enough trouble in the past 10 or 20 years and have been required to make important decisions on civil rights, without guidelines from the Congress, because the Congress has failed to act upon civil rights issues, except in 1957 and 1960.

A report of the committee—with changes, if necessary—will give to the courts a record of legislative intent, and to the people a greater understanding of the bill.

Many people have made up their minds that they are against any kind of civil rights legislation. There are many others who believe, as I do, that we must come to grips with the proposition that every citizen must be assured by law his full civil rights. But there are many who, while conscientiously desiring that steps be taken to assure full civil rights, may not yet understand or may be misinformed about the constitutionality, or the power of the Congress to act, or about the meaning or need for this bill, or any other civil rights bill which we may have before us.

One of the great elements in our system of government is that law shall be enforced. But also, a great element is the consent of the people to law—that it shall be accepted and obeyed. Consent comes about in many ways—through education and leadership, but it will also come about if the people believe that the Congress has acted on legislation after the fullest possible consideration.

As I have said, the reference of the bill to the committee will delay passage of civil rights legislation from 10 to 30 days, but that is not as important as making the full effort to secure the best possible bill. For we are legislating not only for this year; we are legislating for the future, for history, and for the full and equal rights of all the people of this country.

Mr. DIRKSEN. Mr. President, I yield to the Senator from Missouri [Mr. LONG].

Mr. LONG of Missouri. Mr. President, I am opposed to the motion to send the bill back to the Judiciary Committee.

I am certain I do not have to remind any Member of this body that 16 days have passed merely on the preliminary matter of whether we should discuss the merits of H.R. 7152. The bill itself is some 55 pages long and contains 11 titles. The 1960 civil rights bill was much shorter and less comprehensive, designed merely to refine the 1957 act. Yet the Senate spent some 37 days considering the merits of that bill, 9 of those in around-the-clock sessions. This portends even lengthier debates over the merits of this bill. Yet we are asked to add 10 more days to this endurance course.

By this time, it would be well-nigh impossible to find an American who did not know that the principal weapon of the opponents of this bill is delay. I ask, then, why should those in the Senate who favor this bill acquiesce in another maneuver for postponement? Why should opponents of the bill be handed 10 more days which would serve to reinforce their strategy that much more?

It is argued that to send the bill back to committee would be the orderly procedure. I think that through their 3-, 4-, 5-hour speeches and reiterated arguments, the opponents of the bill have shown their concern to be not with orderly procedure but with stalling any consideration of the bill. And, as others today have so aptly illustrated, this deference to procedure could bear only fruitless results. The real question then, it seems to me, is whether for the sake of a barren formality, those who favor the bill wish to add to the opponents' artillery 10 more days of delay.

It is also said that to send the bill to the committee would weaken the arguments of the opponents of the bill. But the possibility of weakening their arguments would come only at the cost of strengthening their tactical defenses.

In view of the immediate need for legislation in the field of civil rights and the irreparable harm that continued delay can cause, I urge that this body move to prompt consideration of this crucial bill.

Mr. DIRKSEN. Mr. President, I yield to the Senator from Iowa [Mr. HICKENLOOPER].

Mr. HICKENLOOPER. Mr. President, I wish to make a brief statement for the record. I shall support the motion to send the bill to the committee. I know of no legislation, in the time I have been in the Senate, that has had more far-reaching, ramified potentials in its effect on the American people and our American system than this bill has.

Many features of the bill have not been considered by the committee. It came from the House. Amendments were put in the bill on the floor of the House that were not considered by the House committee. Regardless of the merits or demerits of the bill, the proposals that came over from the House have not been considered by the Judiciary Committee.

If the bill does not go to committee we shall be up against a problem—which may be true even if it does go to committee—in that we shall be face to face with far-reaching amendments offered on the floor of the Senate, in the emotion of debate, and in the full light of publicity that always takes place. That is an emotional situation which in this case should not exist.

Whether the committee will see fit to consider the offering of amendments to the bill or not, I do not know, but at least committee consideration has historically proved that a great deal more calmness can be brought to bear in considering the merits of proposed legislation than in the forum that is the floor of the Senate, in the glare of publicity.

One reason we cannot escape as to why the committee should have consideration of the bill for a limited period of time is that our system should be given a chance.

As Senators have pointed out, and as will be pointed out in the future, the bill contains a number of provisions which I believe have some ominous portents. Such provisions, if they went into effect, might do exactly what the proponents of the bill claim they are trying to stop. In other words, some of the provisions of the bill could create discrimination on

the other side of the question to the same degree, or perhaps to an even greater degree, than it is asserted now exists, and which discrimination is the basis for the bill.

I have in mind specifically a provision that has been referred to previously. I refer to the power given to the Attorney General—not this Attorney General or any other particular Attorney General, but the Office of the Attorney General—to whimsically or capriciously support civil suits all over the United States, based upon the complaint of someone who claimed he was suffering some injustice because of alleged discrimination.

If that provision remains in the bill, I predict that the office of the Attorney General will be so flooded with complaints of all manner of people alleging that they have been discriminated against because of some particular classification into which they fall, racial or otherwise, that he cannot possibly obtain enough lawyers in that office to service claims all over the United States.

I have known many who have been fired from jobs. I have known of many who have been refused employment in jobs that they would like. I have rarely heard anyone admit the real reason why he was either refused employment or fired. Usually he has been incompetent or unable to hold the job. Most of them say they did not get the job because they were discriminated against, or were fired because the boss did not like them, or because they said some picayunish thing which resulted in their being fired.

The real reason for their firing is never given as the excuse. But under this bill, anyone could claim he was discharged because of religious prejudice, or because of color or some other reason. He could, if the Attorney General saw fit, get a civil suit started, with provision for attorney's fees. What a happy hunting ground that would be for some lawyers. I am a lawyer, and I have as much respect for the legal profession as anyone, but what a happy hunting ground that section of the bill would be for many lawyers who would want to get into lawsuits in the hope that they would receive the attorney's fees which would be awarded as a part of the cost of the litigation.

We got away from this principle a good many years ago because we thought it was bad. Now it is proposed to go back to it.

The coercive powers contained in the bill, to coerce people into certain actions which would cut down their basic responsibilities under a free administration, need to be studied, and recommendations should be made thereon.

I have said time and again that I firmly and fully support any Federal legislation needed either to establish equality of rights for all people, or needed to preserve and protect the rights already established. I support legislation for all people on the basis of equality of opportunity. But we have had up until now in the United States a system of freedom of action and of individual responsibility which has made this the greatest private free enterprise system in the world. I want to be careful that in the emotion of the moment—because indignities have been suffered, and certain injustices have occurred which I could not defend and which I should like to see corrected—we do not say to Senators that they must take this legislation without this "crippling amendment," a cliche which has been developed in the past few years, to say to anyone who offers an amendment or any correction to legislation that the advocates' support is offering a "crippling" amendment. Many amendments are strengthening and beneficial amendments. There are amendments which, in many cases, make a particular piece of legislation more acceptable to the American people.

Mr. President, let us make no mistake. We have established precedents in the past, and this may be another precedent. A piece of legislation as far reaching as this, if it does not receive the general acceptance of the American people, will not be obeyed. Ways of circumventing it will be found. We found that out in the prohibition era, during the "noble experiment" of that time which was thrust down the throats of the National Legislature. It was a failure because it did not achieve what the American people wanted; and it was circumvented.

A bill involving human emotions to the extent this bill does, if its provisions do not gain general acceptance by the American people, with a willingness on their part to cooperate in a reasonable way and under reasonable conditions, will fail in its purpose, and we shall have more trouble after it is passed, over a period of time than we had before.

That is why I believe we should give every consideration to a reasonable approach on amendments to the bill. I cannot see that a delay of 10 days or so would do anything except give an opportunity for study of certain questionable features in the bill—a study which the Senate should have the advantage of and which the American people should have the advantage of.

The bill is not passed as yet, although I believe it probably will be.

I thank the Senator from Illinois for yielding to me, and I congratulate him.

Mr. GRUENING. Mr. President, will the Senator from Illinois yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Alaska?

Mr. DIRKSEN. I am glad to yield to the Senator from Alaska.

Mr. GRUENING. Mr. President, I shall support the early passage of the strongest possible civil rights measure. Such legislation is long overdue—at least 101 years overdue.

I am determined to support a strong bill designed to achieve the specific objectives sought in H.R. 7152. I am not wedded to the exact language of that bill and shall, accordingly, lend my support to amendments to the bill designed to strengthen, clarify, and improve its provisions. By the same token, I shall oppose any amendments designed to weaken or cripple the bill.

I am not a newcomer to the field of civil rights. Almost a quarter of a century ago, as Governor of the then territory of Alaska, I faced the problems of discrimination in public accommodations. I felt it was wrong then— I feel it is wrong now. I found at that time in Alaska signs in restaurants reading:

> We do not cater to native or Filipino trade.

Other signs were more abrupt:

> No natives allowed.

The word "native" in Alaska designates Indians, Eskimos, and Aleuts.

As the able and distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] has recommended, I first tried the voluntary method of seeking to obtain equal accommodations for natives and whites alike.

My remonstrances and my power of persuasion met with some but limited success. I came to the inevitable conclusion that the voluntary method of securing equality in public accommodations would not work, primarily because those restaurateurs of good will were placed at a disadvantage by their competitors who refused to institute similar practices.

When I discussed the need for legislation to cure this disgraceful situation, I was told—as we have been told here on the Senator floor repeatedly—that discrimination against natives—that is Indians, Eskimos, and Aleuts—was the custom of the territory and that legislation to change that custom was not the proper course of action. I was told that ultimately, through education, that custom might change.

That solution was unacceptable to me. It made no sense to me a quarter of a century ago to say to an American citizen that he or she must tolerate being discriminated against in the enjoyment of rights guaranteed under the Constitution until those practising the discrimination could be educated. It makes no sense to me now.

I then determined to obtain legislation guaranteeing equality in public accommodations. It was not an easy fight, but it was won in the Alaska Territorial Legislature in 1945. The equal accommodations law was implemented in Alaska without a ripple or an incident, and the result has been better feelings between all Alaskans regardless of race. This legislation has of course extended its beneficent protection to Negroes in Alaska who were few in numbers when it was first introduced.

However, my wholehearted support of the earliest possible enactment of a strong civil rights measure does not prevent me from supporting the need for orderly procedures in the Senate.

H.R. 7152 first came before the Senate on February 26, 1964. After the bill was placed on the Senate Calendar, our able and distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], asked unanimous consent that the bill be referred to the Judiciary Committee "with instructions to report back, without recommendation or amendment, to the Senate not later than noon, Wednesday, March 4."

The majority leader took this step, he said, because of the legitimate arguments advanced by a number of Senators, including myself. It was obvious at the

time, and the majority leader so stated, that if his unanimous consent request had then been acceded to there would be no delay in the consideration of the civil rights bill since it was the leadership's intention to proceed to the consideration of the military procurement authorization bill and the wheat-cotton bill before the civil rights bill.

It is indeed unfortunate that one Senator—an ardent supporter of strong civil rights legislation and one who is enthusiastic for speedy action—entered the sole objection to the procedure proposed by the majority leader. Unfortunately, his action delayed action.

It is regrettable that he did not withhold his objection and permit the bill to be referred to the Judiciary Committee with strict instructions to return it to the Senate unchanged by March 4.

For the majority leader was correct.

After the objection, the civil rights bill remained on the Senate Calendar and the Senate proceeded to consider the military procurement authorization bill and the wheat-cotton bill.

It was not until March 9, 1964 that the majority leader made his motion to call up the civil rights bill. It is obvious now, as it was obvious to those of us who urged the referral on February 26, 1964, that nothing would have been lost had the unanimous consent request of the majority leader been agreed to on February 26, 1964.

On the other hand, much would have been gained.

Much of the debate, although not all of it by any means, since the majority leader made his motion to call up the civil rights bill on March 9, 1964, has been devoted to arguments regarding the benefits to be derived from hearings on H.R. 7152 before the Judiciary Committee and from a report on that bill by the members of that committee.

The time since March 9 could more profitably have been spent discussing the specific provisions of the bill—a discussion which those favoring the civil rights legislation say will be made on a point by point basis after the bill has been made the pending business of the Senate.

However, that is water over the dam.

The question before us is on agreeing to the motion of the Senator from Oregon [Mr. MORSE], to refer H.R. 7152 to the Judiciary Committee with instructions to return it to the Senate in 10 days.

Is it too late for such a motion? I do not think so.

Is there anything to be gained by such a limited referral? I am convinced there is.

If his motion prevails, then when the bill is returned to us we would have the benefit of public hearings on the exact language of the bill. It is not enough to say that there have been public hearings on many of the subjects covered by the bill. That is not the same as public hearings on specific language.

For example, the right of an individual to equality in public accommodations can be expressed in many ways in legislation.

It has, for example, been expressed one way in H.R. 7152 and in a different way in S. 1732 which has been reported from the Senate Commerce Committee and is now on the Senate Calendar.

Thus, S. 1732, of which I am a cosponsor, covers, among other places, the following:

> Any hotel, motel, or other public place engaged in furnishing lodging to transient guests, including guests from other States or traveling in interstate commerce, other than an establishment which (A) is located within the building which the proprietor actually occupies as a home and (B) contains not more than five rooms for rent.

Similarly, H.R. 7152 covers, among other places, the following:

> 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.

While these two provisions are similar they are not the same.

Why are "inns" included in the House bill but not mentioned in the Senate bill?

While the House bill uses the word "inns," which the Senate bill does not, the House report on H.R. 7152 refers only to:

> Hotels, motels, and similar establishments.

Why, in the Senate bill, is a building exempt when it is actually occupied by the proprietor as a "home" while the House bill uses the word "residence"? According to the Senate report on S. 1732 there is a great difference between the two words. Thus Senate Report 872 states:

> The exception contained in the bill would apply only when the "proprietor" actually occupies the building in which the establishment is located as a home. A person may have only one "home" as that term is used here. If a person has more than one place of residence or abode, his home would be that place which he uses as his principal residence.

The House report on this section does not clarify the meaning of residence. It merely states: "except those located in a building which is actually occupied by the proprietor thereof" without explaining the use of the word "residence" instead of home.

Why does the House bill refer only to "transient guests" while the Senate bill refers to "transient guests, including guests from other States or traveling in interstate commerce"?

As an important aid to the courts in interpreting the act, it would be well for the courts to have before them the reports—both majority and minority—of the members of the Judiciary Committee on the exact text of the bill and what it is intended to include and what it is intended to exclude.

This is complicated and far-reaching legislation. It will affect the lives and fortunes of millions of Americans. It will be litigated in the courts for years to come. We in the Senate would be failing in our duty if we permitted such legislation to be litigated without the benefit of hearings before the Senate Judiciary Committee and reports on the bill by members of that committee.

Some will argue that much valuable time will be lost because when the bill is returned to the Senate it will still be necessary for the majority leader to motion the bill up, that we shall then be back where we were on March 9 when the majority leader made his motion, and that there will be extended debate on the motion to take up rather than on the bill itself.

I would hope that this will not happen. The chances are that it will not happen, for even those who are for delaying a final vote on a civil rights bill through extended debate must be aware of the temper of the Senate and realize that a successful cloture vote under rule XXII would be much easier to achieve on a motion to take up rather than on the bill itself, especially since we have already had considerable debate on making the civil rights bill the pending business.

They must also realize that success in obtaining cloture on the motion to take up would serve as a precedent, since it would be the first time cloture would have been voted on a civil rights bill. It would then make easier the obtaining of cloture on the bill itself, and all amendments to it, at a later stage in the debate.

I reject also the argument, founded on an assumption of irresponsibility on the part of the Senate Judiciary Committee, which points to the hearings held by the Judiciary Committee on the original Presidential proposal on civil rights and to the fact that only one witness—the Attorney General—was heard, and that he was interrogated at length by only one member of the Senate Judiciary Committee. Here, too, I am confident that the members of the Judiciary Committee will recognize the temper of the Senate and the fact that we have a right to expect that if this measure is referred to the Judiciary Committee, the majority of that committee will so regulate its affairs as to conduct full hearings on every facet of the bill and will hear witnesses on all aspects of the bill.

Mr. President, I ask unanimous consent that an editorial from the Washington Star of March 19, 1964, urging support of the Morse motion, may be printed in the RECORD.

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

(See exhibit 1.)

Mr. GRUENING. I commend the senior Senator from Oregon [Mr. MORSE], for the brilliant fight he is making to refer the civil rights bill to the Senate Judiciary Committee for 10 days. I shall vote in favor of his motion and against any motion to table it.

EXHIBIT 1

[From the Washington (D.C.) Evening Star, Mar. 19, 1964]

STITCH IN TIME

This is the 10th consecutive day of Senate debate on a motion to "take up" the civil rights bill. There will be more debate tomorrow and day after tomorrow.

There are some who see this delay in beginning debate on the bill itself as another demonstration of intransigent southern op-

position. No such demonstration was necessary. The more important demonstration is the error of the leadership's decision to bypass the legislative process of referring the bill to committee. Had the bill been referred to the Senate Judiciary Committee, with instructions that it be reported back within 10 days, as urgently advocated by one of its supporters, Senator MORSE of Oregon, it could now have been before the Senate with a committee report and perhaps clarifying amendments.

Senator MORSE pointed out some legal complications that may result from failure to send the bill to committee. As important as these may be, the chief damage of this failure is to lend more credence to the impression that the bill is to be "railroaded" through the Senate, an impression created by its legislative history in the House. If, as Senator KEATING believes, the opposition mail he is receiving from New York is based on misinformation about what the bill contains, no effort should be spared to make its content clear and to emphasize the degree of deliberation behind it.

When the bill finally is taken up by the Senate, Senator MORSE plans to renew his effort to have it referred to committee. It should be referred, even if it means a further delay added to one that might have been avoided in the first place.

Mr. DIRKSEN. Mr. President, I have listened carefully to most of the discussion this afternoon on the motion of the Senator from Oregon to send the bill to the Judiciary Committee for a limited period of time, under a mandate to report it to the Senate.

The discussion leads me to believe that we have put all the emphasis on the clock and on the calendar, and that there must be haste and acceleration in dealing with the matter now before us.

Mr. President, if this is as important as the zealots would have us believe, that is all the more reason why the Senate should be most careful about a bill of this kind.

I recall an incident when Phillips Brooks, the great preacher, was pacing up and down in his study one morning, and a neighbor dropped in to see him and said, "Why, Dr. Brooks, what is the matter with you?" He replied, "I am in a hurry and God is not."

There seems to be great haste and hurry, but when we stop to think of the importance of this measure and what its impact on the country would be, we can afford to take some time and be careful in our scrutiny.

As I think about what the bill would do, I think about an article in the Readers' Digest written some years ago by a distinguished Member of this body, Senator O'Mahoney, of Wyoming.

I went out to Wyoming to make a speech to defeat him for office, despite the fact that we were the best of friends and that we served together on the Judiciary Committee.

On my way out from Washington to Omaha, Nebr., I puzzled before I found the text for my speech, and then, by one of those curious quirks of memory and recollection, it popped out of my mind; and that article came back to me. I thought of the first line, which had seared itself indelibly in my mind. What the distinguished western Senator had written that day was this:

They are remaking America, and you won't like it.

The bill would remake the social pattern of this country. Let no one be fooled on that score. Its impact would be profound. That is a further reason why it deserves the most careful deliberations and the most careful scrutiny on the part of the U.S. Senate.

I heard the discussion about the Judiciary Committee, and what a traditional burial ground it is for civil rights legislation. I ought to know a little about it. I am the oldest Republican on the committee, in point of service. For aught I know I may be the oldest in point of age. In some quarters it is not popular to say this, but I have never seen the time when a Member went to the distinguished chairman of that committee with a suggestion or a request and did not receive attentive consideration to his request. That is always happening. By volume, that committee produces more legislation, or at least it has in other years, than any other five committees of the Senate combined. It expedites its work. It has an excellent and competent professional staff. I could go to JIM EASTLAND, if the motion should prevail, and say, "Let us divide the time between open hearings and markup in the committee to consider amendments," and my request would receive sympathetic consideration. He has never failed in that respect. My notion about the motion is that we devote some of the time, to calling a few selected witnesses, and take a look at some of the things that are bothersome in the pending bill. The rest of the time we could use to sit down behind closed doors to consider the markup and the amendments that are necessary.

It has been said, "Look what the House did." Yes, I know. I know that 155 amendments were introduced in the House. On the floor 34 amendments were written in. But we should be in a hurry. We should plow the furrow with double speed, and not take our time. One of the amendments that was written into the bill on the floor of the House—and Senators will find it on page 35 of the bill—provides:

(f) Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs.

We discriminate if we take account of the color of his face, but we do not discriminate if there is something in his cranium that we do not like. If we say to him, "Do you believe in God?" and he says, "No," he is out; he does not have to be hired. I thought that under the Bill of Rights perhaps unbelief or disbelief was a creed unto itself. That amendment got into the bill on the floor of the House.

We could do no better than to take the bill, title by title, section by section, and examine it carefully. I have noted in the little memorandum which I have had placed on the desk of every Senator some of the things that have occurred to me. There are a good many.

It is said the bill went sailing through the House by a vote of 290 to 130. Is that not enough for Senators? What more consideration do they want?

Let me tell Senators that the one vote in my lifetime that I would undo if I could occurred when, with a hoot and a holler and gusto we rushed through the provision during the Truman administration to put striking railroad workers into the Army within 48 hours if they did not go back to work. If it had not been for Bob Taft in the Senate, that provision might have been put into the law of the land. That is one vote that I would undo. However, I was caught up in the vortex of emotionalism, like everyone else at that time. We were in conflict, and something had to be done.

We said, "All right; if they do not go back to work, we will put them in the Army; we will put them into uniform."

That is the only time that happened within my experience as a legislator.

Therefore, we had better take a good look at this bill.

There has been great discussion about the intent of Congress. The courts will take a look at the language in the bill, and out of it they will finally come to a conclusion as to what was the intent. I believe that one of the most scholarly legal articles I have ever read on the subject of intent of Congress appeared in the Harvard Law School Journal. Whoever wrote it did a very good job, because the very first line in that article was:

The intent of Congress is a fiction.

The second sentence was:

The intent of Congress is what the courts say it is.

Where do the courts go? They go to the language in the bill, and the courts go to the reports.

What I am concerned about in sending the bill to the Judiciary Committee is that we could sit around the table for a couple of days or so and go through the language, with everyone suggesting his amendment—that does not take too much time—and then bring the bill back to the Senate.

Senators might say, "Why not do it on the floor?" We have all had the frustrating and disheartening experience of addressing the distinguished Presiding Officer and saying, "Mr. President, I offer an amendment." To the author of the amendment it is world shaking, it is momentous, it is almost cataclysmic. Then we look around, and we see perhaps four or five Senators in the Chamber. Into the amendment the sponsor has dumped his heart, and he has done research work on it. Then the Senator addresses the Chair with all the eloquence he can command. He may insist on a yea-and-nay vote. If there is a sufficient second, a yea-and-nay vote is ordered.

Then Senators come into the Chamber through various doors. The question is asked, "How should I vote?" I make no exception for my own party. What do we know about the substance of the amendment? It is not there.

The distinguished chairman mentioned, earlier, that in one rights bill 20 amendments were added, because we could labor at it rather concertedly and do a concentrated job. We may differ as

to the amendments, but at least they receive a collective consideration, with 15 lawyers sitting around the table. A Senator cannot be a member of the Judiciary Committee if he is not an attorney and a member of the bar.

At least, they will look at every word and decide what will have to be done.

I have gone through the bill after a fashion to see what has occurred. The language of title I is:

The Attorney General or any defendant in the proceeding may file with the clerk of such court a request that a court of three judges be convened to hear and determine the case.

That is done in antitrust suits at times. But with the multiplicity of suits which are bound to be brought, tell me how, on the request of the defendant there can be a three-judge court, and how we can expect the judiciary to discharge its functions and keep its dockets from going through the ceiling.

The purpose of this section appears to provide for an acceleration of the appeal procedure. I have some grave doubts as to the ultimate wisdom of bypassing traditional legal procedures with respect to cases brought under this section. From the reports of the Civil Rights Commission it appears that the number of actions brought under this title will be considerable and I am concerned about the impact of the already heavy caseload on our Federal courts of litigation brought under this section.

Each case requires a panel of three judges for its disposition. In all fairness, decent consideration must also be given to the litigants in other fields, many of whom are required by reason of existing busy court calendars to wait, years in some instances, for compensation for personal injuries.

We can make the request, and it may be all right. But I want to be pretty sure that when we are through, there can be some delimiting language so that the courts will not be congested to the point where they will be frustrated and distressed. There are other items in title I that should receive study, but I want to vote for a bill.

I have told the people who come to me by the scores every day—my office has been filled constantly with preachers, rabbis, priests, social workers, settlement workers—"The best you can do is to go and pray for me, and I will also pray for myself." Often they do not quite know what the bill provides. Then I have to be a little frustrated, and when the moral argument is advanced, I say: "I am a legislator. I am thinking about today, and I am thinking about tomorrow."

Perchance the answer might be: "Unless you hurry, unless you do something without delay, there will be violence; there will be demonstrations. The case will be taken to the streets."

A man is not fit to walk into this Chamber as a U.S. Senator if he is to be bilked and influenced by that kind of an argument to deter him from his duties under the laws and the Constitution.

The reason why the capital is on the banks of the Potomac, under the direction and control of Congress, is that when the Revolutionary War was over and the capital was elsewhere, the soldiers came. They wanted grants of land. They wanted pay. They began to demonstrate and to frighten the legislators. The Contsitution makers in their wisdom said:

There must be an area under the control of the Federal Government—

Meaning Congress—

where Congress can assert its power and be free from molestations and harangue and pressure in order to carry out its legislative duties under the Constitution.

Do we pay heed to intimidation and to pressure when we have a job to do? If we do, then I say we fail dismally in our responsibilities as Senators.

TITLE II

I have been and still am studying each and every aspect of title II of this bill and I will have a substitute for this title which I will present later.

TITLE III

This title provides a basis for law suits by the Attorney General to remedy denial of "access to or full and complete utilization of any public facility" operated by any State or subdivision thereof. I apprehend some very real and practical problems with respect to the determination of "full and complete utilization of any public facility" and I feel the public interest would be better served for example by substituting words such as equal utilization of any public facilities.

Complaints under this section, I think, ought to be filed by the complainant who should set out under oath the particulars of the alleged violation so that any one defending an action brought against him under this title would be informed of the nature of the charge against him and the identity of his accuser.

Section 302 of this title is not limited to public facilities but authorizes the Attorney General for or in the name of the United States to intervene in an action "commenced in any court of the United States seeking relief from the denial of equal protection of laws on account of race, color, religion, or national origin." It seems to me that the parties to the suit should have a chance to be heard with respect to such intervention before it takes place.

Title III deals with facilities and accommodations in public installations, such as parks. There is language that reads: "Full and complete utilization of any public facility." How would the Court interpret that? Suppose there were a demonstration. What about other people who are not under the protection of the legislation? Would that language be allowed to remain, or should we say: "To equal utilization of public parks, and playgrounds, and swimming pools"? It is said that that is a little item. Wait until it raises its ugly head in some public institution. Then it will be discovered that it is not such an inconsequential thing after all.

I shall continue with my analysis, but before I do, I wish Senators would give heed to me for a moment, for Senators may have missed an article to which I am about to advert. It is the best I have seen on this subject. It appeared in the Wall Street Journal on Thursday, November 7, 1963. It is entitled, "The Anatomy of a Compromise." The subhead is, "House Civil Rights Bungling Will Delay Final Action."

I do not know Joseph W. Sullivan, the author, but he must have been quite sure of his ground. This is one of the most intriguing articles I have seen in a long time, and it bears reading into the RECORD:

The Kennedy administration's civil rights "victory" in the House last week was, at best, a salvage job, slung together in the wake of persistent fumbling and miscalculation by both the administration and its emissaries in Congress.

While the President lauded the bipartisan House Judiciary Committee bill as "comprehensive and fair," the probability is that it emerged far too late to sustain his prime objective: Enactment of civil rights legislation this year.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD the article from the Wall Street Journal of November 7, 1963, by Joseph W. Sullivan.

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

ANATOMY OF A COMPROMISE—HOUSE CIVIL RIGHTS BUNGLING WILL DELAY FINAL ACTION

(By Joseph W. Sullivan)

WASHINGTON.—The Kennedy administration's civil rights "victory" in the House last week was, at best, a salvage job, slung together in the wake of persistent fumbling and miscalculation by both the administration and its emissaries in Congress.

While the President lauded the bipartisan House Judiciary Committee bill as "comprehensive and fair," the probability is that it emerged far too late to sustain his prime objective: Enactment of civil rights legislation this year. Senate Democratic leaders are now letting it be known they don't even plan to take up the bill at this session of Congress, putting off the divisive struggle with the party's Southerners at least until the turn of the year.

Moreover, the price the administration had to pay for the hastily conceived compromise was high. It involved acceptance of at least four provisions the administration has no yen for. Chief among them: Authority for the Justice Department to crack a Federal whip on local police and Southern State courts if they provide Negroes something less than the "equal protection of the laws." Attorney General Robert Kennedy has suggested that such a provision would require creation of a Federal police force.

More important, by adding other unwanted embellishments to the administration's bill, the compromise raises the prospect that the administration will find itself in the embarrassing position of having to sacrifice these sterner measures in the Senate in full view of Negro leaders. The two-thirds majority required to quash a Southern filibuster just isn't there for the fair employment practices code added to the House bill. The proposed ban on discrimination by businesses serving the public remains in grave trouble with Republican leader DIRKSEN, of Illinois, still opposing it.

VICTORY MAY BE FLEETING

The real victors in the House struggle, though their triumph may be fleeting, were the Negro pressure groups and their ardent band of liberal House supporters. It was they who maintained the drumfire for more sweeping sanctions than the administration

would countenance and who eventually had their way. Despite the veil of indictments directed at the compromise bill by numerous Negro leaders, their legislative strategists are well satisfied with its terms.

Moreover, the backers of the present bill are less disturbed than the administration over the prolonged legislative timetable. "The encounter in committee was essential; opposing forces had to meet to prove the strength of our position," ventures a young lawyer for the Leadership Conference on Civil Rights, made up of about 50 Negro rights groups.

All sides agree, however, that the President could have brought about a compromise much sooner than he did, and on milder terms far more acceptable both to the White House and House Republican leaders. By mid-August, Justice Department envoys had reached an accord with key Republicans on the outlines of such a bill. "If the President had moved in with his big guns then, one bang is all it would have taken," asserts a Republican House Member. "The Republicans were ready to buy it, and the Democrats weren't yet committed to the stronger bill." But the President did not move in, and the militant Negro groups soon gained the upper hand.

How they did it is a story told largely in negative terms. Its main ingredient is administration bungling, first in snubbing House Republicans and then in mistakenly placing too much reliance on House Democratic leaders, particularly Chairman CELLER, Democrat, of New York, of the Judiciary Committee.

From the time the administration put its set of civil rights proposals before Congress, in late June, its principal task was to corral Republican support. This required an attentive, bipartisan approach, bipartisan enough, at least, to aline 60 or more (of 177) GOP House Members and 25 of 35 Republican Senators with Northern Democrats in a striking force big enough to crack Southern opposition. Because the Senate Judiciary Committee under Mississippi's Senator EASTLAND never would report out a civil rights bill, the first order of business was the House and its Judiciary Committee.

In his very first appearance before the House panel, however, Attorney General Robert Kennedy pinched a Republican raw nerve. Had the Justice Department studied the numerous GOP civil rights bills introduced in Congress prior to the administration's bill, Mr. Kennedy was asked. No, came back the curt reply, there had been no time for that. Since most Republican's take pride in their party's past attention to the cause of Negro betterment, the pain was deep—and needless.

Attempting to heal the wound, administration forces dispatched an older, less abrasive envoy, Deputy Attorney General Nicholas Katzenbach. He sought out Representative MCCULLOCH, of Ohio, who as senior GOP member of the Judiciary Committee has come to speak for the party leadership on civil rights. Together they set about rewriting the administration bill.

But Mr. MCCULLOCH had his price. He couldn't see "subjecting Sam's shoe store on the corner to a suit by the Attorney General"; so retail stores were dropped from the proposed "public accommodations" provision, and it was confined largely to hotels, motels, restaurants, and theaters. The administration's broadly worded plan for withholding Federal funds from segregationist State and local governments was tightened to apply only to Federal programs in which the courts found racial discrimination. By mid-August, the two men had agreed on the major components of a "bipartisan" civil rights bill.

But if the Ohio lawmaker had reason to trust Mr. Katzenbach personally, he also had ample reason to suspect the Kennedy administration as a whole. At the same time the Deputy Attorney General was establishing rapport with House Republicans, another Kennedy man, White House legislative aid Richard Donahue, was castigating them before Negro leadership groups. Apparently hoping to convince Negro leaders of the futility of pressing for more militant measures, Mr. Donahue warned that the Republicans were intent upon watering down the administration bill. This infuriated Mr. MCCULLOCH.

EFFORTS BREAK DOWN

That's when the administration effort broke down. Mr. MCCULLOCH and Mr. Katzenbach found Mr. CELLER receptive to the terms of their accord and, according to one participant at their huddle, the chairman agreed to propose it to other Democratic panel members. Nonetheless, these members say, he never did. Just why remains unclear.

While Republican members of the Judiciary panel and administration strategists discussed rights legislation aboard Robert Kennedy's yacht the *Patrick J*, Democratic members mostly stayed home. If Democratic Members wanted to discuss an alternate provision or get a fresh idea, it wasn't a Justice Department envoy they found available but a young lawyer from the Negro Leadership Conference on Civil Rights.

Thus, the combination of Mr. MCCULLOCH's firmness and Mr. CELLER's lack of it, compounded by the administration's oversight, created the void that permitted the avid advocates of stronger legislation to move in. They were largely amateurs—Negro leaders from back home, student delegations, and ministers beckoned by the National Council of Churches. But there was professional muscle behind the scenes, too. The AFL–CIO eagerly pushed for a fair employment practices code to end its embarrassment and frustration in dealing with racist union locals. And more than a few House Members were put on notice there would be Negro protest demonstrations back home if they voted "wrong."

Effective leadership on the Judiciary subcommittee fell to Representative KASTENMEIER, a bashful, boyish lawmaker from Waterville, Wis., but a thoroughbred liberal and a director of the Americans for Democratic Action. Most of the strengthening provisions added to the administration bill were his, or backed by him. Result: The bill that emerged was far too sweeping to suit either the administration or Republican leaders.

Among other things, it extended the public accommodations ban to all businesses operating under "State or local license, permission or authority." That meant just about everybody, including, presumably, law firms, clinics, beauty parlors, even private schools. Also riveted in were the fair employment practices commission and the new suit-filing authority for the Attorney General.

TOO HOT TO HANDLE

When the bill reached the full Judiciary Committee it was far too hot to handle. Mr. MCCULLOCH privately called it a "pail of garbage" and said somebody else could take responsibility for cleaning it up. Although Mr. CELLER had now decided it was "drastic," big city Northern Democrats weren't about to blemish their civil rights voting records by dismantling the bill piecemeal. Even the Attorney General's appeal for moderation failed to bring results.

Enter the President. He summoned Democratic committee members to the White House, but they refused to back down unless the Republican high command agreed to a tough face-saving substitute. A call from Mr. Kennedy to House GOP leader HALLECK brought a loose commitment: If the administration would adopt some of the Republican civil rights bills the President's brother hadn't found time to read, then the GOP leadership would tender its support.

Secret weekend sessions produced the compromise. Ironically, the nub of the agreement was the public accommodations ban Mr. MCCULLOCH and Mr. Katzenbach had decided upon months before. But the tactical mistakes during the intervening weeks cost the administration plenty. Besides the Attorney General's unwanted new suit-filing authority and the fair employment provision, to placate liberals the measure also provides for substituting special three-judge panels for obdurate Deep South Federal district judges to rule on charges of discrimination against Negro voters. The Justice Department has attacked a variant of this provision as "judge shopping," but Negro groups suspect the administration is not eager to reveal that some of the offensive judges are Kennedy appointees.

While the administration now can look forward to House passage of a civil rights bill, the legislative fumbling that produced the compromise can hardly be pointed to with pride. More to the point, it may yet cause the administration considerable embarrassment when the civil rights skirmishing begins in the Senate.

Mr. DIRKSEN. Mr. Sullivan continues:

More important, by adding other unwanted embellishments to the administration's bill, the compromise raises the prospect that the administration will find itself in the embarrassing position of having to sacrifice these sterner measures in the Senate in full view of Negro leaders.

The article continues, but first let me comment on one or two choice items:

From the time the administration put its set of civil rights proposals before Congress, in late June, its principal task was to corral Republican support. This required an attentive, bipartisan approach, bipartisan enough, at least, to aline 60 or more (of 177) GOP House Members and 25 of 35 Republican Senators with Northern Democrats in a striking force big enough to crack Southern opposition. Because the Senate Judiciary Committee under Mississippi's Senator EASTLAND never would report out a civil rights bill, the first order of business was the House and its Judiciary Committee.

Let me explain about the Judiciary Committee. I am a member of the committee. Nine of the fifteen members come from States that have antidiscrimination legislation on the books. If those nine members should be so recreant and remiss in their duty as to pay no attention to what their State legislatures have done, indeed I would give up.

I am confident that the amiable and agreeable chairman of the committee [Mr. EASTLAND], who has always entertained every request and is always ready for an understanding, could solve the problem under the amendment that is now on the desk.

Can anyone imagine 9 out of 15 Senators, who work in the shadow and in connection with the enforcement of antidiscrimination legislation in their own States, not taking action on the bill? If that does not answer all the argument about the Judiciary Committee being a burial ground, then I have no answer.

In all fairness I must say for the chairman of the committee that after nine appearances by the Attorney General—and I was present at every one of them—that bill was sent to the subcommittee at the request of my good friend, the Senator from New York [Mr. KEATING].

If I am in error about that, the chairman can rise and can scold me for it, and in that event I will make public confession of error. But I am quite sure that is what happened in the Judiciary Committee.

Mr. President, I suppose I was somewhat remiss in my responsibility; I could have said to the chairman, "SAM ERVIN has had too much time already, and I think it is up to us to divide the time a little, so as to let us get our teeth into the argument, too."

But what happened? Word went out that the House was to act first. So the interest on this side began to diminish a little—and understandably so. But even in the subcommittee the hearings could have been continued, if there had been some insistence that that be done.

While the compromise was being worked out in the House, the distinguished Representative from Ohio [Mr. MCCULLOCH], had this to say about what they had tinkered up: He said he was not going to be in favor of subjecting Sam's Shoe Store, on the corner, to a suit by the Attorney General. But when next I saw the third version of the bill, the stump speech—three or four pages of it, dealing with the mobility of people and the difficulty of moving people, and the difficulties in their obtaining the right kind of accommodations in various southern cities—had been deleted.

It was completely deleted from the bill before the bill was sent up here by the late and beloved President Kennedy. So it is clear that at that time the bill was still in a process of transformation.

At that point, this is what Representative SULLIVAN said:

> When the bill reached the full Judiciary Committee, it was far too hot to handle. Mr. MCCULLOCH privately called it "a pail of garbage."

I do not say that; those words were used by a distinguished Republican Congressman from Ohio—and he is a distinguished Member. He said the bill was "a pail of garbage"; and he said somebody else should take the responsibility for cleaning it up.

Then came the next session—in the Judiciary Committee? No, on the yacht *Patrick J.*, and at the White House, and elsewhere.

Despite all the arguments, it is clear that the bill that is now before us did not receive even a 1-day hearing before the House Judiciary Committee, because the bill now before us is the compromise bill; and I am trying to acquaint Senators with the anatomy of the compromise bill.

Should we not have a chance to examine the compromise bill and to offer some amendments—and also to hold down the testimony, if necessary? Certainly there is virtue in that course. Once an amendment is placed in the bill in the committee, it becomes the responsibility of any Member who objects to the amendment to proceed, on the floor of the Senate, to attempt to have the Senate remove the amendment from the bill. But after an amendment is placed in the bill in the committee, the committee will defend the amendment; and then it will be discovered that it is more difficult to remove an amendment from the bill on the floor of the Senate, after the committee has approved the amendment, than to place the amendment in the bill on the floor of the Senate. In other words, as a lawyer would say, that situation involves the burden of proof; and the onus would pass from one side to the other. Frankly, in that event, we would be in better shape.

I pointed out the fact that in the committee the bill would receive a far greater degree of attention than it would as the bill stands before the Senate today.

TITLE IV

I now turn to title IV—school desegregation. Again I find difficulty in reconciling the language of the bill with what I assume the intent to be. Let me illustrate. I had understood that this title was not applicable to private schools in the grade and secondary level. Look at the definition on page 14, line 3:

> (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 level, operated by a State, subdivision of a State, or governmental agency—

Does this language encompass private schools through the 12th grade? I find it difficult to reach any other construction, although I am not certain that was the intent. Would the use of Federal funds and property by a private military academy in its ROTC program bring it within the broad language in lines 9 and 10, on page 14?

Consider the training institutes, in-service training, and employment of specialists to advise in problems incident to desegregation, all provided for in this title. Who would determine the cost and extent of such programs? The Commissioner. But what is the criteria? Where are the guidelines? I find none. Neither is there any estimate of the cost.

Individuals who attended such institutes could be paid stipends for their attendance, in amounts determined by the Commissioner, including allowance for travel. It is possible that this authority should be further defined. I should not like to see a repetition of the present practice of establishing an institute in one of the more popular summer campus towns, and then transporting teachers, and their dependents from other campus towns, for what one teacher has called a delightful vacation, all paid for by the U.S. taxpayers.

What must the complaint, to be filed with the Attorney General, set forth in the way of particulars? I find only a general allegation as a requirement. Is not the school board or other agency entitled to some opportunity to correct the situation complained of, before the Attorney General institutes suit? I would expect so. Certainly needless litigation would be avoided. The complaint could go far toward relieving this potential if it were under oath and if it contained a detailed description of the act or acts complained of. I stress the point that emphasis has been placed on the fact that in various parts of the bill we find—and this naked allegation has been made—that no oath is called for and no bill of particulars would be provided when a school board or an employer or anyone else was confronted with an allegation that a violation had occurred. Is that the kind of procedure the Senate favors—to permit someone to scrawl such an allegation in a letter, but make no provision for a bill of particulars or for an opportunity to refute or to rebut? It seems to me that would be anything but a safe way to proceed in a free, democratic government.

One further matter is unclear: Could the Attorney General, through the exercise of the authority conferred upon him by this title, achieve desegregation "through the assignment of students to public schools in order to overcome racial imbalance"? Notwithstanding the definition that "desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance," I find no such limitation upon the authority of the Attorney General to take such action in order to "materially further the public policy of the United States favoring the orderly achievement of desegregation in public education."

And should not consideration also be given to the idea recently developed by the columnist Joseph Alsop, when he wrote in a recent column:

> Besides less of the old discrimination, in truth, a quite new kind of discrimination is also needed. Invest twice as much per pupil in schools in deprived neighborhoods. Discriminate in favor of the slums and then the slum school will become a social lever and the lever will pry open the ghetto doors in the end. It is right to ask for justice but it is also necessary to ask for useful justice.

TITLE V

Now that the Civil Rights Commission is achieving somewhat the permanent "temporary" status of the wartime buildings along the Mall and the Reflecting Pool, some built as far back as World War I, and only now being slowly removed, and now that we are adding more duties and functions to the activities of the Commission, should not that Commission be subject to the same rules of procedure which have been carefully developed for all of the other departments and agencies of this Federal Government, excluding only the military or naval functions, courts-martial, and the like? The Administrative Procedure Act is not perfect; and I have sponsored and cosponsored proposed legislation to improve it. But it does set out the basic essentials of fair proceedings.

It provides for adequate notice of a hearing, instead of an announcement "in an opening statement" of the subject of the hearing.

It requires that the rules of Government agencies and commissions be published in the Federal Register.

It provides more completely for the right to counsel, instead of the limited right to counsel "for the purpose of advising witnesses concerning their constitutional rights."

It provides for the conduct of hearings in which a record is to be made and the decision is to be based on the record.

Certainly we should consider carefully whether the provisions and the safe-

guards of the Administrative Procedure Act should not be made clearly applicable to the proceedings of the Civil Rights Commission.

TITLE VI

Problems exist, as well, with respect to the meaning of language used in title VI relating to nondiscrimination in federally assisted programs. Does the phrase "notwithstanding any inconsistent provision of any law" deny possible defenses under existing law? It is always a broad phrase—"notwithstanding any inconsistent provision of any other law." What shall we be doing if we adopt that phrase?

Then, too, does this title give the Federal Government the power to invalidate existing contracts if it determines to discontinue assistance? What would be the situation if the contracts were entered into without any thought that such a provision would be applicable to them?

The difficulties of drafting legislation on the floor, instead of in committee where careful attention can be given to details and an explanation of language can be provided by way of a carefully thought-out committee report, are indicated also by the addition by the House in section 602, of the phrase "other than a contract of insurance or guaranty." Just how far does that extend? And does it extend far enough? We really know very little about such a significant phrase. It may be as big as the whole outdoors, or it may be as small as the point of a pencil, in relation to the vast Government assistance programs.

I do not know whether a so-called economic grant for a housing project would properly be called a guaranty or insurance. In my book, it is a grant. If a person was unable to pay the usual rent, he would be able to qualify for occupancy of one of the low-cost housing units; and it is proposed that the Government help him and his family by providing assistance from the Federal Treasury so as to enable him to pay the economic rent. It is obvious that the total cost would run into millions and millions of dollars. The bill does not say whether that would be insurance. In my view, it would not be. Neither does the bill say it would be a guaranty. I believe it would not be. Instead, it would be an undertaking, by contract, of the Federal Government.

If, by means of the bill, the validity of contracts were destroyed and if their sanctity were ignored, after they had been signed by responsible officials, then I say frankly, we would be in a sad state. So far as I can determine, very little attention has been paid to that point.

Then, too, in section 603 we have an apparent intention to provide for judicial review of agency action. It states that "any person aggrieved" may obtain judicial review in accordance with section 10 of the Administrative Procedure Act. I assume that what is referred to are the procedures set forth in some detail in sections 10 (b), (c), (d), and (e) of that act, because the provision in section 10(a) could well be interpreted to limit the right of review of "persons aggrieved" to the particular persons covered by section 10(a). So we should be more craftsmenlike in our reference to section 10 of the Administrative Procedure Act.

Again, this is the type of careful work which can be best done in committee, and should be done there.

TITLE VII

What records are employers required to keep by title VII? Employers voluntarily participating in the program of the Presidents' Commission on Equal Opportunity are apprised in detail of the records which they must keep; and the records are, I believe, more comprehensive than those that would be required by title VII. Are we to superimpose another set of records on the employer, in addition to a third set that he may be keeping for a State FEPC?

What of the conflict between State and Federal record requirements? Illinois prohibits any reference to color or religion in employers' records. Title VII would require this information to be kept. Are we now to force an employer to violate a State law in order to comply with a Federal statute, each of which has the same purpose?

Every employer is required to make and keep such records relevant to the determinations of whether unlawful employment practices have been or are being committed, and to preserve such records for such periods as the Commission shall require.

In the wage and hour laws we clearly set forth the records to be kept and the prescribed periods for which they should be preserved. Why not do the same in this bill? Is there any compelling reason why this cannot be done? I know of no such restriction on the Senate or on the Judiciary Committee, where in fact it should be done.

Who would determine what were essential records and what were nonessential records? The Commission would be without adequate statutory direction. An employer might well risk severe penalties if he destroyed records relevant to the determination of whether unlawful employment practices had been or were being committed. Who would determine what was relevant? Certainly the employer would not do so, unless he was willing to risk prosecution.

What protection is afforded to an employer from fishing expeditions by investigators, in their zeal to enforce title VII? Senators should examine section 709(a), on page 44:

> 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 any matter under investigation or in question.

Could there be a greater grant of investigatory authority? I can recall none. Should the Commission be permitted to copy evidence? Should an employer be permitted to request a detailed list of the records to be examined by the Commission? Should the employer be permitted to go before a competent court in order to determine what records relate to any matter under investigation or in question? Or are we to allow the Commission carte blanche authority in its examination, in its copying of evidence, and in its inquiry? Should this examination be limited to specified documents? How broad could such inquiry be? It would be limited only by determination of the Commission. No private rights would remain.

On page 41, section 707(d) provides for relieving the Commission of any obligation to bring a civil action when the Commission has determined that the bringing of such action would not serve the public interest. I feel that the public interest should be more clearly defined for the purposes of this bill, and that the language should be changed to read "which would serve the interest of this title."

Section 708 of this title vests in this Commission the authority to determine the effectiveness of State or local action in the field of fair employment. I do not believe such language would be appropriate. The people of the State should have the right to determine the effectiveness of their agencies, consistent with the expressed purpose of this section.

Now let us consider the case of the operator of an establishment who has been determined to be in violation of one or another of the provisions of title VII, and who has been so ungracious as to refuse the gentle, persuasive efforts of the Commission, or perhaps the not-too-gentle armtwisting of the Commission, toward conciliation.

The bill provides that within 90 days the Commission "shall"—and I emphasize the mandatory nature of the verb—bring a civil action to prevent the respondent from engaging in such unlawful employment practice, unless by affirmative vote the Commission shall determine that the bringing of such an action would not serve the public interest. So he would find himself in the Federal district court.

If he operated in a State which had a fair employment practice statute, such as my State of Illinois does, he would be likely to have been the respondent in an administrative proceeding by the State commission, and the subject of an order requiring him to cease and desist from the unemployment practice complained of, and to take such further affirmative or other actions as would eliminate the effect of the practice complained of. And, if he did not comply, the commission "shall"—that is the word used—commence an action in the name of the people of the State of Illinois, for the issuance of an order directing such person to comply with the commission's order. For violation of that order, he could be punished, as in the case of civil contempt.

What a layering upon layer of enforcement. What if the court orders differed in their terms or requirements? There would be no assurance that they would be identical. Should we have the Federal forces of justice pull on the one arm, and the State forces of justice tug on the other? Should we draw and quarter the victim?

If he had violated a valid law, he would have to be brought into line; but

should not we give consideration to the overlapping of jurisdiction and multiple suits against the same defendant arising out of the same discrimination? I know there is a provision, as I have mentioned, for the Federal agency, at its discretion, to enter into agreements with a State or local agency to refrain from bringing a civil action in classes of cases to which they can agree. But if that agreement did not come to pass, where would we be under the provisions of overlapping Federal and State statutes?

Who would be an employer within the meaning of title VII? I am not sure, for the bill is indefinite, and there have not been committee hearings, and we do not have a committee report. Could an employer readily ascertain from the language of the bill whether he was included? Employers with a large number of employees would have no difficulty, but what of the small businessman?

Most statutes, in defining an employer in relation to the number of employees he has, are rather specific. Contrast the language on page 28 of this bill:

> The term "employer" means a person engaged in an industry affecting commerce who has 25 or more employees.

With the language from the Illinois Fair Employment Practice Act:

> (d) "Employer" includes and means all persons, including any labor organization, labor unions, or labor association employing more than 100 persons within the State within each of 20 or more calendar weeks, within either the current or preceding calendar year prior to January 1, 1963.

Let us consider the operation of a medium-sized orchard. For 11½ months of the year the employer would have no employees, but during 2 weeks of the year he would employ 100 pickers. Would he be subjected to the provisions of this title? What of summer or winter resort operations with employment for only 2 or 3 months, at the most? Would they be covered by this title? Certainly we have no clear statement by which an employer could be guided. Is this the way to legislate?

If an employer obtained his employees from a union hiring hall, through the operation of his labor contract, would he in fact be the true employer, from the standpoint of discrimination because of race, color, religion, or national origin if he exercised no choice in their selection? If the hiring hall sent only white males would the employer be guilty of discrimination within the meaning of this title? If not, then further safeguards must be provided to protect him from endless prosecution under the authority of this title.

Would the same situation prevail in respect to promotions, when that management function was governed by a labor contract calling for promotions on the basis of seniority? What of dismissals? Normally, labor contracts call for "last hired, first fired." If the last hired were Negroes, would the employer be discriminating, or would he be protected by his contract requiring that they be first fired and if the remaining employees were white? If an employer was directed to abolish his employment list because of discrimination, what would happen to seniority? Would an unfair labor practice arise as a result of the operation of this discrimination provision in title VII?

These questions cannot be answered here; they properly belong before the committee. Witnesses should be called there to clarify these issues; testimony should be taken, views obtained, and a record made.

Now I turn to discrimination on account of sex. Frankly, I always like to discriminate in favor of the fairer sex. I hope the might of the Federal Government will not enjoin me from such discrimination.

But let us look further at this provision. Historically, discrimination because of sex has been a protective discrimination, because we do not believe that women should do heavy manual labor of the sort which falls to the lot of some men. This is not true, of course, in countries where women work on the roads and in the mines. Then, too, we discriminate in favor of women, because of their nimble abilities in many fields, such as the assembly of radios and delicate instruments and machines.

When the discrimination is not in the best interest of the fairer sex, we have approached the problem by specific prohibitions, such as the requirement of equal pay for women doing the same work as men.

I suggest, therefore, that we look at this problem with compassion and care. We do not want women to be discriminated against; but we do not want, through inadvertence, to remove the protection which is appropriate. In the Department of Labor there is the Women's Bureau; and I offer for consideration the thought that since discrimination on account of sex is a vastly different problem than discrimination because of race, color, or national origin, we should give further attention to the best manner to deal with that problem.

Section 704 provides that it shall be unlawful employment practices for an employer to fail or refuse to hire any individual because of such individuals national origin. This, as well as other restrictions on employers under this title, would tend to create difficulties for the defense contractors, for example, who are required, by reason of security clearance regulations, to practice what amounts to discrimination, because such discrimination in security matters is both vital and necessary.

Section 704 describes the employment practices which would be made unlawful by the bill. Subsection (e) of that section provides certain exceptions; namely, where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

Or where a religious educational institution wishes to hire only employees of its particular religion.

But what of other reasonable occupational qualifications? The Harlem Glode Trotters may well wish to preserve their racial identity. A movie company making an extravaganza on Africa might well decide to have hundreds of extras of a particular race or color, to make the movie as authentic as possible. A religious institution which operates a hospital may have as great a desire to employ people of its own religious persuasion in the hospital as it would to employ them in its educational institution.

Again, we need careful consideration and study.

Section 707 of this title provides for action to be taken by the Commission "on behalf of a person" when it received information on behalf of a person who claimed to be aggrieved. I feel that action taken under this title should be by complaint of an individual, not initiated on his behalf by others.

Section 704(f) of this title reads as follows:

> Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs.

This language was added to the bill in the House of Representatives, and would, if enacted into law, be, in my opinion, a subject of review by the Supreme Court. In view of recent decisions by the Supreme Court, I have some doubt that this section would be sustained.

At this point I wish to refer again, briefly, to the part of title VII which deals with the proposed Fair Employment Practices Commission. Only a few plants do not have a defense contract of some kind; so all the others are required to keep records for the President's Commission on Defense Contracts. In addition, under the Illinois law they are required to keep records. In addition, under the provisions of this bill they would be required to keep records. In short, they would be required to keep three sets of records.

Under the Illinois law, if I remember correctly, it is not permissible to show on the records whether a person is of color. But under the Federal requirement that is shown. So what would happen? It is said that under the bill, States rights would not be preempted; that provision appears in title XI, in lines 14 through 21, on page 54.

But where would it leave the State commission in the State of Illinois? Who is in the ascendancy? Who will proclaim its power and finally win?

Still another problem would be the definition of "employer." Under the Wage and Hour Act there is one definition. Under the Illinois Fair Employment Practices Act there is a definition that requires that in order for an employee to be an employee he must work a given number of hours in a given quarter. No such provision appears in the bill. The bill merely provides that an employer would have 100 employees; then the number would drop to 75, then to 50, and then to 25.

But suppose an employer is operating a big peach orchard in Georgia, and for 11 months in the year he needs only four or five people to prune and spray. At that time he would not be within the act. But when fruiting time came for those delicious Georgia Elberta peaches, and he must get them to market, he brings in 300 or 400 pickers. What happens? Would he be under the bill or would he not?

Is it not about time for us to take a pretty good look and see who is an employer and who is an employee, and whether or not the provisions of the bill are integrated with State laws? There are approximately 30 State commissions. I believe the bill provides that a Federal commission or administrator would say whether the State law is effective and effectively administered.

Is that what we want? I desire a court to say whether the people in my State are effectively administering our FEPC Act or not.

One could go through the bill and find a great many provisions of that character.

TITLE VIII

I do not find title VIII relating to the gathering of registration and voting statistics objectionable except that we should protect the privacy of those who do not wish to give information as to race, color, and national origin and the like to survey groups or investigators. So, I would suggest that we provide that it shall not be an offense not to give such information to the Commission.

TITLE IX

Title IX of this bill provides:

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."

This seeming innocuous amendment is a radical departure from traditional legal procedures which reserved this right to the Federal district court on a remand motion rather than to a party to the lawsuit.

Section 1447 of title 28 proposed to be amended by this section authorizes a Federal court to send back a case brought to it in which a party alleges he has been denied or cannot enforce his civil rights in a State court.

In the interest of orderly conduct of law enforcement and the business of the courts, I feel that allowing for an appeal to a higher court before a case comes to trial on the merits in the first instance would unnecessarily handicap State and local courts and would add immeasurably to existing delay in the enforcement of legal rights. The public, victims of crime, and witnesses, would be adversely affected by dilatory tactics made available under this section.

TITLE X

Title X establishes a community relations service which I except to discuss more fully in connection with my proposals by way of a substitute for title II.

TITLE XI

This section indicates a lack of intention to deny, impair, or otherwise affect any right or authority of the Attorney General or of the United States or any agency or official thereby under existing law to intervene in any action or proceeding.

It further states the intent of the Congress not to preempt State law on the same subject matter. In view of differing opinions among lawyers on this, a clearer statement as to its effect should be given. Section 1103 provides for an open end authority of such sums as are necessary to carry out the provisions of this act. Certainly ordinary prudence, particularly at this time should indicate some limit to the amount of funds which can be authorized to be appropriated under this section.

Section 1104 of this title is similar to section 716 of title VII. It states:

If any provision of this title or the application of such provision to any person or circumstance shall be held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

In my opinion limiting the decision of invalidity to a particular person or circumstance would only result in a multiplicity of suits. If the court should determine any provision or section of this act to be invalid their decision of invalidity ought not to be limited by Congress to a particular person or circumstance.

I shall not detain the Senate any longer except to say that if ever a case could be made for the support of the Morse motion to send the bill to the committee, this is the day to make the case.

We had better take a little time; otherwise we may be like the fellow in the jailhouse in my hometown to whom I said, as I walked through the courthouse:

"What are you in there for?"

He said, "Petty larceny."

I said, "How long?"

He said, "From now on."

The impact of the bill will be "from now on," and the social pattern of our country will be changed. Some time later I do not wish to lament and to rue the day when I did not take sufficient time to give sufficient scrutiny to the words, the phrases, the implications, the legal significance, and what its impact will be upon the economic and social fabric of our country.

There is much to be said for the motion of the distinguished Senator from Oregon. No one can say that he does not want a bill. He has been a white knight on a white charger in shining armor in the liberal cause, and everybody knows it. So no one can say that he is trying to hurt, to delay, or to postpone. The Senator from Oregon thinks as a great lawyer and a great law instructor. He knows his cases pretty well. Two of the cases he recited in his interesting statement today were quite "on the nose."

That statement ends my discussion. The debate could go on for a long time, but I see no need for it. I shall vote for the motion. I think we can do some good in the Judiciary Committee when we stop to consider that 9 of the 15 members of the committee come from States which have FEPC's and nondiscriminatory legislation.

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

Mr. DIRKSEN. I yield.

Mr. MORSE. I thank the Senator from Illinois, the minority leader, for his support of my motion. I emphasize the fact that the Senator from Illinois is a member of the Committee on the Judiciary.

Mr. DIRKSEN. Yes.

Mr. MORSE. His argument today has utterly destroyed the rationalizing that we have heard on the floor of the Senate, to the effect that if we send the bill to the Committee on the Judiciary we will not get a committee report and we will not get a fair distribution of time for hearing during the 6 or 6½ days of actual working time that my motion would allow.

The Senator from Illinois has made it perfectly clear that we have an opportunity to hold the Judiciary Committee to an accounting by giving it an opportunity to live up to its clear responsibility to the Senate; namely, to provide the Senate with a committee report and to give us the best set of hearings possible in the 6½ days that will be allowed.

I close by saying that the proposed procedure is the way to prepare the way for cloture in the Senate. I should like to say to the civil rights groups in the galleries, "You will not get a civil rights bill until cloture is invoked. The senior Senator from Oregon is only seeking a procedure which, in his judgment, will enhance our prospects of invoking cloture."

We shall never get cloture, in my judgment, if we adopt the "end justifies the means" policy, and if we adopt the argument that was heard today, that our opposition has used the rules against us. Why do we not use the rules against them? I will state why: It is not fair; it is not the way to pass legislation in the Senate. I shall never be a party to a movement that we ought to adopt an "end justifies the means" policy because the end is what I am looking for.

The way to attain the end we all seek—a strong civil rights bill—is to follow a procedure that will stand up to the test in the light of history.

Mr. DIRKSEN. Mr. President, I close my remarks by saying that I desire a civil rights bill. I wish to vote for a bill. I have said nothing about title II. I shall have a substitute that would take a large share of title II in the pending bill. But I want it to be fair, equitable, durable, and workable, so that it can never be said that by hasty action we have created pockets of prejudice in our country. One reason why the issue is before the country is that the force bills passed in the Reconstruction days bred prejudice, and in the present generation we are faced with a real dilemma.

I surrender the floor.

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

Mr. DIRKSEN. I have yielded the floor.

Mr. HRUSKA. The Senator from Nebraska is a member of the Committee on the Judiciary. The debate which has occurred on the Morse motion today brings some thoughts to his mind pertaining to the next 10 days or perhaps the next 2 months. I do not know which it will be. One of those thoughts is as follows: Would not the limitation of referral to only 6 working days in the committee be in itself a form of cloture?

The subcommittee in the House devoted 22 days of hearings to the bill which it did not get to report. Following those 22 days there were 17 days of executive sessions to mark up the bill.

Under the pending motion 6 working days would be allowed for the purpose of hearing witnesses, marking up a bill, and writing a report. It might be said that the House committee was a little verbose, and perhaps a little dilatory. I do not believe it was. That committee applied itself diligently. But let us turn to what one of the committees in this body did when it reported to the Senate the bill having to do with public accommodations—one title of the bill. Hearings on that one title occupied 17 days.

Under the Morse amendment we would send a bill to the Committee on the Judiciary, of which I am a member. I would participate in the deliberations of the committee. We would send it there for 6 days.

There has been mention of a denigration of the Judiciary Committee. If the bill were referred to the committee with instructions not to amend it, but merely to hold hearings, I say that under those circumstances, under the terms of the Morse motion, that action likewise would be a denigration of the committee. I do not like it. I do not know that it is going to do any good, but I thought I would bring it to the attention of the Senate, because it bears on the situation at hand. If there is an explanation for it, I shall be glad to hear it.

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

Mr. DIRKSEN. I yield.

Mr. MORSE. Did I correctly understand the Senator from Nebraska to say that my motion would prevent the bill from being amended?

Mr. HRUSKA. No. I said that during the discussion about 3 weeks ago, one of the requests was to send the bill to the Judiciary Committee for hearings, without authority to amend the bill. There was a discussion about that question. When that discussion arose, it was said that that would be blackmailing the committee and would be an affront to the committee and to the committee chairman, because, after all, committees are supposed to work their will on bills.

Mr. MORSE. I remind the Senator that I was in favor of the bill going to the committee with the full rights of the committee.

Mr. HRUSKA. I understand.

Mr. MORSE. The Judiciary Committee knows about these problems. It knows the witnesses it can call to make legislative history. The committee can make a record in 6 days, and submit a report. It is a very able committee. The staff can start to work and draft a report.

Mr. DIRKSEN. Mr. President, I yield the floor.

Mr. MANSFIELD. Mr. President, in view of the fact that I intend to move to table the motion of the Senator from Oregon at the conclusion of my remarks, and further in view of the fact that my remarks will not be too long, I should like to suggest the absence of a quorum, the call to continue for not to exceed 2 minutes. I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The 2 minutes have expired, and further call of the roll is dispensed with.

Mr. MANSFIELD. Mr. President, the reason for suggesting the absence of a quorum was not that I had anything earthshaking to say, but in anticipation that, at the conclusion of these remarks and the motion which I intend to make, there will be a vote.

I can sympathize with the approach of the Senator from Oregon [Mr. MORSE] in urging that H.R. 7152 be referred to committee. May I say that after H.R. 7152 was put on the calendar the majority leader was also prepared to refer the bill to Judiciary. A unanimous-consent agreement was offered to that effect, with the provisos that the bill be reported back to the Senate on a date certain and without change in text. Had the bill gone automatically to the committee, as it would have without the leadership's intervention, no such provisos could have been attached.

The first time the majority leader made the unanimous-consent proposal, a single objection was heard from the distinguished senior Senator from New York [Mr. JAVITS]. On the second occasion that the majority leader asked the Senate to entertain the unanimous-consent agreement an objection was heard from the distinguished chairman of the Judiciary, the Senator from Mississippi [Mr. EASTLAND], who was joined in objection by the other distinguished Senator from New York [Mr. KEATING]. To the best of my recollection, and in all fairness, I should note that neither the Senator from Oregon [Mr. MORSE], nor the Senator from Georgia [Mr. RUSSELL], nor the distinguished minority leader [Mr. DIRKSEN] raised objection to the majority leader's proposal on the two occasions it was made.

Had the unanimous-consent agreement offered at the outset prevailed, the Senator from Oregon would have had the detailed record of committee hearings in which, as a great constitutional lawyer and historian, he is primarily and deeply interested. Had the unanimous-consent agreement prevailed, I suspect that the Senator from Georgia [Mr. RUSSELL], too, even though he may not have been content, at least would have experienced a lesser outrage of his sense of procedural orthodoxy.

Insofar as the majority leader is concerned he, too, would have been entirely satisfied. There would have been an opportunity for the Judiciary Committee to consider the bill during a period of time when other important measures—a military construction authorization and farm legislation—were before the Senate. The date certain for reporting the bill back to the Senate would have prevented undue delay in the committee. Moreover, the House bill would have returned to the Senate without change in text so that the Senate as a whole, rather than a committee, would have had an opportunity to consider it in a form which the President of the United States had found most satisfactory. That is the form, moreover, in which a majority of the Senate had indicated they desired to consider it by supporting the Chair's ruling that it be placed directly on the calendar after receipt from the House.

I think it ought to be abundantly clear by this time that the majority leader is not a procedural radical. I think it ought to be abundantly clear that the majority leader prefers to stay as close as possible to usual procedure and still move the business of the Senate. There is no joy, as I have known to my sorrow, in bypassing any committee. But there is a higher responsibility to see to it that whatever can be done by the leadership—and it is not much—is done, to the end that the proper and pressing business of the Senate is faced and disposed of by the Senate. I know of no Member who would contend that the civil rights bill is not the proper business of the Senate. And I would doubt that there are many Members who would contend that the bill is not pressing business.

With all due respect to the chairman of the Judiciary Committee, I do not see how disrespect or offense can be inferred from the instructions which were contained in the unanimous-consent agreement proferred by the majority leader some days ago. A committee is the creature, the agent of the Senate. Committees are to facilitate the work of the Senate as the Senate as a whole decides that it is best facilitated. The act of referral represents a trust of the whole Senate in several of its Members. It can in no way be considered as disrespectful or offensive, irrespective of the instructions which the Senate may give to its agent. Instructions of all kinds from the Senate to any committee are entirely in order and they are neither uncommon nor, at times, unnecessary.

I go into this background, Mr. President, for no purpose other than to make my position entirely clear on the issue now posed by the motion of the Senator from Oregon. It was at the outset and it remains, today, the leadership's desire to stay as close to the usual procedure as is commensurate with reaching the point of decision on the civil rights bill without unconscionably delay.

May I reiterate the phrase "usual procedure" which I have just used. There has been some loose terminology in the debate of the past 2 weeks. There has been talk of the need for orderly procedure and even "legislative lynching," as though the majority leader had somehow advocated disorder or a disregard of the rules of the Senate or violation of the rights of any of its Members. I reject any such implication.

Let me emphasize that the course which is being followed has in no way intruded on the rights of any Member of the Senate. The procedure may not be a very unusual one but it is entirely in order. It is entirely in accord with the rules of the Senate. Indeed, if it were not, the hue and cry, the points of order, would be such as to echo all the way—and properly so—from Florida to Hawaii.

There is a difference between usual and orderly. I am prepared to admit that the leadership has resorted to unusual procedure. But who in this body will say that in considering this legislation we are in the usual situation?

My reaction to the present proposal of the Senator from Oregon at this point is that it, too, is unusual. My reaction to the proposal is that it will not only take us even further from the usual procedure than we are but, at the same time, it will introduce a most unconscionable delay in facing this critical issue.

In the first place, it is a most unusual procedure to refer a bill to committee once it has become the pending business before the Senate. When a bill has progressed to that point, the usual procedure is to debate the bill before the entire Senate, amend it if that is the will of the Senate and, in due course, to vote on it.

To be sure, the Senate acted in an unusual fashion in placing the bill directly on the calendar. But the Senate made that decision, not in haste, but in a day-long consideration of the procedural issue involved and in accordance with the rules. An opportunity was afforded to challenge the procedure. It was challenged by the appeal of the Senator from Georgia of the Chair's ruling that the bill be placed directly on the calendar and the challenge was tabled by the Senate. The bill stayed on the calendar, not by some dictum of the majority leader or the Presiding Officer, but by ruling of the Chair, sustained, in effect, by a majority vote of the Senate.

What is now being asked by the Morse motion is that the Senate reconsider what is has already, in effect, decided. The motion, of course, is in order but it is also unusual.

I acknowledge, Mr. President, that there is much theoretical appeal in the argument of the Senator from Oregon that committee hearings and a report from the judiciary on this measure would be most useful to our understanding and to subsequent interpretations by the courts. But I would say to the Senate, that was done in 1960. A report was transmitted by the committee as directed by the Senate. This is the report which was supplied which presumably was going to be of great help to the courts in interpreting the civil rights bill of 1960. I now read to the Senate the whole report, the entire report of the committee on that legislation, and I ask the Senate to judge what value it might have to the courts in interpreting that law:

REPORT BY MR. HENNINGS, FROM THE COMMITTEE ON THE JUDICIARY

(To accompany H.R. 8601)

The Committee on the Judiciary, to which was referred the bill (H.R. 8601) to enforce constitutional rights, and for other purposes, having considered the same, reports the bill in conformity with instruction of the Senate, with amendments.

STATEMENT

By order of the Senate, agreed to March 24, 1960, H.R. 8601, to enforce constitutional rights, and for other purposes, was referred to the Committee on the Judiciary, with instruction to report back to the Senate not later than midnight Tuesday, March 29, 1960.

The committee met in executive session on March 28 and 29, 1960, during which time testimony was received from the Attorney General of the United States, William P. Rogers; the Deputy Attorney General, Lawrence E. Walsh, and the special deputy attorney general of the State of Georgia, Charles J. Bloch.

The committee considered numerous amendments agreed to by the committee are set forth in the bill as reported to the Senate.

That, I repeat, is the whole report of the Judiciary Committee on a previous instructed referral of a civil rights bill.

I would say to the Senate, look at the hearings on a Senate bill closely related to the pending bill which was referred last year to the judiciary. They consist of 9 days of hearings in which one witness was questioned by one Senator and that was all. I do not believe those hearing give us a fraction of the insight into the significance of this measure when they are compared with the documentation already developed on the floor of the Senate in its preliminary consideration of the question. And if and when we do get down to debate on the substance of the measure, there is every reason to assume that the additional documentation which will be produced on the floor will be extraordinary both in volume and in erudition.

And, finally, I would say to the Senator from Oregon in his understandable concern that the courts have the guidance of a legislative record for purposes of interpretation, what is wrong with the record which is just beginning to develop on the floor? I do not believe that the Senator from Oregon will hold for one moment that a thorough legislative record developed by all the members of the Judiciary Committee plus the balance of the 100 Senators will be held in less esteem by the courts than one developed by 15 committee members alone.

Mr. MORSE. Mr. President, will the Senator yield to me for 30 seconds?

Mr. MANSFIELD. I yield to the Senator from Oregon.

Mr. MORSE. I merely wish to say that the U.S. Supreme Court has so held and will continue so to hold.

I also point out the first time I had an opportunity to make my motion was today, because the bill was on the Calendar. That is the regular course of procedure in the Senate; there is nothing unusual about it.

Mr. MANSFIELD. The Senator from Oregon has stated again what he said previously. We differ.

It is obvious that we are going to have the time to develop an exceptional legislation record. We have already been developing it for a longer period than the Senator's motion would allow to the Judiciary Committee and we will be at it for weeks, if not months, more. I venture to say to the Senator, with all due respect, that, in the end, the CONGRESSIONAL RECORD of the proceedings will be more thorough, more complete, more learned in a legal sense than anything which might be produced by a short period of hearings before the able lawyers of the Judiciary Committee.

So while I sympathize with the argument that this bill should be referred to the Judiciary for purposes of developing the usual legislative record, I cannot accept it, at this late date, as an overriding consideration.

I found this argument sufficient cause when I originally propounded the unanimous consent request for an instructed referral. Had it been referred at that time and with the conditions mentioned, it would not have admitted of unconscionable delay. But I find it insufficient cause at this late date, when we have already had an opportunity to develop a considerable record on the floor and will continue to have it.

I must ask the Senate, therefore, to consider fully the implications of the Morse motion to the timely consideration of H.R. 7152. The Senate knows that the motion, if it carries, will deliver the bill to Judiciary for a period of 14 days. By no later than April 8, the committee following its instructions faithfully would report the bill back to the Senate.

But does the Senate realize fully what happens at that point under the rules? Does the Senate assume that H.R. 7152 will once again be, as it is now, as it is after 16 days of debate on the simple question of taking up—does the Senate assume the bill will be the pending business again on its return from committee? If the Senate so assumes, it assumes in error. The bill on its return will not come before the Senate at once. It will go to the calendar, as any other bill which might be reported from committee. It will have no privileged status. It will no longer be, as it is now, the pending business of the Senate. It will be on the list, subject to being motioned up all over again. May I say that it has already taken us since March 9 to get H.R. 7152 motioned up the first time and laid down as the pending business. It will be in committee for the next 14 days if the Morse motion carries. For how many days after, then, will we have to repeat the ordeal of the last two and a half weeks in order to make H.R. 7152 once again the pending business—to get it once again to the point in the legislative process where we are today—where we can debate the issues of the bill and not the question of whether there is an issue to debate? Unconscionable delay? I do not know how others may regard it. But to me, Mr. President, that sort of delay would be most unconscionable.

Let me underscore what I have just said by propounding a series of parliamentary inquiries. Let me make clear that there is a difficulty in this motion, an invitation to unconscionable delay which some of those who now support this motion may have overlooked.

Mr. President, I wish to propound a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. Am I correct, in stating that if the Morse motion is adopted, H.R. 7152 will be referred to the Judiciary Committee and that no later than 14 days hence it will be reported to the Senate?

The ACTING PRESIDENT pro tempore. It will have to be reported back

on the day stipulated, not later than April 8.

Mr. MANSFIELD. Mr. President, a further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. After H.R. 7152 is considered in committee and reported to the Senate, will the bill be in its present procedural status; that is, will it become again automatically, on being reported from the committee what it is now—that is, the pending business before the Senate, or will it revert on return from committee to the calendar?

The ACTING PRESIDENT pro tempore. It will revert to the calendar and will have to lie over 1 legislative day before a motion to take it up will be in order.

Mr. MANSFIELD. Mr. President, a further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. After H.R. 7152 is reported by the Judiciary Committee and reverted to the calendar, it would have to lie over 1 legislative day and then it would be in order, would it not, to move to proceed to consider it again?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MANSFIELD. And that motion to take up would be, except in the morning hour, debatable, would it not?

The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MANSFIELD. A final parliamentary inquiry, Mr. President.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. Except by unanimous consent, is it in order to refer the pending business, H.R. 7152 to the Judiciary Committee with the proviso that when it is reported back to the Senate it will become as it is now, once again the pending business of the Senate?

The ACTING PRESIDENT pro tempore. The only way such a proviso could be included would be by unanimous consent.

Mr. MANSFIELD. Mr. President, the amendment which is offered is an invitation to go back to the beginning and to start all over again. What is involved is not merely the 14 days during which the motion would put the bill in the Judiciary Committee. It is those 14 days plus whatever additional days or weeks it may subsequently take to get the bill off the calendar and pending once again in the Senate.

Whatever its worthy intent, the course advocated is an invitation to delay, to evade, to put off.

In asking the Senate to reject it, I do not ask Senators to prejudge the issues of substance involved in H.R. 7152. My personal judgment is that it is a good bill; but I hope that I am sufficiently openminded not to foreclose adjustments in that estimate, dependent on the argumentation and debate which will transpire on the floor.

Face the issue: that is all the majority leader requests of the Senate. Argue the substance of this bill; amend it if that is indicated. In the end, approve it or reject it, as we will. There will be time enough on the floor—that much is a certainty—to consider every last comma, to reach a decision on the basis of full and complete understanding. But there is not so much time available that weeks, if not months, more can be allocated to procedural matters.

We may go away from this issue by referral, by a repetition of days more of debate on taking up, or by any of the countless provisions of the rules which permit delay, postponement, and evasion.

We may go away from the issue. But the issue will not go away from the Nation.

It seems to me that we owe it to the President to face this question and to face it now. We owe it to the House of Representatives. We owe it to the Senate as an institution. We owe it, in the last analysis, to the Nation and to ourselves.

Senators individually are responsible to their consciences and their constituencies. But the Senate as a whole is responsible to the Nation as a whole. I ask Senators to act individually so that the Senate as a whole will not abdicate that responsibility. I ask Senators, regardless of their views on merit, to permit the Senate to stay with the bill with a single-minded and resolute purpose until we find out what its merits may be and then dispose of it by votes, one way or the other.

I urge the Senate, therefore, to set this motion aside so that we may now come to grips with the substance of the bill.

Mr. President, I move——

Mr. MORSE. Mr. President, before the Senator makes his motion, will he yield 2 minutes to me?

Mr. MANSFIELD. I yield.

Mr. MORSE. I wish to say to the Senator from Montana that I had already elicited all the information he has stated with respect to procedure from the Parliamentarian and had stated it for the RECORD.

It really does not make any difference, when a filibuster situation is facing the Senate, whether the filibuster is being conducted about restoring a bill to the calendar after it had been reported by committee, or whether the filibuster is on any other point. There will be a filibuster.

The procedure is to let the filibuster continue until the Senate can obtain a vote for cloture. Once the cloture vote has been obtained, whatever filibuster has been started will be stopped, not before.

So I am not at all moved by the argument that the bill will not be placed on the calendar when it comes from committee, because whether it is on the calendar or not the Senate will be confronted with a filibuster, and the debate will continue until the Senate votes cloture. Once the Senate becomes convinced that it can stop a filibuster by cloture, there will be no trouble in getting a cloture vote as many times as it is needed.

Next, the 1960 civil rights bill is not a good analogy to be offering to prove a point in connection with this debate. The 1960 bill was pretty weak stuff. Most of its strength was eliminated before it ever moved through the Senate.

It may be that the Committee on the Judiciary, in considering this bill, the most important, extensive and most discussed bill on civil rights that I believe the Senate and the people of the country have ever faced in many a year, may give it the kind of treatment that the Senator from Montana has said the 1960 bill received.

Does not the Senator believe we ought to find that out? Does he not believe we ought to ascertain whether the Senate has a Committee on the Judiciary composed of a majority of members who will provide us with that kind of report? I will tell Senators one of the things that concerns me. I am somewhat concerned as to whether or not there are those who would like to permit the Committee on the Judiciary to escape its responsibility to draft for the Senate a sound report that can be used not only in the debate, but also in the litigation that will arise afterward.

I close by saying to the Senator from Montana that he is wrong in his law. All the debate in the Senate, without having a committee report, will not establish legislative intent.

Today the Southern Railway case was cited. That case involved two committee reports. After all, the reference to the debate on the Senate floor was in relation to a bill on which there were committee reports attached. I cited cases today to show that when that kind of situation exists, the courts will at least consider what the prominent leaders of the bill said on the floor of the Senate.

The law is against the Senator from Montana, but in my judgment what is against the Senator from Montana more than anything else is that he opposes following the procedure that has been outlined in my motion, for that is the way, ultimately, to get cloture, and that is the way to pass, finally, a bill of which the Senate can be proud.

Mr. MANSFIELD. Mr. President, I wish to corroborate what the distinguished Senator from Oregon has said. Many of the points which I have just brought out were brought out for the purpose of emphasizing them. They had been brought to the attention of the Senate before by the distinguished senior Senator from Oregon. Not being a lawyer, I could very well be wrong on the law, but being an ex-miner, an ex-rancher, and an ex-teacher, I believe I could very well be right on the facts. Whether or not I am right or wrong will of course be up to the Senate to test in its wisdom.

I move, Mr. President, that the motion——

Mr. GORE. Mr. President, will the Senator yield before he makes the motion?

Mr. MANSFIELD. I yield.

Mr. GORE. Mr. President, I ask the Senator to yield only briefly.

Mr. MANSFIELD. I yield.

Mr. GORE. Mr. President, in section 602, the first sentence uses as its verb the word "shall". In the second sentence the verb is "may."

I inquired of the Justice Department why the word "may" was used, and I received a 5-page memorandum on the

word "may." This illustrates the need for clarification.

I suggest to the majority leader, although he has already taken his position, that a few days of careful consideration now by a committee of lawyers—a committee of 15, of which only 4 are southerners—might well save weeks later.

I should like to know the meaning of the terms with some more specific reference as to the legislative intent. We have seen repeatedly in the Senate the incongruous situation of a Senator, albeit a very able and distinguished Senator, the senior Senator from New York [Mr. JAVITS] giving to the Senate, or undertaking to do so, an interpretation of the bill, and the alleged legislative intent.

I invite the attention of the Senators to the fact that the distinguished senior Senator from New York is neither the author of the bill nor a member of the Judiciary Committee, nor a member of the majority party. The orderly and prudent procedure is to refer the bill to the appropriate committee with instructions to report it back in accordance with the instruction contained in the motion of the senior Senator from Oregon. I shall so vote.

I appreciate the courtesy of the majority leader.

Mr. MANSFIELD. I thank the Senator.

Mr. President, I move to table the motion of the distinguished senior Senator from Oregon, and on that motion I ask for the yeas and nays.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana that the motion of the Senator from Oregon that the bill be referred to the Judiciary Committee, with certain instructions, be laid on the table.

On this question, the yeas and nays have been ordered; and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BIBLE (when his name was called). On this vote, I have a pair with the junior Senator from Washington [Mr. JACKSON]. If the junior Senator from Washington [Mr. JACKSON] were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. JORDAN of Idaho (when his name was called). On this vote, I have a pair with my colleague, the Senator from Idaho [Mr. CHURCH]. If the Senator from Idaho [Mr. CHURCH] were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. WALTERS (when his name was called). I have a live pair with the Senator from West Virginia [Mr. RANDOLPH]. If the Senator from West Virginia [Mr. RANDOLPH] were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Idaho [Mr. CHURCH], the Senator from Oklahoma [Mr. MONRONEY], the Senator from Utah [Mr. Moss], and the Senator from Washington [Mr. JACKSON] are absent on official business.

I also announce that the Senator from West Virginia [Mr. RANDOLPH] is absent because of illness.

I further announce that the Senator from New Mexico [Mr. ANDERSON] is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Oklahoma [Mr. MONRONEY], and the Senator from Utah [Mr. Moss] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. PEARSON] are absent on official business.

The Senator from Utah [Mr. BENNETT], the Senator from Nebraska [Mr. CURTIS], the Senator from Wyoming [Mr. SIMPSON] and the Senator from Texas [Mr. TOWER] are necessarily absent.

The Senator from New Hampshire [Mr. COTTON] is absent to attend the funeral of a friend.

On this vote, the Senator from Colorado [Mr. ALLOTT] is paired with the Senator from Texas [Mr. TOWER]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Texas would vote "nay."

On this vote, the Senator from Utah [Mr. BENNETT] is paired with the Senator from Wyoming [Mr. SIMPSON]. If present and voting, the Senator from Utah would vote "yea," and the Senator from Wyoming would note "nay."

On this vote, the Senator from Nebraska [Mr. CURTIS] is paired with the Senator from New Hampshire [Mr. COTTON]. If present and voting, the Senator from Nebraska would vote "yea," and the Senator from New Hampshire would vote "nay."

The result was announced—yeas 50, nays 34, as follows:

[No. 103 Leg.]

YEAS—50

Aiken	Hruska	Mundt
Bartlett	Humphrey	Muskie
Bayh	Inouye	Nelson
Beall	Javits	Neuberger
Boggs	Keating	Pastore
Brewster	Kennedy	Pell
Burdick	Kuchel	Prouty
Carlson	Long, Mo.	Proxmire
Case	Magnuson	Ribicoff
Clark	Mansfield	Saltonstall
Dodd	McCarthy	Scott
Douglas	McGee	Smith
Edmondson	McGovern	Symington
Engle	McIntyre	Williams, N.J.
Fong	McNamara	Yarborough
Hart	Metcalf	Young, Ohio
Hartke	Miller	

NAYS—34

Byrd, Va.	Gruening	Morton
Byrd, W. Va.	Hayden	Robertson
Cannon	Hickenlooper	Russell
Cooper	Hill	Smathers
Dirksen	Holland	Sparkman
Dominick	Johnston	Stennis
Eastland	Jordan, N.C.	Talmadge
Ellender	Lausche	Thurmond
Ervin	Long, La.	Williams, Del.
Fulbright	McClellan	Young, N. Dak.
Goldwater	Mechem	
Gore	Morse	

NOT VOTING—16

Allott	Curtis	Randolph
Anderson	Jackson	Simpson
Bennett	Jordan, Idaho	Tower
Bible	Monroney	Walters
Church	Moss	
Cotton	Pearson	

So the motion to lay on the table was agreed to.

Mr. INOUYE obtained the floor.

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

The ACTING PRESIDENT pro tempore. Does the Senator from Hawaii yield to the Senator from Georgia?

Mr. INOUYE. Mr. President, I yield with the understanding that I shall not lose my right to the floor.

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

Mr. INOUYE. I yield.

Mr. RUSSELL. Mr. President, unfortunately today, by the vote that has been taken in the battle for constitutional government, we have lost a skirmish. A battle has been lost. We shall now begin to fight the war.

The great odds against us are clearly apparent. Washington has not seen such a gigantic and well-organized lobby since the legislative days of Volstead and the prohibition amendment. Even the society section of one of Sunday's newspapers was devoted to various activities of the good ladies attending sessions and visiting on Capitol Hill. Groups of ministers from all over the Nation arrive in relays, demanding that Senators resolve all constitutional doubts, however genuine they may be by voting in favor of the bill.

As these people undertake to make a moral issue of the pending question, the politicians are having a field day sanctimoniously moralizing over what is essentially a political question. We in the minority have much greater difficulties than did the minority in the Volstead fight. In this case the President of the United States, leaders of both political parties, and the most gigantic bureaucracy ever supported by tax money are using every available pressure to influence votes for the bill. Tax-paid representatives—lawyers—of the Department of Justice, in large numbers, have either been rotating through the gallery in shifts or scattered throughout offices assisting Senate employees, including those of the Democratic policy committee, in furnishing ammunition to Senators who support the bill.

I again state that those who are advocating the bill with the slightest hope that even this far-reaching and sweeping proposed legislation will begin to satisfy those who are supposed to be its beneficiaries are in for a rude awakening. Even if the bill is enacted, these groups will be back here next year with new and increasing demands. Senators may recall the several steps in the so-called prohibition era.

First, it was temperance; then it was the Anti-Saloon League; then it was total prohibition. Senators will see that course followed in respect to the proposed legislation.

There are many ethnic groups among our diverse population which, by their own mental efforts, have earned acceptance, equality, and leadership. Many individual Negro citizens have accomplished this for themselves. But for the first time in our history a group of American citizens are resorting to force and intimidation and demanding special legislation as a means to achieve these

ends. The American people would do well to blow away the emotional smokescreen which obscures the real issues before irreparable damage is done to the fabric of constitutional government. Despite overwhelming odds, those of us who are opposed to the bill are neither frightened nor dismayed. We shall renew the contest next week with a firm conviction that we are fighting the good fight for constitutional government.

Make no mistake about it. If the bill is enacted as it is now written, it will not only change the social order to which the Senator referred, but it will also change the form of our Government.

Mr. President, we shall enter into the battle next week with the earnest hope and prayer that we may find the means and strength to bring the facts of the issue to the people of this self-governing Republic before it is too late.

Mr. INOUYE. Mr. President, I ask unanimous consent that I may yield to the Senator from Wyoming [Mr. McGEE] without losing my right to the floor.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. WILLIAMS of Delaware. Mr. President, I have been waiting all afternoon to speak. There are approximately 15 other Senators who wish to speak. I shall have to object.

The ACTING PRESIDENT pro tempore. Objection is heard.

The Senator from Hawaii has the floor.

Mr. WILLIAMS of Delaware. Mr. President, I withdraw my objection if the Senator will yield to me——

Mr. JAVITS. Mr. President, reserving the right to object, we all have been waiting. It is understandable that a Senator who has the floor should yield to Senators for unanimous-consent requests or to make brief statements. But he should not yield for speeches. There is no reason for having to wait a half hour. I do not think there is anything fair about that.

The ACTING PRESIDENT pro tempore. The Senator yielded——

Mr. JAVITS. The Senator asked unanimous consent. The Senator from Delaware objected. He withdrew his objection. I have a right to object. I do not intend to object, but I think the situation can be organized a little better. I suggest that a Senator who has a unanimous-consent request which would not take more than 30 seconds or so should not have to remain in the Chamber all afternoon.

The ACTING PRESIDENT pro tempore. Does the Senator from Hawaii yield; and, if so, to whom?

Mr. INOUYE. I yield to the Senator from Wyoming [Mr. McGEE].

PURCHASING, PROCESSING, MARKETING, AND PRICING PRACTICES OF LARGE FOOD CHAIN STORES

Mr. McGEE. Mr. President, I express my appreciation to the Senator from Hawaii for yielding to me for a very brief statement.

Mr. WILLIAMS of Delaware. Mr. President, I will withdraw my objection to any statements.

The ACTING PRESIDENT pro tempore. The Senator from Delaware withdrew his objection. The Senator from Wyoming is recognized.

Mr. McGEE. Mr. President, the Commerce Committee has just concluded the first 3 days of hearings on a resolution, Senate Joint Resolution 71, which I have sponsored, to authorize the Federal Trade Commission to conduct an investigation into the purchasing, processing, marketing, and pricing practices of the large food chainstores. This resolution grew out of some unusual and highly suspicious market changes on the beef market beginning about 15 months ago. Perhaps the dirtiest of the allegations being made is the threats of retaliation against many suppliers who dared to criticize the major purchasers of foods.

Mr. President, fear and intimidation are ugly words. They are words that should not be used in describing business practices in our American free enterprise economy. Yet these words have been used, in direct testimony, by men who have witnessed attempts by large food chainstores to threaten reprisals against cattle suppliers who might testify concerning some of the tactics used to control and manipulate the American beef market.

An official of the Denver Union Stock Yards declared that, in his presence, one operator in the Denver area had said that he didn't dare appear at a witness because the big chains would put him out of business. An official of a Rocky Mountain farmers' organization testified that a cattleman of his acquaintance in the Denver area had already been threatened by the refusal of chains to buy his cattle because of his criticism of chainstore marketing methods. And a third witness, Mr. James G. Patton, president of the National Farmers Union, reported that a manager of a Farmers Union cooperative told him that he did not dare testify because he was dependent upon the chains for most all that his group marketed.

Mr. President, these are serious charges. If true they reflect an unconscionable use of concentrated economic power. I serve notice now that the Congress dare not greet such pressures with indifference. They threaten the search of a duly commissioned committee of Congress for the facts. They jeopardize the operations of a free society. The plight of the captive suppliers for the chains is one of Hobson's Choice of slowly going broke because of continued low prices and being put out of business because the major markets for their produce seek to destroy them through retaliation. It is appropriate to add at this point that, since these hearings have been underway, several other groups have come to me privately describing similar threats from the large chains. It may be that the Congress, when it finishes its meat inquiries, should look at the pressure economics and pressure politics of the gigantic marketing agents in the country.

One other development of interest in the committee hearings has been the strange activity on price lines. It was reported to the committee in testimony that, very soon after the announcement of the committee's intention to investigate chainstore marketing practices, there suddenly appeared a flurry of meat sales which reflected sharply cut beef prices. Curiously enough, 3 or 4 days later—so it was reported—the beef prices to the housewife were back up to their old high level. The intimation made was that we can expect further concentrated efforts on the part of the food chains to allay the housewife's suspicions and misgivings by giving her temporary relief from high meat prices in "quickie" weekend sales for as long as the "congressional heat" remains on this question. If this be true, I for one want to assure these predators of a free market that "congressional heat" is not going to be permitted to die down until the marketing conditions have been cleaned up.

What the committee is asking essentially is: Who repealed the law of supply and demand in meat marketing? For as the price to the stockman has gone through precipitous drops on the one hand, the price to the housewife either remains static or, in many instances, has steadily risen. Beef producers in our country have lost in excess of $2 billion in the last year in skidding prices. These losses in some of our areas represent price drops of as much as 30 or more percent to the grower, but the retail price across the counter has not reflected the savings to the chain stores.

The amount of concern that has manifested itself over a study of chain store marketing practices, the nationwide interest from all sections of the country that is now begging the Congress to go ahead with a searching examination in this field, and the desperate plight of many of our independent producers in varied economic groups all demand that a substantive investigation in depth be launched without further delay.

What this may require in the form of new legislation and examination is yet to be seen, but it does say that the Congress must demand the facts—all of the facts. It is now time that we ask the right questions without being afraid of the right answers.

Mr. President, Napoleon said that an army travels on its stomach. That statement could now be modified to say that an army travels, period. In fact, our whole Defense Establishment is keyed to the ability to transport men and materials with speed and efficiency to the places where they are needed.

It is very encouraging to know that this Nation is prepared to meet its transportation needs in case of an emergency. The extent of this preparation was outlined recently by C. K. Faught, Jr., Deputy Director, Office of Emergency Transportation, in a speech before a group of OET regional executive reservists in St. Louis, Mo., on March 24. I would add, Mr. President that Wyoming is proud to claim Mr. Faught as a native son.

Mr. President, I ask unanimous consent that the speech be printed in the RECORD.

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

REMARKS OF C. K. FAUGHT, JR., DEPUTY DIRECTOR, OFFICE OF EMERGENCY TRANSPORTATION, DEPARTMENT OF COMMERCE, BEFORE THE OET REGIONAL LEVEL EXECUTIVE RESERVISTS, ST. LOUIS, MO., MARCH 24, 1964

This is a very dangerous world. It is sobering to reflect on the measures that may be required to provide for the survival and maintenance of the economic capability of the United States under emergency conditions.

History has well emphasized the importance of transportation in emergencies.

By Presidential order the Secretary of Commerce is responsible for coordinating plans for the centralized direction of civil transportation in a national emergency. His assignment includes all land, water, and air transport, whether foreign or domestic. He is to determine the proper allocation of all civil transportation resources between essential civil and military needs.

The Under Secretary for Transportation created the Office of Emergency Transportation within his office to do this job.

This assignment is more extensive, with respect to centralized control of civil transportation, than any before given to a single agency. In World War II the emergency transportation function was divided into three parts: Domestic surface transportation to the Office of Defense Transportation; ocean shipping to the War Shipping Administration, and air transportation to the Military Directorate of Civil Aviation. Now it is to be a unified approach which recognizes that there is basically but one national transportation system. Efficient utilization demands centralized control.

To this end the Office of Emergency Transportation coordinates current emergency preparedness functions of our Federal transportation agencies. These include the Maritime Administration and the Bureau of Public Roads, within the Department of Commerce, and the independent agencies—the Interstate Commerce Commission, the Civil Aeronautics Board, and the Federal Aviation Agency. The Office of Emergency Transportation relies on these transportation agencies for the operation and utilization of transportation. Under emergency conditions and upon Presidential direction to the Secretary of Commerce, the Office of Emergency Transportation would assess the essential civil and military movement requirements against available civil transportation capability and direct allocations and priorities.

The relative urgencies of competing claims would be determined by the Executive Office of the President. It is important to note that the Department of Defense, being responsible for both military and civil defense, is nevertheless a claimant for civil transportation resources and not a controller of civil transportation services and facilities.

In developing our plans for the coordinated employment of the civil transportation capacity in an emergency we work under the close guidance and direction of the Office of Emergency Planning. Executive Order 10999 makes us responsible for the following matters: Centralized control of all modes of transportation in an emergency; long-range programs to integrate the mobilization requirements for movement of all forms of commerce with all forms of national and international transportation; plans to claim supporting materials, manpower, equipment, supplies, and services which would be needed; and coordination of the transportation programs which involve other departments and agencies which have responsibilities for any segments of such activity, and utilize to the maximum the capabilities of other agencies.

The new national plan and especially chapter 6, covering transportation, sets the guiding policy and framework of how State, local, and National requirements are apprised and interrelated.

OET is developing an executive reserve unit composed of leaders in the transportation industry. Eight outstanding transportation executives and industrial traffic managers have accepted appointments as OET regional director designates to serve under emergency conditions. Other augmentation will come from elements of the Office of the Under Secretary for Transportation from elsewhere within the Department of Commerce where peacetime functions would have no continuing need during a national emergency.

Related activities of OET include allocation of civil air carrier aircraft to the Civil Reserve Air Fleet, and to the war air service program, the aviation war risk insurance program, assistance and guidance to State and local governments in their own transportation emergency preparedness programs, and participation with the U.S. delegations to such NATO planning groups as the Civil Aviation Planning Committee and the Planning Board for Ocean Shipping.

A particularly important aspect of our work is the transportation allocations, priorities and controls (or TAPAC) system. The TAPAC system, implemented through the Federal agencies, will enable OET to control the utilization of all modes of civil transportation in the national interest. It involves these steps:

Step No. 1 is the accumulation of data to give us total transportation capability for all modes. This would be compiled by Federal regulatory and promotional agencies. These agencies—ICC, Maritime Administration, Bureau of Public Roads, Federal Aviation Agency, CAB, and Department of the Interior—would continue to perform their normal functions as established by statute or Executive authority.

Step No. 2 is the gathering of time-phased transportation requirements, from the "claimant agencies" such as Department of Defense for military requirements and for civil defense; Department of Agriculture for food resources, farm equipment, fertilizer, and food resource facilities; Department of the Interior for petroleum and gas, solid fuels and minerals; and Business and Defense Services Administration for all other materials and production facilities.

Step No. 3 is the analysis and evaluation of these requirements with respect to relative essentiality and, finally;

Step No. 4 is the apportionment and allocation of the total civil transportation capacity.

These allocations will be issued in bulk to the major claimant agencies who will then issue suballocations down to the actual shipping agencies and industries. They will manage their own movements through their own internal controls, including a standard priority system.

OET's efforts are primarily directed toward a war emergency but it might well be called upon to provide the framework of centralized control and direction of the use of the Nation's civil transportation capacity in other situations. For example, the Cuban crisis and the narrowly averted interruption of rail service last August 28 tested the ability of OET to respond to the actual standby application of priority categories to critical cargoes.

Had the threatened railroad strike occurred OET was ready to function in response to executive direction and the White House was prepared to issue an Executive order which would have directed the Secretary of Commerce to establish transportation priorities. The Federal transportation agencies and all Government departments having functional or resource responsibilities involving requirements for movement of personnel or freight were alerted and ready to implement a priority system which, in effect, would have limited traffic to that essential to defense programs or to the public health or safety. The policies, established by OET with Office of Emergency Planning concurrence, would have been promulgated by the regulatory agencies through their normal procedures and made effective by shipper and carrier implementation.

The pattern of our activities during that crisis was very similar to the way we would function in a war emergency.

The broad outlines of the emergency documents drafted in preparation for a railroad work stoppage will give some insight into probable future emergency procedures.

The documents were directed to transportation agencies, to all executive branch agencies which ship or which generate passenger traffic, and to departments and agencies having an interest in the major sectors of the economy. Each agency drafted its own implementing documents to guide carriers, shippers, and travelers. The Government agencies were to designate traffic managers—in and out of Government—to apply identifying symbols to shipping or travel documents, so as to validate shipments for priority handling by carriers. A priority list provided the standards for validation. Carriers would have been authorized and required to honor validated documents.

Each Government agency was asked to limit its priority shipments to the minimum. The Defense Traffic Management Service and other action agencies prepared their own procedures for use of these emergency documents well in advance.

To establish a sound planning basis of how much transportation capacity, by mode, is presently available, we have commissioned research by a topflight transportation consulting organization. We are evaluating their report. It will be released under the title, "An Analysis of Potential Emergency Transportation Capacity, 1964."

We are now consolidating and reviewing the results of our first survey of the emergency transportation requirements of the claimant agencies. Military requirements are revised annually by the Joint Chiefs of Staff. The civil agencies have never before been called upon for such a comprehensive analysis of transportation demand and capability. In this current call we asked for estimates of requirements based upon 20 selected commodities which we find to be basic indicators of total traffic movement. By analyzing, totaling and extrapolating the transportation requirements for these 20, we can project total needs under emergency conditions.

Based upon information gained from the Emergency Transportation Capability Studies and from the call for requirements we can (1) plan preliminary allocations to claimants; (2) identify areas of critical shortages; and (3) recommend measures to improve our emergency transportation readiness.

To respond to the awesome problems of providing transportation in a future emergency, sense in transportation preparedness dictates complete reliance on the expert ability of the traffic manager and the transportation operating executive in all phases of our planning.

This concludes my remarks. I shall be pleased to respond to any questions.

ALLEGED FORGERIES ON TAX RETURNS IN THE ROBERT BAKER CASE

The ACTING PRESIDENT pro tempore. The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. Mr. President, I wish to discuss for a couple of minutes the recent investigation of the Senate Rules and Administration Committee into questionable activities of some of the Senate Members, its employees, or former employees.

Yesterday I referred briefly to the fact that Mr. Hauft, an accountant, had on March 12, 1964, transmitted through me to the chairman of the Rules Committee an affidavit to the effect that his signatures appearing on certain income tax forms of Mr. Baker's and his partnerships were forgeries.

As I understand, this point is accepted by the Rules Committee, and an official of the Treasury Department last Friday confirmed that the signatures of the accountant appearing on the Carousel Motel tax return, as well as Mr. Baker's personal tax returns were not bona fide signatures of the accountant, but were forgeries. The accountant further charged that at no time had he ever taken part in the preparation of Baker's partnership returns, upon which his forged signature appeared.

The question as to whether or not the final tax return as filed with the Treasury Department is more or less accurate in reporting Mr. Baker's or his partnership's income is immaterial. The question as to whether or not the accountant would have signed the revised version of Mr. Baker's return had it been presented to him is likewise immaterial. Forgery is forgery.

There can be no contradiction of the fact that forgeries have been made; and both the committee and the Department of Justice have a responsibility to determine who forged the signatures, when, and for what purpose it was done.

At this point, Mr. President, I refer again to a letter which I placed in the RECORD yesterday from Mr. Colin F. Stam, in which he confirmed the fact of the penalty provisions applicable to a situation in which a tax return had been filed involving a forged signature in the preparation of a return. That letter was printed yesterday in the CONGRESSIONAL RECORD, and I am making it a part of the official report today.

There is another angle to this transaction which gives me great concern; and that is, the procedure which was followed by the committee on Monday.

On Monday, the Senate Committee on Rules and Administration arranged an off-the-record meeting between Mr. Hauft, the accountant who had first presented the charges of forgery to the committee, and Mr. Edward Bennett Williams, the attorney for Mr. Baker.

This meeting was arranged at Mr. Bennett Williams' office. Mr. Hauft, the accountant, was instructed by the chief counsel of the Senate Rules Committee to go to Mr. Williams' office in downtown Washington accompanied by Mr. Edward Hugler, one of the staff investigators.

He was told by the chief counsel that the committee wished him to keep this appointment which had been arranged with Mr. Baker's lawyer in order to examine and bring back to the committee his original work papers from which he had prepared the tax returns.

Prior to going to the meeting Mr. Hauft insisted on talking to Major McLendon and on getting his instructions direct from him.

Mr. Hugler and Mr. Hauft arrived at Mr. Bennett Williams' office at approximately 4 p.m. Monday afternoon, and they were immediately taken into his office. Mr. Williams asked Mr. Hugler, the committee staff member, to sit on the far side of the room while he and Mr. Hauft reviewed certain papers which he had originally used to prepare Mr. Baker's tax returns. Mr. Hugler not only stayed in the room throughout the conference, but upon entering the room he had presented to Mr. Baker's attorney his credentials as a staff investigator.

After reviewing the papers which Mr. Williams presented to Mr. Hauft he identified them as his original worksheets. A copy of these papers was then given to Mr. Hauft. Mr. Hugler and Mr. Hauft then left Mr. Williams' office and returned to the Senate Rules Committee where additional copies of the work papers were made by Mr. Hugler, and those copies were left with the committee.

At this meeting the 1961 personal tax returns of Mr. Baker's were the only ones which were reviewed by Mr. Baker's lawyer, Mr. Bennett Williams, with Mr. Hauft and Mr. Hugler. It should be noted that the partnership returns for the Carousel Motel which likewise bore the forged signatures of Mr. Hauft were not mentioned in the subsequent press release.

Furthermore, these documents which were sent to the committee by Mr. Baker's attorney are a part of the same papers for which the committee had earlier issued a subpena. Mr. Baker, upon the advice of his lawyer, ignored that subpena and invoked the fifth amendment.

Personally, I seriously question the propriety of the Senate Rules Committee's sending one of its witnesses to the office of Mr. Baker's attorney for a personal interview before he had even been called by the Rules Committee to give his testimony concerning these forgeries—but since Mr. Baker, through his lawyer, has not seen fit partially to comply with the Senate Rules Committee's request for his official records as named in the original subpena, I do not see how Mr. Baker can further refuse to furnish the remaining portion of his business records.

Mr. President, there is one report which disturbs me; and that is, the incident which is quoted in an article in the New York Times today, and I am quoting from the article:

> A staff investigator for the committee said later that his investigation of the tax returns of the former secretary of the Democratic majority of the Senate for a period of 4 years before 1962 had failed to reveal anything of a suspicious nature.
>
> Spokesmen for the Internal Revenue Service also took the witness stand today to testify guardedly about their own investigation into Mr. Baker's tax situation.
>
> They explained that secrecy safeguards established by statute prevented unauthorized disclosure of tax information, and successfully blocked several lines of inquiry by members of the panel.

I do not know just what was proved by this statement. I did not understand that the Rules Committee was reporting on tax returns. I thought that was something for the Treasury Department to do. Whether Mr. Baker's returns are in order or not, members of the Rules Committee themselves can express their own opinions. However, I was interested to note that in the papers which were included as a part of the official committee record there appears some rather interesting items. Most taxpayers are called upon to itemize such deductions, but as the reports were furnished to the committee, I see no mention of itemization. I am not unmindful of the fact that Mr. Baker, as an employee of the Senate, at a salary of $18,528.65, had at his disposal a Lincoln car. This car was at his disposal 24 hours a day for use in his official duties.

In addition to that it is interesting to note that he claimed depreciation of $560 on a 1957 Cadillac. Allegedly he was using this car also for official duties since he claimed $560 depreciation.

In addition I noticed on the report that he claimed for taxi fares and parking a deduction of $824.

In addition, there is an amount for personal air travel. As an employee of the Senate he is reimbursed by the U.S. Government for his travel on official business. But, in addition, we find Mr. Baker, according to the report furnished the committee yesterday, claims a deduction of $2,565.93 for air transportation.

Altogether this makes quite a little travel for a man employed on full-time duty in the Senate who has a car at his disposal all the time.

I merely list these items for what they are worth.

As a business deduction, Mr. Baker claimed $511.30, in entertainment expenses. In his official status in the Senate he claimed another $1,521.24 as entertainment expenses. I notice another item for flowers in the amount of $115.33; for meals and lodgings while out of town he claimed $427.33. Deduction for club dues, which I understand includes the dues for the Quorum Club, amounted to $490.71.

In addition to these deductions I understand on his 1962 tax return there is a $40,000 item which he admits receiving as a fee from somewhere. Mr. Baker took the fifth amendment as to who paid this fee.

In the light of these nonitemized deductions I wonder how anyone could say within any degree of accuracy that all of this has now been accounted for and that there is nothing wrong with his tax returns. I fail to understand that conclusion. Mr. Baker has taken the fifth amendment before the committee and has flatly refused to cooperate. Now, unless there has been some more off the

record meetings between the committee and Mr. Baker or his counsel which we do not know about, I do not know how they could have verified these various items. Significantly, no itemized report is included as a part of the documents which are officially a part of the committee record.

I raise this point because I do not think any Member of the Senate should try to prejudge the tax returns of Mr. Baker by charging that they are out of order, but likewise I do not think that anyone should try to create the impression that they are all in order when it is obvious that none of us as Members of the Senate have any knowledge whether they are right or wrong. That is the responsibility of the Treasury Department. Our responsibility in this investigation is solely to find out what has been going on and report whether there has been improprieties of a moral or business nature, or any conflict of interest, and so forth.

Now, there is no question but that this off-the-record meeting of this key witness with Baker's attorney was arranged by the Rules Committee. As evidence of this I quote the questions which I asked Mr. Hauft:

Senator WILLIAMS. Did Mr. Bennett Williams know that the Mr. Hugler who accompanied you on this trip was a representative of the Senate Rules Committee?

Mr. HAUFT. Definitely yes, because Mr. Hugler presented his credentials to Mr. Williams.

Senator WILLIAMS. And had this meeting between you and Mr. Bennett Williams been arranged by the Senate Rules Committee?

Mr. HAUFT. Yes, because I had no knowledge of it before they so advised me at 3:30 p.m. on March 23, 1964.

I am not a lawyer, but I will say as a layman that I was always given to understand that the prosecuting attorney did not send his key witness down to the defense counsel for an off-the-record interview before he put him on the stand. To me that procedure appears to be highly improper.

Mr. SCOTT. Mr. President, will the Senator from Delaware yield?

Mr. WILLIAMS of Delaware. I yield for a question.

Mr. MAGNUSON. Mr. President, the Senator from Hawaii has the floor.

The PRESIDING OFFICER. The Senator from Hawaii yielded the floor. The Senator from Delaware has the floor.

Mr. WILLIAMS of Delaware. I yield for a question.

Mr. SCOTT. My question turns on the $820 to which the Senator has referred, for taxi fares, while Mr. Baker was secretary to the majority. In view of the fact that he had a full-time occupation with the Senate, supposedly, and in view of the duties of his office—and, incidentally, he took the fifth amendment, and would not state what his duties were, although we are aware of what they were—and in view of the fact that some of the duties of his office included the ascertaining of the whereabouts of Senators, members of his party, and in ascertaining how they might be expected to vote on given issues, I am wondering whether or not Mr. Baker would have to spend $820 in taxi fares.

Does the Senator think it would be necessary to round up Senators from the majority side to the extent that it would require Mr. Baker to spend that much money? I may say that from my experience I would not expect it would be necessary, with two automobiles at his disposal.

Mr. WILLIAMS of Delaware. In view of the fact that Mr. Baker had an official Government car at his disposal 24 hours a day, I do not know how he found time to utilize $2,565 worth of air travel and to spend $824 for taxi fares, and do all the entertaining—over $2,000—which is alleged he had done. It must have been rather expensive entertainment and far above what we are accustomed to.

I make one further point. Unofficially, I talked with a representative of the Treasury Department who indicated:

Well after all, these signatures of the accountant on the returns are not Mr. Hauft's signatures. They were put there by some person unknown, but it is not a criminal forgery.

I never heard that there were two types of forgeries.

I asked what he meant; he said that Mr. Baker did not try to write the name in the same manner, in the same style. I fail to see that there is any difference. If a man's signature appears on a tax return along with the forged name of an accountant obviously it has been done with the intention of creating the impression that the accountant had audited his income and expenditures for the year.

I submitted this question to Mr. Colin F. Stam, chief of staff of the Joint Committee on Internal Revenue Taxation, and Mr. Stam's letter was placed in the RECORD yesterday. Mr. President, for continuity, I ask unanimous consent that Mr. Stam's letter again be printed in the RECORD at this point.

This is an important point in this case.

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

CONGRESS OF THE UNITED STATES,
JOINT COMMITTEE ON INTERNAL REVENUE TAXATION,
Washington, March 25, 1964.

Hon. JOHN J. WILLIAMS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR WILLIAMS: This is in response to your inquiry regarding the penalty provisions applicable in a situation where a tax return has been filed with a forged signature of a preparer of the return.

Under the Internal Revenue Code, such an offense may be prosecuted under section 7206(1) or under section 7207. Section 7206 (1) provides:

"Any person who—

"(1) Declaration under penalties of perjury.—Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or".

* * * * *

"shall be guilty of a felony and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than 3 years, or both, together with the costs of prosecution."

Section 7207 of the Internal Revenue Code relating to fraudulent returns, statements, or other documents provides:

"Any person who willfully delivers or discloses to the Secretary or his delegate any list, return, account, statement, or other document, known by him to be fraudulent or to be false as to any material matter, shall be fined not more than $1,000, or imprisoned not more than 1 year, or both. Any person required pursuant to section 6047 (b) or (c) to furnish any information to the Secretary or any other person who willfully furnishes to the Secretary or such other person any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than $1,000, or imprisoned not more than 1 year, or both."

Such an offense may also be prosecuted under section 1001 of the Criminal Code of the United States (title 18, U.S. Code), which provides:

"SEC. 1001. Statements or Entries Generally. Whoever, in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals or covers up by any trick, scheme, or device 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."

Sincerely yours,

COLIN F. STAM,
Chief of Staff.

Mr. WILLIAMS of Delaware. It is important to establish beyond any doubt the fact that a taxpayer cannot forge an accountant's name on his return as the preparer of the return. If it is not his signature he is violating the law and must pay the penalty. That is the law. If it is not accepted as the law, then our whole enforcement provision under the Revenue Code falls down.

There are two sections of the code which provide a penalty for affixing a false signature. Those provisions were put in the law at the time we removed from the code the requirement that the return be sworn to before a notary. There is no question about the law. There is but one kind of forgery.

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

Mr. WILLIAMS of Delaware. I yield.

Mr. SCOTT. The Senator is aware, is he not, that on the income tax return, above the place for the signatures, there is the notation that a person subscribing his name thereto is aware that any false statement by him renders him liable to criminal prosecution for perjury? That is at the bottom of the income tax return, is it not?

Mr. WILLIAMS of Delaware. Yes. Mr. Stam in his letter states that a person who is guilty of such an act shall be guilty of a felony and upon conviction shall be fined not more than $5,000 or imprisoned not more than 3 years, or both, together with the costs of the prosecution.

Mr. SCOTT. The Senator is also aware of the fact that there are criminal statutes which make it illegal to put anything in a Federal income tax return for the purpose of deceiving the Government, or withholding information from the Government, or for misleading the Government. Is that correct?

Mr. WILLIAMS of Delaware. That is correct. Mr. Stam also stated it appears under section 7207 of the Internal Revenue Code, which is tied to the penalty provision of section 1001 of title 18.

Mr. SCOTT. Is the Senator from Delaware further aware of the fact that yesterday I inquired, with respect to the income tax returns allegedly signed by Baker, with the name of Mr. Hauft—and incidentally, Mr. Hauft's initials are M. L.—as to whether they had in fact been signed by the same man, and whether they had been signed in Mr. Baker's own handwriting, and I asked the committee to consider calling in a handwriting expert to determine that point, inasmuch as we are circumscribed in the questions we can ask under the internal revenue laws, and I was advised by counsel that that would be considered, but counsel said there might be other ways in which we could get the same information.

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

Mr. SCOTT. I am not finished. I do not want this investigation to close—I do not want it to close in any event at this time—but I do not want it to close without our having ascertained whether or not Mr. Baker signed the name of Mr. Hauft on the return and whether he signed the name of Mr. Hauft on the return of the Carousel Motel.

Mr. WILLIAMS of Delaware. It is important to find out who forged the name of the accountant on the returns. However, the advice I received was that whoever files a return bearing a false signature assumes the responsibility. Mr. Baker filed these returns. He therefore assumed the responsibility for the forged signatures. Conceivably, he could say, "That is a forged tax return; I did not sign it." He could say, "I did not even sign my own name to the report." In that event Mr. Baker would have no tax return filed, and there would be two forgeries and a tax evasion. However, the burden of proof comes back on the taxpayer; he has verified all this information on the return and he has certified the signature when he signed it. Mr. Baker has to do more than take the fifth amendment to get out of this one.

This is a clear-cut case for the Department of Justice.

Mr. SCOTT. Is the Senator aware of the fact that when the Committee on Rules and Administration, under the direction of the majority, sent subpenas to various banks having made loans or having had other transactions with Mr. Baker, certain of those subpenas were carefully drawn to contain in the demand for the records from the banks a blanket demand for any records pertaining to the tax return or any papers that were related to the tax returns of Mr. Baker and his wife; but—and I repeat this and I ask Senators to give careful attention to this—but that on the subpena for Mr. Baker to testify there was no demand in it that Mr. Baker produce his own income tax return, copies of his return, and his working papers, or anything directly pertaining to the return of Mr. Baker and his wife, even though Mr. Baker, and not the banks, would be expected to know the most about his tax return, but probably would have no information whatever on it. Was the Senator from Delaware aware of this strange omission?

Mr. WILLIAMS of Delaware. I was not. I have not seen the subpenas.

Mr. SCOTT. Mr. President, I ask unanimous consent to insert the subpena in the RECORD.

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

UNITED STATES OF AMERICA,
CONGRESS OF THE UNITED STATES.

To ROBERT G. BAKER, *Washington, D.C., Greetings:*

Pursuant to lawful authority, you are hereby commanded to appear before the Committee on Rules and Administration of the Senate of the United States, on February 19, 1964, at 10 a.m., at their committee room, 305 Old Senate Office Building, Washington, D.C., then and there to testify what you may know relative to the subject matters under consideration by said committee, and produce for the period January 1, 1960, through October 7, 1963, the documents described in schedule 1, attached hereto and made a part hereof.

Hereof fail not, as you will answer your default under the pains and penalties in such cases made and provided.

To W. E. Meehan to serve and return.

Production of these records at the office above-described will be waived at this time, if made available for inspection forthwith to the committee's investigators.

Given under my hand, by order of the committee, this 14th day of February, in the year of our Lord 1964.

———— ————,
Chairman, Committee on Rules and Administration.

SCHEDULE I—A PART OF SUBPENA OF ROBERT G. BAKER

1. All records, memorandums, and documents showing payments in money or property made to Robert G. Baker by Don B. Reynolds.

2. All correspondence or documents relating to promissory notes or other obligations from Robert G. Baker to Don B. Reynolds, together with any contracts or agreements between them relating to any or all business or financial transactions.

3. All of the correpondence files of Robert G. Baker concerning the Mortgage Guaranty Insurance Corp., and the issuance and sale of its capital stock to him or other persons upon his request and at his direction, including all documents disclosing Robert G. Baker's beneficial interest in the stock of that company; whether issued in his name or the names of others.

4. All memorandums or correspondence or other communications with Internal Revenue Service or other public officials or agencies concerning the effect of the provisions of the Internal Revenue Code upon the income tax liability of MGIC.

5. All agreements, memorandums, or documents relating to Robert G. Baker's stock ownership in Serv-U from the date of its organization, including payments by him to the company and the company to him or anyone else for his benefit.

6. All letters, memorandums, or documents showing the receipt by Robert G. Baker of money from Capitol Vending or any of its officers or employees.

7. All records or documents concerning the Haitian Meat Co. (HAMPCO) for the years 1961, 1962, and 1963, and all payments to him or anyone for his benefit by that company; all such records concerning William Kentor or Packers Provision Co. of Chicago, Ill., and payments made by either of them to him or anyone for his benefit; all records, correspondence, memorandums, and agreements between Robert G. Baker and Jose Benitez or Andres Lopez or Marshall F. Dancy.

8. All correspondence, memorandums, and documents relating to business or financial transactions with Fred Black, Thomas Webb or Francis Law, either as individuals or representatives of others.

9. All correspondence, documents, and memorandums relating to chainstores, or association of chainstores, or trade associations or organizations with persons registered as lobbyists with the Secretary of the Senate or the Clerk of the House of Representatives.

10. All documents, letters, telegrams and other memorandums concerning communications with and visits to the North American Aviation Corp. and other corporations having defense contracts with the U.S. Government or agencies thereof.

11. Any and all correspondence, documents, or memorandums between Robert G. Baker and Edward J. Levinson, Morris Seigelbaum, Jack D. Cooper and Edward Torres.

12. All bills, vouchers and evidence of expenditures for equipment and furnishings installed into the Town House located at 308 N Street NW, Washington, D.C.

Mr. SCOTT. Is the Senator further aware of the efforts of the minority members of the Committee on Rules and Administration to secure the attendance and testimony of Mr. Baker's employees while he was secretary to the majority; specifically, Mrs. Broom, the former wife of Mr. Baker's law associate, Mr. Tucker; of one Rein Vander Zee, only recently released from his duties as a member of that staff—and I say "released," not "resigned," as voluntarily resigning, as we doubtless will be told he did. I prefer to use the word "released" in view of what Mr. Vander Zee has been telling around town. The third employee was Mr. Jay McDonnell.

Is the Senator from Delaware aware of the fact that in our efforts to secure the testimony of people who worked under Mr. Baker, we were defeated by 6 votes to 3 in the Committee on Rules and Administration and are, therefore, prevented from learning any of Mr. Baker's activities, so far as those employees could cast light on them?

Speaking for myself, I am further prevented from learning something I am pursuing, so far fruitlessly, with respect to a line of questioning as to what gifts of campaign contributions, if any, either Mr. Baker or his wife may have received, and particularly what he did in apparently misappropriating $1,500 in campaign funds which he received for the benefit of one Preston J. Moore, who, I believe, is from Oklahoma City.

Is the Senator from Delaware aware of how the minority members of the committee have been frustrated and denied the opportunity to hear the testimony of the very people who worked with Mr. Baker, who would know the most about his operations, and whom the committee, using the brute force of its majority membership, decided not to call, by a vote, as I recall, of 6 to 3? Is the Senator aware of that?

Mr. WILLIAMS of Delaware. I have read in the press that a decision has been made not to call certain witnesses. I deeply regret such a decision having been made. I do not think we have answers

to the many questions which have been advanced during the course of this investigation.

We can be satisfied with nothing less than full disclosure regardless of who may be involved.

Mr. PELL. Mr. President, without in any way making a judgment on Mr. Baker's tax returns or usurping the responsibility which clearly lies with the Treasury Department in any prosecution that may be necessary from any error that might be in these returns, there are a few points that I think the RECORD should show in response to some of the questions raised by the Senator from Delaware [Mr. WILLIAMS] and the Senator from Pennsylvania [Mr. SCOTT].

The reason why it was decided in the Committee on Rules and Administration yesterday not to engage an expert or consultant to make a handwriting analysis was that this is already being done by handwriting experts at the Internal Revenue Service. This is a matter of public record in the open hearings.

Another point was that the rather generous $824 deduction for taxi fares was, according to Mr. Baker's records, made by the law office of Tucker & Baker, but was not an individual transaction, and did not involve an official function of the secretary of the majority.

Third, the reason why the income tax returns of Mr. Baker were not subpenaed was that they were made available to Rules Committee investigators by the Internal Revenue Service, and the committee has copies of them in its files.

PESTICIDE BUILDUP IN WATER SOURCES

Mr. RIBICOFF. Mr. President, this will not be a silent spring insofar as the pesticide problem is concerned.

On March 19, the U.S. Public Health Service and the State of Louisiana announced that water pollution involving toxic synthetic organic materials—pesticides—appears to be the cause of massive and continuing fish kills in the lower Mississippi drainage basin and its estuarine waters in the Gulf of Mexico.

On March 24 the British Ministry of Agriculture, Fisheries, and Food placed three widely used pesticides under "severe restrictions."

The pesticide involved in the Louisiana fish kill—endrin—is closely related to two of the pesticides—aldrin and dieldrin—placed under restriction by the British.

Today it is reported in the New York Times that Louisiana authorities have informed the Public Health Service that shrimp as well as fish have been killed by the pesticide buildup in the Mississippi River.

According to available evidence, the use of pesticides responsible for this latest report of damage was not accidental, excessive, or in any way extraordinary. It was business as usual, and the complacency that has existed up to this point has got to be replaced by a new, hard look at the facts.

Mr. President, the Louisiana fish kill presents a whole new dimension to the pesticide problem. Information furnished me to date indicates unbelievably low levels of toxic material found in the dead and dying fish. These materials are found not only in the fatty tissues of the fish but in the blood as well. There is no evidence to date of accidental spills or unusually high runoffs that would account for the high fish mortality. The kills have taken place at the same time of year each year for the past 4 years.

The Louisiana fish kill should silence the pesticide apologists once and for all. I recall a recent article in Sports Illustrated entitled, of all things, "The Life-Giving Spray" which assured and reassured hunters and fishermen of a continued large stock of fish and game. This situation should silence those who repeat the "read the label" litany since all evidence points to the fact that fish kills are occurring despite use of the toxic materials as directed.

Finally, this matter raises many serious and as yet unanswered questions. What of other river basins? Is a pesticide buildup occurring now in every major water source in the United States? I have asked the Public Health Service to look into this possibility. What of the food and water supply in the affected area? I have asked the Public Health Service and the Food and Drug Administration for definitive answers. What of the Government's power to act in this matter? Is it adequate? Which agency is best equipped to cope with the problem? Are the agencies working together toward a solution? These and other questions demand prompt answers. I am announcing, therefore, that the Subcommittee on Reorganization and International Organizations will resume its hearings on the use of pesticides in 2 weeks in order to get them.

I ask unanimous consent to have printed in the RECORD a copy of the Public Health Service announcement on the Louisiana fish kill, an article from the New York Herald Tribune entitled "Science Tracks Down a Fish Killer," an article from the New York Times entitled "Pesticides Fatal to Gulf Shrimp," and a copy of the letter to the Public Health Service from the Louisiana Health Department.

There being no objection, the announcement, articles, and letter were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE,

Washington, D.C.

The U.S. Public Health Service and the State of Louisiana have announced that water pollution involving toxic synthetic organic materials appears to be the cause of massive and continuing fish kills in the lower Mississippi drainage basin and its estuarine waters in the Gulf of Mexico.

Several chemical compounds have been found in significant quantities in dead and dying fish and in the water environment, including at least two substances so far unidentified and two pesticides, endrin and dieldrin.

The announcement follows 3 months of investigations carried on by a team of engineers and scientists from the Public Health Service's Division of Water Supply and Pollution Control. The studies were made at the request of the State of Louisiana because of a series of fish deaths involving millions of fish which have taken place in the river and the gulf each fall and winter since 1960.

Both the Public Health Service and the Food and Drug Administration within the Department of Health, Education, and Welfare are intensifying their food and water protection surveillance activities in the Mississippi River Basin.

Some trace quantities of organic chemicals are normally present in drinking water supplies; levels found in the lower Mississippi Basin do not present any immediate health problems.

Aquatic life is particularly sensitive to pollution from certain synthetic organic wastes; the presence, in water, of some of these substances in proportions less than one part per billion is lethal to some fish varieties. The intensive studies underway will identify any potential hazards to health from the consumption of fish in which toxic substances may be concentrated.

Examination of dead and dying fish, of mud, and of the river water has shown the presence of a number of synthetic organic materials. Recently developed measuring techniques enabled Public Health Service scientists to detect and measure these substances in quantities as small as parts per trillion. The analyses were made independently by five teams of investigators, four within the Public Health Service and one private research team.

Biologists of the Fish and Wildlife Service of the U.S. Department of the Interior have ruled out parasitic or bacterial disease as the cause of the fish kills. Metals and environmental conditions such as low dissolved oxygen and drastic temperature changes have also been ruled out as causes of these deaths.

In cooperation with several States in the Lower Mississippi Basin, the Division of Water Supply and Pollution Control of the Public Health Service is establishing a continuing study to determine the water pollution control measures necessary to protect these waters for all legitimate uses. Scientists and engineers are being assigned to the area and will be supported by several laboratories of the Public Health Service. Other Federal, State, and local agencies are expected to participate in this effort.

The Public Health Service's studies are now being reviewed by other Federal agencies including the Department of Agriculture, and the Department of Interior's Bureau of Sport Fisheries and Wildlife and Bureau of Commercial Fisheries of the Fish and Wildlife Service.

[From the New York Herald Tribune, Mar. 23, 1964]

SCIENCE TRACKS DOWN A FISH KILLER—MISSISSIPPI PLAGUE BLAMED ON PESTICIDE

(By Stuart H. Loory)

WASHINGTON.—Dead fish by the millions. Louisianians along the bayous and levees of the lower Mississippi and Atchafalaya basins last winter could see the bloated bodies of catfish, menhaden and speckled and white trout on the banks and floating on the water as far as the eye could see.

Tugboat captains said the strange fish kill had spread up the river as far as St. Louis. The kill even spread into the Gulf of Mexico. Ducks were dead. There were reports that the higher orders of water life—turtles, porpoises and whales—had been found dead, but these were never confirmed.

The great fish kills were almost expected as the fall turned to winter and "Ole Man River," completing another year in its eternal wandering, slowed and grew shallower. Rivermen had watched the same phenomenon in 1960, 1961, and 1962.

What had brought the great silence to the waters of the river? In the first 3 years—while Rachel Carson's book, "Silent Spring," was sparking fervent debate in the Nation—Louisiana health and wildlife authorities investigated.

They looked for some strange spillage into the river—the introduction of a poison accidentally—and they found none.

They looked for pollution of raw sewage and found nothing more than normal.

They looked for a change in water temperatures and found none.

They looked for a bacterial and viral disease affecting the fish and found none. This year, they looked for botulism after the Great Lakes whitefish scare but found none.

CRITICAL TESTS

They even considered pesticides but tests found none of the toxic bug killers in the water, the Mississippi mud, or the fish. But that was 3 years ago and since then, chemists have grown more sophisticated in the way of finding organic substances.

Three years ago, trace amounts of pesticides were measured in parts per million. Now they can be found if their quantities are as small as parts per trillion. In other words, scientists have increased their abilities to measure pesticides a millionfold.

That fact is important in considering the Mississippi fish kills. Last December, the State of Louisiana called on the U.S. Public Health Service's Division of Water Supply and Pollution Control to solve the mystery.

Last week, the commission found there was enough pesticide endrin in the blood of the dead fish to kill them. In addition, the scientists established that the pesticide dieldrin also in the fish as well as DDT, DDE, another pesticide, and two unidentified compounds that are probably products of the pesticides' action within the fish.

THE CLINCHER

Using newly developed analytical methods, the scientists found almost unbelievably small amounts of pesticides up and down the Mississippi River. Then they took samples of dead and dying fish, froze them and shipped them to the Public Health Service's Taft Sanitary Engineering Center in Cincinnati. At the laboratory, they found that fish took the pesticides in, but did not excrete them. Concentrations of the chemical built up one thousand fold compared with the amounts in the water the fish came from.

In further tests, scientists took uncontaminated fish and fed them endrin. It took far less to kill them than they had found in the dead Mississippi catfish.

"How does Rachel Carson look now?" a reporter asked a group of Public Health Service officials and scientists last week.

"She looks pretty good," one answered, still stunned by the unbelievably small quantity of pesticides that got into the water.

Dr. Leon Weinberger, chief of the water pollution division's branch of applied science, is not yet ready to say that endrin or dieldrin killed the fish. There could be more to it than that, though everything points in that direction.

"This is just the beginning of our investigation, not the end," he said. "There are lots of unanswered questions."

A carefully worded press release from the Public Health Service says:

"Some trace quantities of organic chemicals (such as pesticides) are normally present in drinking water supplies; levels found in the lower Mississippi basin do not present any immediate health problems."

The key word in that committee-written statement is "immediate." The people of New Orleans can drink Mississippi River water today, which contains some endrin. It won't kill them. But Dr. Weinberger and his colleagues are frankly worried about the future.

They want to establish whether the Mississippi—definitely unsafe for fish—is safe for other uses such as drinking water, irrigation, recreational, or commercial use. The fact is that catfish—the bottom-feeding species that sucks food out of the river silt and the fish most affected—is an important part of the diet in the gulf coast region.

DIET PROBLEM

"We are all concerned about people eating fish," James B. Coulter, an official in the Division, said.

The Food and Drug Administration is also concerned—and not only about catfish. Clams and other shellfish on the river bottom have been tested and the pesticide has been found. The FDA has previously ruled that no foods can be marketed with any amount at all of endrin. But that was prior to the new testing techniques that allow detection of far smaller quantities.

The FDA is now investigating to determine whether any action should be taken. Possibilities include a ban on the use of endrin, regulation of its use, or a ban on any foods containing it. Such actions would, of course, have far-reaching repercussions in the fishing and farming industries.

There are still more unanswered questions for example:

Where did the pesticides come from?

Suggested answer: The Mississippi drains one-quarter of all the farmland in the United States. The pesticides are widely used in controlling menaces to grains. Some find their way into the river by simply washing off the land in a rain. Others are dumped in by careless airplane spraying operations, and still others when farmers wash out pesticide containers for reuse and let the water run out sewage systems that drain into the river.

LETHAL WINNER

Why do they concentrate on the river bottom and why do the fish only die in the winter?

Suggested answer: It could be that in the winter, the river slows down and the pesticides have more of a chance to drop to the bottom. Or maybe it's diffused throughout the water and the fish, which concentrate the chemicals in their fatty tissues, use up more fat to keep warm in the winter, allowing the pesticides into their bloodstreams.

What are the dangers to humans?

The scientists don't know.

Why are salt water fish in the gulf—where the pesticide concentrations are even smaller—dying?

Suggested answer: Maybe their tolerance to the chemical is less than in river fish.

"This all opens up a new dimension in water pollution research," Dr. Weinberger said. "It won't be right to put all the blame on endrin and take endrin off the market. Because it will happen again with another chemical and another."

As man tampers with his environment more and more, the desperate need for some basic understanding of the scientific principles involved becomes ever more apparent. That's the real lesson 'Ole Man River's' dead fish have brought home in earnest.

[From the New York Times, Mar. 25, 1964]

BRITISH RESTRICT THREE PESTICIDES—POTENTIAL PERIL TO HUMANS IS CITED BY GOVERNMENT

(By John Hillaby)

LONDON, March 24.—Three widely used pesticides related to DDT have been placed under severe restrictions by the British Ministry of Agriculture, Fisheries and Food. They are aldrin, dieldrin and heptachlor.

Because they persist in the soil for a long time, these pesticides are feared as potential hazards to human health.

Announcing the restrictions in the House of Commons today, Christopher Soames, the Minister of Agriculture, said that he had been advised to limit their use by a committee of scientists who had been investigating poisonous substances used in agriculture and food storage.

The committee, he said, found no evidence of any "serious immediate hazard" to humans from the use of these pesticides or to wildlife, apart from certain species of predatory birds.

He rejected the suggestion that these chemicals "many be severe liver poisons or that they can be condemned as presenting a carcinogenic hazard to man."

"On the other hand," he said, "the committee regard it as a matter of concern that traces of the chemicals are being found in so many situations and express the firm opinion that accumulative contamination of the environment by the more persistent organo-chlorine pesticides should be curtailed."

By "curtailed" the Minister meant that fertilizers, seed dressings, sheep dips and garden products containing aldrin, dieldrin and heptachlor would no longer be available in a few months, except in one of two specific instances such as in the precision drilling of seed.

MANUFACTURERS DISSENT

The Minister said that the manufacturers of aldrin and dieldrin had informed him they "disagreed strongly with the committee's scientific conclusions since their own researchers suggested that, after reaching a certain harmless level of concentration, the chemicals ceased to have any further cumulative effect."

This viewpoint has been rejected as "unproven" by Sir James Cook, a fellow of the Royal Society and the chairman of the committee of 25 scientists appointed to investigate the dangers of pesticides.

A section of the committee found that the present use of organo-chlorines in Britain was "excessive in terms of resulting benefits."

This group reported that if all the pesticides investigated were withdrawn the annual potential loss of crops would be no more than 250,000 acres out of the total of more than 7.6 million now under cultivation and that the loss could be reduced to about 75,000 acres by the use of less harmful chemicals.

Fears about the side effects of aldrin, dieldrin and heptachlor were first expressed in 1957 by various bird and animal protection societies. Since then large numbers of seed- and worm-eating birds have been found poisoned each spring and birds of prey such as hawks, falcons and eagles have been greatly reduced, some to the point of near extinction.

A recent Ministry of Health report, "For the Guidance of Medical Practitioners" said that endrin was more toxic than the others and that no specific chemical tests for endrin poisoning existed.

A separate Government report on endrin and four other pesticides reputed to be dangerous (endosulfan, chlordane, toxaphene and rhothane) is expected later this year.

The Government expects that restrictions on aldrin, dieldrin and heptachlor will increase sales of DDT. The investigating committee expressed hope that the pesticide industry "will do its utmost to produce less persistent alternatives."

The committee found that "DDT is at least as persistent as dieldrin in the soil" and that half the original amount of it applied could be detected between 2½ and 5 years later.

The persistence of an alternative pesticide recommended called BHC (benzene hexachloride) is less than that of DDT, the committee's investigators said.

[From the New York Times, Mar. 26, 1964]

PESTICIDES FATAL TO GULF SHRIMP—AUTHORITIES FEAR POISONING OF COMMERCIAL AREAS

(By Donald Janson)

NEW ORLEANS, March 25.—Louisiana authorities said today that shrimp as well as

fish had been killed by pesticides found in the mud and water of the Mississippi River.

Dr. James R. Strain, president of the Louisiana Board of Health, said it was not certain whether the pesticides were poisoning only the small shrimp found in the river or also the popular larger variety harvested commercially in the Gulf of Mexico.

He said State and Federal agencies had begun investigations to find out.

Gulf shrimping is a multimillion-dollar industry here. It was assumed at first that the contaminated water of the Mississippi would be sufficiently diluted by the gulf so it would not affect shrimp and oysters.

Now, Dr. Strain has reported, in a letter to the Public Health Service in Washington, that endrin, dieldrin, heptachlor, DDE, and DDT have been found in Louisiana shrimp.

EFFECTS OFF COAST UNKNOWN

Reached in Baton Rouge today after the letter had been made public, Dr. Strain said it remained to be determined whether big commercial shrimp grounds off the coast were affected.

He expressed concern over the possible cumulative effects on human health of eating any seafood containing traces of toxic pesticides.

In the letter, he asked the Public Health Service to provide "the earliest possible assistance" in determining human tolerances to pesticides that might be consumed in seafood or drinking water.

New Orleans and other Mississippi River cities take their drinking water from the river. Even after treatment of the water, traces of endrin and dieldrin remain, Dr. Strain said.

Millions of fish were found dead in the Mississippi this winter, for the fourth year. The cause was a mystery to Louisiana authorities until the Public Health Service applied new testing techniques this winter and announced last week that the Mississippi contained sufficient amount of endrin and dieldrin to kill the fish.

Synthetic pesticides such as these have been used in steadily growing amounts since 1957 to kill insects that plague corn, cotton, sugarcane, and other crops. More than 700 million pounds of the potent chemicals now are applied annually.

The lower reaches of the Mississippi are walled in by levees. Authorities believe the pesticides found in the water here entered by way of tributaries draining cropland farther north.

The killing of the fish begins each fall and has been worsening. Authorities believe that the fish may store the lethal poison in fat until it is needed in cold weather for metabolic sustenance, then die when it is drawn into the bloodstream.

The board of health asked for a Federal investigation to make sure of the source of the pollution, as well as for prompt aid in determining human tolerances over the years to the minute amounts of insecticides found in the water and seafood.

In letters to each member of the Louisiana congressional delegation in Washington, Dr. Strain wrote that the Public Health Service had indicated a willingness to help but "it appears that they are not able to make a maximum effort because of limitations imposed by their current budget."

Other State health officials called for Congress to provide the money.

Last May, the President's Science Advisory Committee, after long study, urged strong action to assure more judicious use of pesticides.

Yesterday the British Ministry of Agriculture, Fisheries, and Food sharply restricted the use of aldrin, dieldrin, and heptachlor as potential hazards to human health.

LOUISIANA STATE BOARD OF HEALTH,
New Orleans, La., March 20, 1964

Dr. R. J. ANDERSON,
Assistant Surgeon General, Chief of Bureau of State Services, Environmental Health, Washington, D.C.

DEAR DR. ANDERSON: I am sure you are familiar with the news release dated March 19 by your division of water supply and pollution control regarding the presence of insecticides in the lower Mississippi River, however, I am inclosing a copy of the release for your ready reference.

The finding of insecticides in the Mississippi River water and in Mississippi River fish poses a problem which appears to be beyond the capability of State boards of health and other State agencies to solve.

Endrin has been found in dead and dying bottom-feeding fish in concentrations up to 7 parts per million; endrin has been found in raw river water by carbon filter extraction in concentrations ranging from 0.054 to 0.134 part per billion, and dieldrin in concentrations ranging from 0.011 to 0.034 part per billion; endrin has been found in New Orleans finished water in trace quantities of 0.025 part per billion and dieldrin at less than 0.0027 part per billion.

Heptachlor, DDE, DDT, dieldrin, and endrin have been found in shrimp.

The areas in which we need help (and we feel that the Public Health Service is the agency to give us this help are as follows:

A. Determination of the specific sources of insecticides found. Although the concentrations seem to increase in reaches of the Mississippi River in Louisiana there is really no drainage to the river from Louisiana soils and there are no Louisiana industries discharging insecticide wastes into the river.

B. Technical assistance in the analysis of water and food samples.

C. Technical assistance in the evaluation of water treatment plant operations to effect maximum insecticide removal.

D. Assistance in determining the toxic level to humans of insecticides. The information needed includes both chronic and cumulative effects.

Please consider this a formal request to your agency for the earliest possible assistance in solving these and related problems.

Very truly yours,
JAMES R. STRAIN, M.D., M.P.H.,
State Health Officer.

BYELORUSSIAN INDEPENDENCE DAY

Mr. JAVITS. Mr. President, the 46th anniversary of the day in 1918 when the Byelorussian Democratic Republic proclaimed its independence was celebrated this year on March 23. It marks the determination of an ancient people to maintain their identity apart from the Russian conqueror and to keep alive the hope of eventual liberty and independence.

Under Soviet domination the Byelorussian people have been subjected to ruthless persecution, economic exploitation, and harsh oppression. Their efforts to assert independence have been crushed by mass deportations, imprisonment, and executions. Their hopes are with us, and we should continue to press the issue of freedom in the United Nations and to focus world attention to the injustice suffered by the Byelorussian people. They reflect the indomitable spirit of men who are willing to fight and die for freedom.

THE PASSOVER

Mr. DODD. Mr. President, at sundown Friday, March 27, Americans of the Jewish faith will begin an 8-day observance of Passover, one of the most important holidays of the year. Passover is known as the Feast of Liberation because it commemorates the delivery of the ancient Israelites from the bondage of Egypt.

While the bondage was a cruel one, Jews generally pay particular attention to the fact of deliverance. And this is not unrelated to the teachings of the Hebrew prophets who were concerned more with preventing new episodes of enslavement than with the slavery of the past. In this prophetic view, man can make sure of his own freedom only if he seeks to protect the liberties of those around him.

Man can be secure only if he opposes tyranny and the condition of slavery whenever and wherever he confronts it.

This is the true meaning of the Old Testament statement that "if a stranger sojourns with you in your own land, you shall do him no wrong. The stranger shall be as the native-born among you."

This is also the meaning of the Judeo-Christian maxim:

> Do unto others as you would have them do unto you.

Passover, then, has meaning for all Americans regardless of their faith. Its basic purpose is to extoll freedom and to make that freedom an instrument of social justice.

Yet, today, there are all too many people who have neither freedom nor justice.

Passover is a plea to heed the cries of all who are deprived of their birthright as human beings. It is a plea that we Americans cannot, dare not, overlook.

Today, hundreds of millions of people on several continents who have tasted the fruits of freedom are denied it. A Communist tyranny, which subordinates human dignity to the will and needs of the all-powerful state, has turned free societies into grim prisons. Dictatorship has in too many places caged the spirit and energies of people who yearn for liberty and for the right of free expression.

But if we must be concerned with the Communist totalitarianism abroad, we must also be concerned with the limitations placed on the rights of some of our own people here at home.

We must act to see to it that those who are denied the right to vote secure that right.

We must assure equal access to employment and educational opportunities to those who lack it.

We must find in our legal system and in our hearts the means for seeing to it that all men are guaranteed in fact the rights and privileges which are theirs in theory.

James Russell Lowell has well caught the spirit of why we must do these things. In an inspiring poem, he has written:

> Men, whose boast it is that ye
> Come of fathers brave and free,
> If there breathe on earth a slave,
> Are ye truly free and brave?

If ye do not feel the chain
When it works a brother's pain,
Are ye not base slaves indeed,
Slaves unworthy to be freed?

No; true freedom is to share
All the chains our brothers wear,
And with heart and hand to be
Earnest to make others free.

On this day, as Christians prepare for their own Easter holiday, there are many reasons to recall that there is such a thing as the brotherhood of man and the fatherhood of God. There is good reason to recall that the liberation of mind and body to which Passover is dedicated is a liberation which free men of all faiths must ever seek.

There is then in the Passover holiday both a cherished memory of the past and a call for resolution in strengthening the foundations of freedom in the future. We must heed that call, demanding though it may be, if we are to assure the durability of our own free way of life.

SILVER ANNIVERSARY OF VERY REV. MSGR. DONALD CARMODY

Mr. CANNON. Mr. President, on March 19, the Very Reverend Monsignor Donald Carmody, the first native Nevadan ever to be elevated to the Catholic priesthood, celebrated his silver anniversary.

Monsignor Carmody was born in Reno, Nev., educated there, and was graduated from the University of Nevada. On March 19, 1939, he became a priest in ceremonies held in St. Thomas Aquinas Cathedral with the Most Reverend Thomas K. Gorman, then bishop of Reno, presiding.

During the next 25 years, Monsignor Carmody was to distinguish himself with a zeal and dedication which almost claimed his life. It was after World War II, while teaching and directing welfare activities in Reno, that he suffered a heart attack and hovered near death.

Miraculously, he recovered and went to Las Vegas where his dedication and enthusiasm contributed significantly to the growth of the Catholic Church, and his contributions in the field of welfare won for him the respect and esteem of persons of all faiths.

It seems especially significant, Mr. President, that Nevada's first native son to be ordained is celebrating his silver jubilee in the same year that Nevada celebrates the 100th anniversary of statehood. Monsignor Carmody is representative of the young men who are born in Nevada, who grow up knowing of the problems and goals of her people, who answer the call of God, and who return to do His work in the State of their birth.

The Reverend Leo E. McFadden, editor of the Nevada Register, captured with beauty and simplicity the story of Monsignor Carmody's 25 years of priesthood, and I ask unanimous consent to have printed in the RECORD Father McFadden's article entitled "Two Plain Cents."

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

TWO PLAIN CENTS

(By Leo E. McFadden)

The little boy gave his 50 cents. It was for a gift. All the children in the school were going together to buy the man a present, to buy the principal a gift for his 25th anniversary. The principal was a priest.

Twenty-five years, 50 cents. Two pennies a year for half a lifetime. What had he done to earn such a reward? We all know what a priest does. What did this priest do?

The time was 1939. He had been born in Reno, gone to school in Reno and graduated from the university in Reno. He had been baptized in the cathedral in Reno and now he was a young man standing before the Bishop of Reno in that same church. That day in March, 25 years ago, he became the first native Nevadan to be ordained for his home diocese.

In no time at all he was the pastor of a small parish out on Highway 40, getting his taste of the Nevada missions. This assignment was only too short, however, and he was never again to enjoy the independence of parochial leadership. Off to school he went, to return with his degree in social welfare. In the early 1940's he established the first welfare office in Las Vegas.

The war had come along and his pastor in Las Vegas went down to take the physical for the Navy. He thought about getting into the Army, but they told him he had a bad heart. And so it was that he was to stay on to run the little parish there and, of course, to maintain the welfare as well.

After the war he was called to Reno to take over the welfare office. The trip north was hardly worthwhile, for the combination of social work and teaching caught up with him. The heart attack was so severe that he was anointed and all but given up for dead. Somehow he recovered and southward he journeyed again for the lower altitude and a chaplaincy at a hospital. This would give him a chance to recover sufficiently without the omnipresent doorbell or telephone or regular schedule of rectory life.

But this was the very thing for which he had been ordained. He was supposed to be "all things to all men," to serve mankind as best his frail qualities would allow. Surely, then, this period of confinement, of restoring his health, had to be one of the great sadnesses of his priesthood.

Back he went again to welfare work in Las Vegas, with just part-time ministry in a parish. As time went on he was to fill in wherever he was needed in the ever-growing southland, whether it was as chaplain to a convent or teaching the public high school youngsters or just hearing confessions of the children for first Friday. There are never enough priests to go around, and every pastor knows that the man in special work can help out in a moment of need.

A parish was his for a brief span of time, but this was to be shared with the concomitant assignment of administering a high school * * * and then teaching in the high school * * * and then attending all the extracurricular activities of the high school. Then it was that he had to decide between one job or the other—for no man could do it all—and his parochial assignment was lifted from him. For 6 years he was at the school, during which time he said the 6 a.m. mass at a convent and taught CCD in the evenings and changed his place of residence five times as the need demanded it.

Twenty-three years after becoming a priest, northward he came again. He became a high school principal and for 2 years he has served in that capacity. For just four classes a day he tries to teach the youngsters. The rest of the time he spends in adjusting schedules and figuring the finances and making the announcements and attending basketball games and talking to parents and frequenting meetings and discussing problems with his teachers and sometimes, about 4 p.m., drinking a coke because he didn't take the time to eat his lunch that day.

Twenty-five years. A very drab existence. In fact, the world wouldn't give 2 cents for any one of those years. But a little boy did. His gift of 2 cents for each of those 25 years somehow made it all worthwhile.

Fact is, it made everything entirely priceless.

JUSTICE AND CIVIL RIGHTS

Mr. INOUYE. Mr. President, the greatest wrong our Nation has ever perpetrated, in a history perhaps unmatched for honor and generosity toward mankind, is one we have inflicted on a part of our own people.

Since the days when the settlers first came to this new and wild land, Americans have been consumed with an idea that departed entirely from the thought and custom of all previous history. This idea involved a new way of looking at the character of man.

Our Government, also for the first time in history, was built on this principle. As Abraham Lincoln once said:

Most governments have been based, practically, on the denial of the equal rights of men. Ours began by affirming those rights. They said "some men are too ignorant and vicious to share in government." "Possibly so," said we, "and by your system you would always keep them ignorant and vicious. We propose to give all a chance; and we expect the weak to grow stronger, the ignorant wiser and all better and happier together."

Yet here in the first country of the world which was dedicated to this idea, in the country which has been responsible for keeping it alive in times of darkness ever since, and is responsible today, we have not worked or cared to see it scrupulously applied among our own people.

We have given reasons, some of us, and others have closed their eyes and turned their backs upon laws, practices, and attitudes which we should long ago have fought to have abolished. It has never been easy for men to forgive others for being different from themselves, whether in some superficial feature like shape or color or even in less noticeable differences, such as the minor tenets of one's religion. Laws cannot change the hearts of men, and we will not change the hearts of men by this law if indeed we are able to enact it.

Some have said to me, the Negroes have not earned full citizenship; they have not shown they will take the responsibility to be good citizens. I answer that it is hard enough just to earn a living without education, without justice in the protection of the laws, without self-respect or hope for improvement, and with hate and repugnance their all too constant welcome.

What effect would these surroundings have on any man? I do not know but I believe the Negro people have, on the whole, returned our two-plus centuries

of injustice with almost miraculous forgiveness and restraint.

To change these living habits of so long a time does not come easy, and we must do all within our power to see that the change is as little disruptive, and as little painful as it can possibly be. This will require still more restraint on the part of those who have already waited so long. But change we must, and this requires restraint on the part of those who must endure the change. This remark is not directed at the South, for what section of the country can say that it has held out its hand and heart to the Negroes in every area of human activity and in the way that must be done if they are ever to become truly members of the community.

I feel, however, that this attitude is changing. Many factors lead me to believe so, from the inspirational march in Washington last summer to the new desire for tolerance on the part of all Americans since the death of our martyred President. Injustice is, after all, alien to our natures; and its existence has exacted a price from the consciences of those who have allowed it to go on, as well from those who have suffered under it. The treatment of the Negroes and other minority peoples in our country has been, as the poet Archibald MacLeish once said:

> * * * Antithesis of America—the passionate repudiation of the American proposition, and thus the implicit rejection of America itself. * * *
>
> If the American proposition is no longer the proposition to which the American heart and mind were committed at our beginning, then America is finished, and the only question left is when she will fall.

I do not believe America will fall either now or in the future; and I further believe this one great infirmity, this inconsistency in our national character and in our view of ourselves, will in time be healed.

Although new law is not the only solution, it is part of the solution; and it is the part that we, the lawmakers, are responsible to provide. The rest must be provided in the churches, in the schools, and in the consciences of the people. As this long debate begins, let us consider that no special privileges are being sought here. This bill attempts to give by law which should have been, but has not been provided by practice—an even chance—a chance to go to school and vote and hold a job; simple things which the rest of us have enjoyed without a moment's thought. It is time for all Americans to be included in the American dream.

Justice Holmes once said that a desire for the superlative seemed to him to be "at the bottom of the philosopher's effort to prove that truth is absolute," and that those who believed in natural law made the mistake of accepting what was familiar as being something which must be accepted by all men everywhere.

I do not know whether such a thing as justice exists outside of the mind of man. But I am impressed by the fact that through the centuries, the overwhelming number of men have longed for it, have recognized its absence or presence without being told, have fought for it, and have sacrificed their lives to attain it for their posterity.

Whether it exists in the mind of man only, or whether justice is, in fact, a being of its own, its attraction seems irresistible.

Each man knows in his own heart what he believes justice to be. Let us each follow this inner dictate in the debate we have begun.

Mr. HUMPHREY. Mr. President, will the Senator from Hawaii yield?

The PRESIDING OFFICER (Mr. BAYH in the chair). Does the Senator from Hawaii yield to the Senator from Minnesota?

Mr. INOUYE. I am very happy to yield to my leader.

Mr. HUMPHREY. Mr. President, I am very happy that it was my privilege to be here on the floor of the Senate when the able and distinguished Senator from Hawaii made his opening address on the civil rights bill. Without any lack of reverence, but in the spirit of true reverence, I wish to characterize his speech as an invocation to the proceedings which will follow.

The Senator from Hawaii has made a marvelous statement, filled with statements much more important than mere legalisms. His speech was filled with a sense of justice, compassion, understanding, and truth.

So as the Senate begins this long, yet necessary and, I am sure, at times painful, ordeal in connection with the debate on the civil rights bill, I am very much pleased that the Senate has been given the inspiration of the brief but powerful statement by the Senator from Hawaii. The beauty and the spirit of his remarks are most impressive. I commend him highly for his remarkably fine and inspirational statement.

Mr. INOUYE. Mr. President, I thank the Senator from Minnesota for his kind words.

Mr. MORSE. Mr. President, will the Senator from Hawaii yield?

Mr. INOUYE. I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, those of us who have had the privilege of hearing the speech of the Senator from Hawaii are certainly better persons for having heard it.

I congratulate the Senator from Hawaii not only for his eloquence, but also for the beauty of his expression. I feel sure that in the course of the debate on the civil rights bill, his words will be quoted again and again by many persons.

Mr. INOUYE. I thank the Senator from Oregon for his kind words.

Mr. McNAMARA. Mr. President, will the Senator from Hawaii yield to me?

Mr. INOUYE. I am glad to yield to the Senator from Michigan.

Mr. McNAMARA. Mr. President, I am very happy to have had the privilege of hearing the very fine speech of the Senator from Hawaii.

Over the years, the general principles to which he has addressed himself have been stated again and again on this floor; but never before have I heard them stated so ably, so briefly, so beautifully, so clearly, and so much from the heart.

I congratulate the Senator from Hawaii on the very great sincerity and patriotism of his words.

Mr. INOUYE. Mr. President, I am very grateful to the Senator from Michigan for his kind words.

Mr. MAGNUSON. Mr. President, I join the other Senators who have spoken in commending the Senator from Hawaii for his excellent speech, which probably is much more important to me than to many other Senators, because I come from an area where many people of Japanese ancestry live. They have lived there as good citizens, and for many, many generations they have been an important part of America. At one time discrimination was practiced against them; so they understand this problem. They also understand what it means to live without discrimination.

So I congratulate the Senator from Hawaii for his powerful words, which to me are much more important than just a Senate speech.

Mr. INOUYE. I thank the Senator from Washington for his kind words.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries, and he announced that on March 25, 1964, the President had approved and signed the following acts:

S. 1781. An act for the relief of Antonio Credenza;

S. 1878. An act to amend the act providing for the admission of the State of Alaska into the Union in order to extend the time for the filing of applications for the selection of certain lands by such State;

S. 1976. An act for the relief of Dr. Gabriel Antero Sanchez (Hernandez);

S. 1985. An act for the relief of Giuseppe Cacciani; and

S. 2085. An act for the relief of William Maurer Trayfors.

EXECUTIVE MESSAGE REFERRED

As in executive session,

The ACTING PRESIDENT pro tempore laid before the Senate a message from the President of the United States submitting the nomination of Taylor G. Belcher, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Cyprus, which was referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed the following bills, in

which it requested the concurrence of the Senate:

H.R. 5838. An act to amend the act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities; and

H.R. 10456. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

HOUSE BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 5838. An act to amend the Act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative practices for more effective conduct of its research and development activities; to the Committee on Commerce.

H.R. 10456. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes; to the Committee on Aeronautical and Space Sciences.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON TITLE I AGREEMENTS UNDER AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

A letter from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a report on title I agreements under the Agricultural Trade Development and Assistance Act of 1954, for the month of February 1964 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON GUARANTEE ISSUED BY EXPORT-IMPORT BANK OF WASHINGTON

A letter from the Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, on a guarantee issued by that Bank to Julius Schimmel, Inc., New York, N.Y., relating to dry milk to be imported by Hungary; to the Committee on Appropriations.

REPORT ON DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense, Installations and Logistics, transmitting, pursuant to law, a report on defense procurement from small and other business firms, for the period July, 1963—January, 1964 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON CHARGES REQUIRED BY PRESCRIBED GOVERNMENT POLICIES NOT ASSESSED AGAINST RECIPIENTS OF GOVERNMENT SERVICES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on charges required by prescribed Government policies not assessed against recipients of Government services, Federal Aviation Agency, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY COSTS INCURRED UNDER SEMIAUTOMATIC FLIGHT INSPECTION PROGRAM

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs incurred under the semiautomatic flight inspection program, Federal Aviation Agency, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON GRANTS FOR BASIC SCIENTIFIC RESEARCH

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on grants for basic scientific research to nonprofit institutions, covering the calendar year 1963 (with an accompanying report); to the Committee on Government Operations.

PROPOSED AMENDMENT TO CONCESSION CONTRACT IN YOSEMITE NATIONAL PARK, CALIF.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to the concession contract with Best's Studio, Inc., Yosemite National Park, Calif. (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON APPLICATION FOR LOAN UNDER SMALL RECLAMATION PROJECTS ACT OF 1956

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application for a loan under the Small Reclamation Projects Act of 1956 from the St. John Irrigating Co. of Malad, Idaho (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

A letter from the Administrative Assistant Secretary of the Treasury, transmitting, pursuant to law, a report on extraordinary contractual actions to facilitate the national defense, for the calendar year 1963 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF NATIONAL INSTITUTE OF ARTS AND LETTERS

A letter from the assistant secretary-treasurer, the National Institute of Arts and Letters, New York, N.Y., transmitting, pursuant to law, a report of that institute, for the year 1963 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF GIRL SCOUTS OF THE UNITED STATES OF AMERICA

A letter from the president and national executive director, Girl Scouts of the United States of America, New York, N.Y., transmitting, pursuant to law, a report of that organization, for the fiscal year ended September 30, 1963 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A petition signed by Junji Nishime, mayor of Naha City, and Ibi Nakamoto, president of the Military-Used Landowners Association of Naha City, of the island of Okinawa, praying for a quick solution of the prepeace treaty compensation issue; to the Committee on Armed Services.

A letter, in the nature of a petition, signed by J. David Muyskens, pastor, Pottersville Reformed Church, Pottersville, N.J., praying for the enactment of the civil rights bill; ordered to lie on the table.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 2701. A bill to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans (Rept. No. 968).

(See the remarks of Mr. MAGNUSON when he introduced the above bill, which appear under a separate heading.)

By Mr. HUMPHREY (for Mr. CHURCH), from the Committee on Interior and Insular Affairs, with amendments:

H.R. 1794. An act to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes (Rept. No. 969).

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Carl W. Selin, to be a member of the permanent commissioned teaching staff of the U.S. Coast Guard Academy, with the grade of lieutenant commander; and

Laurence Walrath, of Florida, to be an Interstate Commerce Commissioner.

Mr. MAGNUSON. Mr. President, also from the Committee on Commerce, I report favorably the nomination of Virginia Mae Brown, of West Virginia, to be an Interstate Commerce Commissioner, and I submit a report (Ex. Rept. No. 7) thereon. I ask that the report be printed, together with the individual views of Senators MORTON, COTTON, and SCOTT.

The ACTING PRESIDENT pro tempore. The report will be received and the nomination will be placed on the Executive Calendar; and, without objection, the report will be printed, as requested by the Senator from Washington.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT:

S. 2695. A bill to amend title I of the Housing Act of 1949 to provide that relocation payments to persons displaced from urban renewal areas shall include compensation for any diminution in the value of their land occasioned by the subsidence or collapse of underlying coal mines; to the Committee on Banking and Currency.

By Mr. YOUNG of Ohio:

S. 2696. A bill to make permanent the district judgeship for the northern district of Ohio created by section 2(e)(2) of the act of May 19, 1961; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 2697. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964; to the Committee on Finance.

By Mr. LAUSCHE:

S. 2698. A bill for the relief of Linus Han; and

S. 2699. A bill for the relief of Marija Pust; to the Committee on the Judiciary.

By Mr. RIBICOFF:

S. 2700. A bill for the relief of Miss Marie Arcache and Miss Verdun Arcache; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. PASTORE, Mr. MONRONEY, Mr. THURMOND, Mr. LAUSCHE, Mr. YARBOROUGH, Mr. ENGLE, Mr. BARTLETT, Mr. HARTKE, Mr. McGEE, Mr. HART, Mr. CANNON, Mr. COTTON, Mr. MORTON, Mr. SCOTT, Mr. PROUTY, and Mr. BEALL):

S. 2701. A bill to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans; to the Committtee on Commerce.

DETERMINATION OF SITE FOR CONSTRUCTION OF A SEA LEVEL CANAL CONNECTING THE ATLANTIC AND PACIFIC OCEANS

Mr. MAGNUSON. Mr. President, on behalf of myself, and the members of the Committee on Commerce, Senators PASTORE, MONRONEY, THURMOND, LAUSCHE, YARBOROUGH, ENGLE, BARTLETT, HARTKE, McGEE, HART, CANNON, COTTON, MORTON, SCOTT, PROUTY, and BEALL, I introduce, for appropriate reference, a bill to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2701) to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans, introduced by Mr. MAGNUSON (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Commerce.

Mr. MAGNUSON. Mr. President, I call the attention of the Senate to this bill, which authorizes the President of the United States to appoint a commission to study the feasibility of, and the most suitable site for, a second canal to connect the Atlantic Ocean and the Pacific Ocean.

The committee held long hearings on the subject. The members of the committee were practically unanimous in the report, as Senators will read when the report is placed in the RECORD.

The necessity of moving ahead with the project at this time is paramount.

I reiterate what was said by committee members in committee, Senators on the floor of the Senate, and witnesses who appeared before the committee. Timewise, the proposal is not a move directed at or done in connection with the present problem we have with Panama. The subject has been one of long standing in the Congress. Were there no problem with Panama at all, and were the Panamanian situation to be all cleared up—which I am sure it will be and hope it will be soon—we would still have to build another canal anyway, because all projections of shipping between the two great oceans of the world dictate that within the next 8 to 12 years a second canal, which would be a sea level canal, would be necessary and would have to be built.

Some interesting testimony was given at the hearing relative to the possibility of the use of atomic energy to dig the canal. That testimony will be laid before the Senate when we consider the bill. It is estimated that to build the canal with atomic energy would cost from 40 percent to 60 percent less than would other methods. A canal built in such a manner would be almost defense proof, because any bomb landing on such a canal might make it an even better one if the bomb should blow enough dirt out.

The Atomic Energy Commission, the Army Engineers, and other experts are now working on the great possibility of the peaceful use of atomic energy for explosive purposes. The proposal would open new possibilities throughout the world for the use of atomic energy and for nuclear power.

The testimony was very optimistic, and I am sure that when the Commission reports and we get ready to pick a site and get ready to deal with the nations that may be involved, we shall also be ready to show the world some real practical peaceful uses of atomic energy.

ADDITIONAL COSPONSORS OF BILLS, JOINT RESOLUTION, AND RESOLUTION

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bills, joint resolution, and resolution:

Authorities of March 16 and 19, 1964:

S. 2642. A bill to mobilize the human and financial resources of the Nation to combat poverty in the United States: Mr. BARTLETT, Mr. BREWSTER, Mr. BURDICK, Mr. BYRD of West Virginia, Mr. CHURCH, Mr. CLARK, Mr. ENGLE, Mr. HART, Mr. INOUYE, Mr. KENNEDY, Mr. LONG of Missouri, Mr. LONG of Louisiana, Mr. MAGNUSON, Mr. MANSFIELD, Mr. McCARTHY, Mr. McGEE, Mr. McGOVERN, Mr. METCALF, Mr. MORSE, Mr. MOSS, Mr. MUSKIE, Mr. NELSON, Mrs. NEUBERGER, Mr. PASTORE, Mr. PELL, Mr. RANDOLPH, Mr. RIBICOFF, Mr. SMATHERS, and Mr. YARBOROUGH.

Authority of March 18, 1964:

S. 2648. A bill to amend the Federal Reserve Act, and for other purposes: Mr. DOUGLAS.

Authority of March 21, 1964:

S. 2674. A bill to authorize the conclusion of an agreement for the joint construction by the United States and Mexico of an international flood control project for the Tijuana River in accordance with the provisions of the treaty of February 3, 1944, with Mexico, and for other purposes: Mr. KUCHEL.

Authority of March 23, 1964:

S.J. Res. 164. Joint resolution calling upon the President of the United States to use full facilities of our Government to make arrangements for and to bring about delivery of an adequate supply of matzoth to key centers of Jewish life in the Union of Soviet Socialist Republics on an emergency basis, so that the Feast of the Passover which begins at sundown Friday, March 27, and ends at sundown Saturday, April 4, may be observed in keeping with 5,724 years of Jewish tradition: Mr. WILLIAMS of New Jersey.

Authorities of March 16 and 20, 1964:

S. Res. 305. Resolution establishing the Select Committee on Combating Poverty: Mr. BURDICK, Mr. GRUENING, Mr. HARTKE, Mr. INOUYE, Mr. McGOVERN, Mr. Moss, Mrs. NEUBERGER, and Mr. PELL.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. SCOTT:

Three reports relating to debates on civil rights.

EXTENSION OF AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954—CORRECTION OF BILL

Mr. ELLENDER. Mr. President, on March 25, I introduced a bill (S. 2687). Through an error, on line 6, page 4, the word "more" was printed, instead of the word "less."

I ask unanimous consent that in future printings of the bill, the word "more" be changed to the word "less" on line 6, page 4.

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

COMMUNICATION FROM CLARENCE MITCHELL, DIRECTOR OF THE WASHINGTON BUREAU OF THE NAACP

Mr. MORSE. Mr. President, last week I introduced into the CONGRESSIONAL RECORD a telegram which I considered to be critical—and it was critical—from Clarence Mitchell, the director of the Washington bureau of NAACP. Clarence Mitchell and I have been friends for many years. But we have been friends whose friendship has always been able to withstand honest differences of opinion, for over the years I have differed with Clarence Mitchell several times in regard to what I considered to be the proper procedure and policies to follow in seeking to enact the best civil rights legislation possible.

I disagreed in 1957. As I have been heard to say, the civil rights bill of 1957 which was passed by the Congress was not worth the paper it was written on. It was so bad that I voted against it.

I disagreed in 1960, because again I thought the Senate threw away a great opportunity to pass an effective and desirable civil rights bill.

I disagreed with Clarence Mitchell in connection with the issue that has just been settled by a majority in the Senate. It was in regard to that issue that I received from him last week a telegram to which I took exception, and which I introduced into the RECORD.

Yesterday Mr. Mitchell came to me to make his last plea to persuade me to change my mind on my motion to refer the bill to committee. He failed, as did most of the other civil rights leaders who have lobbied me in the past 2 or 3 weeks. But I had a friendly and constructive conference with him, and in his graciousness and kindness he sent me a telegram following that conference, which he need not have sent, but which

is typical of his spirit and broadmindedness.

I ask unanimous consent that the telegram I received from Mr. Mitchell be printed in the RECORD at this point.

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

WASHINGTON, D.C.,
March 25, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Thank you for our constructive discussion this morning. It is a tribute to the greatness of our country that a U.S. Senator and a citizen who have differing views on a procedural matter are nevertheless united and determined to win on the issue of substance. In this case the substantive question is passage of a strong and effective civil rights bill. As you know I earnestly hope that the motion to render the bill to committee will be defeated but it is a great source of comfort to know when that motion is disposed of your wisdom, strength, and clear voice of reason will be working both early and late for a great human rights victory.

CLARENCE MITCHELL,
Director, Washington Bureau, NAACP.

IMPROVEMENT IN TERMS OF LOANS ON THE BASIS OF GROWING TIMBER

Mr. MORSE. Mr. President, I rise in support of Senate bill S. 2259, which would permit national banks to make loans up to 60 percent of the fair market value of growing timber, land, and improvements in forest tracts. The bill would allow these terms to be extended for 15 years with yearly payments, or to 3 years, if unamortized.

This measure was introduced by Senator MCINTYRE, together with Senators AIKEN, MCCARTHY, MUSKIE, PROUTY, and SPARKMAN, on October 24, 1963. It has passed the House of Representatives and is now before the Senate Committee on Banking and Currency, which held hearings on March 4, 1964, and received favorable testimony from several witnesses.

At present, the governing legislation in the Federal Reserve, Act, 12 U.S.C. 371, limits such loans to 40 percent of the value of timber which is marketable, and extends terms of from 2 to 10 years, depending on whether or not the loan is amortized. These provisions are unduly restrictive and outmoded, since State banks in many cases have far greater freedom, and in some cases have no restriction at all in this area.

This bill will thus utilize the capacity of national banks for granting loans based on forest tracts and will introduce a competitive factor which will make it easier for small forest owners and developers to obtain financing in the timber business. Testimony at the hearings emphasized the value of this provision to the small businessman in the timber industry, pointing out that the large operators are often able to secure long-term financing from a variety of sources based on their general financial condition.

In fact, legislation of this sort can greatly strengthen the "family farm" method of timber cultivation and, at the same time, encourage sound planning in forest development.

The present short-term credit arrangements discourage the small investor and operator, and because they must be based on only marketable timber, may lead to the harvesting of forest products before they have reached full maturity. The short maturity of a loan may arrive at a time when the market is depressed, thereby causing not only monetary loss to the businessman, but economic waste to the Nation.

In Oregon it is well known that standing timber is an appreciating asset and that the supply of better grade marketable timber is declining, while the prospective long-term uses of forest products are expanding. There is thus a stable market for timber products, making timberland an attractive investment for both businessmen and banks on the basis of their long-term increases in value.

As is equally well known, the small businessman does not possess ready access to capital. This legislation would thus be very helpful in increasing the liquidity in timber operations.

The bill has the support of the American Bankers Association and the Comptroller of the Currency, and I urge its passage by the Senate.

OBJECTION TO COMMITTEE MEETINGS DURING CONSIDERATION OF THE CIVIL RIGHTS BILL

Mr. MORSE. Mr. President, turning to next to the last item that I shall place in the RECORD, I have been asked this afternoon whether the senior Senator from Oregon is still adamant in his announcement that he would object to any committee hearings being held while the Senate is in session during the debate on civil rights.

I wish to make it very clear that I am not only adamant, but I am immovably stubborn about it, if that term will satisfy anyone who would classify it as stubborn; but I am also sincere and determined about it. I am convinced that we shall never get a good civil rights bill, in a reasonable period of time, and we shall never get cloture, which will be essential to get a civil rights bill, until we bring the business of the Senate to a dead halt, except for the consideration of the civil rights bill, and until the people of the country understand the seriousness of the issue before the Senate.

A few moments ago I spoke about what I think to be the underlying principle in the civil rights bill. It is the Golden Rule of doing unto others as one would want others to do unto him. That is what this great controversy is all about, when all is said and done. There is nothing more important to our domestic tranquillity.

As I have said before as a member of the Foreign Relations Committee, there are few things more important to our standing in the world, from the standpoint of American foreign policy prestige, than our making first-class citizens of the Negroes of this country. It has never been done, because we have never delivered the Constitution to them in the 100 years since the Emancipation Proclamation.

The Senate could well afford to devote its full time to the issue of civil rights.

So I say to the majority leader and the majority whip, through their assistants present on the floor, that I shall object to any committee of the Senate meeting while the Senate is in session, under the rules of the Senate, including the Appropriations Committee, during the course of the consideration of the civil rights bill, until cloture is obtained.

ANSWER TO THE SECRETARY OF DEFENSE

Mr. MORSE. Mr. President, I turn now to the last matter. Earlier today I announced that on Monday I would answer the comments of the Secretary of Defense made at a coffee hour this morning in the Foreign Relations Committee, and the speech he has announced will be made to the American public over radio and television tonight.

The Secretary of Defense will try once again to propagandize the American people into acceptance of what I consider to be a totally unacceptable foreign policy vis-a-vis South Vietnam.

Since I made that announcement I have been briefed about what the Secretary of Defense said to the Foreign Relations Committee this morning. It was even more unsound than I thought he could concoct by way of a chain of fallacies. Also, since I made the announcement earlier today, I have been visited by a Marine Corps officer of substantial rank. This Marine Corps officer expressed the view to me as to his complete agreement with the position that I have taken in regard to South Vietnam. So do some of the high-ranking officers in Vietnam who are charged with directing the local troops in their operations against the Vietcong. I have received some interesting correspondence from some of them.

He made a few points that I wish to repeat. This Marine officer said to me, "Senator, the morale of the American forces in South Vietnam is at a seriously low ebb, because, due to the unsound policy which the United States is following in South Vietnam. We are acting as though we are not at war, but we are killing men as though we were at war, and we are killing men because those men under the operations that we are conducting in South Vietnam are not being given the protection that they would be given if we recognized that we were at war and proceeded to act as though we were at war. The kind of operation we are conducting in South Vietnam is jeopardizing the lives of American Armed Forces in South Vietnam. That would not be necessary if we were conducting a different type of operation."

I have been heard to say on the floor of the Senate, in my criticism of the administration's policy in South Vietnam, that they ought to make up their minds whether they will fish or cut bait. They know that the American people will not support an all-out war in South Vietnam. Therefore, by subterfuge and the pretense that we are not at war, we nevertheless are conducting operations

that are killing American men in South Vietnam.

My good friend the Senator from Arkansas [Mr. FULBRIGHT], in his speech yesterday, said he thought we should get rid of the word "shocking." I intend to use it, because it is so applicable to our operations in South Vietnam. The operations of the United States in South Vietnam are shocking, completely unjustified, and unilateral. The course of action that we are following is going to label us, in the not too distant future, as a nation which is a threat to the peace in southeast Asia.

As I said yesterday, there are no Chinese in South Vietnam. There are no Russian soldiers in South Vietnam. The only foreign soldiers in South Vietnam are U.S. soldiers. What are they doing there? By what right are they there? Let the President of the United States answer to the people of the United States.

The time is coming for the Commander in Chief to speak—not the Secretary of Defense, not the Secretary of State—about this uncalled-for program of the United States in South Vietnam.

It is a sad thing that we are conducting an operation in South Vietnam which is causing fighting men to say, as a great fighting marine said to me today, "Tell us what you want us to do. If you want us to go to war, give us the support that goes along with a war operation."

I think he is right. Of course, I would vigorously oppose our going to war, because then we would be condemned by the nations of the world as an aggressor nation. If we are not an aggressor nation now in South Vietnam, we are not very far from it.

This morning the Washington Post carried a very interesting article, quoting the President of the Philippines. I ask unanimous consent that the article may be printed in the RECORD at this point in my remarks.

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

PHILIPPINES PRESIDENT URGES UNITED STATES TO STAY IN VIETNAM

(By Robert Eunson)

MANILA, March 25.—Withdrawal of American forces from Vietnam "could lead to disaster," President Diosdado Macapagal of the Philippines said today.

But he cautioned the United States against intervention in Asian affairs and said the current crisis between Malaysia and Indonesia could be settled if "Asian nations get together to solve their problems."

The President made the statements at a private audience at Malacanang Palace with Wes Gallagher, general manager of the Associated Press, who is on a tour of Asia.

Describing the Vietnamese war, where 16,000 U.S. troops are involved in the fight to wipe out Communist-backed Vietcong guerrillas, Macapagal said he believed "withdrawal of Americans or neutralization of Vietnam would affect all the countries of Asia.

"It could lead to a disaster, especially for those countries near Vietnam," he said.

Macapagal was the third Asian leader who has told Gallagher in the last 10 days that the United States should retain military units in South Vietnam until the war there is won. Prime Minister Hayato Ikeda, of Japan, and Gen. Nguyen Khanh, of South Vietnam, expressed similar beliefs.

Asked what the United States should do in Asia, Macapagal smiled, his brown eyes twinkling:

"I hesitate to walk, how is it you say, where angels fear to tread, but there should be more projection of intention of American aid. It should be made clear that aid will not be used as a club, a weapon—to constrain the secondary country to act as the first country desires."

Macapagal did not use the word "colonialism," but it was clear that his caution was directed toward just that image.

"A decision should be made on the type of aid needed," he said. "The effect should be allowed to come out naturally."

The President said the United States should not expect Indonesia or Malaysia, both much younger countries, to react in the same manner, internationally speaking, as the Philippines.

"The Philippine Government is now 18 years old and the United States should be proud before the eyes of the world because of the Philippines," he commented. "We are making democracy work. Democracy is here to stay."

SEATO, the Southeast Asia Treaty Organization, is still useful and could lead to an expansion among other Asia nations. SEATO will hold its 10th anniversary meeting in Manila next month.

Macapagal, who has been striving for 6 months to resolve differences between Malaysia and Indonesia, said he was hopeful for a summit meeting which would bring President Sukarno, of Indonesia, face to face with Tunku Abdul Rahman, of Malaysia, with Macapagal in the middle.

"Indonesia would be ready to accept Malaysia if it follows the doctrine that Asian nations settle Asian affairs," he said.

Mr. MORSE. Mr. President, the article leaves no room for doubt that the President of the Philippines wants us to stay in South Vietnam. I should like to ask the President of the Philippines, from my desk in the Senate this evening, "How many Philippine boys do you have in there, available for dying?" None.

I should like to ask the President of the Philippines, "How much of your largess are you willing to spend for the operations in South Vietnam?" The answer is none.

We are picking up 97 percent of the bill and the other 3 percent from within South Vietnam. Let me point out to the President of the Philippines: "Your country's signature is on the SEATO treaty. You have walked out, Mr. President of the Philippines; you have not lived up to your signature."

There will be a meeting of SEATO in Manila in the not too distant future. Will there be on the agenda the topic that calls for a recommitment of the SEATO signatories? What about the obligations of others in respect to the operations in South Vietnam? Mr. President, watch them run, if that is on the agenda.

The only possible reed on which we can lean so far as any international law rights are concerned about operating in South Vietnam is the SEATO treaty. It was in that treaty that the signatories entered into a protocol agreement that the South Vietnam area is of mutual concern to the signatories to the treaty. It carried the clear implication that because it was an area of mutual concern and interest, all signatories to the treaty would join in any program, whatever it was to be, in respect to the defense of South Vietnam.

Let us take a look at the signatories: Australia, Pakistan, Thailand, the Philippines, Great Britain, France, and the United States. The only country which is carrying out any obligation—and I think it is a mistaken obligation—that could possibly be implied in the SEATO Treaty is the United States.

But the President of the Philippines thinks we ought to stay there. I am going to keep right on asking "Australia, where are you? Pakistan, where are you? Thailand, where are you? The Philippines, where are you? Great Britain, where are you?" Where are they with respect to the SEATO Treaty?

It is a little more difficult to ask such a rhetorical question of France. For a long time it was possible to do so. However, at least of recent date De Gaulle has recognized that something ought to be done about South Vietnam. France learned the hard way, as we are about to learn the hard way, that the Western powers cannot win in Asia. France sacrificed the flower of her manhood for years, although the United States poured about a billion and a half dollars into Indochina when France was sacrificing its men, trying to help France. But France sacrificed the flower of her youth, until finally the French people said, "We have had enough," and they brought down the French Government. In the meantime, French law forbade the use of drafted men in Indochina. Only volunteers were allowed to fight there.

I have warned before. I am going to warn again today, and I shall warn from the platforms of America in the weeks ahead, for I intend to discuss this issue from coast to coast in the months ahead. This is a basic foreign policy problem about which the American people need to know the facts. I am satisfied that once they know them, they will say to the Johnson administration, "You either change, or we will hold you to an accounting for a foreign policy that is resulting in the unnecessary killing of American boys."

With the killing of each American boy in South Vietnam, the flag on the White House should be lowered to half-mast, and on the State Department, on the Pentagon Building, and on the Capitol Building, because they are unjustified and unnecessary killings. I believe that at least the flag should be lowered on the four edifices on which the responsibility for this unjustifiable policy rests—the White House, the State Department, the Pentagon, and the Capitol, because that is where the policy has been determined which permits these unjustifiable killings of American boys in South Vietnam.

Mr. President, I believe we had better take note of the fact that our need of international law is a weak one, based upon the SEATO treaty. We had better take note of the fact that our SEATO allies have walked out on us, even to the point where the President of the Philippines believes we should stay in, while the Philippines stay out.

They are perfectly willing for us to stay in and pick up the check, pay the bills and waste the blood, so long as it is not their money and their blood.

Mr. President, President de Gaulle may be right—I do not know—but we should explore the situation. I hope that the next SEATO meeting in Manila, in the near future, will explore it.

I close by saying, unpopular as it is, that the place for the South Vietnam issue is before the United Nations, not the United States. In my judgment, under the pacts and treaties, including the United Nations Charter, which we have signed, we do not have the slightest justification for unilateral action in South Vietnam.

But it is said that, the government invited us in. Whose government?

Our puppet government. For it was the United States in 1954 which in fact established the puppet government of South Vietnam.

I am a good enough lawyer, and I know enough about international law to know that we do not obtain rights for unilateral international action based upon invitations received from puppet governments of one's own making.

I do not like to find myself in disagreement with my administration. I do not like to find myself in the position where the extremists, the uninformed, the professional patriots and the emotionalists are always anxious to wave the flag into tatters and proceed to misconstrue my position. According to my sights and the basis of my knowledge of the situation as a member of the Foreign Relations Committee of the Senate, we should be willing, when we are satisfied the facts support it, to stand up and admit that our country is dead wrong on any issue about which it is mistaken.

In my judgment, the Government of the United States is dead wrong on the policy it is pursuing in South Vietnam, and all the rationalization, all the alibis, all the propagandizing by the Secretaries of State and Defense will not change that fact.

We should seek to bring the whole issue before the United Nations because South Vietnam and the happenings there are a threat to the peace of that area. The United Nations was set up to intervene wherever the peace was threatened. If we got out of South Vietnam, we would be surprised at how quickly the situation would be resolved; for as I stated yesterday, it is, for the most part, a civil war. There is a great deal of news propaganda about forces from outside South Vietnam being responsible for the condition, but if we moved out of our orbit into the other orbit, the charge would then be that U.S. forces are responsible.

I want to get all U.S. forces out to the extent that any are in. I want to get the issue before the United Nations.

People constantly ask, "What does MORSE propose? He only criticizes. What does he propose?"

I have never criticized without proposing, and if anyone wishes, he can check my record on any controversy in which I have been involved, concerning foreign policy or any other major policy of my government.

There are those two places to explore, if we really believe in trying to resort to the rule of law, instead of the jungle law of force. Too frequently, the United States talks a good game of resorting to the rule of law, but at the same time it hypocritically applies the rule of force. Much of our so-called military aid is naught but an application of the rule of force around the world.

My proposal is that we should take the leadership in trying to obtain a SEATO settlement. That would bring France in. That would also bring in Great Britain, Australia, Pakistan, Thailand, and the Philippines. We might be able to arrive at an acceptable program.

Say what we will, to some the word "neutralization" has become an ugly word. But there are all degrees of neutralization. When I talk about neutralization in respect to South Vietnam, I am not talking about the type of neutralization that we have in Laos. If I read De Gaulle's suggestions correctly, he was not, either. But we shall never know until we explore it. The undeniable fact is that the officials of the Government of the United States are not seeking to explore the possibilities through SEATO or making an honorable accommodation for the bringing of peace to South Vietnam.

My second proposal is, if we cannot act through SEATO, to try to act through the United Nations. Here again, we will not know to what extent we might succeed until we try.

I cannot imagine the people of this country supporting much longer the kind of program the Secretary of Defense is trying to propagandize the American people into accepting, of American intervention on a unilateral basis in a civil war in South Vietnam.

Next Monday, I shall discuss the problem further. I intend to continue to discuss the matter until we get a broader based understanding of it both within the Government and within the Republic.

Mr. President, I yield the floor.

PROGRAM FOR NEXT WEEK

Mr. HUMPHREY. Mr. President, I wish to make an announcement with reference to the program for next week.

When the Senate completes its business today, it will stand in adjournment until 12 o'clock noon on Monday next.

On Monday, it is expected to have the Senate remain in session into the evening—I should say, most likely, until 8 or 9 o'clock.

On Tuesday, and also on Wednesday and Thursday, it is proposed to have the Senate convene at 11 o'clock a.m. At that time the leadership will decide what earlier hour for convening may be desirable for the remainder of the week.

There will be a session of the Senate on Saturday, April 4. Senators should be on notice of that. That is not the coming Saturday, but Saturday of the following week.

The Senate will hold evening sessions all week. By that I mean that it is not proposed to have the Senate recess earlier than 8 o'clock but more likely to have it continue until 10 o'clock or later.

I desire to have the staff of the Senate notify every senatorial office of these arrangements, so that Senators will not have to rely entirely upon the RECORD for this information. I am sure that if Senators are notified, there will be a good attendance in the Chamber.

Starting on Monday, March 30, the proponents of the civil rights bill will attempt to open the debate and place before the Senate and the public the arguments in behalf of the 11 titles of the civil rights bill. It will be my intention on Monday, when I can gain recognition by the Chair, to open the debate for the proponents or supporters of the bill, the pending business, H.R. 7152. That will be followed by addresses by our friends on the Republican side of the aisle. We shall attempt to alternate the speeches on each of the titles. There will be several speakers on each title, after a general presentation has been made relating to the bill as a whole.

It is hoped that the Senate may proceed to discuss the bill title by title; and we would, of course, at that time expect to have a discussion on any proposed amendment. However, I doubt that we could look forward to any votes on any amendments in the coming week. To think that we could would be overly optimistic.

U.S. FOREIGN POLICY

Mr. HUMPHREY. Mr. President, during the past week we have heard three speeches which have done much to enlighten the public on the realities of international politics in the nuclear age. On Monday, Ambassador Adlai Stevenson reminded us that in a decade when monolithic blocs are giving way to "a bewildering diversity among nations," we are passing from a policy of containment to a policy of cease-fire and peaceful change. On Tuesday, President Johnson told the world that—

> The people in this country have more blessed hopes than bitter victory. The people of this country and the world expect more from their leaders than just a show of brute force.

On Wednesday, the distinguished chairman of the Senate Committee on Foreign Relations, Senator FULBRIGHT, reexamined some "old myths and new realities" of American foreign policy today. In a thoughtful speech marked by elegance of phrase and profoundness of insight, Senator FULBRIGHT has challenged some of the cherished assumptions we have been making about U.S. foreign policy in recent years.

I congratulate the Senator upon being a provocative and thoughtful teacher.

We are all bound by habit, and sometimes we need to be jolted out of our habitual pattern of looking at foreign policy. We need to ask ourselves basic and searching questions about the policies we are pursuing, the tactics we are using, the objectives we are aiming at. In a mature and responsible way, Senator FULBRIGHT has called for a reexamination of the thrust of our foreign policy in key areas of the world. This reexamination of course does not mean that all our present policies should be discarded. It does mean that they be reexamined in light of existing conditions.

It is most appropriate that this reexamination should be done by Senators

and especially appropriate that it be led by the chairman of the Foreign Relations Committee.

In leading this reexamination of our foreign policy, Senator FULBRIGHT has fulfilled the highest responsibility of a Senator. Under our system of separation of powers, a Senator has a vital and important role in the foreign policy process, but one which is quite distinct from that of the executive branch. A Senator has a responsibility to participate in the formulation of foreign policy, but is not involved in the day-to-day implementation of policy. Because he is removed from the day-to-day implementation of policy, he is often better situated to undertake an independent reexamination of American foreign policy.

A Senator, therefore, in fulfilling his functions relating to foreign policy must be both independent and responsible. He must be independent enough to assess the situation frankly, coldly, and objectively. He must be responsible enough to know that the position he takes will have an impact on the U.S. Government's position in various parts of the world. I believe that the chairman of the Foreign Relations Committee has shown both independence and responsibility in his examination of the problems confronting the United States in the world today.

While I will not attempt to go into the detailed discussion of individual issues in the Senator's speech, I would like to add one comment about his remarks on Latin America.

Without commenting on the merits of the Senator's position on the Cuban and Panama issues themselves, I believe the Senator is right in insisting that a preoccupation by the public and U.S. policymakers with these two issues has tended to obscure some of the other problems we face in Latin America today. We have as the Senator says "become so transfixed with Cuba" that our foreign policy in this hemisphere has often become distorted. While Cuba is important—and in my view will continue to be for some time to come—we should never forget that Brazil is of much greater consequence to U.S. interests in this hemisphere than Cuba will ever be.

Brazil represents the largest land mass of any nation in this hemisphere. It represents half of the population of South America. Therefore it would appear to me that American foreign policy concerned with Brazil would be of the utmost importance.

While Cuba will retain considerable significance as long as it remains an outpost of the Soviet Union in this hemisphere, it should no longer be permitted to blind us from the fact that the basic pattern of hemispheric relations will be determined to a great extent in Brazil and Argentina, in Chile and Mexico, in Peru and Colombia. In fact, all of Latin America is deserving of our continuous and thoughtful education.

Bearing this in mind, the Senator's remarks about social revolution in Latin America are particularly pertinent. He has raised one of the most troublesome questions about our Latin American policy today—are we prepared to deal with social revolutions in Latin American countries that do not follow the gradual, peaceful evolutionary pattern that has been characteristic of the development of Anglo-Saxon societies? Are we anticipating events in certain countries by identifying emerging political forces that will lead and control any social revolution that might occur? I do not know. But I do know that the Senator from Arkansas [Mr. FULBRIGHT] is right in his concern about the "winds of revolution"—as he puts it—blowing in Latin America today. Regardless of our own preference for gradual evolutionary change, we must be prepared to face the fact that in some instances in this hemisphere in the coming decade, we may be forced to deal with revolutionary situations.

It is my hope that we shall be prepared. I do believe we shall be better prepared to face up to these situations if we, as Senators, courageously, thoughtfully, and respectively assess what is going on in our hemisphere and attempt to identify the relevancy of our present foreign policy to these respective areas. It is in this spirit that we will do much to strengthen our Nation, and at the same time have a much more effective and, I believe, successful foreign policy.

Mr. PELL. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. PELL. For the past few minutes, I have had the pleasure of listening to the remarks of the Senator from Minnesota in regard to our foreign policy and to his congratulation of the Senator from Arkansas [Mr. FULBRIGHT] for what he has done to engender more forward thinking and increased emphasis upon all of our foreign policy and upon introducing in it an element of flexibility. I congratulate the Senator from Minnesota for his remarks, and I wish to associate myself with them.

Mr. HUMPHREY. I thank the Senator from Rhode Island. Such words from him—one of our leading experts and most knowledgeable Members in the field of foreign affairs—are very much appreciated.

Mr. President, I referred to the address delivered by the U.S. Ambassador to the United Nations, the Honorable Adlai E. Stevenson. I ask unanimous consent that his Dag Hammarskjold Memorial Lecture at Princeton University on March 23, 1964, be printed in the RECORD.

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

FROM CONTAINMENT TO CEASE-FIRE AND PEACEFUL CHANGE

(Dag Hammarskjold Memorial lecture by Ambassador Adlai E. Stevenson, U.S. representative to the United Nations, at Princeton University, March 23, 1964)

The United Nations and therefore the world has been fortunate to have three strong Secretaries General—Trygve Lie of Norway, Dag Hammarskjold of Sweden and U Thant of Burma. While serving on the American delegation in London in the first days of the United Nations and latterly in New York, I had something to do with the selection of Trygve Lie and U Thant. And it was my good fortune to know Dag Hammarskjold well, and my sad lot to attend his funeral in the lovely old cathedral at Upsala. Like the others who came from all over the world, I walked behind him to the cemetery through the streets of the ancient town, lined with thousands of silent, reverent people. Upsala was the world that day when he was laid to rest in the northern autumn twilight, for he was a hero of the community of man.

Norman Cousins tells a story that says a lot about Dag Hammarskjold as a peacemaker.

He had scheduled an interview with a magazine writer one evennig. The writer suggested that they have dinner at a restaurant, which the Secretary General accepted. He further suggested that they take his car, which the Secretary General also accepted.

Upon leaving the building, the writer recalled to his embarrassment that he had driven into town in a battered old jeep. The Secretary General was delighted. "Sometimes I think I was born in one," he said.

But the writer's embarrassment had only begun. Four blocks away, a taxi cab darted in front of the jeep and there was a harmless collision.

I don't have to suggest the reaction of the cab driver or the quality of his prose. But the writer was not without a temper himself, or the prose to match the cab driver. It looked as though the disagreement was about to escalate into active hostilities. At this point, Hammarskjold climbed out of the jeep and stepped around to the cab driver.

"You know," he said, "I don't think anyone quite realizes how tough it is to drive a cab in New York City. I don't know how you fellows do it—ten, twelve, fourteen hours a day, day after day, with all the things you've got to contend with, people weaving in and out of traffic and that sort of thing. Believe me, I really have to take my hat off to you fellows."

The cab driver refused immediately. "Mister," he said, "you really said a mouthful." And that was the end of the incident.

But it wasn't the end of the story. A few blocks later the unfortunate writer ran out of gas. And who should drive by? The same cab driver pulled up and said, "What's the matter chum, any trouble?"

"Out of gas," said the disgruntled writer.

Well, you can guess the end of the story: The cabbie offered to get some gas, invited the driver's nice friend to come along with him, and drove off with the Secretary General of the United Nations in the front seat—leaving the writer to ponder the role of the peacemaker in today's tense society.

I

No one ever doubted Dag Hammarskjold's selfless dedication to peaceful settlement of any and all disputes among men and nations. None questioned his deep personal commitment to the principles of the Charter of the United Nations, whose first business is the peaceful settlement of disputes.

But this can be said of other men: Hammarskjold was unsurpassed, but he was not alone in his devotion to peace. What distinguished his service to the United Nations is that he came to see it for what it is: A specific piece of international machinery whose implicit capabilities can only be realized by the action of the members and the Secretariat working within its constitutional framework.

There was no doubt in Dag Hammarskjold—nor is there in many others—that the United Nations is the most remarkable and significant international institution ever conceived. But Hammarskjold also understood that the machinery not only needs lofty goals and high principles but it has to work in practice—that it has limited, not unlimited functions; that it has finite, not infinite capabilities under given circumstances at a given time.

He saw that the effectiveness of the organization is measured by the best consensus that can be reached by the relevant majority

of the relevant organ—and that reaching that consensus is a highly pragmatic exercise.

Understanding all this, Dag Hammarskjold—himself a key part of the machinery—helped make the machinery more workable, more adaptable, more relevant to the immediate political needs. By doing so, he helped expand the capacity of the machinery to act effectively. This, I think, was his greatest contribution to the United Nations, and thus to world peace.

His was dedicated service—backed by diplomatic skill, by administrative talent, and by a sharp sense of political reality.

The overwhelming political reality of Hammarskjold's day was the division of the world into opposing and rigid military alliances, led by two incomparable centers of power and influence—with the two halves of this bipolar world engaged in a cold war paced by an uncontrolled and seemingly uncontrollable nuclear arms race—while everyone else held his breath lest the "balance of terror" get too far out of balance.

Many came to accept this as a continuing—almost natural—state of affairs which would continue until one side collapsed or the two sides collided in world war III. We now know that it was a transitory and unhealthy condition of the world body politic.

The cold war has not sunk out of sight, but the field of contest may be shifting radically—and for the better.

The nuclear arms race has not passed into history, but at least it has, for the first time, been brought within a first stage of control.

For these and a large variety of other reasons, the world is a very different world from that which existed when Dag Hammarskjold went down to his death in that cruel crash in Africa 2½ years ago. We therefore will be wise to tailor our thinking about the role of the United Nations he served so well not to his world of 1961 but to our world of 1964—which is to say: A world which is no longer bipolar but in which multiple centers of power and influence have come into being; a world which at long last is approaching the end of the historic struggle for military superiority—by acquiring absolute military power; a world in which the myth of monolithic blocs is giving way to a bewildering diversity among nations; a world in which realities are eroding the once rigid political dogmas; a world in which not only imperialism but paternalism is dying; a world in which old trading systems, monetary systems, market systems, and other elements of the conventional wisdom are being challenged and changed; a world which at once makes breathtaking new discoveries and is crippled by ancient feuds—which is both fabulously rich and desperately poor—which is making more progress than ever before and seeing much of it wiped out by an explosive population growth; and finally, a world in which fundamental issues of human rights—which have been hidden in closets down the long corridor of history—are out in the open and high on the agenda of human affairs.

For the first time in history the world is being changed radically within the span of an average lifetime; we enter one world and leave quite a different one. As E. B. White once said of New York, "the miracle is that it works at all."

Not even the sloganeers have caught the full essence of these times; we do not yet know what to call this particular passage of history. Since the end of the Second World War we have spoken of the "atomic age" and the "jet age"—of the era of "rising expectations" and the "epoch of the common man"—of the "first age of space"—and the "first age of mass politics." Each of these labels identifies at least one of the swirling phenomena of our times, but none of them will do as an overall title.

II

We should try to come to grips with the central theme of our times—with that aspect of current affairs which gives them their characteristic stamp and flavor—with that label which may not tell all but puts its finger on the most important thing that is going on.

You will recall that back in 1947 a certain "Mr. X"—who turned out to be my friend George Kennan—wrote an article for Foreign Affairs in which he introduced the famous label, the "Policy of Containment." He invented the phrase but he did not invent the doctrine; the United States already was busily, heavily, expensively, and dangerously involved in containing the ruthless, heavy-handed outer thrust of Stalin's Russia—wherever he might strike or lean.

This was the main pattern of world events for a number of years and "containment" was a meaningful description of the main purpose of U.S. policy. It was therefore a great public service, for in the free world effective foreign policy is difficult without the understanding and appreciation of the public. How can one rally support for a policy if one can't even describe it? In the absence of a suitable description, each individual action of government is dangerously exposed to attack and suspicion, but if it is known to be part of a larger and well-understood design, it becomes less difficult to act quickly and coherently. However, this is not a lecture on the glorious virtues and crippling vices of sovereign public opinion in a genuine democracy.

When we look back with pride on the great decisions that President Truman made, we see now that he had the inestimable advantage of public understanding. He could react to Korea quickly because he didn't have to stop to explain, to pull public opinion up alongside. It was quite clear to all that this was but another phase of containment, just like the Berlin airlift and the guerrilla war in Greece, and NATO.

Up until the postwar years, Americans had been brought up on the idea of fighting every conflict to a decisive finish—to total victory, to unconditional surrender. But when the nuclear age revealed the hazards of this course, it was neither easy nor popular to introduce the concept of limited action, primarily to preserve the status quo. This nuclear necessity went against the American grain; it was (and to some still is) both confusing and frustrating. It took patient explaining, and all of us can be grateful that Mr. X gave identification and illumination to a policy that was already being practiced. He showed us why the Greeks thought it so important to have "a word for it."

We can, as I say, be proud of our performance under the containment policy. Above all we can be proud that the tendency once noted by Lord Acton did not operate in our case: The possession of great power—unprecedented and overwhelming power—did not corrupt the American Government or the American people.

But as unquestioned leader of an alliance constantly threatened by external military pressure, we had to stand up and be counted for more; we had to stand firm; we had to confront force with force until the tanks faced each other gun barrel to gun barrel, along Friedrichstrasse in Berlin—until the Korean invaders had been thrown back across the 38th parallel—until the Navy drew an armored noose around Soviet missile sites in Cuba—and until, at long last, Soviet leaders became convinced that free men will answer steel with steel.

During this whole period the positions and actions taken by the U.S. Government to contain aggression had broad public understanding and support. In a sense the policy of containment was too easy to understand. It tended to reinforce a simplistic view of a black-and-white world peopled by good guys and bad guys; it tended to induce a fixation on military borders to the exclusion of other things; and it tended to hide deep trends and radical changes which even then were restructuring the world.

And, of course, the policy of containment—being a reaction to Soviet Communist aggressiveness—necessarily had a negative and static ring to it. This had the unfortunate effect of partially obscuring the positive and progressive purposes of U.S. policies in support of the United Nations, in support of regional unity in Europe and elsewhere and in support of economic and social growth throughout most of the world where poverty was a centuries-old way of life.

Nevertheless, the doctrine of containment was relevant to the power realities of the times—to the struggle to protect the independent world from Stalinism—and to the defense of peace—which is quite a lot.

Indeed, the doctrine may not yet have outlived its usefulness. If the present Soviet leaders have come to see that expansion by armed force is an irrational policy, it is by no means clear that the Chinese Communists—pretending to read out of the same book—have yet come to the same conclusion.

No doubt we shall have to stand firm again—and face danger again—and run risks again in the defense of freedom.

We cannot and will not resign from whatever degree of leadership is forced upon us by the level of threat used against us, our allies, and our friends.

But as anyone willing to see clearly already knows, the current course of world affairs calls for something more than a "policy of containment."

III

What, then is the dominant theme that marks the character of contemporary world affairs?

I would suggest that we have begun to move beyond the policy of containment; that the central trend of our times is the emergence of what, for lack of a better label, might be called a policy of cease-fire, and peaceful change. I would suggest, further, that we may be approaching something close to a world concensus on such a policy.

No analogy is ever perfect, but if the policy of containment stands for "limited war", then the policy of cease fire perhaps stands for "limited peace." I believe this mutation is occurring simply because the H-bomb has made even "limited" war too dangerous.

Cease fire and peaceful change may strike some as a curious way to describe a period so jammed by violence, by disorder, by quarrels among the nations—an era so lacking in law and order. But I do not speak wistfully; I speak from the record.

It is precisely the fact that so much violence and so many quarrels have not led to war that puts a special mark on our times.

Only a few decades ago, if a street mob organized by a government sacked and burned the embassy of another government—if rioters tore down another nation's flag and spit upon it—if hoodlums hanged or burned in effigy the head of another state—if ships or planes on lawful missions were attacked—you would expect a war to break out forthwith. Lesser excuses than these have started more than one war before.

And only a few decades ago, once hostilities broke out between the armed forces of two nations, it was assumed with good reason that since the war was started, the war would proceed until one nation or one side had "won" and the other had "lost"—however foolish or futile the whole thing might be.

It also was assumed that the only way fighting could be stopped was by surrender—unconditional or negotiated—confirmed by signatures on a document and ritualized by the presentation of swords by the vanquished

to the victors. That was in the nature of the institution called war. This is how it was.

But this is not the way it has been for well over a decade now and I think we should begin to notice that fact. Scores and scores of what used to be called "incidents"—far too many of them—have occurred around the world without leading to hostilities or even ultimatums. The fact is that in the last decade, nearly every war, partial war, incipient war, and threat of war, has either been halted or averted by a cease-fire.

It is still a very foolish and dangerous thing to insult another nation or desecrate its property or take potshots at its citizens or equipment. But there are other forms of penalty than mass slaughter and, happily, the world is beginning to avail itself of them. Firing has started and then stopped—organized hostilities have been turned on and then called off—without victory or defeat, without surrender or peace treaty, without signatures or swords.

This is what seems to be happening. If so, it is perhaps the most important and certainly the most hopeful news for many a moon. As Al Smith kept saying, "Let's look at the record."

Just after the last war, the Soviet Union sent two armored divisions though northern Iran toward the Turkish and Iraqi frontiers while Bulgaria massed troops on its southern frontier to form the other prong of a huge pincers movement against Turkey. Then the Security Council of the United Nations met in London for the first time, and presently the Soviet troops went back into the Soviet Union. Not a shot had been fired.

Since that time there have been some 20 occasions on which the armed forces of two or more nations engaged in more or less organized, formal hostilities, which in another day would have been accompanied by declarations of war—wars to be fought until "victory" was attained by one side or the other. Eight of these could be classified as outright invasions, in which the armed forces of one nation marched or parachuted into the territory of another; only one of them—the mismatched affair between India and Goa—was settled in the traditional way in which wars have been settled in the past.

On at least another 20 occasions there has been minor fighting on disputed frontiers, or armed revolts which usually involved the national interests of an outside state. Any of them would have qualified as a causus belli in another day.

At this very moment the agenda of the Security Council of the United Nations lists 57 international disputes. Some of them have been settled, some are quiescent, and others could flare again at any moment. The point here is that more than half a hundred international quarrels have been considered by somebody to be enough of a threat to the peace to take the case to the court of last resort.

This is not exactly peace—at least not the kind of peace that people have dreamed and hoped and prayed for. But the record suggests that if fighting breaks out somewhere tomorrow, the chances are good that the next step will not be the sound of trumpets but the call to cease fire.

And the chances are good that the step after that will not be an exchange of swords but an exchange of words at a conference table. This is no guarantee that a way will be found to remove the root of the trouble. In the Middle East, southeast Asia, and the Far East there are temporary armistice lines that have been temporary now for more than a decade. But in these affairs there are no victors and no vanquished—and in this sense we are all winners.

This record of violence without war suggests, then, that we may have slipped almost imperceptibly into an era of peaceful settlement of disputes—or at least an era of cease fires while disputes are pursued by other than military means.

Without making light of life-and-death matters, one can conclude that it has become distinctly unfashionable to march armies into somebody else's territory. I can think of no better evidence than the fact that the Organization of African Unity—an institution hardly out of its swaddling clothes—quickly arranged cease-fires when fighting broke out on the borders between Morocco and Algeria and again between Somalia and Ethiopia

How has all this come about? I shall not attempt anything like a definite answer. I would only suggest in passing that perhaps Korea was the end of the road for classical armed aggression against one's next-door neighbor; that perhaps Suez was the end of the road for colonial-type military solutions; and that perhaps Cuba was the end of the road for nuclear confrontation.

Perhaps man is adjusting once again to his environment—this time the atomic environment. Perhaps the leaders of nations around the world—small as well as large nations—have absorbed the notion that little wars will lead to big wars and big wars to annihilation. Perhaps we are edging toward a consensus on the proposition that nobody can afford an uncontrolled skirmish any more—that the only safe antidote to escalation is cease fire.

I emphasize "perhaps"—for we must work and pray for that historical judgment on these times.

Yet skirmishes will occur and will have to be controlled. Countless borders are still in dispute. Nationalism and rivalry are rampant. Ethnic and tribal and religious animosities abound. Passions and hatreds—ignorance and ambition—bigotry and discrimination—are all still with us.

IV

The question is what can be done to make sure that this is in fact an era of peaceful settlement of disputes among nations.

For one thing, we can pursue this consensus on recourse to nonviolent solutions. Most of the world is in agreement right now—though there are a few who would make a small exception for his own dispute with his neighbor. Yet there is reason to hope that the aggressors are extending their doctrine of no nuclear war to a broader doctrine of no conventional war—on the grounds that you cannot be sure there will be no nuclear war unless you are sure there will be no conventional war either.

For another thing, we can get on with the urgent business of expanding and improving the peacekeeping machinery of the United Nations. Most of the cease fires I have been speaking about have been arranged by the United Nations and the regional organizations. Most of the truces and negotiations and solutions that have come about have come about with the help of the United Nations. Even if the will had existed, the way would not have been found without the machinery of the United Nations.

Violence—which there will be—without war—which there must not be—is unthinkable without an effective and reliable system of peacekeeping.

How should we and how can we improve the peacekeeping machinery of the United Nations?

Cyprus has vividly exposed the frailties of the existing machinery: The Security Council, by an impressive unanimous vote, first saved the situation with a cease-fire resolution providing for a U.N. peacekeeping force, but shortly afterward war nearly broke out again before the U.N. could put the resolution into effect.

There were no troops immediately available, and the Secretary General could not marshal the U.N. force with the speed so urgently required. Then there was no assurance of adequate funds to pay for the operation. While these handicaps were overcome, the Secretary General has not yet found a mediator of the conflict. While I am confident that he will soon be designated, it took over 2 weeks (instead of 2 days or 2 hours) to get the peacekeeping operation going, and then only because armed intervention appeared imminent.

In short, when time is of the essence, there is a dangerous vacuum during the interval while military forces are being assembled on a hit-or-miss basis.

And we further risk an erosion in the political and moral authority of the U.N. if the troops trained only for national forces are thrust without special training into situations unique to the purpose and methods of the United Nations. For a U.N. soldier in his blue beret is like no other soldier in the world—he has no mission but peace and no enemy but war.

Time and again, we of the United States have urged the creation of a United Nations International Police Force, trained specifically for the keeping of the peace.

Perhaps it is too early to contemplate a fixed U.N. international force which would be permanently maintained for use for any and all purposes—for the world's emergencies differ one from another, and there can hardly be one treatment for all of them. But surely it would make sense for member countries of the United Nations to indicate what forces, equipment, and logistic support they would be willing to train for peacekeeping service, and to supply on a moment's notice. And surely it would make sense for the U.N. itself to add to its military and planning staff so that peacekeeping operations can be set in motion with the utmost speed and effectiveness.

There are some encouraging signs of progress. Recently it was announced that Scandinavia would create a permanent force for use on U.N. peacekeeping missions. This would include Denmark, Sweden, Norway, and Finland, although it is not yet clear if Finland would join in an integrated command or form an independent unit. Other nations, such as Canada and the Netherlands, have also shown interest in creating a United Nations standby force. So things are moving.

There is also movement on the fiscal front. Last year it seemed hopeless that the United Nations General Assembly would be able to agree on a financing formula which would permit its vital Congo operations to continue. But it did, and in the process paved the way for further developments in this all-important area.

This next month a United Nations working group will be meeting in an endeavor to formulate agreed methods for financing future peacekeeping operations, so that there will be less need for controversy each time such an operation is to be financed.

It is true that every United Nations peacekeeping effort is and probably always will be different from any other, and that no simple financing formula can fit them all, but agreement on certain principles and improvements in mechanisms should be possible and useful for the future. The United States will join wholeheartedly in the search for such agreements.

There will, however, be a shadow over that working group—the shadow of unpaid assessments for past United Nations peacekeeping operations. No less than $92 million of such arrears are owed by the Soviet bloc and a few other countries that have refused to pay their share of the cost of such operation—principally those in the Middle East and in the Congo.

But the Soviet claim that the assessments for these operations were not legally imposed and are not legally binding was rejected by

the advisory opinion of the International Court of Justice in 1962, and that opinion was accepted by a decisive vote of the General Assembly that fall. Yet the Soviets are still refusing to pay.

What can be done about it?

Article 19 of the United Nations Charter provides that a member whose arrears amount to as much as its last 2 years' assessments "shall have no vote" in the General Assembly. This article has caught up with the Soviet Union and certain other countries, which means that if at the time the next General Assembly meets the Soviet Union has not paid at least some $9 million of its arrears, it will have no vote in the Assembly.

The United States, and I believe all the members want to avoid such a situation—in the only way it can be avoided, namely by a Soviet payment—in whatever form.

We think the best way to avoid the penalty and preserve the U.N.'s financial integrity is for the members to make it abundantly clear that they support peacekeeping operations, that they want all members to pay their fair share of the cost, and that the Charter must be applied in accordance with its terms, and without fear or favor.

It is our earnest hope that the overwhelming sentiment of the members will prevail, and that the Soviet Union and others will find the means, in one way or another, to provide funds that will make unnecessary any article 19 confrontation.

At the same time, the United States and others are exploring the possibility of adjustments to avoid the recurrence of this unhappy situation. Not many members would agree with the Soviet Union's contention that the General Assembly has no right to recommend a peacekeeping operation and that the Security Council should have the exclusive right to initiate such operations. Nor would many agree to abolish the General Assembly's exclusive right, under the Charter, to apportion and assess expenses.

But it should be possible to give new emphasis to the position of the Security Council by providing that all proposals for initiating a peacekeeping operation should first be presented to the Council, and that the General Assembly should not have the right to initiate such an operation unless the Council had shown that it was unable to act.

Also when it comes to the apportionment of the costs among the members by the General Assembly, we are exploring possible arrangements whereby the viewpoints of the major powers and contributors to the cost could be assured of more adequate consideration, and also the possibility of more flexible methods of distributing the cost.

I mention the fact that these possibilities are being discussed to make clear that the United States is using every effort to reach agreement as to future peacekeeping arrangements, in the hope that agreement as to the future will facilitate solution as to the past and provide a more firm foundation for a peacekeeping structure that has already proved itself so valuable.

Let me make it quite clear that it is the Charter that imposes the penalty of loss of voting privileges for nonpayment of assessments. The United States has never presumed to think it could negotiate this requirement of the Charter with the Soviet Union and it has not entered into these exploratory talks for this purpose. But we are eager to discuss a sound system for financing future peacekeeping operations, a system which involves no change in the terms of article 19 of the Charter and, indeed, presuppose settlement of the arrears problem.

We hope and believe that these efforts to preserve the peacekeeping function will have the support of all members, and certainly of all members who believe in the efficacy, indeed the indispensability, of the United Nations as a force for peace in the world.

V

Finally, if we are going to get the nuclear genii back in the bottle and keep it there, we shall have to improve our techniques for arriving at basic solutions to problems which remain even when a cease-fire has gone into effect.

I referred earlier to the point that the doctrine of containment was essentially a negative and static concept—as it had to be for its purpose. But a simple cease-fire is static, too; it is a return to the status quo ante, and that is not good enough for a world in which the only question is whether change will be violent or peaceful.

The world has known periods of relative peace and order before. Always the order was assured by a system designed to preserve the status quo. And this is precisely why the system of order broke down—because the status quo is indefensible in the long run.

What the world needs is a dynamic system of order—a system capable of bringing about not just a precarious halt to hostilities, but a curative resolution of the roots of hostility. This is to say that a dynamic system of order must be one which helps parties to a dispute to break out of rigid stalemates—to adapt to new times—to manage and absorb needed change.

It is easier to write this prescription than to fill it. But if conflicts are to be resolved and not just frozen, it is manifest that only through the United Nations, the community of nations, can the workable system of peaceful change evolve. The United Nations is a shared enterprise; it speaks for no nation, but for the common interest of the world community. And most important, the United Nations has no interest in the status quo.

VI

To conclude: I believe there is evidence of new beginnings, of evolution from containment to cease-fire, and from cease-fire to peaceful change. We have witnessed the first concerted and successful effort to avoid the confrontation of naked force. The Cuban crisis has been followed by the nuclear test ban treaty and a pause in the arms race. We see growing up in the interstices of the old power systems a new readiness to replace national violence with international peacekeeping. The sheer arbitrament of force is no longer possible and less lethal methods of policing, controlling and resolving disputes are emerging. Do we perceive, perhaps dimly, the world groping for, reaching out, to the fuller version of a society based upon human brotherhood, to an order in which men's burdens are lifted, to a peace which is secure in justice and ruled by law?

As I have said, I believe that now, as in the days of the Founding Fathers, even the faintest possibility of achieving such an order depends upon our steadfast faith. In their day, too, democracy in an age of monarchs and freedom in an age of empire seemed the most remote of pipedreams. Today, too, the dream of a world which repeats at the international level the solid achievements—of law and welfare—of our domestic society must seem audacious to the point of insanity, save for the grim fact that survival itself is inconceivable on any other terms.

And once again we in America are challenged to hold fast to our audacious dream. If we revert to crude nationalism and separatism, every present organ of international collaboration will collapse. If we turn in upon ourselves, allow our self-styled patriots to entice us into the supposed security of an impossibe isolation, we shall be back in the jungle of rampant nationalisms and baleful ambitions and irreconcilable conflicts which—one cannot repeat it too often—have already twice in this century sent millions to their death, and next time would send everybody.

I believe, therefore, that at this time the only sane policy for America—in its own interests and in the wider interests of humanity—lies in the patient, unspectacular, and if need be lonely search for the interests which unite the nations, for the policies which draw them together, for institutions which transcend rival national interests, for the international instruments of law and security, for the strengthening of what we have already built inside and outside the United Nations, for the elaboration of the further needs and institutions of a changing world for a stable, working society.

If we in the United States do not carry these burdens, no one else will. If we withdraw, retreat, hesitate, the hope of today, I believe without rhetoric or exaggeration, will be lost tomorrow.

We have called this land the "last best hope" of man—but "last" now has overtones of disaster which we would do well to heed. With Churchill, I can say that "I do not believe that God has despaired of His children." But I would say also, in the words of the Scriptures: "Let us work while it is yet day."

Mr. HUMPHREY. Mr. President, I also refer to the address delivered by the President of the United States before the Ninth National Legislative Conference of the Building and Construction Trades Department of the AFL–CIO, at Washington, D.C., on March 24. This address merits the careful attention of every citizen of the United States; in many ways it supplements and fortifies and indeed, carries forward the spirit of the great speech delivered on June 10, 1963, at American University, by our late and beloved President Kennedy. Therefore, Mr. President, I ask unanimous consent that the speech delivered by President Johnson be printed at this point in the RECORD.

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

REMARKS OF THE PRESIDENT TO THE NINTH NATIONAL LEGISLATIVE CONFERENCE OF THE BUILDING AND CONSTRUCTION TRADES DEPARTMENT OF THE AFL–CIO, WASHINGTON, D.C.

Mr. Chairman, Mr. Haggerty, distinguished and beloved Secretary of Labor, Mr. Wirtz, ladies and gentlemen, it is my high honor and very great privilege to come here this morning to fraternize and visit with not only the great workers of this country, but, I am very proud to say, the great builders of this land.

I have been asked to perform a very pleasant task—to present the Distinguished Service Award of the President's Committee on Employment of the Handicapped to a most distinguished American. When we talk and think and work for the employment of the handicapped, we should all be reminded of the text "Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto me."

So it is a great honor to me as President and a great privilege to me as a human being to present this Distinguished Service Award to Mr. Walter Mason.

Mr. WALTER MASON. Thank you very much, Mr. President. I greatly appreciate this award and I can assure you that it will rest with me always.

The PRESIDENT. I would be less than human if I did not tell you that I observed

and enjoyed your welcome to this meeting. I am not like that preacher down in our country was when he showed up at his congregation one Sunday morning and much to his surprise the congregation had gone out and bought him a new Ford automobile for a present. The preacher was so frustrated that he got up to acknowledge the generosity and the welcome and he said, "I do deserve it, but I don't appreciate it." I don't deserve it, but I do appreciate it.

As we meet here today, I think we should be reminded that more Americans are more prosperous than at any time in the history of America. In the past 12 months, we have set these records: 70 million jobs—for the first time in our history. National production over $600 billion—for the first time in our history. Average earnings in industry over $100 a week—for the first time in our history. Over 1.6 million new homes in a year—for the first time. New construction over $60 billion—for the first time.

By all these measures, our prosperity continues to grow. In new construction, we should exceed $65 billion this year. The growth rate of our economy should be better than 6 percent—about double the rate of the last decade. Our economy was never stronger and never better, and times were never so good.

But it is still not good enough. It is not good enough because the prosperity of which I speak is not being shared by every American. I will not be satisfied until it is.

Many people have jobs, but too many don't. Many families are living well, but too many families are not.

In 1946, this Nation, by an act of their Congress, made a solemn national commitment to full employment for every American who needs a job. That national commitment still stands. But it is not yet fulfilled. I will not be satisfied until it is.

In 1964 this Nation, by act of Congress, will make another and equally solemn national commitment: To abolish poverty in these United States of America. We must not be satisfied until that is accomplished.

These two goals—full employment and an end to poverty—depend on one another. As long as there are not enough jobs, there will be needless poverty, and as long as children and young people are raised in deprivation, not given a decent start in life, not given an equal chance for education and training they need to get to hold a decent job, then there will be needless poverty. We will achieve these twin goals not through any one measure, but through many.

The tax cut just enacted is one of the most important actions ever taken by any government at any time. Its deliberate purpose is to help make good our national pledge of full employment. It restored to the pockets of the people of America $25 million per day that they could use for purchasing power—almost $900 million per month. This bill should create directly and indirectly between 2 and 3 million new jobs.

The president of one company told me last week that his company alone would use the benefits of this bill to provide 18,000 new jobs. Another president told me Saturday afternoon in the White House that he would use the benefits of the tax bill to spend a thousand million dollars on new construction in the next few years.

Now, we must be job conscious. We must be job hunting. We must be job finding. There are other job-creating measures on our agenda, and I want to tell you about them.

One is the housing bill now before the Congress, aimed at raising the rate of new home construction from 1.6 million last year to 2 million by 1970. We are aware of what the goal of full employment means, and I thought as I walked down that line and shook hands with the men who represented the laborers and the painters and the carpenters, I thought what these bills would mean to the folks that they spoke for back home. It means enough new jobs to employ the present excessively high number that are unemployed, plus enough to replace the jobs that have been lost to machines, plus enough of the record 1½ million net additions to the labor force each year as more and more young people join the search for work. Many of these new jobs must be and will be in the industry in which you are directly involved—construction—and in a full employment economy, total construction for houses, for schools, for hospitals, for highways, for industry, should by the end of this decade reach a level double what it was in 1960, and that is stepping it up quite a bit.

To double what you have in 10 years is something to take pride in. The war against poverty, therefore, is going to be fought on many fields.

The retired, the elderly, the senior citizens of our land—they all deserve and are going to get a better deal. They need a program for medical assistance through social security, and they need it now. We are not going to sit idly by and let older folks fight high medical expenses in their late years all alone. We are going to join them. We are going to help them. We are going to fight with them. That is why we are going to pass a medical assistance bill—if not this week, if not this month, if not this year, the earliest possible date.

A national food stamp plan will improve the diets of the old and the young alike, and that is why we must pass the national food stamp bill, and we are going to do it.

The minimum wage law should be extended to millions who are not now covered, and unemployment insurance should be strengthened.

The Manpower Development and Training Act will have provided training opportunities for 125,000 Americans by the end of this fiscal year. Twice as many will be given training next year.

The Economic Opportunity Act which I submitted to the Congress last week will offer education and training opportunities to more than half a million young people and adults each year.

These training programs will in no way diminish the opportunities for those already skilled, such as the craftsmen in your unions. They will not lower the skill requirements of jobs. But they will make employable many thousands who now live in idleness simply because they have no equipment for today's complex world of work. So neither unemployment nor poverty can be conquered unless we vanquish also their ancient ally—discrimination.

The recent progress toward complete integration has been greatly encouraging, and I am glad to have the presidents of the international unions affiliated with the building and construction trades department of the AFL–CIO as allies. The call last year for and end to discrimination, because of race or creed or color in hiring lists, in referral systems, in apprenticeship programs, or in membership, was a progressive advance and a welcomed announcement.

As good citizens and as good friends, we mean to work together in carrying it out. We can all take pride in the success of the Missile Sites Commission. It is a vivid demonstration of what can be done when we all pull together in the national interest. The problem of work stoppage at missile bases has been minimized. It has been done by the voluntary cooperation of management and labor. You recognize that that national interest was greater than any individual interest, and by serving the Nation, you added to the security of every citizen of this Nation.

In no other industry of this scale and complexity do labor and management work harder or more earnestly or more successfully for understanding, and I am proud to pay tribute to you for that.

As I said yesterday in Atlantic City, and as I repeat here again, I have emphasized many times before that we must not choke off our needed and our speeded economic expansion by revival of the price-wage spiral. Prices and wages must be arrived at freely, but they must be arrived at responsibly. You are builders and I ask your help in building the kind of America that we ought to build and that we can build together.

I ask your help in redeeming the future of the poor and the disadvantaged and those who have suffered from discrimination. The measure of our Nation's greatness is not how high we can raise our urban towers but rather how high we can lift our peoples' aspirations.

Our work may be measured by how many homes we construct, but our work is measured by the fulfillment of the dreams of the people who live in those homes.

Before I conclude for a moment, if I may, I would just like to simply talk to you about your family and mine, about their future and their country.

Last Sunday, Palm Sunday, as I sat in church, I thought about all of the problems that faced this world—ancient feuds and recent quarrels that have disturbed widely separated parts of the earth. You have seen five or six different quarrels appearing on the front page of your morning newspaper, and you have heard about our foreign policy.

The world has changed and so has the method of dealing with disruptions of the peace. There may have been a time when a commander in chief would order soldiers to march the very moment a disturbance occurred, although restraint and fairness are not new to the American tradition. As a matter of fact, some people urged me to hurry in the Marines when the air became a little hot on a particular occasion recently.

But the world as it was and the world as it is are not the same anymore. Once upon a time even large-scale wars could be waged without risking the end of civilization, but what was once upon a time is no longer so—because general war is impossible. In a matter of moments, you can wipe out from 50 to 100 million of our adversaries, or they can, in the same amount of time, wipe out 50 million or 100 million of our people, taking half of our land, taking half of our population in a matter of an hour. So, general war is impossible and some alternatives are essential. The people of the world, I think, prefer reasoned agreement to ready attack. That is why we must follow the prophet Isaiah many, many times before we send the Marines and say, "come now, let us reason together," and this is our objective: the quest for peace and not the quarrels of war.

In this nuclear world, in this world of a hundred new nations, we must offer the outstretched arm that tries to help instead of an arm's-length sword that helps to kill.

In every troubled spot in the world, this hope for reasoned agreement instead of rash retaliation can bear fruit. Agreement is being sought and we hope and believe soon will be worked out with our Panamanian friends. The United Nations peacekeeping machinery is already on its merciful mission in Cyprus and a mediator is being selected.

The water problem that disturbed us at Guantanamo was solved not by a battalion of Marines bayoneting their way in to turn on the water, but we sent a single Admiral over to cut it off. I can say to you that our base is self-sufficient. By lean readiness, a source of danger and disagreement has been removed.

In Vietnam, divergent voices cry out with suggestions, some for a larger scale war, some for more appeasement, some even for retreat. We do not criticize them or demean them. We consider fully their suggestions.

But today finds us where President Eisenhower found himself 10 years ago. The position he took with Vietnam then in a letter

that he sent to the then President is one that I could take in complete honesty today, and that is that we stand ready to help the Vietnamese preserve their independence and retain their freedom and keep from being enveloped by communism.

We, the most powerful Nation in the world, can afford to be patient. Our ultimate strength is clear, and it is well known to those who would be our adversaries, but let's be reminded that power brings obligation. The people in this country have more blessed hopes than bitter victory. The people of this country and the world expect more from their leaders than just a show of brute force. So, our hope and our purpose is to employ reasoned agreement instead of ready aggression; to preserve our honor without a world in ruins; to substitute if we can understanding for retaliation.

My most fervent prayer is to be a President who can make it possible for every boy in this land to grow to manhood by loving his country, loving his country instead of dying for it. Thank you.

ADDRESS BY PRESIDENT JOHNSON TO THE UNITED AUTO WORKERS OF AMERICA

Mr. HUMPHREY. Mr. President, the President of the United States addressed the 19th constitutional convention of the United Auto Workers of America, at Atlantic City, N.J., on March 23. I have inquired to ascertain whether the text of the address has already been printed in the RECORD. I understand that it has not been.

Therefore, because the speech touched upon the legislative program of this administration and also on some of the problems which will be facing our economy in the months ahead, particularly in connection with prices and wages and the growth and prosperity of our economy, I ask unanimous consent that the thoughtful and, I believe, helpful and courageous address by the President of the United States be printed at this point in the RECORD.

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

REMARKS OF THE PRESIDENT TO THE 19TH CONSTITUTIONAL CONVENTION OF THE UNITED AUTO WORKERS OF AMERICA, ATLANTIC CITY, N.J.

Mr. President, Senator Williams, Senator Bayh, Mrs. Peterson, my good friends of this great convention, I am unaccustomed to such large crowds and such unrestrained enthusiasm. I have been addressing some of these $100 victory Democratic dinners down in Washington, and after a fellow pays that much for a ticket, he doesn't have quite as much enthusiasm as you have here today.

As a matter of fact, a little boy down in our country who was having quite a problem with his family's eating wrote the Lord one day and said, "Dear Lord, I wish you would send mother $100 to help us get along." The letter wound up in Washington on the Postmaster General's desk, so the Postmaster General still had a little money left over from the days when he worked with Prudential. He reached in his billfold and pulled out a $20 bill and sent it back to the little boy. A few days later he got another letter from the little fellow, and he said, "Dear Lord, I want to say much obliged for that 100 bucks you sent us. The next time, though, please don't send it through Washington, because they took a deduct of 80 percent." So we won't have any deducts on our meeting here today.

The first thing I want to say to you is that I am very glad and very happy to appear today before this great convention of a clean, honest, and progressive union, led by President Reuther and his fellow officials, all elected democratically by your votes. The men and women of the United Automobile Workers have made and are making a great contribution to responsible industrial democracy in our country and to respect for our free system among working men and women throughout the entire world.

I am deeply conscious that I stand today in the place of one of the truest friends the working men and women of America have ever had—John Fitzgerald Kennedy. History is often cruel, but it was a kindness of history that last year, only 7 days before his voice was stilled forever, President Kennedy was able to speak before the AFL–CIO at its November convention in New York.

Whatever the challenges or the complexities, or the crises beyond our shores, the American Nation never stands taller or straighter, or stronger, in the world than the individual American is able to stand in his own free land at home. This Nation is strong militarily. No other nation is stronger. Our times have been dominated by a cold war, but now our times require that here at home we pursue a warmhearted war, a war of compassion for the well-being of all of our people here at home.

All Americans, whatever their party or their persuasion, can know that this administration is going to be prudent, that we are striving to fulfill that great Democrat Thomas Jefferson's admonition to always be wise and be frugal. Some have criticized me taking from the "haves" and giving to the "have nots." Well, I want you this morning to read me loud and clear. When Secretary McNamara can eliminate an obsolete military base that is a "have" in our old budget, I am not going to hesitate to let Sargent Shriver use it to save a "have not," perhaps a delinquent high school dropout, from 50 years of waste and want. Let all Americans know that this administration intends to be progressive, intends that our people shall move forward without hesitation, and without discrimination.

Our blessings are many, and it is good that we count them. Last year was the most prosperous year that we have ever known in our history. National production rose $30 billion. By the end of the year, production passed $600 billion. Employment during the year passed 70 million. For the first time, average weekly wages went above $100 per week, and there were 1 million more people at work than the year before. This economy was never stronger in your lifetime. But statistics must not be sedatives. Economic power is important only as it is put to human use.

So let me speak to you earnestly this morning and quite seriously. What I say to you now I say also to businessmen. What I say to you I say to the Nation. I come to you seeking your help, asking your counsel. I have set a course for myself and I intend to follow it. I don't know how history will treat me as a President. However much time I am given to lead this Nation, I shall lead it without fear and without bias and with the sure knowledge that if I try to do what is right, our Nation, in God's mind and in history's imprint will ultimately be the beneficiary.

I am here to tell you that we are going to do those things which need to be done, not because they are politically correct, but because they are right. We are going to pass a civil rights bill if it takes all summer. We are going to pass it because no nation can long endure or prosper if millions of its citizens are barred from their purpose and are denied the use of their talent. We are going to free the logjam of pent-up skills and unused opportunities, because until education is blind to color, until employment is unaware of race, emancipation may be a proclamation, but it will not be a fact. That is why I care about this civil rights bill, and that is why it shall be passed.

We are going to pass a medical assistance bill for the aged, no matter how many months it takes. The sensible, prudent, and lasting way to do this is through the social security system. In every county of this land there are older folks who don't ask much. They simply want to keep their dignity; they simply want a sense of independence and a chance to overcome the inevitable visit of sickness. They cannot survive medical expenses that they cannot pay. Not only because it is decent, but also because it is right, we are going to pass this medical assistance bill. You can be sure of that.

The great challenge of the 1960's is the creation of more jobs. This challenge confronts the business community, the labor community, and the whole Nation. Each year a net 1 to 1½ million new people enter the labor market. We have met this problem head on with a revolutionary decision, the decision to cut taxes. I thank you for your help, because even to get this tax bill out of committee, I had to leave some of my own blood all over the Capitol. But today, $25 million a day extra is going into the hands and the purchasing power of the American consumer, and over $2½ billion a year is a source of new investment for the business community.

I have said to hundreds of businessmen that I have called to the White House, "Here is your opportunity to prove your responsibility as one of the creators of prosperity. Use this tax cut to do the one thing that is most important to this country. Use it to create more jobs." One businessman told me that he would use it and create 18,000 new jobs with new investment. Another businessman told me last Saturday that, because of the tax bill, his company would spend this year for new investment one thousand million dollars. The tax cut is one of your weapons against the threat of automation for the expansion of industry, the construction of new plants and factories, because they build new jobs. I am convinced that the tax cut is the largest economic stride forward in the creation of new jobs that we have taken in the 20th century.

We have declared war on poverty. As long as I head this administration, and I believe as long as Walter Reuther heads the Auto Workers, the terms of this war on poverty are unconditional surrender. I want to read just one sentence from your president's wire that gave me great strength and encouragement: "On behalf of the officers and 1½ million members of the UAW, I am pleased to advise you that in answer to your call, we enlist with you for the duration in the war against poverty." It is signed by Walter Reuther. Let all those who oppose, just for the sake of opposition, and all those who are blind partisans, and all those who pick and peck at our plans, know that they may temporarily deter us, but they will never defeat us.

I should tell you that we won't win this fight in a day or in a year, or perhaps in this generation, but let no man be deceived. This is a fight that we will win. Poverty may be the oldest scourge, but tools available for fighting it are man's newest tools—in our vast new technology, in our expanding science, in the steady growth of all of our resources. This, in fact, is how I see the war on poverty. I see it above all a fight for opportunity, not a handout, not a dole, but a vast upgrading of all of our people's skills. This is also the basic sense of the wider struggle that we wage, the struggle to extend these opportunities to the whole family of man. Nations, like families, are poor because they lack the technology and the capital, and the scientific attitudes to

break through into the modern world. We must seek to do for them what we want to do for our own people, to give them the skills to help themselves. This surely is the essence of our vital policies of economic assistance and development. Again, it is not doles and it is not handouts, but it is a wider and wiser investment in the productivity of societies and men. Today the wealthy one-third of the world have unlocked the secret of abundance and skill. Shall we not use these new resources with vision and audacity? Could anything be more challenging, could anything be more exciting than to set them to work for better skills, for better opportunities, for better hope for all mankind everywhere?

So I say give me your heart, your voice, your vote, and stand up with me and be counted. We want free enterprise and free collective bargaining to support each other. They stand as the cornerstones of the labor policy of this administration. All our experience teaches us free collective bargaining must be responsible. So long as it is responsible, it will remain free.

I hope that responsibility will be present on both sides at the automobile industry bargaining, and that peaceful and responsible settlement, safeguarding the public interest, will be reached. It will be determined, too, in collective bargaining, how machines are to be made to be men's servants instead of their enemies or their masters; how machines can be made to produce more jobs, not fewer jobs; how their fruits can be distributed among all and not just among some. This is where I am going to need the help of my beloved friends PETE WILLIAMS and BIRCH BAYH, who are on the platform. I have already made positive recommendations to the Congress. I have asked the Congress to act upon this problem and to come up with specific ways to solve the problem of automation. There can be and is legitimate disagreement about what should be done by law about the length of the work week, and about penalties for overtime. But there can be no disagreement about the desirability of facing squarely up in collective bargaining to the question of what distribution of the workload and of man's time between work and leisure will be good business and will also recognize the human values that are involved.

I should like for you to know that it is part of our measure of progress that in two generations the work week in the mines and the mills has dropped from 56 to 40 hours a week; that in the last 25 years the full-time workers in this country have gained 155 hours a year in leisure time through changes in the workweek, through vacation, through holiday practices. That is a tribute to your leadership, and that is a tribute to you.

We will rightfully expect to purchase with our rising productivity not only more goods but also more time—more time to spend with our families, more time to spend in recreation and relaxation, in study and thought, and rest. We know it is this union's established policy to seek gains at the bargaining table out of the greater abundance made possible by advancing technology and not out of the pockets of American consumers through higher prices.

You are right in your repeated insistence that progress be made with the community and not at the expense of the community. You will be serving your interests in negotiations with the automobile industry knowing that they are served only as the broader public interest is served. That broader public interest today, more than ever, requires that the stability of our costs and our prices be protected.

The international position of the dollar, which means our ability to do what we need to do beyond our borders, demands that our prices and our costs not rise. We must not choke off our needed and speedy economic expansion by a revival of the price-wage spiral. Avoiding that spiral is the responsibility of business. And it is also the responsibility of labor.

Now I want you to listen to me closely. I speak as President of the United States, with a single voice to both management and to labor, to the men on both sides of the bargaining table, when I say that your sense of responsibility, the sense of responsibility of organized labor and management, is the foundation upon which our hopes rest in the coming great years. This administration has not undertaken, and will not undertake, to fix prices and wages in this economy. We have no intention of intervening in every labor dispute. We are neither able or willing to substitute our judgment for the judgment of those who sit at the local bargaining tables across the country. We can suggest guidelines for the economy, but we cannot fix a single pattern for every plant and every industry. We can and we must, under the responsibilities given to us by the Constitution and by statute, and by necessity, point out the national interest, and, where applicable, we can and we must, and we will, enforce the law on restraints of trade and national emergencies.

The words I have just read are the words of John Fitzgerald Kennedy, spoken to this same great convention on May 8, 1962. It was the policy of this Government then; it is the policy of this Government today.

Now, finally, I want to say to you good men and women, my friends of the UAW, to your leadership, to your good citizenship, to your high responsibility within the labor movement in the world, it means much to this land and it means much to our people, but I have also come here to ask your help not for myself and not for my administration, but for America itself. Together we can all keep America strong. With our strength we can try with all of our energy to keep the world at peace. With peace, we can focus our efforts and our talents to make sure that in this first age of plenty, men and women the world over, whatever their race or religion, whatever their section or station, can, in the words of Franklin Roosevelt, lead a finer, a happier life, and, in my own words, can look forward to the promise of a better deal. Thank you.

GREEK INDEPENDENCE DAY

Mr. KENNEDY. Mr. President, let us turn our eyes toward the most ancient land of freedom and the first democracy, Greece, which yesterday marked its independence day. Our greatest social and political ideals were propounded and practiced in Greece many centuries ago—individual freedom to strive for the fullest intellectual and personal development; representative democratic government; individual responsibility for the affairs of society; the testing of ideas; some of our basic scientific principles; and innumerable others.

Many dark years separated this ancient democracy from modern free Greece, where independence was declared on March 25, 1821. The Greek war of independence proved that the principle of freedom is never forgotten. It also proved what Americans had learned a few decades before—that freedom is not always easily won. Men must often fight for their rightful claim to a happy life, free from persecution and the fear of war.

The Greek people learned this lesson well in 1821. They showed their determination to remain free after World War II, when communism tried to reimpose tyranny on them. In those years they fully honored their own early heroes, including the ancient democrats of Greece, by their devotion to the principles of freedom and independence.

Greece stands today as a living example of the rewards of democracy. Never before in its history have the people enjoyed a fuller life. Never before have they enjoyed more hope for the future. United in friendship with other free nations, economically viable, and peaceful, the Greek people continue to perfect their society. King Paul dedicated his reign to the attainment of these fruits for his people; and in their grief they can find strength in the knowledge that his works will live on, through an infinite number of independence days, as an example to future generations.

Americans can be proud that the Greeks passed their torch of freedom to us. And the spark ignited in the brilliant minds of the ancient Greeks has now become a brilliant flame touching every part of the world. On each March 25, and throughout the year, Greek and American hands together hold aloft the torch of freedom, lifting it high, so that others may see its light and be freed.

THE WHEAT PROGRAM AND MEAT IMPORTS

Mr. HRUSKA. Mr. President, yesterday, at a press conference, Secretary of Agriculture Freeman took occasion to blame the American Farm Bureau Federation and the Republicans in the House of Representatives for the delay in final congressional action on the wheat-cotton bill.

In the course of his comments, the Secretary made specific criticism of my distinguished colleague, the Senator from Nebraska [Mr. CURTIS] and this Senator, because of our efforts to secure legislative quotas on imported foreign beef and because of our votes against the so-called, but misnamed, "voluntary" wheat program. He is reported to have said that the drop in cattle prices caused by meat imports would knock about $12.5 million off Nebraska farm receipts—which apparently he did not consider very important; whereas, he claimed, the wheat program would add about $35 million to the incomes of Nebraska farmers.

Let me deal first with his figures on beef. In 1963, Nebraska farmers and ranchers sold, in the aggregate, about 2,473 billion pounds of cattle and calves on the hoof, for estimated total cash receipts of $545 million.

Last year the Department of Agriculture itself, in an elaborate study of the relationships between cattle prices, beef imports, and other factors, worked out a formula to show the effect of imported beef on our domestic prices. According to this analysis, each increase of about 180 million pounds in imports knocks down the average price of choice slaughter steers at Chicago by about 30 cents. Since the imports last year amounted to 1,859 million pounds of beef in all forms—carcass weight equivalent, including live animals—the depressing effect of such imports on our prices would amount to about $3 per 100 pounds.

As previously noted, total sales of Nebraska cattle and calves in 1963 amounted to 24,730,000 hundredweight, in total. If the prices of all types of those cattle and calves were depressed by import competition in the amount of $3 per 100, the total loss to the industry in Nebraska alone would be about $74,000,000, not $12,500,000, as the Secretary stated.

Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks an excerpt from the Livestock and Meat Situation of November 1963, published by the Department of Agriculture, and also a letter from the Administrator of the Economic Research Service, with reference to the magnitude of the impact of imports on the domestic price of choice steers at Chicago.

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

(See exhibit 1.)

Mr. HRUSKA. It appears, however, that the Secretary's calculation does not take into account the total magnitude of imports. Apparently, he is figuring primarily on the basis of a calculation of the decline in cattle prices from 1962 to 1963, and an analysis of the causes of that decline. According to his calculation, beef-cattle prices declined only $3.71 per hundred pounds from 1962 to 1963; and only about 15 percent of that decline does he attribute to imports.

Two things are wrong with that particular computation. First of all, when a comparison involving annual average prices is made, it should be recognized that an annual average sometimes conceals as much as it reveals. The annual average price of choice slaughter steers at Chicago in 1962 was $27.67 per hundred pounds, and in 1963 was $23.96—a decline of about 15 percent, which certainly was painful enough. But that was not the worst.

The market declined through most of the year, and closed for the year a good deal below that annual average figure. Then, in 1964, it went on down some more. The latest market quotation published by the Department of Agriculture, for the week ending March 19, 1964, was one of the worst yet—$21.53 per hundredweight. That is a further fall of over 10 percent more from the 1963 average.

The cattlemen were hurting before, at the 1963 prices; but at these recent price levels, they are facing ruin, Mr. President.

The other misleading point about the Secretary's computation is that it takes account only of the increase in 1963 imports over those in 1962. The 1963 increase was not very great, for the simple reason that 1962 imports were already so huge.

Certainly the combined impact of these 2 years, 1962 and 1963, with their tremendous imports, helped break the market. As recently as 1956, imports amounted to only 254 million pounds, carcass weight equivalent. In 1962, they were 1,725 million; and in 1963, they were 1,859 million. In other words, the imports increased between 600 and 800 percent, while domestic production between 1956 and 1963 was increased from 16,094 to 17,360 million, or only about 8 percent. That increase in imports, by the Department's own formula, is easily enough to account for a price decline of about $2.50 per hundred, or a difference in the neighborhood of $60 million to Nebraska's cattle industry.

Turning now to the scare talk about what will happen to the wheat farmer if this bill is not passed, let us recognize it for what it is—scare talk, the same kind of scare talk in which the Secretary engaged a year ago when he forecast wheat at $1 per bushel if the wheat referendum vote was not favorable. We know the $1 price did not come about. We also know that the new forecast is conjectural, and highly suppositious at best, whereas the financial losses of the farmer who has been raising cattle or feeding them have been, and are, a harsh and cruel reality right now.

As an antidote for the Secretary's present forecast of loss of income to the wheat farmer, I suggest a rereading of the analysis of this situation made by the Senator from Vermont [Mr. AIKEN] during the debate last month on the wheat bill.

The distinguished Senator from Vermont made perfectly clear that the Secretary of Agriculture has the power under present law to maintain a highly satisfactory income to the wheatgrower. He stated in part:

> It is perfectly obvious to anyone engaged in business that with the CCC owning all the old wheat available on July 1, and the new crops running 2 or 3 hundred million bushels below requirements for the coming marketing year, and with a support price of, we will say, $1.89 to $2 announced for the 1965 crop, there would be a scramble for the 1964 crop which would probably guarantee the best prices that the wheatgrowers have had in years.

The foregoing is the situation with regard to the crop year 1964. As to 1965 and following years, Senator AIKEN pointed to the provisions of present law and their operation and opportunity, as follows:

> Section 332, paragraph C, of the Agricultural Adjustment Act, provides that when there is a "national emergency" * * * or a "material increase in the demand for wheat"—and we definitely are in that position now—the Secretary may terminate the national marketing quotas.
>
> If the marketing quotas are terminated, the Secretary may require compliance with acreage allotments as a condition of eligibility for price support and, therefore, he has the authority to establish acreage allotments for 1965, in the event that he does not proclaim a marketing quota.
>
> If a marketing quota is not proclaimed, section 107 of the Agricultural Act of 1949 provides that the support price for wheat to those who comply with acreage allotments, if the Secretary required such compliance, will be from 75 to 90 percent of parity, or from $1.89 to $2.27 per bushel, as determined by the Secretary.
>
> It is perfectly obvious that with the current year's crop running 465 million bushels behind the demand and with a material increase in the demand for wheat, the Secretary is in an excellent position to maintain a highly satisfactory income to the wheatgrower.
>
> It is also obvious that with production running behind disappearance, we must either increase production or cut down on exports.

If the price of wheat drops to the dire levels predicted by the Secretary, that will be his doing, not that of any Member of the Senate. This is clear from the analysis and the presentation made by Senator AIKEN, as they appear in the February 24, 1964, CONGRESSIONAL RECORD, at pages 3383 to 3385.

In his remarks yesterday, Secretary Freeman is quoted as having deplored the "campaign to pit consumers against farmers."

Mr. President, when it came to discussing Nebraska agriculture and how the farmers of Nebraska should feel about their two Senators, Mr. Freeman did not seem to mind trying to pit wheatgrowers against cattlemen. It is suggested that he bear in mind his responsibility to both wheat producers and cattlemen, and to all other farmers and ranchers; and that the public interest will be better served if he ceases this transparent effort to play off one group against the other.

EXHIBIT 1

BEEF IMPORTS

[From the Livestock and Meat Situation, November 1963]

As indicated in table D, fed cattle prices are influenced primarily by fed beef production. For the period 1948–62, a change of 10 percent in steer and heifer beef production caused prices of choice steers at Chicago to change in the opposite direction by an average of about 13 percent. On the other hand, a change of 10 percent in domestic cow beef production plus imports caused prices of choice steers to change in the opposite direction by only 3 percent. These average changes are net changes and take into account the effects of other factors in the analysis. These percentage relationships can also be translated to pounds and dollars at the 1963 level. In this case, a 1-pound-per-capita change in steer and heifer production results in a change in the opposite direction of about 50 cents in the price of choice steers at Chicago. On the other hand, a 1-pound change in the cow-beef-plus-import aggregate affects the choice steer price by only 15 to 20 cents.

U.S. DEPARTMENT OF AGRICULTURE,
ECONOMIC RESEARCH SERVICE,
Washington, D.C., December 12, 1963.

Hon. ROMAN L. HRUSKA,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HRUSKA: We appreciate your having called to our attention an inaccurate statement on page 41 of the Livestock and Meat Situation for November 1963. The statement "A 1-pound change in the cow-beef-plus-import aggregate affects the choice steer price by only 15 to 20 cents," should read "about 30 cents." An official correction will appear in the forthcoming issue of this situation report.

This error occurred even though our situation reports are subject to very intensive review. It was due to a computational error which does not affect the validity of the underlying statistical analysis presented in this particular article, nor the explanation of the drop in the average annual price of choice steers at Chicago from 1962 to 1963.

As we have previously stated, the preponderant factor in the decline has been the increase in the domestic production of fed beef, which could account for as much as $3 of the drop in the annual average price of choice steers at Chicago from last year to this. However, the exact answer will not be determined until final estimates of per capita production and prices of steer and heifer beef during 1963 are available.

As you know, the Department is concerned with the price problems of the cattle industry, including the influence of meat imports. We are making every effort to provide the best possible appraisal of the factors affecting cattle prices so that all concerned will have the benefit of analyses that are accurate and objective.

Sincerely yours,

NATHAN M. KOFFSKY,
Administrator.

THE EASTER MESSAGE

Mr. CARLSON. Mr. President, for some years past I have prepared a short statement in keeping with the season which we are about to enter.

As we enter the concluding days of Holy Week, we again remind ourselves of that dark and dismal Friday and we approach Easter Sunday with hope, light, and life. This gives us strength and courage to carry on in a world that is fraught with distrust, unrest and deep trouble.

The heart of the Easter message is a victory out of defeat. Life would have been without hope had it not been for what happened on that first Easter morning. The resurrection changed everything.

The Master's earthly life was devoted to persuading all men to become one family of brethren.

His pure and lofty lessons were intended to insure the happiness of mankind.

He came to set truth in the place of error, and loving kindness in the place of hatred and persecution.

He taught that every man shall do that only unto his brother which he would wish his brother to do unto him.

He endeavored to deliver his brethren from the bonds of tyranny, to protect the weak and feeble, and to bring back to the paths of duty the oppressors of humanity, but they listened not unto Him and nailed Him to the cross, and as such, He sealed his Gospel of Love with His life.

His life was the embodiment of love, self-denial and self-sacrifice. Truly, "Greater love has no man than this; that he lay down his life for his friends."

At this Easter season, I think it is most fitting to recall the beautifully written poem on the resurrection by Dr. Phillip Brooks:

Tomb, thou shalt not hold Him longer;
Death is strong, but life is stronger;
Stronger than the dark, the light;
Stronger than the wrong, the right;
Faith and hope triumphant say,
"Christ will rise on Easter Day."
And while sunrise smites the mountains,
Pouring light from heavenly fountains,
Then the earth blooms out to greet
Once again the blessed feet;
And her countless voices say:
"Christ has risen on Easter Day."

Mr. MORSE. Mr. President, I am so glad that the Senator from Kansas has made the remarks that he has made.

In these turbulent times it is good that the Senate is taking off until Monday. The intervening days constitute a period which, in a very real sense, are the high holy days for Christians.

It is good that during those 3 days we shall be reflecting upon spiritual values. We should never forget that temporal values are bottomed on spiritual values. It is particularly fitting and fortunate that, as individuals, we shall be contemplating the symbolism and the significance of spiritual values over this long weekend as a fitting preparation for our proceeding on Monday to discuss a great social challenge that confronts religious America—not Christian America alone—but religious America. After all, the teachings of the Bible, the Torah, the Koran, and the other great books of religion, when all is said and done, contain a common, uniform teaching based upon that principle, which each one of us as parents has tried to instill in our children, of doing unto others as we would have others do unto us.

That is the whole essence of the civil rights fight. We talk about it in temperal language. We talk about it in terms of constitutionalism. We talk about it in terms of legislative rights. But, after all, the whole civil rights question rests on the rightness of the Golden Rule. As we undertake this historic debate on Monday, we should never forget that it is based upon the Golden Rule, which all the great religious leaders of all religions sought to teach their disciples.

ADJOURNMENT TO MONDAY

Mr. PELL. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment until noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 10 minutes p.m.) the Senate adjourned until Monday, March 30, 1964, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate March 26 (legislative day of March 9), 1964:

DIPLOMATIC AND FOREIGN SERVICE

Taylor G. Belcher, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

EXTENSIONS OF REMARKS

Richard A. Ports Killed in Senseless Accident

EXTENSION OF REMARKS
OF
HON. FRANK T. BOW
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. BOW. Mr. Speaker, I would like to take a moment to pay a last tribute to a young man who once served as a member of my staff, Richard A. Ports.

Dick Ports was killed in a senseless automobile accident Tuesday near Tucson, Ariz., at the age of 32. Despite his youth, he had already risen to positions of importance and responsibility in the Republican Party and with the Garrett Corp., of Los Angeles, of which he was a public affairs executive.

Dick Ports had lived in southern California since his release from active duty in the U.S. Marine Corps in 1959. As a concerned citizen, he was active in the Republican Party and a member of the California State Republican Central Committee. He was an officer in State and National Young Republican organizations, and served with distinction on the presidential and gubernatorial campaign staffs of Richard M. Nixon.

Despite his vigorous Republicanism, Dick had the respect and friendship of men in the Democratic Party as well, as CHARLES WILSON, AUGUSTUS HAWKINS, KEN ROBERTS, and others of our colleagues in that party will testify.

No one who knew him doubts that Dick Ports was destined to be one of the Nation's leaders in business and politics. I find it difficult to describe my shock and my grief that one so young and vigorous, so promising and talented, should be taken in this manner.

That talent and vigor were characteristic of Dick from early youth. He was a leader in high school and college activities in Alliance, Ohio. I came to know him as an energetic young reporter for radio station WFAH and later for the Massillon Evening Independent, and I invited him to join my staff in 1954. Later he enlisted in the Marine Corps, successfully completed officer's training, and eventually served as aide to Maj. Gen. A. L. Bowser.

His death is a loss not only to his family and friends but to the Nation as well, for there was no limit to the contribution Dick Ports could have made to his party and his country.

Results of 1964 Questionnaire

EXTENSION OF REMARKS
OF
HON. E. Y. BERRY
OF SOUTH DAKOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. BERRY. Mr. Speaker, under leave to extend my remarks, I wish to include in the RECORD the results of the final tabulation of my 1964 questionnaire.

The questionnaire, which was sent to all boxholders in the Second Congressional District, covers a wide field of subjects ranging from pending domestic issues to international affairs. I feel sure

my colleagues will be interested in the response which generally reflects the sound, conservative thinking of the people of western South Dakota whom it is my privilege to represent in Congress.

The results are as follows:

	Percent	
	Yes	No
GENERAL LEGISLATION		
1. In his state of the Union message, President Johnson asked Congress to enact the following programs, while at the same time stressing his drive for economy. Check those you favor.		
(a) Expand area redevelopment program	25	45
(b) Establish a youth employment program	35	38
(c) Liberalize unemployment compensation program	13	62
(d) Extend minimum wage law coverage	30	45
(e) Broaden the food stamp plan	16	55
(f) Provide funds for construction of more libraries	20	55
(g) Expand public housing	15	60
(h) Provide funds for construction of hospitals and nursing homes	31	37
(i) Provide subsidies for mass transit	5	58
FISCAL		
2. Do you believe the Federal budget should be kept in balance during peacetime years?	86	3
3. Should planned domestic programs be postponed until there are sufficient revenues to pay for them?	78	7
4. Do you favor a Federal tax reduction at this time?	39	48
5. If there is a Federal tax reduction, should Government spending be curtailed to accommodate it?	80	4
6. Are you in favor of the proposed increases in salaries for Federal workers?	7	76
INTERNATIONAL AND FOREIGN AFFAIRS		
7. Do you believe that foreign aid spending should be—		
(a) Reduced substantially?	82	3
(b) Increased?	3	69
(c) Expanded in Latin America?	18	53
(d) Approved to countries with Communist government?	3	84
(e) Investigated and overhauled from top to bottom?	85	2
8. Should we continue to support the U.N. even though 26 countries are not paying their share of the cost?	40	42
9. Should the United States grant diplomatic recognition to Red China?	5	90
10. Should the President have authority to extend credit to Communist countries?	3	90
AGRICULTURE		
11. Should the United States limit imports of farm commodities that are already in surplus in this country?	92	6
12. Do you favor a voluntary farm program for wheat and feed grain?	73	13
13. Do you favor a farm program with mandatory controls and quotas?	9	81
14. Do you favor a gradual withdrawal by Government from the farm economy?	85	11
15. Will the interests of the rancher best be protected by quotas and tariff on beef similar to those of most other nations?	67	20
CIVIL RIGHTS		
16. Do you favor Federal civil rights legislation to—		
(a) Protect the right to vote?	85	6
(b) Enforce school integration?	35	47
(c) Give permanent status to the Civil Rights Commission?	28	41
(d) Use the interstate commerce clause of the Constitution to enforce access to public accommodations?	35	40
(e) Enact a fair employment practices law?	63	21
MEDICARE		
17. Do you believe that medical care for the aged can best be handled by—		
(a) Present Kerr-Mills Act authorizing a Federal-State cooperative program for the medically indigent?	46	33
(b) Voluntary, private medical plan with no Federal involvement?	56	22
(c) Substantially increasing social security taxes to finance a compulsory program, regardless of need?	9	68

A Hard Look at Urban Renewal

EXTENSION OF REMARKS
OF
HON. CLAUDE PEPPER
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. PEPPER. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following:

[From the Orlando (Fla.) Sentinel, Feb. 13, 1964]

A HARD LOOK AT URBAN RENEWAL

You frequently hear the charge that urban renewal is loaded with graft, that it fosters corruption, that it wastes more than it accomplishes.

How true are these charges?

The Subcommittee on Housing of the House Committee on Banking and Currency decided to investigate. Here are some excerpts from the testimony.

Mr. ALBERT RAINS, of Alabama, chairman of the subcommittee: "First of all, in your investigations, and I hope you will continue them in all the places, have you found any evidences of corruption or crookedness or stealing in this program at either the local or regional level of any type?"

Mr. Louis W. Hunter, Assistant Director, General Accounting Office: "No, we have not, Mr. Chairman."

Mr. RAINS: "Have you not found any places in which they are shortchanging the Federal Government on the money or any type of crookedness of that kind * * * in the urban renewal program?"

Mr. Hunter: "No. None of that type."

Mr. RAINS: "In your investigation up to now, Mr. Hunter, has this program been administered in keeping with the law?"

Mr. Hunter: "I think we could not say otherwise."

Mr. RAINS: "There has been a lot of loose talk * * * about urban renewal. The General Accounting Office told us * * * that that they had run across * * * no corruption of any kind * * * Mr. ALBERT THOMAS of Texas, chairman of the Independent Offices Subcommittee, Committee on Appropriations, House of Representatives, who can be a very sharp-eyed critic, made this statement which I would like to read into the record:

" 'It has been fantastic to me, the amount of money and the amount of different pieces involved. I think there are around 60,000 or 65,000 pieces of property that have been bought (under urban renewal). I have not heard of any public scandal. It is fantastic.' "

That should answer the charge of graft and corruption.

Byelorussian Independence

EXTENSION OF REMARKS
OF
HON. JOHN V. LINDSAY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. LINDSAY. Mr. Speaker, I am honored to pay tribute to the brave Byelorussian people, who proclaimed their independence 46 years ago, but who have since suffered suppression under the Soviet Union's Communist regime.

On March 25, 1918, the Byelorussian Democratic Republic was born. But the people of that nation were unable to preserve their independence against the onslaught of overwhelming Bolshevik forces. In 1921, the Communists proclaimed that nation as the Byelorussian Soviet Socialist Republic—in the long run, this had the effect of making the government an administrative arm of the Soviet regime.

The popularity of the Communist Party in Byelorussia may be judged from the fact that before World War II, only 0.6 percent of that country's population were members of the party, and after the war, the number rose to no more than 2.1 percent.

Byelorussia is the third largest constituent Soviet republic. Ethnic Byelorussia borders in the north and east on Russia, in the south on the Ukraine, in the west on Poland, and in the northwest on Lithuania, Latvia, and Estonia. In the west, Byelorussians are often taken for Russians, yet they have, since the beginning of their history, developed quite independently of Russia.

The Constitution written by the independent Byelorussian Government formed in 1918 guaranteed freedom of speech and assembly, the right to form labor unions and the right to strike, liberty of conscience, involability of the person and of the home, the right of national minorities to autonomy and equality of all citizens before the law. This is the grand concept of freedom which the Byelorussians hold sacred. Tragically, that nation lost the right to practice these ideals shortly after it attained its independence.

But Byelorussians have not lost faith in these ideals, and have not lost hope that once more, they shall be able to live in freedom. Each year, Americans of Byelorussian descent as well as Byelorussian immigrants in this country celebrate that grand day of independence, and they and their countrymen remind

the world that their aspirations for liberty have not diminished. The Byelorussian-American Association, Inc. is very active in bringing this point home.

Mr. Speaker, it is an honor for me to join my colleagues in tribute to these brave people, and to assure them that we cherish the hope, as they do, that Byelorussia shall regain its freedom, and that that time shall not be long in coming.

Annual Questionnaire

EXTENSION OF REMARKS
OF
HON. CHARLES RAPER JONAS
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. JONAS. Mr. Speaker, the best way I know to keep up with the thinking of the people down home is to circulate a questionnaire from time to time and ask them to respond to questions about some of the issues we face in Congress. While the responsibility of casting votes in Congress must be assumed by the Representative, I have found it helpful to know how my constituents feel about some of the more important issues. In addition, I have found that circulation of a questionnaire stimulates thinking and discussion among constituents. This is all to the good because I believe the more the people think about these issues and discuss them with their neighbors the better informed they will become. I have great confidence in the ability of the people I represent to come up with the right decisions if they become acquainted with all of the facts.

This year I am asking my constituents to respond with a yes or no answer to 10 questions. Since many of these questions are difficult to answer categorically, I am providing space on the questionnaire for those who wish to do so to extend their remarks. As soon as the returns are all in, I shall have them tabulated on an IBM machine and will then publish the results. Following are the questions I am asking this year:

1. (a) Do you approve this country selling wheat to Russia?
(b) If you answered yes, would you favor extending credit to Russia to finance such purchases?
2. Would you approve a constitutional amendment making prayer and Bible reading permissible in the public schools when conducted on a voluntary basis?
3. Do you favor the Civil Rights Act now under consideration by Congress?
4. Do you believe private and parochial schools should be included in any programs of Federal aid to education?
5. Would you approve a Federal income tax credit or deduction for all or part of college expenses?
6. If you answered "yes" to question 5 please answer (a) or (b) following and (c) or (d) following:
(a) would you favor a credit against the tax? or
(b) Would you limit it to a deduction?
(c) Would you limit it (credit or deduction) to a taxpayer who pays college expenses of a dependent? or
(d) Would you extend it (credit or deduction) to a taxpayer who pays college expenses of a student who is not a dependent?
7. The national debt of the United States is now approximately $310 billion. Under existing circumstances, do you favor increasing Federal spending above current levels even if it requires additional borrowing?
8. Do you favor a pay raise for Government employees—including Cabinet officers and executive officials, Federal judges, and Members of Congress?
9. Do you believe our Government should agree to renegotiate the Panama Canal Treaty?
10. On the whole, do you think this country's foreign policy is succeeding?

Labeling of Foreign Made Motion Pictures

EXTENSION OF REMARKS
OF
HON. EVERETT G. BURKHALTER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. BURKHALTER. Mr. Speaker, I would like to take this opportunity to commend the Subcommittee on Finance and Commerce of the House Committee on Interstate and Foreign Commerce for the announcement by Chairman STAGGERS, of the subcommittee, that hearings will commence following the Easter recess on legislation requiring the labeling of foreign made motion pictures exhibited in the United States. I feel that this is an important area for the Congress to look into for all of the country, and particularly for my State, California, since the motion picture industry has been one of the major factors for the affluence of the southern California community.

The legislation to stop the showing or advertising of foreign-made films without revealing to the public the names of the countries where they are produced has been supported by the Committee To Promote American Made Motion Pictures of men employed in the Los Angeles studios and by religious and youth groups critical of the low standards of pictures produced outside the country.

The climate for the passage of my legislation or that of Congressman CECIL KING which would amend the Federal Trade Commission Act to halt the showing or advertising of foreign films without proper identification has never been better. For the first time we shall present a united front to the lawmakers asking their protection from low-grade pictures made where labor is cheap and taste is low or vulgar.

It is most heartening to find the Tidings, a weekly newspaper published in Los Angeles under the sponsorship of the Archdiocese of Los Angeles, bringing to the attention of the faithful the fact that Red propaganda in movies is advancing on another front and that it is a Communist boast that Yugoslavia will soon be the motion picture capital of the world.

Tito is reported to offer free sound stages, free sets, free technicians, free back lot facilities. And American-made motion pictures must compete with this "free" business, under existing law.

Today four current movies are selling the Communist line that nuclear war is so terrible the United States should appease, retreat, or surrender.

As a member of the Armed Services Committee I know the United States has no reason to fear any nation or combination of nations in the world today. I am extremely grateful for the exposé of the subversive situation in the Tidings.

Another factor in the more favorable climate for protection of the Hollywood industry, is the demise of a labor-management committee in the industry which suddenly shifted its position with respect to elimination or reduction of foreign film subsidies.

This means that the men working in the industry in Hollywood will no longer have to fight their associates who seek other means of reducing the foreign threat and that the industry can go forward together in support of legislation which will expose the evil and brand all movies with their country of origin.

Byelorussian Independence Day

EXTENSION OF REMARKS
OF
HON. GLENARD P. LIPSCOMB
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. LIPSCOMB. Mr. Speaker, March 25 marks the day which gives all people of Byelorussian ancestry, no matter where they live, a strong glow of pride, because March 25 is National Independence Day for all free and freedom-loving Byelorussians. It marks the day in 1918 when the people marched shoulder to shoulder into the streets to fight against misery and slavery. It marks the day when conviction and bravery became the foundations of an overwhelming wave of revolution. It marks the day when the Byelorussian people cast off their chains.

Since March 25, 1918, the Byelorussian people have fought against cruel Bolshevik suppression for their honor and their happiness. In 1919 their armed resistance was overwhelmed by the superior numbers and weapons of the Red army, which once again smothered the exciting spark of freedom with tyranny.

Before 1918, the Communists had never gained many followers in Byelorussia. They were scorned by the people. When the czar fell, Byelorussians made their true feelings felt by declaring their independence. The history of Byelorussia since has been one of trying to achieve that independence which it deserves. So far it has not succeeded against the old Russian imperialism thrust upon it anew by the Communists. But continuous agitation against communism has brought severe persecution to the Byelorussians. Strikes, passive resistance, and apathy have thwarted the Russians at every turn for many years. The Byelorussians resisted with every possible means such favorite Communist schemes as farm communes, nationalized industries, and fake elections. That

resistance continued yesterday, it is continuing today, and it will continue tomorrow. If the Communists were to give the people a free choice, the Marxist system would be destroyed overnight.

On March 25, 1964, we celebrated the 46th anniversary of Byelorussian independence. But celebrating by itself is not enough. We must continue to speak about freedom, and to give the world its best example of democracy in action. Only that way will the Byelorussians be able to keep up their resistance against the great hypocrisy of a better life promised by communism. Only that way will Byelorussia again be free.

A Political Poster

EXTENSION OF REMARKS
OF
HON. FRANK J. HORTON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. HORTON. Mr. Speaker, today's New York Times announces a new White House project that raises serious questions. The project concerns the printing and distribution of posters bearing a picture of the President and a personal appeal for Americans to help win the war in South Vietnam.

This is the most thinly disguised piece of political advertising I have ever seen. Further, it implies that the American public has somehow been lax in doing all it can to secure a victory over communism in southeast Asia.

I want to know what is behind this precampaign project which uses taxpayer money to advertise the President. I want to know how many of these posters are being printed, where they are being distributed, and what heavy bureaucratic hand will arrange their prominent display.

I have no objection to the Government's reminding our citizens that we need to apply our best efforts in support of our forces in South Vietnam. It should be obvious that we entered this conflict to win and to save a strategic area from a Communist takeover.

But, it is shameful when less than 8 months prior to our national elections the administration seeks to exploit a situation in which American men are fighting and dying for political purposes. This is a strong statement, but I feel strongly about it, Mr. Speaker, and I regret and resent the insinuation that our fellow citizens are guilty of causing a slowdown that should give them uneasy sleep.

If the President is truly in need of help in order to cope with the Vietnam situation, let him go before the public and state his case directly. To date, there has been no substantial information on this important foreign policy matter given either to the public or to the Congress. In fact, there is mounting evidence of news suppression concerning South Vietnam.

I cannot recall when the country has been so much in the dark on a matter of grave international importance. How the President can now launch a public appeal in behalf of the South Vietnam conflict when we really know little about that conflict can be credited only to personal ambition.

Mr. Speaker, if such poster projects are allowed to go unchecked, can you imagine the extent to which they could conceivably be carried? Now that our national defense effort in South Vietnam has been chosen as a vehicle to advertise the President, I would not be surprised to see the next batch of military recruiting posters with the traditional pose of Uncle Sam replaced by the present White House occupant. Of course, the caption then should read: "I Want You To Vote for Me."

Byelorussian Independence

EXTENSION OF REMARKS
OF
HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. DINGELL. Mr. Speaker, the Byelorussians are among the earliest Slavic peoples known in the West. The recorded history of these stalwart and sturdy inhabitants of the borderland in northeastern Europe, east of Poland and west of Moscow dates from the 10th century. Soon after that they were Christianized and then organized their own diocese and cultural centers around the historic capital city of Smolensk. They had also organized their own state and managed to survive the deluge of Asiatic invasions during the 12th, 13th, and 14th centuries. They held their own against all comers and maintained their freedom. Then in the 15th century, when they faced the "barbaric Muscovite hordes," they were gradually submerged in the future Russian Empire. By the 16th century they were all but lost in the then bottomless sea of czarist Russia.

Thenceforth for more than 300 years Byelorussia was no more, its inhabitants goal, for the odds against them were independence. All their efforts, how- suffering under the czarist autocracy. But during all that time these doughty fighters for freedom did not lose heart in their cause and struggled for their ever, were not sufficient to attain their frightfully forbidding. The only real chance they had to realize their dream was in 1918, after the overthrow of Russia's czarist regime by the Bolsheviks in 1917. Very early in 1918, Byelorussian leaders braced themselves, then proclaimed Byelorussia's independence and founded the Byelorussian Democratic Republic on March 25.

That historic day marked a new day for the Byelorussian people and ushered in a new era for them. For the first time in centuries they became masters of their own destiny, and under most difficult conditions they worked hard to make their war-ravaged country a viable place in which to live and enjoy life in freedom. But in this period of joy and optimism fate seemed unkind and cruel to Byelorussians. From the outset the new state was surrounded by foes whose aim was to rob the Byelorussians of their newly gained freedom; Communist Russia was their deadly foe. The unhappy Byelorussians by themselves could not stave off the mortal threat facing them. After maintaining their precarious independence for about 3 years, they were robbed early in 1921 of their most cherished and priceless possession, their freedom and independence. The Red army overran Byelorussia and then the country became part of the Soviet Union.

From that year on, for 43 years, these 10 million freedom-seeking and peaceful Byelorussians have been suffering under Communist totalitarian tyranny in their historic homeland. On the 46th anniversary celebration of their independence day let us all hope and pray for their delivery from that tyranny.

We Should Support and Urge a "No Money, No Vote" United Nations Policy

EXTENSION OF REMARKS
OF
HON. ED FOREMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. FOREMAN. Mr. Speaker, the world can no longer afford the luxury of coddling Russia and her satellites who refuse to pay up in the United Nations. Russia's repeated threats to withdraw from the U.N., if the claim for money she owes is pressed, are the shallowest form of dominance through fear. The Soviet Union would lose power and influence overnight were it not for her membership in, and veto power over, the U.N. Here is her best listening post, her best propaganda forum, and her largest stage on which she can strut and play her roles.

Russia assumes the character of protector of the rights of nations, and demands U.N. peacekeeping units, as in Cyprus, and then refuses to pay her share of the cost. The International Court of Justice, in fair and full hearings, ruled the assessments legal and binding. The Court found Russia liable and ruled she must pay or lose her vote in the Assembly and the Councils of the United Nations. There is no real debate here. The Charter of the U.N. specifies penalties for this violation. Those penalties must be applied without fear or favor.

To cringe and retreat each time Nikita Khrushchev prattles, is to operate from a position of indecisive weakness, rather than positive strength. Never in history has a nation, by its vacillation, halting and timidity, apologized so frequently for its power and authority as has the United States. In the United Nations, however ineffective it may be at times, the United States has the inescapable responsibility to demand fair, impartial and equal treatment of all its members. It is unthinkable that the

champions of freedom, honor, and dignity among men and nations will continue to bow to gangsterism and flagrant abuse of the systems of debt and payment. There is a simple policy: "No money, no vote"—let the U.N. enforce it.

Well-Deserved Tribute to Angela Bambace and Sam Nocella

EXTENSION OF REMARKS
OF
HON. EDWARD A. GARMATZ
OF MARYLAND
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. GARMATZ. Mr. Speaker, rarely do we find persons who are outstanding in several areas of activity, but last week it was my privilege to be present at an affair honoring two outstanding personalities in the Baltimore area who have won distinction in the labor field and in the field of social services, through their humanitarian interests. They are Miss Angela Bambace and Mr. Sam Nocella.

Miss Bambace has been active in the International Ladies' Garment Workers' Union since she became a member in 1917 and has risen to the position of vice president and manager, upper south department, International Ladies' Garment Workers' Union. In addition, she has served as a delegate to the Democratic National Convention, is a member of the Italian-American Labor Council, the ADA, the American Civil Liberties Union, and is on the board of directors of the Baltimore Symphony Orchestra.

Mr. Nocella has been active in union activities since 1919 when he joined the Amalgamated Clothing Workers of America. He has served as manager of the Maryland, Virginia, and Pennsylvania regional joint board, and under his direction a geriatric center for the joint board's retired workers was constructed. He has recently sponsored a program of eye and health examinations for the members of the union. He is now vice president, manager of the Baltimore Regional Joint Board, Amalgamated Clothing Workers of America.

On the occasion of the 40th anniversary of the Israel Histadrut campaign, an organization which helps support a network of vocational schools, provides scholarships for underprivileged youth, makes grants for research scientists and maintains cultural and youth centers, among its other activities, Miss Bambace and Mr. Nocella were honored for their work over the years for the improvement of the economic and social conditions of their fellow citizens.

In tribute to them, the proceeds of the testimonial dinner will go toward the establishment of an Angela Bambace and Sam Nocella Histadrut Scholarship Fund, to aid worthy teenagers in Israel to obtain a secondary or vocational education.

A notable group was present at the dinner in their honor, including Mayor Theodore McKeldin; Maryland's Attorney General Thomas Finan; City Councilman Jacob J. Edelman, who served as toastmaster; the Reverend Frederick Helfer; Father Dunn; Rabbi Abraham Shusterman; Under Secretary of Labor John F. Henning; Moe Falikman, chairman of the American Trade Union Council for Histadrut; Jacob Potofsky, general president of the Amalgamated Clothing Workers of America; Dominic N. Fornaro, president of the Baltimore Council of AFL–CIO Unions; Charles Kreindler; Hyman Blumberg; and Gus Tyler.

The high honor bestowed on Miss Bambace and Mr. Nocella will, I am confident, inspire them to continue their outstanding services to their fellow men for many more years, and inspire those present to follow their good example.

The Importance of Civil Rights

EXTENSION OF REMARKS
OF
HON. HUGH SCOTT
OF PENNSYLVANIA
IN THE SENATE OF THE UNITED STATES
Thursday, March 26, 1964

Mr. SCOTT. Mr. President, for 2½ weeks we have been discussing on the floor of the Senate a motion to consider the civil rights bill. As a cosponsor, I am particularly interested in having the bill becoming law.

I ask unanimous consent that three reports supporting this position be printed in the RECORD.

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

[From the Philadelphia (Pa.) Tribune, Feb. 29, 1964]

RIGHTS BILL MAY PASS WITH THE HELP OF GOD AND SENATORS CLARK AND SCOTT

The U.S. Senate will be the battleground. Combatants will be northern Democrats and Republicans pitted against southern Democrats and Republicans.

At stake will be a strong civil rights bill which, if passed by the Senate, will strike at the core of discrimination, segregation, and prejudice in this so-called land of the free—so-called because 20 million of its citizens have been, and are being, denied the inalienable rights supposedly guaranteed them by the Constitution for the simple reason that their skin is darker than the skin of 170 million other Americans.

Fortunately for freedom fighters and civil rights advocates, however, two formidable champions have been named by the liberal Democratic and Republican leadership to direct the battle for civil rights legislation on the Senate floor. These champions are Pennsylvanians who hail from Philadelphia: JOSEPH S. CLARK, JR., Democrat, and HUGH SCOTT, Republican.

Senators CLARK and SCOTT are famous for taking up the cudgel in defense of underdogs. Their record for sponsoring and supporting liberal legislation has won them the praise of Negroes and other minority groups. That they are prepared by training, know-how, and dedication to take on—and best—the "cream" of the southern crop of Senators sworn to defeat civil rights legislation at any and all costs, there are no doubts.

These two gentlemen may differ on matters pertaining to foreign policy and some domestic policies. But they see eye to eye on the issue of civil rights for Negroes—now. They are as vehemently opposed to the anti-Negro antics of the Governor of Mississippi and the Governor of Alabama as they are opposed to the anti-American actions of Khrushchev and Castro.

Passage of the civil rights bill in the Senate will not be easy. It will be a task almost as difficult as cracking a stone wall with a human fist. For there are many tactics southerners intend to use in their efforts to scuttle the bill. Leading the men from below the Mason-Dixon line, and mapping their strategy will be Senators RICHARD RUSSELL, of Georgia; JAMES O. EASTLAND, of Mississippi, and ALLEN ELLENDER, of Louisiana.

Still, with the help of God—and JOE CLARK and HUGH SCOTT—there is excellent reason to believe the forces of good will triumph over the reactionaries bent on keeping Negroes mired in the morass of second-class citizenship.

AN EDITORIAL BY DAVID POTTER OVER WNAE RADIO, WARREN, PA., MARCH 15, 1964

This is David Potter, manager of WNAE, editorially speaking. On one of our broadcasts of world news last week, we carried a recorded statement by Senator HUGH SCOTT. In it, the Republican of Pennsylvania set forth in no uncertain terms his stand on the civil rights bill around which battle lines are forming in the U.S. Senate.

I felt that Senator SCOTT's forthright statement should be repeated. He said:

"A filibuster has just closed in around the Senate. The rules which permit unlimited debate will now be abused by those who seek to defeat civil rights legislation. This is the legislation recommended by the late President Kennedy and I am a principal cosponsor. The opponents of this bill can filibuster for weeks or for months. If the Senate goes into 24-hour session, I have in my office a cot, a coffee pot and some canned goods. I'm going to fight the filibuster and at the end of it I'll be on the Senate floor ready to fight for the civil rights bill—for every provision, for every word. This legislation is right and I know it. And let me make a prediction. We're going to pass it."

Politicians are sometimes accused of placing moral grounds last in their considerations of issues. Such is not Senator SCOTT's priority in this vital matter. He has placed moral grounds first and is working for the passage of the bill, not merely waiting to vote for it if it can ever be brought to a vote in the Senate.

You may recall that early in the year one of these editorials was in the form of an open letter to Representative ALBERT JOHNSON soon after he took his oath of office as U.S. Representative from this district. In that letter, Representative JOHNSON was urged to begin his service by supporting the civil rights bill in the House. His response was: "You can state on your broadcast that I intend to vote for a civil rights bill when one finally comes up for a vote in the Congress."

I believe it's important to emphasize that Representative JOHNSON kept that promise. His vote among the "ayes" helped make both personal and legislative history in the House of Representatives.

It's good to know that our new Congressman and Pennsylvania's veteran Senators are in agreement on this critical issue.

This is David Potter editorially speaking.

FROM A PROGRAM PREPARED BY SENATOR SCOTT AND SENATOR ALLOTT FOR USE BY PENNSYLVANIA RADIO STATIONS, MARCH 15, 1964

SCOTT. Well, as you know, we're right in the middle of a civil rights filibuster. We don't know how long it will last. But I am a cosponsor of the bill. I favor the House bill and there's much speculation as to how long the filibuster will run and whether we

have the votes for cloture. How do you feel about this?

ALLOTT. Well, I listened to the majority whip over one of the radio circuits last Sunday night and he said that he didn't think that cloture would be necessary. Now, I think this is completely unrealistic thinking because I believe that eventually, cloture will be necessary. It is this sort of statement, I think, that gives the constant rise to the rumors which you and I hear around here, or the opinions expressed by Members of the Senate that perhaps some sort of a deal has been made on the civil rights, or a compromise of it.

SCOTT. This is what I suspect, too, because cloture, ladies and gentlemen, means shutting off debate. And if the majority whip, Senator HUMPHREY, says you're not going to have to shut off debate, that means that the southern Democrats will stop talking voluntarily. Take it one step further. They'll only stop talking voluntarily if something has been offered them to weaken the bill, or presumably something else even more valuable may have been offered to them. But these trial balloons that keep coming up from the Senate majority leadership indicating you may not have to have cloture, it seems to me are strong indications that some kind of a deal is afoot and if the deal fails, then you get cloture. If the deal goes through, at some point the southern Democrats, with a gentleman's agreement or understanding, are just going to stop talking. It's never happened before in the history of the Senate, that I remember, that they have stopped.

ALLOTT. I don't recall it either. And, of course, the real burden in this civil rights debate falls upon those of us who are for civil rights—not for those who are carrying the filibuster because they can divide their team up into two men on the floor for every third day and be on the floor for 6 or 8 hours. They can carry that burden quite easily. On the other hand, any time they call for a quorum, we who are in favor of civil rights have to supply 51 percent of the membership to make the quorum.

SCOTT. Yes; and considering that the Republicans are outnumbered 2 to 1, we have to supply a better percentage of the Members to meet the 51, the quorum, than the Democrats do. And this is a burden for 33 Senators who have to be awake and around most of the time for whatever length of time it takes.

ALLOTT. Well, like you, I would say that when the time comes, I am prepared to sign the petition for a cloture when I think adequate time has been had for a discussion of all of the features of this bill. And I am willing to vote for a cloture. But I believe that unless a deal has been made, this is the only way this debate will be terminated.

Byelorussian Independence Day

EXTENSION OF REMARKS
OF
HON. STEVEN B. DEROUNIAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. DEROUNIAN. Mr. Speaker, it is most appropriate that we pause a moment to commemorate Byelorussian Independence Day. If we believe in freedom, we should carry its promise to all parts of the world. On their 46th anniversary, Byelorussians are laboring under the same tyranny which communism strives to bring to the whole world. Perhaps our words here will encourage the Byelorussian people to continue their resistance to that tyranny.

Byelorussia was a leader in the wave of revolution that swept Russian imperialism out of most of East Europe in 1918, and the first to bear the full brunt of Bolshevik savagery. Its geographic position alone enabled communism to triumph over freedom. The Byelorussians, could they speak freely today, would tell you that communism is indistinguishable from old Russian imperialism. They suffer just as much.

Byelorussia has every right to liberty and the pursuit of its own path to happiness, which is denied by Russia. The Byelorussian people provide the world with a living refutation of the false promise carried by communism to the great proportion of mankind which now struggles to cast off the lingering chains of imperialism. Our celebration of Byelorussian independence is not sufficient when the Byelorussian people themselves cannot celebrate. Let us hope that every year Byelorussian courage and love of freedom increases, so that soon our fellow men in Byelorussia will be able to rejoin the great and growing family of freemen.

Byelorussian Day

EXTENSION OF REMARKS
OF
HON. EMILIO Q. DADDARIO
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. DADDARIO. Mr. Speaker, the date of March 25 marks the anniversary of the proclamation of independence of the Byelorussian Democratic Republic. In annually commemorating the events of 1918 we honor the valiant courage and determination of the Byelorussian people who were forced to struggle against Poland, Germany, and Russia in order to preserve their freedom. Such formidable enemies inevitably overwhelmed and divided the new Republic. And today in the minds of too many people, Byelorussia is an unknown or confused concept.

The events as recorded in history are swiftly tragic for that brave nation, but these brief recordings must be appreciated in the light of their full significance. In 1918, the Slavic people of Byelorussia consolidated their culture, their territory, and their people into an independent nation. From the moment of this declaration, the territory of Byelorussia was no longer subject to annexation but could only be gotten by invasion; her culture could not be merely absorbed but had to be oppressed, and her people could not be occupied but had to be enslaved and redistributed. These were the prices that had to be paid because the Byelorussian people chose to exercise a right that is inherent in all man. These are the sacrifices that called forth in the Byelorussian people the deeds of courage that have made of their nation an exceptional symbol of resistance to the flood of Communist oppression.

It is therefore proper that we join the Byelorussian people in all areas of the world in a rededication to their goals of a free and independent nation.

Softwood Lumber Standards

EXTENSION OF REMARKS
OF
HON. FRANK T. BOW
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. BOW. Mr. Speaker, inasmuch as there are many Members interested in the subject of softwood lumber standards, I wish to insert in the RECORD for their information a copy of my letter of March 10 to Secretary of Commerce Luther Hodges and a copy of the Secretary's reply of March 17, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., March 10, 1964.

Hon. LUTHER H. HODGES,
Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: As you know, I have long been interested in the proposed new lumber standards and have been hopeful that this issue would be settled promptly and without further unnecessary delay. Thus it was with considerable interest that I read a press release by Representative JAMES ROOSEVELT last week indicating that a settlement of the matter is being postponed perhaps for many months.

Mr. ROOSEVELT speaks of having received various "assurances" from your Department which could be interpreted to mean that you are abdicating your authority in this field to his subcommittee. I think it important to my constituents in the industry that we have a clear understanding of the meaning of these assurances, and will appreciate an answer to the following questions:

1. Does reopening of the list of those to whom the proposed standards change will be sent for comment mean that the same 20 percent of membership restriction which had previously been imposed upon other organizations submitting names of prospective acceptors, will still apply?

Secondly, is it the intention of the Department of Commerce to resolicit participation by organizations which have previously declined to participate as acceptors? The American Trucking Association representing a large number of trucking firms, indicated in 1963, when first afforded the opportunity to submit a list of prospective acceptors, that it declined to do so on the grounds that it had no direct interest in the standard. I note from Mr. ROOSEVELT's release that they will now be asked to supply a list.

2. Does the Department of Commerce contemplate any modification of previously determined "weighting" procedures for various categories of acceptors? Mr. ROOSEVELT notes in his press release that "the most careful consideration will be given to the comments in view of the interests making them." Further, what does Mr. ROOSEVELT's statement that "the Department 'is not seeking mere yes or no answers. It desires affirmative suggestions and information concerning the workability, equity, and economic impact of the proposed standard,'" mean? Does it mean that responses not bearing specific suggestions by either proponents or opponents

will be evaluated at a lesser weight than those bearing "affirmative suggestion?"

3. Does Mr. ROOSEVELT's report of "assurances" that his subcommittee and the ALSC itself would also be consulted concerning the makeup of the committee indicate that the Secretary of Commerce will seek court sanction of what appears to be a surrender of his powers of appointment under procedures previously approved by the district court? Does the "concrete proposal for reconstitution (of the ALSC) being developed," mean that consideration of assigning prospective ALSC members will be left to the Subcommittee on Distribution of the House Select Committee on Small Business Matters?

4. If additional enclosures, other than the majority and minority positions and the table of equivalent green sizes, are to be included with the mailing of the standards proposal, may I be advised of their nature and purpose?

5. Do Department of Commerce "assurances" to Mr. ROOSEVELT that it will take no action until the subcommittee has had the opportunity of first holding full hearings and then submitting its findings to the Department," imply that the subcommittee judgment will take precedence over Department of Commerce? The Department is obligated to promulgate the standard if it is proved to be acceptable by the vast majority of acceptors polled and is, in the opinion of the Department, in the public interest. Does the Department contemplate that in future standards matters, regardless of the industry involved, the Subcommittee on Distribution will be consulted prior to promulgation of any standard as an approved industry standard? If such procedure is contemplated will the chairman of the Subcommittee on Distribution or his designee serve as a member of all industry committees concerned with industrial standards?

Those of us who are earnestly concerned with improving the standards of quality for softwood lumber, whether it be green or dry, need to know the full extent of agreements reached by Mr. ROOSEVELT with officials of the Department of Commerce so that we can anticipate further delays and gear the industry and the consumer to deal with them.

Sincerely,

FRANK T. BOW.
Member of Congress.

THE SECRETARY OF COMMERCE,
Washington, D.C., March 17, 1964.

Hon. FRANK T. BOW,
House of Representatives,
Washington, D.C.

DEAR MR. BOW: Your letter of March 10, 1964, inquired about a recent press release on softwood lumber standards by Representative JAMES ROOSEVELT of the Select Committee on Small Business.

In the past several weeks, we have made considerable progress and are now preparing to circulate the proposal widely within the industry and interested public for comment.

The assurances of this Department to Representative ROOSEVELT were just clarifications of the procedures which the Department has been and is following in getting representative industry comment on the proposed standard. The answers to your specific questions follow in sequence:

1. The 20-percent membership restriction on trade organizations is still applicable to any trade organization asking for inclusion on the mailing list. The mailing list is mainly opened to individuals or individual firms which specifically request their names to be placed on the list to receive a copy of the proposal for individual comment. Until the mailing list was closed last fall, individual requests were honered in the same way. The Department of Commerce originally solicited participation by organization, but we do not intend actively to solicit participation by organizations any further. Individual members, however, have an opportunity to receive a proposal for comment. They would have to indicate on the response form the nature of their interest so that their comments would be analyzed properly.

2. Our procedure for weighing the various comments received has not been changed. We have always intended to make a careful analysis of the responses according to geographic location, amount of production, interest in the industry and so on. This will be both by number and by comment for each segment. Much confusion has arisen from the misconception that we were conducting a referendum or vote. We have never taken that position. The assurance to Congressman ROOSEVELT was simply an explanation that our system of analysis of the responses would not be by total number for and against, but would be made according to segment and interest. It is possible, for example, that producers would have different comments and percentage of acceptance than carpenters. The National Bureau of Standards would not attempt to accord one category greater "weight" than another.

3. Last fall we announced that we were reviewing generally the membership and procedures of the existing ALSC to see if changes ought to be recommended to the court having jurisdiction. We have assured Congressman ROOSEVELT that any comments of his subcommittee on what the proper constitution of the committee should be will be taken into account in making our recommendation. This Department has not surrendered any of its authority or responsibility for appointing members of this committee.

4. We are enclosing with the proposal, in addition to majority and minority reports, a brief statement of what the existing standard is and what the differences are between it and the proposed standard. I also plan to add my own letter sending the proposal to the industry and interested public for comment.

5. We have not postponed any action pending full hearings by the subcommittee. As you know, Congressman ROOSEVELT had originally planned to have hearings beginning March 3. After hearing an explanation of our procedures, he concluded that any hearings he has can best take place after the comments from industry and the interested public have been received by this Department and analyzed. We have always intended to make such an analysis public before our final decision in this matter. Any group or committee would thereby have an opportunity to discuss the full implications of the proposal in light of the comments. We have told Congressman ROOSEVELT that if he wishes to have hearings we would be very happy to consider the results in making our decision. We have no procedures for seeking the prior approval of the Subcommittee on Distribution prior to the promulgation of this or any other standard. However, the Congress always has had an interest in what our Department does with respect to standardization. If one of the committees of Congress desires to express its views, we would be happy to study them just as we would consider the views of trade organizations or private groups.

As I have repeatedly emphasized to members of both sides of the lumber standards question, the Department of Commerce intends to see that all segments of the industry and interested public have opportunity to participate in this cooperative, voluntary procedure. We think our procedures will tell us what the extent of the opposition is so that we can determine whether or not substantial support exists. I am sure you know that the commodity standards program cannot operate without wide voluntary acceptance of a proposal within the affected industry. The standards are not mandated. This being so, we have to be considerate of the views of all who wish to express them.

These are our concerns. We believe we are progressing as rapidly as possible consistent with our obligation to get the views of all in this cooperative process.

Sincerely yours,

LUTHER H. HODGES,
Secretary of Commerce.

Civil Rights—Justice and Equality for All Our Citizens

EXTENSION OF REMARKS
OF

HON. JAMES C. HEALEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. HEALEY. Mr. Speaker, I regret that the U.S. Senate continues to delay action on the civil rights bill after all these weeks. We passed this important legislation in the House on February 10. I continue to receive a large volume of mail from my constituents thanking me for my vote for the bill and my sponsorship of it, and asking that my efforts continue for final passage. Because of such great interest expressed by residents of my district, I insert in the RECORD at this time my testimony on the civil rights bill on July 17, 1963, and my remarks on the House floor on February 5, 1964:

TESTIMONY OF CONGRESSMAN JAMES C. HEALEY, OF NEW YORK, BEFORE THE COMMITTEE ON THE JUDICIARY, U.S. HOUSE OF REPRESENTATIVES ON JULY 17, 1963

Mr. Chairman, I am grateful for this opportunity to present to you and members of your distinguished committee my views on H.R. 7152, your omnibus civil rights bill and my own bill, H.R. 7224, containing the President's civil rights proposals. As you know, my bill, H.R. 7224, is identical to your bill, Mr. Chairman. I am here to testify in favor of these proposals and to urge approval by your committee.

You will recall that I was one of the sponsors of legislation to eliminate the poll tax, which passed in the 87th Congress.

You also have before your committee my bill, H.R. 2095, to eliminate unreasonable literacy requirements for voting; and my bill, H.R. 6639, to extend the Civil Rights Commission and to broaden the scope of its duties. These proposals are both incorporated in our omnibus civil rights bill.

Mr. Chairman, 100 years ago Abraham Lincoln issued the Emancipation Proclamation assuring freedom and equality to all Americans. One hundred years later, some of our people are still deprived of these rights. Across our Nation we are seeing evidence of impatience of some of our American citizens who are victims of discrimination. And the rest of the world watches while we preach to them about freedom.

The erupting civil rights crisis has injected a sense of urgency into this session of Congress and our adjournment date should not be set until action is taken on this problem. Congressional inertia in this area of our national life would be tragic. As our President has put it so adroitly:

"* * * the result of continued Federal legislative inaction will be continued, if not increased, racial strife, causing the leadership on both sides to pass from the hands of responsible and reasonable men to purveyors of hate and violence, endangering domestic

tranquillity, retarding our Nation's economic and social progress, and weakening the respect with which the rest of the world regards us."

There should be no partisan politics here; Congress must enact legislation to lay the guidelines for solutions to the various phases of this problem. Failure to do so will weaken the fabric of this Nation at a time when it needs its full strength.

Legislative relief is needed in the areas of voting, education, employment, and public accommodations. It has been in these spheres of activities that the American Negro's struggle for full equality has been a frustrating one.

The struggle is not that of the Negro alone. No American should be denied his basic rights to work, eat, vote, to learn, and to live where he chooses.

Effective action must be taken by Congress to assure justice and equality for all of our citizens.

Legislation cannot change a person's prejudices. If color discrimination were to disappear overnight, the Negro's low economic status would still handicap him. But legislation can work to eliminate conditions that handicap the Negro. And this is where we have a responsibility in the U.S. Congress.

The proposals in our bill, Mr. Chairman, attempt to remove the barriers which some of our citizens have faced the past 100 years—barriers which will stand in the way of enjoyment of full citizenship, to which every American is entitled, and which is guaranteed in his birthright.

There are those who regard the President's proposals as too much, too soon, as too ambitious an undertaking, especially in terms of success. I think not. They offer the Congress a set of solutions that should be acceptable to all men and women of good will. They are not designed because of mere economic, social, or diplomatic considerations. They were designed out of the knowledge that to insure the blessings of liberty to all is the primary prerequisite in a democracy, in a government, of and by, and for the people.

Our basic commitments as a nation and a people, our conscience, our sense of decency and human dignity, demand that we try to eliminate discrimination due to race, color, religion. To eliminate it is (1) not to practice it, and (2) not to tolerate it on the part of others. If we are successful in eliminating discrimination in our great country, other countries will look to us for having given substance to the dream of freedom and equality. If we do not, then we have lost our dignity and leadership both at home and abroad.

* * * * *

Limitation of the exercise of that right to vote according to race serves no other purpose than to put into doubt the rendition of justice to the Negro citizen and the protection of his rights. A government not electorally responsible to one segment of our national citizenry, seriously jeopardizes the very essence of our representative democracy and the political life of the Nation as a whole.

Under the provision of our civil rights bill, Mr. Chairman, voting protection in Federal elections would be strengthened by providing for the apportionment of temporary voting referees, and by speeding up voting suits. For States having the literacy test, a presumption of qualification to vote would be created by "the completion of the sixth grade by any applicant." The constitutionality of such a provision is beyond reproach; Congress has within its purview of constitutional powers the power to regulate the manner of holding Federal elections.

Mr. Chairman, with regard to the elimination of unreasonable literacy requirements for voting, I would like to quote from my testimony before your committee in the 87th Congress: "It is a known fact that unreasonable literacy tests have been used unjustly to deny the right to vote. Education is a reliable gage of literacy, but how much education? At what point should the standard be set? My bill establishes the minimum line at the completion of the sixth grade in schools * * * this is a reasonable demarcation point, and I believe the most effective device is the one in my bill. It consists of establishing an objective standard by which an individual's literacy may be judged. This eliminates the intrusions of bias or prejudice * * * it requires the determination of fact, rather than a judgment or an interpretation."

Title I under our omnibus civil rights proposal would further require that if a literacy test is used as a qualification for voting in Federal elections, it shall be written and the applicant shall be furnished, upon request, with a certified copy of the test and the answers he has given.

* * * * *

Title II of our bill proscribes discrimination in public establishments such as hotels and motels engaged in furnishing lodging for guests traveling interstate; movie theaters and other public places of entertainment which present forms of amusement which move in interstate commerce traffic; and restaurants and stores that extend food services, facilities, and the like, the substantial portion of which has moved in interstate commerce, for sale or hire to a substantial degree to interstate travelers. Arbitrary practices guided by racist considerations in this area create nothing but unjust hardships and inconveniences for the Negro citizen. He is forced to stay at hotels of inferior quality, and travel great distances to obtain any kind of satisfactory accommodations or food service.

Discrimination in the field of public accommodations should find no quarter of sympathy or tolerance in our National Legislature. As it contributes to an artificial restriction of interstate commerce, it can best be removed by congressional action invoked under the commerce clause. In addition, legislative action can be justified by the equal protection clause of the 14th amendment: as these particular vehicles of private enterprise are licensed by the appropriate State authorities to engage in their particular activity, discriminatory practices found therein take on the character of State action and therefore fall within the limits of the 14th amendment.

Critics of the public accommodations section level the charge that legislation of this kind would amount to an unconstitutional hindrance to property rights. The soundness of this argument is tenuous to say the least, for when was the right to property considered to be absolute? President Kennedy answered his critics by saying that: "The argument that such measures constitute an unconstitutional interference with property rights has consistently been rejected by the courts in upholding laws on zoning, collective bargaining, minimum wages, smoke control, and countless other measures designed to make certain that the use of private property is consistent with the public interest * * * indeed, there is an age-old saying that 'property has its duties as well as its rights'; no property owner who holds those premises for the purpose of serving at a profit the American public at large, can claim any inherent right to exclude a part of that public on grounds of race or color."

Mr. Chairman, a further provision of the bill—title IV—provides for the establishment of a Community Relations Service, the duties of which would be to work with regional, State, and local biracial committees to alleviate racial tension. The value of such a service cannot be emphasized enough. Lacking the power of subpena, it would advise and assist local officials in improving the communication and cooperation between the races. By so doing, the Service would go a long way in helping to preclude recurrencies of racial crises.

I have already mentioned the Civil Rights Commission; title V will extend and broaden its powers. With regard to title VI, our Federal Government provides financial assistance or backing for many programs and activities administered by local and State governments, and by private enterprises. As a Member of the U.S. Congress, it is my privilege and responsibility to vote on these proposals and I feel the activities and benefits of such programs should be available to eligible recipients without regard to race or color. This should also apply to the employment practices of the organizations involved, public or private.

Title VII authorizes the President to establish a Commission on Equal Employment Opportunity, to prevent discrimination against employees or applicants for employment because of race, color, or religion, or national origin, by Government contractors and subcontractors, and by contractors and subcontractors participating in programs or activities in which direct or indirect financial assistance is provided by the Federal Government.

Unemployment falls with special cruelty on minority groups, and creates an atmosphere of resentment and unrest; the results are delinquency, vandalism, disease, slums, and the high cost of providing public welfare and of combating crime. I support the President's requests for more vocational education and training for our illiterate and unskilled. It is programs such as the manpower development and training program which assist in reducing unemployment.

Racial prejudice and discrimination are fundamentally wrong. Our Judeo-Christian heritage—our sense of how man should treat his brother—our basic commitments as a nation and a people, should make us want to eliminate a practice not compatible with the great ideals to which our democratic society is dedicated.

Mr. Chairman, thank you for letting me appear before your committee. I urge prompt and favorable action by the Judiciary Committee, and pledge my support when the civil rights bill comes to the floor of the House of Representatives.

Civil Rights Speech of Congressman James C. Healey, February 5, 1964

Mr. Speaker, I rise in support of the Civil Rights Act of 1964.

I need not discuss in detail the nine substantive sections which will help assure to all our citizens the equal enjoyment of their rights under the Constitution of the United States. These rights include the right to vote, to hold a job, to have equal access to places of public accommodation, public schools, and other governmental facilities. Surely, no one can begrudge such rights to his fellow citizens on account of their color of skin or religious persuasion. Indeed, the protections the bill affords are so necessary and so reasonable that opponents are having a difficult time attacking the bill on its merits. Instead, they have leveled false and extravagant charges against it, and they give a distorted picture of what the bill actually does. This, of course, is done to arouse such prejudice against it that others may be blinded to its true meaning.

Opponents of the bill say that it sets up racial quotas for job or school attendance. The bill does not do that. It simply requires that children be admitted to public schools without discrimination because of race, and that industries involved in interstate commerce not deny a qualified person the right to work because of his race or religion. And not even all industries are covered—initially only those with 100 or more employees, eventually those with 25 or more.

Under its power to regulate commerce Congress has the authority—and, I submit, the duty—to enact such legislation. The same constitutional basis underlies our right to require nondiscrimination in certain business establishments which are connected with interstate commerce and which hold themselves open to the public at large. Most such places are already under some type of Federal regulation—the Pure Food and Drug Act, for example, the minimum wage law, antitrust laws. The bill has no effect on a private homeowner who wants to rent a room to a "paying guest." In fact, it does not apply to owner-occupied establishments which offer five units or fewer for rent. The bill does not circumscribe private social contacts in any way.

* * * * *

It is clear that State-supported segregation is unconstitutional. This is the mandate of the school segregation cases and the numerous cases involving parks and other governmental facilities. It is high time, therefore, to enable our Negro citizens to enjoy the rights to desegregated educational and recreational facilities without further delay. For that reason titles III and IV authorize the Attorney General to sue for desegregation of these facilities, under certain specific conditions. It is no novelty to allow the Attorney General discretion as to the bringing of an action. The Attorney General has the same authority in antitrust cases and criminal cases, to name but two examples. This is not "unbridled Federal control," as critics are quick to assert.

Nor is it "unbridled Federal control" to require that public funds from the Federal Treasury—funds contributed by all our citizens—be used for the advantage of both races without favoritism.

* * * * *

Mr. Chairman, in sum, the provisions of H.R. 7152 are firmly grounded in the Constitution of the United States. They provide for fair and equitable procedures in the courts and before administrative boards. They do not usurp or diminish the rights and duties of State and local governments or of private individuals. They would simply assure that all citizens will have the full enjoyment of the rights now unfortunately denied to many on account of race, color, religion, or national origin.

The 175th Anniversary Dinner of the U.S. Customs Service, February 22, 1964

EXTENSION OF REMARKS

OF

HON. HAROLD D. DONOHUE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. DONOHUE. Mr. Speaker, one of the Federal agencies of which we can all be proud is the U.S. Customs Service which is celebrating its 175th anniversary this year. The Congress called upon the American people to mark this anniversary with appropriate ceremonies and activities and President Lyndon B. Johnson issued a proclamation designating 1964 as "U.S. Customs Year."

In keeping with this legislation, the Bureau of Customs held an anniversary dinner-dance on Saturday, February 22, 1964, at a Washington hotel where close to 1,000 people assembled to launch the anniversary program for this year. Among those in attendance were a number of distinguished citizens, Members of Congress, jurists, organizations such as the National Customs Brokers & Forwarders Association of America, Inc., the Air Transport Association of America, the National Customs Service Association, and many others.

It should be noted that the entire cost of this affair was paid for from the proceeds of the sale of tickets to customs employees in Washington, Baltimore, Philadelphia, New York, Detroit, and other cities; and to custom brokers and attorneys from out of town. Customs personnel from out of town paid their own way and hotel expenses so that this entire affair was conducted at no expense to Government.

Indeed, the U.S. Treasury has benefited from the customs anniversary.

On the initiative of the Bureau of Customs, the Post Office Department has issued a commemorative postal card with a U.S. customs design for the 4-cent stamp. Assistant Postmaster General Ralph W. Nicholson stated at the banquet that 40 million of these have been printed and have been placed on sale at post offices throughout the country. The demand on the part of the collectors for first-day covers is so brisk that Mr. Nicholson indicated that the print order was increased before the stamp was placed on sale. It is anticipated that the Post Office will realize $1,400,000—less expenses—from the sale of the customs commemorative postal card.

This is typical of our customs service. They always do things with an eye to how the United States can benefit. Secretary of the Treasury Douglas Dillon, who delivered the principal address at the anniversary banquet, summed up the feelings of most of us when he said:

Your determination to continue seeking ways to improve your service to the traveling public, and to the international business community, is to be commended. After 175 years, you're not resting on your oars. Your efforts have been instrumental in furthering the administration's policy of encouraging foreign travel to the United States by speeding up customs procedures, by encouraging facelifting of our various ports and, above all, by greeting visitors to our shores with courteous, efficient personnel—our dockside dispensers of good will.

It is a source of real satisfaction to those of us in the Treasury Department to salute Customs employees on their 175th birthday. To Assistant Secretary Reed, to Commissioner Nichols, and to all of you, I say for all of us in the Department—congratulations on a job well done.

One of the keynote speakers at the anniversary banquet was Walter J. Mercer, president of the National Customs Brokers & Forwarders Association of America, Inc., a man who is widely respected in the trade in which he has been a leading figure for more than 40 years. Mr. Mercer took as his theme the fact that the customs service has fewer personnel today than it had in the time of Calvin Coolidge, despite the fact that there has been a fourfold increase in the volume of customs work performed by the Bureau. Mr. Mercer stated that in his opinion the U.S. customs service needed strengthening in order to improve our safeguards against narcotic smuggling along our borders and in our Great Lakes ports along the St. Lawrence Seaway. On behalf of the association he represents, Mr. Mercer urged that there be a general increase in customs personnel to expedite the greatly increased volume of international trade between the United States and the rest of the world, all of which comes within the purview of customs.

I think that the American people owe a debt of gratitude to the U.S. customs service and especially to U.S. Commissioner of Customs Philip Nichols, Jr., who has taken the leadership in streamlining and simplifying the customs service since his appointment to this post in 1961. They are doing a yeoman job and everyone of us is better off as a result of this job. However, they must be given the tools if they are to do their jobs with the efficiency, skill, and devotion which have characterized their performance up until now.

Mr. Speaker, at this point I would like to include excerpts from speeches made at the banquet by Commissioner of Customs Philip Nichols, Jr., Mr. John J. Murphy, national president of the organization, together with the greetings sent by President Lyndon B. Johnson and the Honorable JOHN W. MCCORMACK, Speaker of the U.S. House of Representatives. They follow:

SPEECH BY COMMISSIONER NICHOLS

Mr. Chairman, Mr. Secretary, Chief Judge Oliver, ladies and gentlemen, I bid you a warm welcome to the 175th anniversary celebration of the U.S. customs service which we celebrate this evening along with the birthday of George Washington. He by signing a bill into law brought our service into being a century and three-quarters ago.

We are grateful for the presence here this evening of so many distinguished friends. They have come to honor not us but the men and women who, for over 175 years have contributed to the customs service their integrity, their energy, and capability—in fact, their lives, and all that they were.

From every part of the country, and from many foreign ports, there have come messages from those who could not be here in person.

Let me refer to one of many. The other day, an ordinary birthday card was received from an anonymous sender in San Diego, Calif. On it was scrawled simply: "Happy 175th birthday." You may be surprised, Mr. Secretary, to learn from this that our incoming mail does not consist entirely of abusive letters.

The other day I pinned on Alan Pottinger a 50-year service pin, the first such I had ever presented—or even seen. Forty-five-year pins are common, however, in Customs, and a 40-year man is a mere neophyte. It is not surprising that a lady, one of our presidentially appointed collectors, told me she often felt like a petunia in a bed of perennials. At times I feel the same way. However, Customs is like a garden in which each of us can contribute his or her own peculiar fragrance. One talent or two or five are all equally welcome. The tasks of Customs are almost infinitely varied. Because they are so diverse they are never dull. Mr. Pottinger in all those 50 years never has been sure the coming day would not provide something fresh and different from anything he had ever seen before. People stay so long in Customs because they know they are needed, and they are never bored.

We who are here remember the dead but tonight we can enjoy the company of the living. That is what our predecessors of 175 years would have wanted us to do. It is

what they did themselves. Besides being deserving public servants, they were good company, too. As the evening goes along, let's hoist an extra one for them. Thank you.

REMARKS OF JOHN J. MURPHY, NATIONAL PRESIDENT, NATIONAL CUSTOMS SERVICE ASSOCIATION

I am honored indeed to represent employees of the customs service. This is the first time, as far as I am aware, that a representative of the employees has been able to join with top management at such an affair.

The idea of organizing customs employees into one homogeneous group was conceived during World War I at this time. A small but determined group of Chicago customs employees had conceived the plan of forming their own organization; dedicated to the welfare of all employees of all occupations and pay levels, and directed and guided by the employees themselves.

The response by other employees was extraordinary: branches sprang up all over the country and interest was so strong that the first NCSA convention was held in the city of Chicago in August 1925.

Thus was born the National Customs Service Association, an organization resolute in its purpose to unite the scattered thousands of customs employees into a single organization. An organization led by customs employees and thoroughly familiar with the needs and aspirations of customs personnel. An organization determined to further in every legitimate way their interests and welfare.

When President Kennedy issued Executive Order 10988, the order setting up official relations between employee organizations and management, NCSA petitioned for recognition and was accorded countrywide formal recognition as representative of employees in the Bureau of Customs by both the Bureau and the Treasury Department. NCSA is the only organization to receive this recognition.

The employee-management cooperation program will not work without the affirmative willingness to cooperate that President Kennedy urged when he issued the order. Lipservice and going through the motions are a sure way to kill the respect and confidence that must be present. We have never had such incidents in our relations and we are confident that we never shall. It is our view that by working together we can make the Customs Service a model for other agencies.

NCSA is a responsible, reasonable organization. As a matter of policy we refer to top management only those problems that cannot be solved at the local level. We prefer to work cooperatively at all levels but are prepared to fight vigorously for what we believe is right and proper. We have never shirked our responsibility to defend our point of view.

It is a far cry from the bad old days of 1925 to find at this 175th anniversary dinner a representative of an employee organization on the dais standing beside the distinguished Secretary of the Treasury. This is certainly as it should be and is in keeping with the spirit of President Kennedy's Executive order that employee organizations and management should be equal partners in carrying out the public business. President Johnson likewise has endorsed this principle and as the days pass many of our dreams of meaningful cooperation will become a reality.

On behalf of the National Customs Service Association, I express my appreciation for the opportunity to address such a distinguished audience. I pledge myself to do all within my power to protect and perpetuate the fine reputation and good name of the Customs Service in which so many of us have invested a lifetime of labor. Thank you.

TEMPORARY WHITE HOUSE,
Palm Springs, Calif.

Hon. PHILIP NICHOLS, Jr.,
Commissioner of Customs,
Washington, D.C.:

Please convey my congratulations to the men and women of the U.S. customs service on this memorable occasion which marks one and three-quarters centuries of service to the American people. The Nation joins me in saluting the Bureau of Customs for its efficiency, for its devotion, for its economy of operation, and for its cooperation with other Government agencies in carrying out the laws of the land. The Bureau has played a historic role in the growth of modern administration and the development of our revenue system.

With best wishes.

LYNDON B. JOHNSON.

WASHINGTON, D.C.

Hon. PHILIP NICHOLS, Jr.,
Commissioner of Customs,
Washington, D.C.:

I deeply regret my inability to be present tonight to attend the dinner in honor of the U.S. Customs Service. Throughout the years I have had the highest personal regard for the men and women in the customs service. Their integrity, ability, devotion to duty, and record of achievement down through the years is unsurpassed and has brought honor and glory to the profession of the Government worker. The work of customs is complex and difficult to administer, but the customs people have carried out their tasks with superb skill and unfailing integrity. It is a pleasure for me to salute the customs service. It has the confidence of the people. It will continue to have the confidence of the people whom it has served so well.

JOHN W. MCCORMACK,
Speaker, U.S. House of Representatives.

New Dynamism for the Alliance

EXTENSION OF REMARKS
OF

HON. WILLIAM S. BROOMFIELD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. BROOMFIELD. Mr. Speaker, on Monday, March 16, at the Pan American Union, the Council of the Organization of American States installed the new Inter-American Committee of the Alliance for Progress.

The Committee, called CIAP from its initials in Spanish, has the difficult task of appraising the development performance of the 19 Latin American countries and of recommending the allocation of external financial resources among them.

With the installation of the eight members of CIAP, who are now at work, the Alliance gains new impulse, new strength, new talents, new dynamism.

As President Johnson said at the CIAP installation ceremonies, the special significance of CIAP is that from now on the Alliance will be guided by the advice and wisdom of men from the entire hemisphere. No longer does the United States have to bear the burden of making major decisions alone. That does not mean that the United States will take a back seat—it means that the Latin American nations and the United States all have front seats.

Members of Congress should be pleased to know that all the members of CIAP are distinguished men with solid experience in economic development in diverse fields in various parts of the hemisphere.

The chairman, Carlos Sanz de Santamaria, of Colombia, is an economist, engineer, and diplomat known in his own country as an indomitable fighter for basic reforms.

Reforms are not always popular, no matter how badly needed, even for those who are supposed to benefit from them. But as finance minister, Dr. Sanz was able to rally the political forces of his country to face harsh facts and take difficult decisions. As a result his country's fiscal position has improved. The external balance of payments is healthier. Heavier taxes are providing additional government income for vitally essential programs.

Significantly, Dr. Sanz is a member of one of Colombia's wealthiest families. He has been a very successful engineer in private life. But he has never hesitated to serve his country. He has been called to high office by every freely elected government of the past 30 years. He has served under presidents of both the Conservative and Liberal Parties. He has traveled extensively in Latin America. And he knows the United States from having served as Colombian Ambassador to Washington on two tours of duty. He speaks fluent English as well as Spanish, Portuguese, and French. It would be difficult to find a Chairman of greater experience and more diverse talents.

Our own Government has a permanent seat in the Committee. Our present representative is Ambassador Teodoro Moscoso, an internationally known expert on economic and social development.

For 20 years, he was the man behind Puerto Rico's famed Operation Bootstrap, the development program that brought Puerto Rico from the depths of poverty to relative prosperity. More recently, as U.S. Coordinator of the Alliance for Progress, he was the U.S. official chiefly responsible for putting the alliance in motion and laying the foundations for future development.

By pragmatic, imaginative policies, he attracted hundreds of millions of dollars worth of industrial investment to Puerto Rico. Other countries could well emulate his policy of using Government funds as a catalyst to make private investment effective and successful.

The five Central American States also have a permanent seat in SCAP. The Central American representative is Jorge Sol Castellanos, a highly respected authority on international economic problems. Born in El Salvador and educated at Harvard University, he has held numerous high posts in the Government of his country and other Central American Republics.

He has served as Minister of Economy of El Salvador and dean of the School of Economics at the University of El Salvador. He has been Executive Director of the International Monetary Fund, Executive Secretary of the Inter-American Economic and Social Council, and

Assistant Secretary for Economic and Social Affairs of the Organization of American States. He is now adviser to the permanent office of the Treaty of Central American Economic Integration and consultant to the Central American Bank for Economic Integration.

Named to the Committee by Peru and Argentina is Emilio Castañon Pasquel. He has held posts in the Ministries of Justice, Social Welfare, and Treasury, and headed the Superintendency of Foreign Trade. He was chief Peruvian delegate to the Inter-American Economic and Social Council in 1962 and 1963, and is now a director of the Central Reserve Bank of Peru.

Named to the Committee by Chile, Colombia, and Venezuela is Luis Escobar Cerda at 37 years of age, the youngest member of CIAP. A native of Santiago, Chile, and a Harvard graduate, he is a well-known professor of economic theory at the University of Chile and a prolific writer on economic subjects in scholarly and popular journals.

Dr. Escobar has been dean of the School of Economics of the University of Chile since 1955 and served as Minister of Economy, Development, and Reconstruction from August 1961 to September 1963. Now the Chilean representative to the International Monetary Fund, he is also a member of the executive board of the Latin American Institute for Economic and Social Planning.

Serving for Uruguay, Paraguay, and Bolivia is Gervasio de Posadas, a Uruguayan industrialist, lawyer, educator, and author of books on law, economics, and finance.

He was associate professor of commercial law at the University of Uruguay from 1929 to 1933 and associate professor of political economy until 1952. Since then, he has held the chair of economics. He is the author of books and articles on law, economics, and finance.

De Posadas served as Uruguayan Minister of Industry and Labor from 1939 to 1941 and as Senator from 1941 to 1942. He was president of the National Chamber of Commerce from 1958 to 1962.

Named by Mexico, Panama, and the Dominican Republic is Rodrigo Gómez, an internationally known figure in banking who has been director general of the Bank of Mexico since 1952. He has served two terms as Executive Director of the International Monetary Fund, 1946–48, and 1958–60. He has also been a Senator, representing his native State of Nuevo León.

Named by Brazil, Haiti, and Ecuador is Celso Furtado, 43, the noted Brazilian economist who achieved an international reputation as chief architect of the ambitious plan to develop Brazil's poverty-stricken Northeast.

As head of Sudene—Superintendency for the Development of the Northeast—established in December 1959, Furtado directed a program calling for investments totaling $900 million from national and international sources for the rehabilitation and development of industry and agriculture in Brazil's most desperate region. In 1962, President Goulart asked him to serve as minister without portfolio to draw up a national development program for 1963–65. He returned to full-time duty with Sudene early in 1963 after proposing a $1.5 billion program.

Furtado holds the degree of doctor of economics from the University of Paris. He served for many years on the staff of the United Nations Economic Commission for Latin America and with the Economic Development Center, a joint project of ECLA and the Brazilian National Bank for Economic Development. He has also been a director of the bank.

I would hope that Members of Congress will have the opportunity to meet informally from time to time with the members of CIAP for an exchange of views. Their great diversity of experience should be of great value to the Members of the House and Senate who are concerned with making U.S. participation in the Alliance as effective as possible.

Let us wish them all success in their difficult and important tasks.

A Tribute to the Veterans of Foreign Wars

EXTENSION OF REMARKS

OF

HON. JAMES A. BURKE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. BURKE. Mr. Speaker, the annual Veterans of Foreign Wars Washington Conference was held on Tuesday, March 10, 1964. The affair was the biggest and most successful since its inauguration 16 years ago. Highlight of this conference was the banquet honoring Members of Congress who served in the Armed Forces. More than 400 Members of Congress attended as guests of department commanders to honor their colleague Senator CARL HAYDEN, of Arizona, senior Member of Congress and dean of the Senate. Senator HAYDEN received the first Annual Congressional Award given by the VFW Commander in Chief Joseph J. Lombardo, of Brooklyn, N.Y., host at the dinner.

The Department of Massachusetts Veterans of Foreign Wars comprises 239 posts in 18 districts covering 9 counties and has a total standing of approximately 43,000 members. The Massachusetts delegation was well represented and led by State Commander Joseph E. Anderson of Scituate, State Adjutant Allen E. VonDette, and Department Quartermaster William L. McCarthy.

The following past department commanders were in attendance at the conference and banquet: John A. Tyman, of Brookline; William R. Turnbull, of Jamaica Plain; Edward W. Hartung, of Springfield; Joseph A. Scerra, of Gardner; Emelio F. Marino, of Brighton; James J. Delaney, of Beacon Hill; Paul A. Maliska, of Brockton; Bernard Croteau, of Pittsfield; Thomas Macdonald, of Quincy; Wilfred Guilbault, of Quincy; John Brior, of Quincy; William Macdonald, of Walpole; John F. Dargan, Jr., of Dorchester.

The following projects and programs are to be conducted and sponsored by the Department of Massachusetts VFW for the year 1963–64:

Construction of hospitals programs, blood donor program, crippled children's programs, veterans homes for Christmas program, voice of democracy program in which over 10,000 Massachusetts students participated;

Miss Teenager pageant, the lite-a-bike safety program for the youth of the Commonwealth, the community service program in which all of the communities and towns participated, cosponsors of the cystic fibrosis program, veterans legislation on State and Federal levels, widows and orphans national homes program, Governor of the Commonwealth safety program, handicapped persons program sponsored by Mayor John Collins of Boston, service officers program to aid and assist veterans and widows.

I am proud to be a member of this fine organization and at this time, I would like to pay tribute to the name, the record, and the glory of the Veterans of Foreign Wars, a patriotic body conceived in and dedicated to the spirit of universal freedom and the power of American ideals.

A TRIBUTE TO THE VETERANS OF FOREIGN WARS

There is much that is unusual about our country, not only in terms of wealth and promise, but in terms of a broad, historical perspective. That is to say, in creating this Nation of nations, our forefathers managed to do so in a manner out of keeping with most historical tradition. One of the most remarkable aspects of our national career, in this regard, is the way in which there has been a blending of the civil and the military viewpoint, to the extent that we as a nation can benefit from one without rejecting the other. This blending is not the only requirement for a successful democratic republic; it is, however, one of the requirements, and a vital one.

Since first the struggle for democracy began, centuries ago, many hopeful republican governments have risen to view, only to fail of their purpose and fade into the realm of the forgotten dream. Political causes for these disasters are numerous. And yet, of all causes, two stand out as paramount. These would be, one: That a newly formed republic frequently attempts to protect itself with a strong army, and in time it is taken over by that army, lock, stock, and barrel. Two: That a newly formed republic, seeking to avoid military dictatorship, frequently spurns the need for military might and soon falls prey to an aggressive neighbor state, which in turn divests the republic of its sovereignty.

Indeed we, ourselves, have not been immune to the threat of these very developments in our history. You will recall, following the American Revolution, the way in which certain American Army officers developed a plan for military dictatorship, in which General Washington was to be named as dictator. Under these circumstances, Washington's heroic and historic refusal to go along with the plan was all that saved us from disgrace in the eyes of history. On the other hand, you also will recall the efforts of

Thomas Jefferson to go the other way, to such an extent that he practically reduced our Navy to the point of nonexistence. Wars were bad, he reasoned—and navies can start wars. So he cut our Navy down to insignificant size, and built a little gunboat fleet, designed exclusively for defense and not for attack. But when the War of 1812 began, the anti-Navy policy backfired. For most of the glory we won in that war was gained on the high seas, by what few full-size ships we had left in our Navy; while the gunboats, which had no offensive power, turned out to have no defensive power, either, and Admiral Barney had to scuttle the whole lot of them, virtually in one fell swoop.

So it went, throughout the 19th century: One group of Americans fearful of a strong military component, another group fearful of one too weak for national defense; one group holding sway for a time, demanding the creation of a large standing army and/or a big navy; another group, seizing power, periodically, demanding the reduction of military and naval might, in the name of civil authority, unfettered by military influence.

And then, at last, a balance was struck; a balance between the justified fears and possible excesses of both extremes.

The balance in question appeared at the turn of the century—at the close of the Spanish-American War—when for the first time, American veterans began to unite with an eye to something more than their own personal benefit.

What the veterans wanted, and what they began to demand, was not merely financial remuneration; not merely reward for service. Indeed, what they demanded were many things, not in the name of personal gain, rather in the name of the national good. Their campaign in this regard began October 11, 1899, when a charter was granted by the State of Ohio to an organization by the name of the American Veterans of Foreign Service. After a brief period of activity, the founding chapter in Ohio became dormant, but was later revived. Meanwhile, another veterans' organization had begun to flourish in Denver, Colo., under the name of the Colorado Society of the Army of the Philippines; and still another, in Altoona, Pa., under the name of the Veterans of Foreign Service. The three organizations merged forces in 1913, to become the Veterans of Foreign Wars, and in so doing set the stage for a new development in American political life. Henceforward, there was to be a large body of civilians, with knowledge of military affairs, organized and ready to act in all matters involving the political security of the country. Here, at last, was a force that could serve both sides—civilian and military—with the object of pulling the Nation together, both in times of peace and times of war; a group with full knowledge of civilian needs and purposes, yet fully cognizant of military and naval requirements as well.

Moreover, there was to be about this new veterans' group a special kind of aura, emanating from the eligibility qualifications of the organization itself—a unique qualification requiring actual service in a foreign war, insurrection, or expedition—that is, none but fighting men could join.

The official objects of the VFW, as prescribed by Congress and the VFW constitution, are "fraternal, patriotic, historical, and educational; to preserve and strengthen comradeship among its members; to assist worthy comrades; to perpetuate the memory and history of our dead; and to assist their widows and orphans; to maintain true allegiance to the Government of the United States of America and fidelity to its Constitution and laws; to foster true patriotism; to maintain and extend the institutions of American freedom and to preserve and defend the United States from all her enemies, whomsoever."

All these objects, set forth, a half century ago, have been fulfilled, beyond question, by a diligent, intelligent, and forward-looking leadership, concerned not only with self but with the full, unqualified success of the American way of life. Nor has the VFW seen fit to limit its activities to any marked degree. On the contrary, VFW projects roam far afield, into many diverse areas of human endeavor.

Veterans' legislation, of course, receives considerable attention from the masterminds of VFW policy, as does also the distribution of veterans' benefits. Moreover, at Eaton Rapids, Mich., the VFW maintains one of the country's most unusual child welfare projects—the VFW National Home for Orphans of War Veterans.

Another admirable national activity of the VFW is the annual buddy poppy sale, established in 1922—the proceeds of which go directly to the organization's welfare program in behalf of disabled veterans and the VFW National Home.

And yet, for all that—for all the beneficial services of an organization concerned for the welfare of the veteran—the fact remains that the outstanding feature of the VFW is its position midway between the world of the civilian and the world of the professional soldier, a position invaluable to the American cause.

For since the foundation of the VFW, the American military and naval forces have plunged into battle time and again, in two World Wars, the Korean controversy and many lesser conflicts, including the Boxer Rebellion, Philippine Insurrection, Cuban pacification, the Haitian campaign of 1919–20, the Yangtze River campaigns of 1926–27 and the Nicaraguan campaign of 1933.

In all instances, the VFW has supported the demand for military might, in the knowledge that the time for action was at hand and lack of action could only serve to stimulate our adversaries. On the other hand, the VFW has also worked, constantly and with equal fervor, to maintain the supremacy of civilian power in American political life.

In both regards—from the military and civil standpoint—the VFW has achieved so notable a record that it stands today the center of national admiration, unqualified and wholly justifiable.

May it live on, the better to achieve its purposes in the days and years ahead, for the benefit of all.

SENATE

MONDAY, MARCH 30, 1964

The Senate met at 12 o'clock meridian, and was called to order by the Acting President pro tempore [Mr. METCALF].

The Rev. Edward L. Elson, D.D., minister, National Presbyterian Church, Washington, D.C., offered the following prayer:

Eternal God, who hath brought life and immortality to light through the gospel, let the radiance of Thy presence so fill our hearts and minds that we may know who we are and whom we serve. Quicken us by the new life of the Eastertide, that all the consultations of this body may be lifted into the higher order of Thy kingdom. Restore our faith in the omnipotence of good. Keep us resolute and steadfast in the things that cannot be shaken. Renew the love that never fails. Bestow upon us the healing of Thy peace. Make and keep this Nation the servant of truth and justice. And lift our eyes to behold, beyond the things that are seen and temporal, the things which are unseen and eternal.

In the Redeemer's name. Amen.

THE JOURNAL

On request by Mr. HUMPHREY, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, March 26, 1964, was dispensed with.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Jones, one of his secretaries, and he announced that the President had approved and signed the following acts:

On March 26, 1964:

S. 614. An act to authorize the Secretary of the Interior to make water available for a permanent pool for fish and wildlife and recreation purposes at Cochiti Reservoir from the San Juan-Chama unit of the Colorado River storage project;

S. 1299. An act to defer certain operation and maintenance charges of the Eden Valley Irrigation and Drainage District;

S. 2040. An act to amend title 35 of the United States Code to permit a written declaration to be accepted in lieu of an oath, and for other purposes; and

S. 2448. An act to amend the Atomic Energy Act of 1954.

On March 27, 1964:

S. 1445. An act for the relief of Archie L. Dickson, Jr.

LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. HUMPHREY, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON AIR FORCE RESERVE CONSTRUCTION PROGRAM

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmitting, pursuant to law, a report on the Air Force Reserve construction program (with an accompanying report); to the Committee on Armed Services.

PERMANENT AUTHORITY FOR FLIGHT INSTRUCTION FOR MEMBERS OF RESERVE OFFICERS' TRAINING CORPS

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend title 10, United States Code, to make permanent the authority for flight instruction for members of Reserve Officers' Training Corps, and for other purposes (with an accompanying paper); to the Committee on Armed Services.

REPORT ON USE OF UNSUITABLE MATERIALS TO CONSTRUCT AIRFIELD PAVEMENTS AT SELFRIDGE AIR FORCE BASE, MOUNT CLEMENS, MICH.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the use of unsuitable materials to construct airfield pavements at Selfridge Air Force Base, Mount Clemens, Mich., Department of the Air Force, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON CONTRACTS NEGOTIATED FOR EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH WORK

A letter from the Acting Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on contracts negotiated for experimental, developmental, or research work, during the 6-month period ended December 31, 1963 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT OF AMERICAN SYMPHONY ORCHESTRA LEAGUE, INC.

A letter from George H. Jones, Jr., certified public accountant, Vienna, Va., transmitting, pursuant to law, an audit report of the American Symphony Orchestra League, for the fiscal year ended May 31, 1963 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A concurrent resolution of the Legislature of the State of New York; to the Committee on the Judiciary:

"RESOLUTION 29 OF THE STATE OF NEW YORK

"Concurrent resolution memorializing the Congress of the United States to incorporate or charter the Italian American War Veterans of the United States, Inc.

"Resolved (if the Senate concur), That the Legislature of the State of New York hereby respectfully urges the Congress of the United States to enact appropriate legislation to incorporate or charter the organization known as the Italian American War Veterans of the United States, Inc; and be it further

"Resolved (if the Senate concur), That the clerk of the assembly transmit copies of this resolution to the Presiding Officer and Clerk of each House of the Congress of the United States, and to each Member thereof from the State of New York.

"By order of the assembly,

"ANSLEY B. BORKOWSKI,
"Clerk.

"In senate, March 23, 1964, concurred in, without amendment by order of the senate.

"ALBERT J. ABRAMS,
"Secretary."

A joint resolution of the Legislature of the State of Alaska; to the Committee on Labor and Public Welfare:

"HOUSE JOINT RESOLUTION 44 OF THE LEGISLATURE OF THE STATE OF ALASKA

"Joint resolution requesting the establishment of a veterans' hospital in Alaska

"Be it resolved by the Legislature of the State of Alaska:

"Whereas there is not available in the State of Alaska a veterans' hospital for the care of sick and disabled veterans and it is necessary to send these men and women far away from their homes and families to other States for hospital and domiciliary care; and

"Whereas it is a needless and unnecessary expense to the taxpayers to transport our veterans in and out of Alaska for treatment and care because of the lack of facilities at home: Be it

"Resolved, That the Congress is requested to authorize the Veterans Administration to plan for and construct a veterans' hospital in Alaska; and be it further

"Resolved, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable Robert S. McNamara, Secretary of Defense; the Honorable John S. Gleason, Administrator of the Veterans Administration; and the Members of the Alaska delegation in Congress.

"Passed by the house March 12, 1964.

"BRUCE KENDALL,
"Speaker of the House.
"FRANK PERATROVICH,
"President of the Senate.
"WILLIAM A. EGAN,
"Governor of Alaska."

A concurrent resolution of the Legislature of the State of Mississippi; to the Committee on Labor and Public Welfare:

"HOUSE CONCURRENT RESOLUTION 42 OF THE STATE OF MISSISSIPPI

"Concurrent resolution of the Legislature of the State of Mississippi memorializing the President and the Congress of the United States to do all things necessary and pertinent toward keeping control with the States in the licensing and supervision of contract matters as defined under section 1(e) of the Walsh-Healey Public Contracts Act; to take immediate action to defer enforcement of the U.S. Labor Department assumption of control by amendment to part 50–204 of title 41 of the Code of Federal Regulations

"Whereas the control of X-ray, radium, and particle accelerators historically has been under the regulatory jurisdiction of the several States; and

"Whereas the U.S. Atomic Energy Commission on May 18, 1962, entered into an agreement transferring regulatory authority to the State of Mississippi relative to the control of byproduct, source, and other special nuclear materials; and

"Whereas the State of Mississippi, and other agreement States, have thoroughly demonstrated their ability in the control of such programs which have inured to the economic growth, industrial development, and the health, safety, and welfare of the citizenry; and

"Whereas the State of Mississippi, acting through its designated agency, the State board of health, has promulgated all necessary rules and regulations and otherwise implemented the program in the control of radiation and all nuclear materials pursuant to the agreement with the U.S. Atomic Energy Commission to the extent that we have increased licenses in such fields from 49 to 192 as of this date with a potential of many more licenses to be issued in such fields; and

"Whereas Mississippi is peculiarly interested to continue the control of such operations, having within its boundaries a shipbuilding concern manufacturing nuclear submarines, a National Aeronautics and Space Administration testing site, one of the Nation's largest oil refineries, and many more kindred businesses, and industries; all, to the extent of aiding our economic and industrial expansion; and

"Whereas Mississippi is cooperating with the Council of State Governments in bringing to the attention of all of the States the proposal by the U.S. Labor Department to usurp the control of or create dual control in such matters dealing with radiation and nuclear sources and materials by amendment to part 50–204, title 41, of the Code of Federal Regulation: Now, therefore, be it

"Resolved by the Mississippi House of Representatives, the Senate concurring therein, That we go on record as memorializing the President of the United States and the Congress to defer the April 13, 1964, determination of favorable consideration to the U.S. Labor Department amendment for the assumption of such controls and to do all things necessary and pertinent that such controls may remain with the several States; be it further

"Resolved, That true copies of this resolution be forwarded to the President of the United States, to the secretaries of both Houses of the Congress, and to each Member of the Mississippi congressional delegation.

"Adopted by the house of representatives, March 10, 1964.

"WALTER SILENS,
"Speaker of the House of Representatives.

"Adopted by the senate, March 13, 1964.

"CARROLL MARTIN,
"President of the Senate."

A joint resolution of the Legislature of the State of Alaska; ordered to lie on the table:

"SENATE JOINT RESOLUTION 46 OF THE LEGISLATURE OF THE STATE OF ALASKA

"Joint resolution expressing support for the national civil rights legislation pending in Congress

"Be it resolved by the Legislature of the State of Alaska:

"Whereas the President of the United States has called upon the Congress to complete action on the administration-sponsored civil rights legislation; and

"Whereas the pending legislation has been before the Congress for more than a year; and

"Whereas it is the general consensus of the Nation that civil rights legislation is essential to our progress and survival as a Nation and our standing as the leader of the free world: Be it

"Resolved, That the Congress is urgently requested to take final action on the major civil rights legislation now pending before it at the earliest possible date; and be it further

"Resolved, That copies of this resolution be sent to the Honorable Lyndon B. Johnson,

President of the United States; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Robert F. Kennedy, Attorney General of the United States; and the Members of the Alaska delegation in Congress.

"Passed by the senate March 23, 1964.

"FRANK PERATROVICH,
"President of the Senate.
"BRUCE KENDALL,
"Speaker of the House.
"WILLIAM A. EGAN,
"Governor of Alaska."

Petitions, signed by Koki Nakamine, chairman, Municipal Assembly of Onna-Son, Takeo Yamagana, mayor, Kunigami-Son, Shoei Yamashiro, chairman, Association of Owners of Military-Used Lands in Kunigami-Son, and Jenko Shinzato, chairman, Municipal Assembly of Kunigami-Son, all of the island of Okinawa, praying for a quick solution of the prepeace treaty compensation issue; to the Committee on Armed Services.

A letter in the nature of a petition from the American Heart Association, Inc., of New York, N.Y., signed by John J. Sampson, M.D., president, relating to the research support program of the National Institutes of Health; to the Committee on Labor and Public Welfare.

A letter in the nature of a petition from the Crown Heights Christian Church, of Oklahoma City, Okla., signed by Richard P. Yaple, Th. D., minister of christian education, praying for the enactment of the pending civil rights bill; ordered to lie on the table.

BILL INTRODUCED

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPARKMAN (by request):

S. 2702. A bill to extend and improve the laws regulating companies which own savings and loan institutions insured by the Federal Savings and Loan Insurance Corporation; to the Committee on Banking and Currency.

(See the remarks of Mr. SPARKMAN when he introduced the above bill, which appear under a separate heading.)

EXTENSION OF LAWS REGULATING CERTAIN COMPANIES INSURED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

Mr. SPARKMAN. Mr. President, by request, I introduce, for appropriate reference, a bill to extend and bring up to date the law governing the regulation of companies which own savings and loan associations insured by the Federal Savings and Loan Insurance Corporation.

This is the so-called Savings and Loan Holding Company Act, which is incorporated in title IV of the National Housing Act.

The holding company law was made permanent in 1960. The law simply prohibits the formation of new holding companies in the savings and loan business. The Federal Home Loan Bank Board is studying the question of holding companies in the savings and loan business and, undoubtedly, will make recommendations for supervising and regulating these companies.

This bill is introduced for purposes of study. Many people in the industry feel that the holding companies in the savings and loan field should be under stricter supervision and regulation by the Federal Home Loan Bank Board. At the present time, there is little or no authority to regulate these companies. In view of the fact that these companies own or control billions of dollars of the public's savings, I feel that Congress should study the need for more adequate supervision and regulation for the protection of these funds of the public which are insured by the Federal Savings and Loan Insurance Corporation.

I ask unanimous consent that the bill be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2702) to extend and improve the laws regulating companies which own savings and loan institutions insured by the Federal Savings and Loan Insurance Corporation, introduced by Mr. SPARKMAN, by request, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 2702

A bill to extend and improve the laws regulating companies which own savings and loan institutions insured by the Federal Savings and Loan Insurance Corporation

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 408 of title IV of the National Housing Act (12 U.S.C. 1730a), as amended, is amended to read as follows:

"SEC. 408. (a)(1) As used in this section, the term 'company' means any corporation, business trust, association, or similar organization, but does not include the Federal Savings and Loan Insurance Corporation, any Federal home loan bank, any partnership, or any company the majority of the shares of which is owned by the United States or by any State, or by an officer of the United States or of any State, or of an instrumentality of the United States or any State.

"(2) As used in this section (except when used in subsection (f)), the term 'stock' means nonwithdrawable stock, underlying ownership stock other than mutual shares in a mutual institution, permanent stock, guaranty stock, or stock of a similar nature (as defined by the Federal Home Loan Bank Board by regulation) by whatever name called.

"(3) As used in this section the term 'insured institution' means a Federal savings and loan association, a building and loan, savings and loan, or homestead association, a cooperative bank, or any other institution, whose accounts are insured by the Federal Savings and Loan Insurance Corporation.

"(4) For the purposes of this section, a company shall be considered as having control of an institution or other organization if such company owns, controls or holds with power to vote more than 10 per centum of the stock of such institution, or other organization.

"(b)(1) The Corporation shall reject any application made for insurance under this title on or after the date of the enactment of this section if it finds that the applicant is controlled by any company which also controls any insured institution or any applicant for insurance.

"(2) If an application of any institution for insurance under this title is approved on or after the date of the enactment of this section, and the Federal Home Loan Bank Board subsequently determines, after reasonable notice and opportunity for hearing, that at the time of such approval such institution was controlled by a company which also controlled another insured institution (or another applicant for insurance, if the application of such other applicant was approved), the Board shall require such company, in the manner provided in subsection (e) of this section, to dispose of so much of the stock of such institution, or take such other action, or both, as may be necessary to divest itself of its control of such institution.

"(c) It shall be unlawful for any company on or after the date of the enactment of this section—

"(1) to acquire the control of more than one insured institution; or

"(2) to acquire the control of an insured institution when it holds the control of any other insured institution; or

"(3) to acquire on or after the date of the enactment of this amendment, if such company has already acquired control of one insured institution, by the process of merger or by the purchase of assets, directly or indirectly, through any institution or organization controlled by such company or otherwise, another insured institution, or the assets of another insured institution without the prior approval of the Federal Home Loan Bank Board, which approval shall be given only to avoid the alternative necessity of immediately appointing a receiver or taking such other action to avoid or forestall an insolvency as may be authorized under section 406(f) of this title.

"(d) After the date of the enactment of this amendment it shall be unlawful:

"(1) for any company to acquire control of an insured institution the principal office of which is located in a State other than that State which such company shall designate by writing filed with the Board within sixty days after the date of enactment of this amendment as the State in which the savings and loan business of such company is conducted;

"(2) for any company to retain for longer than three years the control of any insured institution the principal office of which is located in any State other than that State which such company shall designate by writing filed with the Board within sixty days after the date of enactment of this amendment as the State in which the savings and loan business of such company is conducted;

"(3) for any company to retain control of any insured institution (other than control arising solely by reason of stock in such institution owned, controlled, or held with power to vote by such company continuously on and since the effective date of the amendment of this subsection and not exceeding the percentage of the total stock of such institution so owned, controlled, or held with power to vote by such company on said date) while it has control of any uninsured institution. As used in the sentence next preceding, the term "uninsured institution" means a building and loan, savings and loan, or homestead association or cooperative bank which is not an insured institution;

"(4) for any company which controls an insured institution to engage in any activity which is specifically prohibited by law or regulation to any insured institution it controls, or to engage in any activity for or on behalf of any insured institution it controls which such institution could not itself engage in under applicable law and regulations. Notwithstanding the provisions of the preceding sentence, acting as an escrowee or a trustee, the furnishing of management services to the insured institutions it controls, or the conduct of a title or insurance business, whether directly or through a subsidiary or affiliate, and such other activities as the Board may exempt specifically by regulation or upon application, shall not be considered within the prohibitions and restrictions of this paragraph, and any business which is permitted by applicable law and

regulations to an insured institution in a particular State shall be so exempted with respect to any company which controls other insured institutions located in that State;

"(5) for any individual who is an officer, director, partner, attorney or employee of any company, or insured institution controlled by a company, or who owns more than a 10 per centum interest in the stock of any such company, or insured institution controlled by a company, to acquire more than 10 per centum of the stock ownership of any insured institution which is not otherwise controlled by such company, or to retain for more than three years the control of any such insured institution which has been acquired after December 31, 1962.

"Any company may, without regard to subsections (c) or (d), acquire stock pursuant to a pledge or hypothecation to secure a loan or in connection with the liquidation of a loan, but it shall be unlawful for any such company to retain for more than one year any control the acquisition of which by such company would, except for this provision, have been unlawful under subsections (c) or (d).

"(e) If, in the opinion of the Federal Home Loan Bank Board, any company holds control of an insured institution and such control was acquired or is retained in violation of any provisions of subsections (c) or (d) it shall give such company notice that if it does not divest itself of such control within thirty days an action will be brought to force the divestiture thereof. Notice given to the institution shall constitute notice to such company for the purposes of this section, and for said purposes the receipt of such notice by the institution shall be deemed to be receipt thereof by such company. If such company does not take such action as may be necessary to divest itself of such control within thirty days after the receipt of such notice, or within such longer reasonable period as the Board in its discretion may allow, said Board shall, without regard to any statute of limitation, institute in the United States district court for the judicial district in which the principal office of the institution is located, or in the United States District Court for the District of Columbia if such office is not located in any judicial district, and prosecute to final satisfaction, an action to require divestiture of such control. Process in any such action may run to and be served in any judicial district or any place subject to the jurisdiction of the United States. In any such action the institution may be made a party defendant and in such case the relief granted may, whether or not jurisdiction is obtained over such company, include such orders to the institution directing sale or other disposition of stock in the institution owned, held, or controlled by such company, and disposition of the proceeds thereof, or providing such other relief, as may be prayed for by the Board or granted by the court on its own motion. In any such action any company which is not a corporation may be sued in its common name and as a legal entity, or in any other manner necessary to obtain jurisdiction of such company. Said courts shall have jurisdiction of all actions brought under this subsection and, in view of the fact that the questions involved are of general public importance, shall hear and determine such actions with all reasonable promptness. Any such action shall be brought by the Federal Home Loan Bank Board in its own name and may, in the discretion of said Board, be prosecuted through its own attorneys. As used in this section, the term 'judicial district' shall have the meaning ascribed to it by section 451 of title 28 of the United States Code. All expenses of said Board under this section shall be considered as nonadministrative expenses.

"(f) It shall be unlawful, on or after the date of the enactment of this section, for any insured institution which is controlled by a company—

"(1) to invest any of its funds in the stock, bonds, debentures, or other obligations of such company or of any other organization controlled by such company;

"(2) to accept the stock, bonds, debentures, or other obligations of such company, or of any other organization controlled by such company, as collateral security for advances made to such company or organization or to any other person; except that such institution may accept, and hold for a period not exceeding two years, such stock, bonds, debentures, or other obligations as security for debts contracted prior to the acquisition of such control;

"(3) to purchase securities or other assets or obligations under repurchase agreement from such company or from any other organization controlled by such company;

"(4) to make any loan, discount, or extension of credit to such company or to any other organization controlled by such company; and

"(5) on or after the date of enactment of this amendment; (i) to enter into any agreement, contract, or understanding, either in writing or orally, with the company controlling such institution, or with any other company controlled by or affiliated with such company, under the terms of which agreement, contract or understanding such company, or any affiliate thereof, is to render services of any kind or description to such insured institution without the prior approval of the Federal Home Loan Bank Board as to the compensation to be given for such services, or (ii) to purchase from or sell to any such company, or any affiliate thereof property of any kind or description without the prior approval of the Board.

"Except as otherwise provided by regulation by the Federal Home Loan Bank Board, a non-interest-bearing deposit with a bank, to the credit of an insured institution, shall not be deemed to be a loan, discount, or extension of credit to such bank for purposes of this subsection. As used in this subsection, the term 'organization' means a corporation, business trust, association, partnership, or similar organization.

"(g)(1) Within one hundred and eighty days after the enactment of this subsection, or within one hundred and eighty days after becoming a company which has control of an insured institution, whichever is later, each company which has control of an insured institution shall register with the Federal Home Loan Bank Board on forms prescribed by the Board, which shall include such information, under oath or otherwise, with respect to its financial conditions, its operations, its management, and the relationships of such company and its subsidiaries (as defined by said Board for the purposes of this subsection) and affiliates (as so defined), and related matters, as such Board may deem necessary or appropriate to carry out the purposes of this section. Said Board may at any time release a registered company from any registration theretofore made by such company, upon a determination by said Board that such company no longer has control of any insured institution. Said Board may, in its discretion, extend at any time, or from time to time, the time within which a company shall register.

"(2) The Federal Home Loan Bank Board may from time to time require the reregistration of any company or companies and require, under oath or otherwise, such periodic or other reports and information from any registered company or registered companies, or from any individual, company, or organization with respect to a registered company or registered companies, as the Board may deem necessary or appropriate to carry out the purposes of this section. Insofar as possible the Board shall use reports and information available from other sources, such as the State supervisory agencies, for the purposes of this paragraph.

"(3) The Federal Home Loan Bank Board shall have power by regulation or otherwise to require any registered company which is a corporation, or any person or persons connected with a registered company which is not a corporation, to execute and to file, at such time or times and at such place or places, such appointments of agents for service of process in actions under this section (other than actions under subsection (h)) as said Board may deem necessary or appropriate to carry out the purposes of this section. Any such appointment shall, to such extent as the Board may by regulation or otherwise provide, be irrevocable.

"(4) The Federal Home Loan Bank Board is empowered to grant exemptions from the provisions of this subsection, under such terms or conditions, and subject to such rules and regulations, as the Board may prescribe.

"(h) Any company which willfully violates any provisions of paragraph (1), (2), or (3) of subsection (g) or of any regulation, requirement, or order thereunder shall upon conviction be fined not more than $1,000 for each day during which the violation continues. Any individual who willfully violates or who participates in any violation of any provisions of paragraph (1), (2), or (3) of subsection (g) or of any regulation, requirement, or order thereunder shall upon conviction be fined not more than $10,000 or imprisoned not more than one year or both.

"(i) The Federal Home Loan Bank Board may make such investigations as it deems necessary to determine whether any company has violated any provisions of this section. For the purpose of any investigation, or any other proceeding under this section, any member of the Federal Home Loan Bank Board, or any officer thereof designated by it, is empowered to administer oaths and affirmations, to issue subpenas and subpenas duces tecum, to take evidence, and to require the production of any books, papers, correspondence, memorandums, contracts, agreements, or other records which are relevant or material to the inquiry or proceeding, and the Board may apply for the enforcement of such subpenas or subpenas duces tecum to the United States district court within the jurisdiction of which such investigation or proceeding is being carried on, and such courts shall have the power to order and require compliance therewith.

"(j) The Federal Home Loan Bank Board may examine the books and records of any company registered pursuant to the provisions of subsection (g)(1) of this section and of any company controlled by such registered company, or any affiliate thereof, whenever in the discretion of said Board such examination is deemed necessary to the proper administration of this section.

"(k) No person who has been convicted or is hereafter convicted of any criminal offense involving dishonesty or breach of trust shall serve as a director or officer in any company registered with the Federal Home Loan Bank Board pursuant to the provisions of subsection (g)(1) of this section, and no such person shall serve as an employee of such company who handles funds or other property of an insured institution.

"(l) Any party aggrieved by an order of the Federal Home Loan Bank Board under this section may obtain a review of such order in the United States district court within any district wherein such party has its principal place of business, or in the Court of Appeals in the District of Columbia, by filing in the court, within sixty days after the entry of the Board's order, a petition praying that such order be set aside. A copy of such petition shall be forthwith transmitted to the Board by the clerk of the court, and thereupon the Board shall file in the court the record made before the

Board. Upon the filing of such petition the court shall have jurisdiction to affirm, set aside, or modify the order of the Board and to require the Board to take such action with regard to the matter under review as the court deems proper. The findings of the Board as to the facts, if supported by the weight of the evidence, shall be conclusive."

INVESTIGATION OF SOLICITATIONS OF CERTAIN CONTRIBUTIONS FROM GOVERNMENT EMPLOYEES—ADDITIONAL COSPONSOR OF RESOLUTION

Mr. PEARSON. Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Kentucky [Mr. COOPER] be added as a cosponsor of the resolution (S. Res. 293) to investigate solicitations of certain contributions from Government employees for charitable purposes, which I submitted on February 3, 1964.

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

ADDITIONAL COSPONSORS OF BILL AND JOINT RESOLUTION

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bill and joint resolution:

Authority of March 20, 1964:

S. 2671. A bill to redefine the silver content in silver coins: Mr. BARTLETT, Mr. BIBLE, Mr. CANNON, and Mr. CHURCH.

Authority of March 23, 1964:

S.J. Res. 163. Joint resolution authorizing the expression of appreciation and the issuance of a gold medal to Henry J. Kaiser: Mr. ANDERSON, Mr. BARTLETT, Mr. BIBLE, Mr. BYRD of West Virginia, Mr. COTTON, Mr. ENGLE, Mr. HARTKE, Mr. INOUYE, Mr. JACKSON, Mr. KUCHEL, Mr. LONG of Missouri, Mr. RANDOLPH, Mr. WILLIAMS of New Jersey, and Mr. YOUNG of Ohio.

ALASKA'S DISASTER

Mr. GRUENING. Mr. President, the State of Alaska has suffered a catastrophe which, in my reasoned judgment, surpasses in magnitude that suffered by any State of the Union in our Nation's entire history.

With my colleague, Senator BARTLETT, I have just returned from there, and saw the incredible destruction wrought by earthquake and tidal waves.

In Anchorage, about 1,500 homes have either been totally destroyed or seriously damaged. In the business section, whole blocks have been destroyed. The two apartment house skyscrapers, which dominate the urban landscape have been so badly damaged that they will have to be demolished. Typical of the destruction is that of the 8-story, block-sized brandnew J. C. Penney building. A $1 million school was destroyed. One of the two high schools was so badly damaged that it cannot be used without extensive repair. The school destruction alone in Anchorage is estimated at $7 million by the superintendent of schools, Don Dafoe.

Sewers and water mains have been wrecked. The city is largely without heat and in many cases is without light.

The city of Valdez has been virtually erased.

In Seward, the port of entry to western and central Alaska, all the waterfront structures—the breakwater, the docks, the small boat harbor, all but four of 70 fishing vessels, and the cannery, have been destroyed. A tidal wave, 40 feet in height, swept over the town with such force that it carried one of the Alaska Railroad's locomotives 200 yards. The oil tanks are burning.

Seward is isolated. It was connected with the interior by highway and railway. There is now no telephone service. Many of the bridges on the highway have gone out, and the railway is likewise impassible.

Kodiak has lost most of its business district, its breakwater, its small boat harbor, most of its boats, all but one cannery, its airway facilities, and scores of homes. Its water and telephone systems are also out of commission.

Several native villages have been wiped out.

The only consoling feature—if there is one—is that the death toll is not as large as was first reported. At present, the known deaths number slightly in excess of 80, although we can expect that this total will mount as bodies caught in collapsed houses and buildings are uncovered and there is further information on those missing at sea.

The intensity of the quake and the area struck are unprecedented in size. Damage was wrought over an area 1,500 miles from east to west and 300 miles from north to south. The damage wrought by the quake was compounded by seismic waves—so-called tidal waves.

What impressed all of us who went around to the stricken communities was the wonderful spirit of the people of Alaska in the face of unprecedented calamity. The military, under command of Lt. Gen. Raymond Reeves, has rendered invaluable assistance.

Those who had lost their homes and their businesses, and found themselves likewise burdened by mortgages and debts that seem to pose insoluble problems, kept their chins up; and "We will start all over again" was the watchword of the hour.

I pay the highest tribute to President Johnson's immediate concern and action. The quake struck about 5:30 p.m., Alaska central time on Friday, March 27—which would be about 10:30 p.m. Eastern Standard Time. By midnight, President Johnson had communicated with the Members of the Alaska delegation, was making arrangements to have us transported there, and dispatched Ed McDermott, Director of the Office of Emergency Planning, to go to the scene.

I estimate that the cost of reconstruction of public and private enterprises will reach half a billion dollars. My colleague, the senior Senator from Alaska [Mr. BARTLETT], and I and Ed McDermott plan within the next 2 days to discuss with President Johnson a program for transmittal to Congress. It is clear that massive help will be needed, and should be speedily authorized.

Mr. MORSE. Mr. President, I join the Senator from Alaska in urging that whatever needs to be done by way of providing Federal funds to help Alaska rehabilitate herself be done; it must be done. We have a clear obligation to do so; we have a patriotic obligation to do so; we have a national self-interest obligation to do so.

The heaviest part of the blow struck Alaska; but Alaska is not the only area on the west coast that has been damaged. I am awaiting a report from my Governor, which I requested this morning, in regard to the damage done in Oregon. Certain areas in Oregon have been damaged by tidal waves. There is also damage to areas in California, including Crescent City.

To the individuals who suffered loss, of course their loss is just as serious as that which occurred anywhere else, insofar as the individuals are concerned.

I suggest—although I am sure the President would do so, anyway—that the relief program be considered from the standpoint of the entire tragedy, wherever the earthquake and the resulting tidal waves have done damage.

I wish to have the Senator from Alaska know that both the junior Senator from Oregon and the senior Senator from Oregon stand shoulder to shoulder with him in their determination to do whatever we possibly can do that needs to be done for the adoption of a program to bring the needed relief to the communities which have been stricken by this horrible catastrophe.

Mr. GRUENING. I thank the Senator from Oregon; and I know that my colleague [Mr. BARTLETT] and indeed all the people of Alaska will share my gratitude for his encouraging statement in behalf of Alaska.

Mr. JOHNSTON. Mr. President, first, I thank the Senator from Alaska for proceeding at the first possible opportunity to bring this tragedy to the attention of the Senate and to the attention of the Nation as a whole.

I hope the President and a committee will immediately look into the situation there, and will provide whatever relief is necessary to Alaska, one of our 50 States, so as to expedite the necessary assistance and repairs throughout Alaska, and especially in and around Anchorage.

If this tragedy had struck some other nation—I know the Senator from Alaska will agree with me on this point—aid by the United States would have been rushed there immediately. In view of the fact that Alaska is one of our 50 fine States, it is clear that aid should be sent to Alaska all the quicker, for Alaska is an important part of our Nation. I sincerely hope that immediate steps will be taken to relieve the situation there.

I join in the remarks of the Senator from Alaska and those of the Senator from Oregon.

Immediate consideration should also be given to the provision of whatever help is needed in other parts of the western coast of the United States. Assistance should be given all along the line, for all those areas are important parts of the United States. I stress this

point, and call it to the attention of the entire Senate.

Mr. GRUENING. I thank my friend from South Carolina for his very helpful comments.

Mr. ROBERTSON. Mr. President, I wish to express to the distinguished Senator from Alaska and, through him, to the brave people of his home State, my deepest sympathy in the great tragedy which occurred. With other Senators who have done so, I offer to him my cooperation.

The Senator from Alaska will recall that last September, in connection with the study of a warning system in Alaska, I first visited Anchorage. That was our first stop. I still have the very clear mental picture of that large city in Alaska. I have seen pictures of the destruction, and they reveal terrible damage.

I sympathize with the people of Alaska. The Senator can depend on my cooperation to render such aid as the Federal Government is capable of rendering to help people in those circumstances.

Mr. GRUENING. I thank my friend from Virginia very warmly.

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

Mr. GRUENING. I am happy to yield to the distinguished Senator from California.

Mr. KUCHEL. The hearts of all Americans go out to the people of Alaska in the tragedy and suffering which they have sustained in this recent onslaught of the unbelievable forces of nature. As a Californian I should like to add my statement to those which have been made earlier.

I shall do whatever I can do to assist the able Senator from Alaska and his able colleague in organizing and mounting a maximum attempt at resuscitation by the Federal Government. In the backlash of the sudden fury my State and its people, too, were damaged. In the area of Crescent City, Calif., people were suddenly drowned. The loss of life was severe in that small community. Private property owned by people in the area of Crescent City Harbor in great part was swept into the sea. The event represented a tragic loss for those of our fellow citizens who make their livelihood in and have enjoyed the northern coastal area of my State.

It is rather difficult for one who only reads, but who did not see, to recall what took place in my State in 1906, when suddenly, with an awful din and roar, the whole city of San Francisco was pummeled. Buildings toppled, and the great fire which followed inflicted a tragic damage.

Now, as I am sure my able friend from Alaska has correctly said, the sudden fury in Alaska is the greatest that the world has ever seen since the tragedy in San Francisco generations ago.

I can only repeat that the hearts of those whom I have the honor in part to represent on the floor of the Senate go out to the Senators from Alaska and to those whom they represent. I desire to enlist my services in assisting in any fashion what the Senator from Alaska desires to have accomplished on the part of the Federal Government to resuscitate the people of his State.

Mr. GRUENING. I am deeply grateful to my friend from California. Of course, in trying to estimate the extent of the damage, the catastrophe which struck San Francisco in 1906 came to mind. I did not know how far justified I was to begin with in making the statement that I considered the earthquake in Alaska and resulting tidal waves the worst calamity that had struck any State in the Union in its history. But in relationship to the economy of Alaska its small population, and the widespread area affected, I am confident the statement was not an exaggeration but demonstrably true. The State of California, is a vast State with many resources. If I am not mistaken, that 1906 earthquake was largely confined to the San Francisco area. In the case of Alaska the earthquake extended over an area of 1,500 miles from east to west and 300 miles from north to south although its most destructive manifestations were within an area of 30,000 square miles. It has taken the economy out of the area of the greatest population concentration. Much of the economy of Alaska was largely concentrated in that area, which has been damaged inconceivably.

The income of the State will be seriously affected by the cessation of business activity over a large area. The destroyed business cannot contribute tax revenue. Great unemployment has become instantaneous. In the cities of Kodiak, Seward, and Valdez the economy is gone. Seward was the port of entry to central and western Alaska. That is where most of the ships came. It is the ocean terminus of the Alaska Railroad.

All of Seward's docks have been swept out. The breakwater and small-boat harbor has been destroyed. All but 4 of the 70 fishing boats are lost. Much the same thing has happened in Kodiak, which a few weeks ago was the brightest spot in Alaska's economy.

There will be a considerable period of unemployment. Efforts will be made to reconstruct what has been destroyed. But I was greatly heartened by the wonderful spirit of the people of Alaska in the stricken communities. Not one complained. They faced the calamity with courage and determination. People who had lost both their homes and their businesses said, "Somehow we will rebuild." Of course, they are entitled to Federal help. With Ed McDermott, whom the President dispatched to Alaska as his personal representative and for whom I have conceived the greatest admiration as a result of the efficient way in which he handled the situation, we will prepare a program to present to the President and the Congress. I am confident that the Congress will do whatever is necessary under the circumstances.

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

Mr. GRUENING. I yield.

Mr. CARLSON. I wish to associate myself with the remarks of Senators with regard to the tragic disaster which has occurred in Alaska. We in Kansas have a special interest in the tragic event because the Governor of that great State, Governor Egan, is from the State of Kansas. I am sure that he is well aware of the situation. I am confident that we as Senators will do anything we can to assist in this tragic and unfortunate circumstance which has befallen a people at a time when they least expected it. I know the cost will be terrific, but I think our Nation can well afford to be generous in taking care of the situation. I compliment the Senator from Alaska for bringing it to the attention of the Senate today.

Mr. GRUENING. I thank the Senator from Kansas, now my colleague in the Senate, and formerly my colleague as Governor, who has always shown a great interest in the welfare of our State.

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

Mr. GRUENING. I am happy to yield to the distinguished Senator from Florida.

Mr. SMATHERS. I join other Senators who have spoken in expressing my deepest sympathy and greatest concern about the great tragedy which has struck the State of Alaska. As one who comes from a State which is as far distant and as far removed geographically as any other State in the Union, I wish the Senator to know that the people of Florida assure the people of Alaska that there is no lessening or diminution of their concern, or their desire to be of assistance, if there is any possible way in which they can be of assistance. We, too, have from time to time been struck by the forces of nature. I do not believe that those occurrences have been at all comparable to what has hit Alaska. But in every instance we have been gratified by the great cooperation which has been given to us by the Federal Government, by all other State agencies, and by the people of other States. In this particular instance, the people of Florida are most eager that they be given an opportunity to help, if there is any way in which they can help.

I, as a Senator, wish to help in the Congress to try somehow to ameliorate the great tragedy which has struck the fine people of Alaska.

Mr. GRUENING. I am very grateful to the Senator from Florida for his encouragement and offer of help.

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

Mr. GRUENING. I am happy to yield to the majority whip, my good friend the Senator from Minnesota.

Mr. HUMPHREY. I wish to join the many Senators who have expressed their sympathy to the people of Alaska and the officials of the Alaskan State government, and to the distinguished Senator and his colleague, and also to pay tribute to the people of Alaska for what seems courage beyond human expectation.

I listened on the radio and viewed reports on the television relating to the damage, both in terms of persons and of property. It was nothing short of sensational to hear the expressions of confidence and courage on the part of the people of Alaska. The damage is beyond our comprehension. The situation tells us in rather graphic terms what the damage could be in a major conflict in which nuclear energy was used, because the

force of the earthquake was in terms of megatons, and gives us some indication of the powerful forces which man, as well as nature, can unleash.

The Senator from Alaska can be assured of the fact that the Congress of the United States will be ready to respond quickly to any program that may be recommended that meets the needs of the people.

As the Senator has noted, the President of the United States acted promptly and effectively. Mr. McDermott, the President's personal representative, has demonstrated effective leadership and cooperation.

While we note that agencies of the Government have already moved into action we are particularly reminded of the importance of civil defense and its worthwhileness to the national security in these moments of emergency, and we are also reminded of the interdependence of our Nation. The tragedy which befell Alaska was not confined only to Alaska; it went up and down the coastline. Not only did it affect the west coast and the areas adjacent thereto, but the entire Nation, if only by sentiment and emotion.

So the Senator may rest assured that Members of the Congress who voted for Alaskan statehood are primarily concerned and grieved over what has happened. A good many citizens left my State of Minnesota to become fine citizens of Alaska. There are thousands of former Minnesotans in Alaska.

Mr. GRUENING. There are; and we are proud to have them. They have been fine citizens of Alaska.

Mr. HUMPHREY. I am proud of the way they have conducted themselves.

There is no question in my mind that the rebuilding will take place rapidly. There is no question that there will be cooperation between the State and the Federal Government and that, with the help of private initiative and enterprise, Alaska can get back on its feet in short order.

I am confident that out of this tragedy will come a revitalized economy for Alaska, because many improvements were needed in Alaska. This moment of tragedy and sadness can now give the Congress and the people of the United States and of Alaska an extra measure of determination to do the job that needs to be done with the help of our great Nation.

I assure the Senator that I shall wholeheartedly continue with what I hope will be effective cooperation in carrying out whatever programs may be recommended to meet the needs of the people.

Mr. GRUENING. I am deeply appreciative of the help and cooperation offered by my friend the Senator from Minnesota, which is characteristic of him whenever people are in trouble and whenever there is a clear need for help. I thank him.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. GRUENING. I yield to the Senator from Delaware.

Mr. WILLIAMS of Delaware. I wish to join my colleagues in expressing sympathy and admiration for the people of Alaska for the courageous way they have conducted themselves in the face of this great catastrophe.

I take this opportunity to call to the attention of the Senator and the people of his State a point which they may have overlooked.

In 1962 we had a disaster of a lesser degree along the eastern seacoast which, although not similar, was nevertheless tragic. I refer to the damage caused by the March 1962 storm along the Atlantic coast. Following that disaster both Houses of Congress unanimously passed a bill of which I was proud to sponsor. This become Public Law 426. Under this law when a major disaster strikes an area between the date of January 1 and the final date prescribed by law for the filing of income tax returns and when such area is subsequently declared by the President of the United States by Executive order to be a disaster area, the taxpayers suffering the losses of property as the result thereof can elect to deduct such losses for the taxable year immediately preceding such disaster.

This is now the law. If any of the constituents of the Senator from Alaska have already filed their returns, under this provision they can file amended returns claiming their loss and get a refund for the taxes which they paid or will owe for 1963.

The law also extends to each citizen who is affected by such a catastrophe the same carryback provisions which ordinarily apply to casualty losses. Such losses can be carried back 3 years. In other words, the taxpayers will get the tax benefits of such casualty losses as if they had happened in December or earlier last year.

This will be of some immediate benefit to help the affected people. I suggest to those who have not filed their tax returns that if they cannot get an estimate of their losses in time for filing their returns by April 15, they should request of the Internal Revenue Service an extension of time for filing their returns. I am sure they will have no trouble in obtaining the necessary extension in order to take advantage of this provision of the law.

With the permission of the Senator from Alaska, I ask unanimous consent to have printed in the RECORD at this point a copy of the 1962 act itself. Also, I have asked the staff to prepare a memorandum showing what each taxpayer should do in order to take advantage of the benefits of this law. I ask unanimous consent that the law and this staff memorandum be printed at this point in the RECORD.

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

[Public Law 87-426, 87th Congress]

H.R. 641

An act to provide for the free entry of an intermediate lens beta-ray spectrometer for the use of Tulane University, New Orleans, Louisiana, and to amend section 165 of the Internal Revenue Code of 1954 with respect to treatment of casualty losses in areas designated by the President as disaster areas

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty one intermediate lens beta-ray spectrometer imported for the use of Tulane University, New Orleans, Louisiana.

SEC. 2. (a) Section 165 of the Internal Revenue Code of 1954 (relating to losses) is amended—

(1) By redesignating subsection (h) as subsection (i), and

(2) By inserting after subsection (g) a new subsection (h) as follows—

"(h) DISASTER LOSSES.—Notwithstanding the provisions of subsection (a), any loss

"(1) attributable to a disaster which occurs during the period following the close of the taxable year and on or before the time prescribed by law for filing the income tax return for the taxable year (determined without regard to any extension of time), and

"(2) occurring in an area subsequently determined by the President of the United States to warrant assistance by the Federal Government under sections 1855–1855g of title 42,

at the election of the taxpayer, may be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred. Such deduction shall not be in excess of so much of the loss as would have been deductible in the taxable year in which the casualty occurred. If an election is made under this subsection, the casualty resulting in the loss will be deemed to have occurred in the taxable year for which the deduction is claimed."

(b) The amendments made by this section shall be effective with respect to any disaster occurring after December 31, 1961.

MEMORANDUM ON DISASTER LOSSES

An amendment to the Internal Revenue Code—resulting from an amendment offered by Senator JOHN WILLIAMS of Delaware in 1962—amendment to H.R. 641 in the 87th Congress—provided that persons who sustained disaster losses such as the Alaska earthquake—whether the loss involves personal, business or income-producing property—which occurred after the year of tax liability but before the time for filing a return for that year—that is, generally before April 15, in the case of individuals—may deduct this loss as if it had occurred in the year of liability. In other words, a disaster loss incurred in the first part of 1964 can be claimed on a return for 1963 filed in the year 1964. The deduction of the loss in such a case, however, is governed by the 1964 tax law and not by the 1963 law. Thus, only the amount of the casualty loss for any one casualty in excess of $100 will be deductible if the property is a residence or other property not used in a business or held for the production of income. The amount of the loss is the decrease in fair market value or the adjusted cost basis of the property whichever is less.

For the special rule advancing the time of deduction to apply, the disaster causing the casualty must have occurred in an area determined by the President to warrant assistance by the Federal Government—under chapter 15, title 42 of the United States Code. The President has already made such a determination in the case of the Alaska earthquake.

If they make the election described, some taxpayers will find that they owe no Federal tax for the year 1963 and are entitled to a refund of taxes already paid—either through wage withholding or otherwise.

A taxpayer who filed a return before the disaster occurred may file an amended return—before the due date—and make the election in the amended return.

A taxpayer who filed an amended return before the disaster occurred and wishes to file an amended return and make the election, may not yet have sufficient information

as to the amount of the loss to file the amended return properly. In such a case, he may ask for an extension of time to file his amended return. The extension to be effective must be approved on or before the regular due date for filing the return—generally April 15, 1964, for 1963 returns for individuals.

If the casualty loss exceeds the taxpayer's income for the tax year, then there is, after certain adjustments, a net operating loss. A net operating loss may be the basis for a refund of the 3 prior year's taxes or may reduce taxes for the next 5 years. The loss is first carried back to offset income from the third preceding year. Any loss not used to offset income from that year is then carried to the second preceding year. Any loss not used to offset income from those years is carried to the first preceding year. If the loss is still not entirely used up, the balance is carried forward to each of the 5 tax years following the loss year in the order of their occurrence.

An individual computes a net operating loss in the same manner as he computes taxable income except that for this purpose certain adjustments are made. Among these adjustments are the denial of personal exemptions and the deduction for 50 percent of the excess of a net long-term capital gain over a net short-term capital loss. If a net operating loss exceeds the taxable income of the year to which it is carried, similar adjustments are also required to determine the unused portion of the loss which may be carried to another year.

A taxpayer may claim a refund by filing a claim for credit or refund or overpayment resulting from a carryback of a loss to a prior tax year. Such a claim may be made either by using form 843 or by filing an amended return. However, a taxpayer may apply for a quick refund of prior year taxes, by filing form 1045 in the case of an individual or form 1139 in the case of a corporation for a tentative adjustment of taxes which are affected by a net operating loss carryback.

The Commissioner of Internal Revenue has just issued a special pamphlet on this subject entitled "Disasters, Casualties, and Thefts"—U.S. Treasury Document No. 5174, March 1964. It is being distributed free at all local Internal Revenue offices. The Commissioner in his release on this pamphlet has announced that if any taxpayer needs further assistance, his local Internal Revenue office will be glad to help.

Mr. GRUENING. I thank the Senator from Delaware. I am grateful not only for his remarks, but for his very constructive suggestion in having printed in the RECORD this helpful piece of legislation, in which he played so important a part in having enacted. The law has been called to the attention of the people, but I know this further reminder will be very useful.

Mr. WILLIAMS of Delaware. I should like to discuss one further suggestion. This has been suggested by some of us who have had experience in such tragedies; and that is, that there should be established some kind of Government agency from which the people could obtain insurance for presently noninsurable losses. Today no insurance company will insure for damage by floods, tidal waves, earthquakes except at exorbiant rates, or other losses which may occur as a result of acts of nature.

Insurance can be obtained for fire, wind, and casualties of that kind, but I feel that Congress has a responsibility to establish some kind of Federal program to enable people to insure against other types of losses which are noninsurable under existing conditions. The people in all the 50 States should have a way of obtaining insurance for losses caused by acts of nature similar to that provided in the case of war damage. We know that no private insurance company can provide insurance for that type of damage.

This suggestion would not be an invasion of private enterprise. This was discussed under prior administrations, under President Eisenhower's administration and under President Kennedy's administration, and I am sure President Johnson is likewise sympathetic to such a program.

During times of disaster we have a tendency to become enthusiastic about providing such a program, but we have a tendency to let our enthusiasm run out later. We should recognize this present catastrophe as a warning, and I suggest that we join at this time in a determination to find a solution to this problem. Let us be determined that we will find a way to provide the means by which all citizens of the country can obtain insurance for presently noninsurable losses, such as floods, earthquakes, and so forth. I would be glad to join my colleagues in such, an effort to find an answer to the problem.

There is a solution. Let us find it.

Mr. GRUENING. I thank the Senator. I think his proposal is a most constructive one. I think it should be considered regardless of the present disaster. There will be other disasters in the future, with the same uninsurable losses.

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

Mr. GRUENING. I yield to the majority leader.

Mr. MANSFIELD. First, I wish to aline myself with what has been said on the floor relative to the tragedy suffered by the people of Alaska and along the west coast. I was happy to listen to the remarks of the distinguished Senator from Delaware, because he has had experience, though on a minor scale, comparatively speaking, in what nature can do on the east coast. The suggestions he has made are worthy of the most serious consideration of Senators. I am certain, so far as Congress and the administration are concerned, that whatever assistance is needed will be forthcoming and will be given wholeheartedly.

Mr. GRUENING. I thank the majority leader for his unfailing helpfulness on other occasions, and now on this one.

Mr. MANSFIELD. The Senator should realize that there is a close connection between Montana and Alaska, that many of our people are helping to make a great State a greater one.

Mr. GRUENING. The Senator is correct.

DECLINE IN CATTLE AND BEEF PRICES PERSISTS

Mr. MANSFIELD. Mr. President, in the West and Middle West, the one dominant issue continues to be the persistent and continuing decline in the price of beef, veal lamb, and mutton. Little has been done which can give the ranchers of this country any real hope that there will be a turn for the better. It is for this reason that we are continuing our efforts to bring about a realistic import quota system. This is now being very carefully reviewed by the Senate Finance Committee. After hearings, which are continuing, this week, thanks to the distinguished chairman, the Senator from Virginia [Mr. BYRD] I am hopeful that a realistic program of relief will be recommended in the very near future.

In recent months, there has been a concentration on the cattle and beef import problem. However, I am sure that the vast majority of the livestock industry and other associated interests recognize that this is not the only cause of the present drop in prices. The prices of cattle and beef have dropped some 20 percent, but there has been no such drop in the price of beef, veal, or lamb in the grocery stores and meat markets. The consumer is somewhat puzzled by the talk of depressed market prices when he sees no change at the local markets.

The domestic livestock industry faces some real problems in the area of increased production of prime beef and the need to expand consumption in a competitive business. I am extremely pleased that the Senate Committee on Commerce has taken the initiative under the able leadership of the subcommittee chairman, the Senator from Wyoming [Mr. MCGEE], to check into other aspects of this overall problem. The investigation of the effect of chain store meat buying, marketing practices, and vertical integration on depressed livestock markets is an essential element in the overall effort to aid the industry. There are some real problems in this area, and I hope that the committee will be able to expedite the investigation. The senior Senator from Wyoming represents one of the major livestock producing States and is quite familiar with the ups and downs of the industry.

On March 19, NBC commentator, Chet Huntley, gave a very brief and concise analysis of the overall situation. Chet Huntley is not only one of the Nation's most talented commentators, but he can also speak with some authority on the cattle situation, having been born and raised in western Montana. Mr. President, I ask unanimous consent to have the text of this newscast printed in the RECORD.

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

Out in the Midwest and West, where thousands of farmers, big and small, traditionally produce and/or feed cattle, there is growing resentment about the importation of Australian beef. Notice has been served on the Johnson administration that if something is not done about the beef imports the cost in terms of votes out in the livestock country is going to be high. Senator HRUSKA, of Nebraska, tried to attach an amendment to the farm bill the other day to limit the imports of Australian beef and it was defeated by an eyelash. There are other attempts now being made to reduce the mountains of beef now moving into the country, principally from Australia, but also some from New Zealand, Ireland, and Japan.

It has been said that it costs an Australian rancher about 20 cents to produce a calf. The price in this country may run anywhere from $20 to $50. The beef moving into the

United States from down under is, therefore, ridiculously cheap, undercutting the American market by a tremendous margin.

It is not good beef, as we judge good beef in this country. It is range fed, which means that the meat tissue is inclined to be very lean, stringy, and tough. Therefore, the only way in which this imported beef can be used is in the preparation of various sausages and cold cuts and in hamburger. It is in the preparation of hamburger that the trouble starts. It is a unique commodity. It is, for example, the "bread and butter" of the American beef industry. More beef is consumed in the form of hamburger than in any other form. However, hamburger can be deceptive. It can be—and frequently it is—junk, a conglomeration of ground-up scraps. Australian beef is being ground, fat and other scraps added, and it is being sold by the ton.

The livestock industry is convinced that the quantities of Australian beef going into hamburger are depressing the price of beef and bringing ruin to the pastures and feedlots. It is logical to assume that they are not completely in error.

However, any move to limit the amount of Australian beef coming into the country is fought by importer groups, the chainstores, and the longshoremen's unions.

Senator GORE has been asking some questions about all of this and the livestock industry has been waiting for him to put some of the giant food chain executives under oath and ask them how much Australian beef they are putting into their hamburger.

It is an interesting and significant argument. It invites oversimplification. But what the Nation and the Government need to know are the following: Are Australian imports depressing beef prices, or is it a matter of overpopulation of beef animals in this country; is the supply of heavy beef depressing the market; or are beef prices falling under the control of a few giant buyers?

SILVER CONTENT OF SILVER COINS—THE METCALF BILL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

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

Mr. MANSFIELD. Mr. President, there is now on the desk, or perhaps on its way to committee, S. 2671, a bill introduced by my distinguished colleague from Montana [Mr. METCALF]. The bill seeks to redefine the silver content of silver coins and especially seeks to reduce the silver content of hard silver dollars—the cartwheel—from 900 grams to 800 grams.

I understand that the bill will go to the Committee on Banking and Currency, under the distinguished chairmanship of the Senator from Virginia [Mr. ROBERTSON].

I should like to inquire of the distinguished Senator from Virginia [Mr. ROBERTSON] whether hearings are contemplated on the Metcalf bill in the near future.

Mr. ROBERTSON. Mr. President, those responsible have already asked for an opinion of the Treasury Department on the bill. We wish to act as promptly as possible, but if the Senate is to meet at 9 o'clock in the morning I cannot get a quorum out at 8 o'clock or 7 o'clock to consider an important bill to change the silver content of silver coins.

If, on the contrary, we knew, for example, that the Senate this week would not meet on any day before 11 o'clock a.m., I would call a meeting of the committee for Wednesday or Thursday. I know of no objection to the bill—at least we have received no objections but it would not be logical to mint any more silver dollars unless we cut the silver content. We cannot afford to make a silver dollar which contains a dollar's worth of silver, and that is what we would be doing if we made silver dollars now, with silver at $1.29 an ounce. I believe we would also have to reduce the silver content of smaller silver coins, but, in any event, before we could undertake to make any more silver dollars, we must cut their silver content under the provisions of the Metcalf bill.

If we knew the time of meeting of the Senate a meeting could be called for either Wednesday or Thursday. We must find out whether witnesses can be brought to Washington by that time.

The people of the State of Virginia are keenly interested in the Senator's cattle bill. We found that imports last year amounted to 1,850 million pounds. As far as we can ascertain, that resulted in a reduction in price of 3 cents a pound. It is true that we increased production approximately 5 percent, due to the increase in the population and the corresponding increase in consumption; so undoubtedly the 70-percent increase in 1 year of foreign imports of meat has hurt. The 6-percent cut is a farce from the standpoint of giving farmers any relief.

I wrote the Secretary of State about the 6-percent cut and the 70-percent increase when foreigners had taken 11 percent of the total market, stating that anything over 5 percent of the market hurts. So I am for the Senator in two respects, to give our cattle raisers some help and give the cowboys something so that when they put their hands against their pockets they will feel some solid money there.

Mr. MANSFIELD. Mr. President, will the Senator from Virginia yield?

Mr. ROBERTSON. I yield.

Mr. MANSFIELD. When the distinguished Senator from Minnesota [Mr. HUMPHREY], the deputy majority leader, announced last week that the Senate would not meet until 12 o'clock today; and that on Tuesday, Wednesday, and Thursday it would not meet until 11 o'clock, I consulted the distinguished senior Senator from Virginia [Mr. BYRD]; and he is resuming hearings tomorrow on the meat import bills introduced by the Senator from Nebraska [Mr. HRUSKA], myself, and other Senators.

In view of what the distinguished Senator has said, I would hope that he likewise would start hearings this week on the possibility of minting silver dollars in connection with the redefinition of its silver content.

While my distinguished colleague [Mr. METCALF] has suggested a reduction from 900 to 800 grams, I do not believe we would care if it went down to 700, 600, or even 500, so long as the silver dollar is retained. That is the main point.

It is my understanding at the present time that there are $3 million in the vaults of the Treasury in the city of Washington and that these dollars are being held and will not be released because they are supposed to have numismatic value.

In other words, they are worth more than $1.

Mr. ROBERTSON. Are they not what are called the Morgan Carson City dollars?

Mr. MANSFIELD. Why not get away from collectors' items and melt those dollars down into silver so that any new silver dollars will be worth just that and can be used in the States which like hard currency and love the cartwheels? Then they can be put into circulation so that they can be used over the counter as a medium of exchange. With us, the continued use of this type of hard money is very important.

Mr. ROBERTSON. On the basis of the distinguished majority leader's assumption that on Thursday the Senate will not meet until 11 o'clock, I announce that on Thursday morning there will be a meeting of the Banking and Currency Committee to hear testimony on S. 2671, Senator METCALF'S bill to redefine the silver content in silver coins. Any persons who wish to testify or to submit statements should advise the committee's chief of staff, Matthew Hale, at room 5300 New Senate Office Building, Capital 4–3121, extension 3921, as soon as possible.

Mr. MANSFIELD. Could the Senator make it Wednesday?

Mr. ROBERTSON. I have checked with my staff. We have not received a report on the bill, and we must get in touch with the witnesses. I will call a meeting of the full committee, not merely of my subcommittee, for 9:30 a.m. on Thursday next. That will be a meeting of the full Committee on Banking and Currency. It will be called to act on this subject.

Mr. MANSFIELD. I thank the Senator, and appreciate his unfailing courtesy and consideration.

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

Mr. MANSFIELD. I yield.

Mr. LAUSCHE. Mr. President, several days ago on the floor of the Senate I expressed my opposition to the recommendation made in a report of the Joint Economic Committee of the Senate and the House to repeal the present Federal law requiring Federal Reserve banks to maintain reserves in gold certificates of not less than 25 percent against its deposits and, moreover, reserves also in gold certificates of not less than 25 percent against its Federal Reserve notes in actual circulation.

These provisions of law recommended for repeal by the Joint Economic Committee are the only ones which place a restraint upon the printing of Federal Reserve notes and, in a measure, upon the management of the Federal Reserve Banking System.

With the repeal of these provisions of the law, the only restraints will be within

the minds of the individuals who are in charge. The printing of money will be left to the discretion of men as distinguished from prescription by law.

In the discussion which I had on the subject, I was joined by a group of Senators who expressed like apprehension about the recommendation. It has now come to my attention that William McChesney Martin, Jr., the Chairman of the Board of Governors of the Federal Reserve System, on November 5, 1963, in a reply to a letter written him by the Honorable PAUL H. DOUGLAS, chairman of the Joint Economic Committee, expressed his opposition to the then considered proposal to repeal the existing law providing a gold support for the currency issued by the Federal Reserve bank and for the deposits which it receives from its customers.

I was extremely delighted to learn that Mr. Martin is not joining those who espouse what I believe to a fantastic and most dangerous course, to repeal all the anchors from the printing of paper money. That is what I am afraid will happen if the law is repealed.

The letter of Mr. Martin is very illuminating; I ask unanimous consent that his letter together with the enclosures be printed in the RECORD as a part of my talk.

I thank the Senator from Montana for yielding to me. I assure the Senator of my support on the other matter.

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

BOARD OF GOVERNORS,
FEDERAL RESERVE SYSTEM,
Washington, D.C., November 5, 1963.

Hon. PAUL H. DOUGLAS,
Chairman, Joint Economic Committee,
Washington, D.C.

DEAR MR. CHAIRMAN: This is in reply to your letter of October 21, 1963, in which you asked for certain information regarding the 25 percent gold certificate reserve requirements specified in section 16 of the Federal Reserve Act, with particular reference to action the Federal Reserve might take if the reserves should fall below the required amounts.

Paragraph 3 of section 16 provides that each "Federal Reserve bank shall maintain reserves in gold certificates of not less than 25 per centum against its deposits and reserves in gold certificates of not less than 25 per centum against its Federal Reserve notes in actual circulation." The Board of Governors has authority, under section 11(c) of the Federal Reserve Act, to suspend these requirements in order to provide time for corrective adjustment, should the reserves fall below required levels. Section 11(c) also requires the Board to impose a graduated penalty tax on Reserve banks experiencing a reserve deficiency. The Board could comply with this requirement by imposing a nominal penalty tax, so long as System holdings of gold certificates did not fall below 20 percent of Reserve bank liabilities on Federal Reserve notes outstanding. For any deficiencies of reserves below this level, the law requires the imposition of a tax graduated upward from 1½ percent per annum. The discount rate of any Federal Reserve bank so penalized would have to be raised correspondingly. The text of section 11c follows:

"Sec. 11. The Board of Governors of the Federal Reserve System shall be authorized and empowered:

• • • • •

"(c) To suspend for a period not exceeding thirty days, and from time to time to renew such suspension for periods not exceeding fifteen days, any reserve requirements specified in this Act: *Provided,* That it shall establish a graduated tax upon the amounts by which the reserve requirements of this Act may be permitted to fall below the level hereinafter specified: *And provided further,* That when the reserve held against Federal Reserve notes falls below 25 per centum, the Board of Governors of the Federal Reserve System shall establish a graduated tax of not more than 1 per centum per annum upon such deficiency until the reserves fall to 20 per centum, and when said reserve falls below 20 per centum, a tax at the rate increasingly of not less than 1½ per centum per annum upon each 2½ percentum or fraction thereof that such reserve falls below 20 per centum. The tax shall be paid by the Reserve bank, but the Reserve bank shall add an amount equal to said tax to the rates of interest and discount fixed by the Board of Governors of the Federal Reserve System."

This suspension authority, together with the penalty tax provisions, was part of the original Federal Reserve Act, as enacted in 1913, except that in the original act the reserve requirements were 40 percent against notes and 35 percent against deposits, and the higher tax rate became mandatory when a Reserve bank's reserve against notes fell below 32½ percent. The reduction from a 40-percent requirement against notes and 35 percent against deposits to 25 percent in each case was made by the act of June 12, 1945 (59 Stat. 237). Since you have expressed an interest in the origin of the gold cover requirement, I am attaching material on its legislative background and intent prepared by our staff.

The Board has exercised its authority under section 11(c) to suspend reserve requirements on three occasions. On November 7, 1919, the Board authorized Governor Harding to suspend reserve requirements of the Federal Reserve Bank of New York for a period not exceeding 10 days. On March 15, 1920, the Board suspended reserve requirements for all Federal Reserve banks for 10 days. On March 3, 1933, the Board suspended reserve requirements for all Reserve banks for 30 days. None of these suspensions was renewed.

Penalty tax rates have been established at varying levels over the years under section 11(c). They have always been graduated according to the size of the deficiency, but three different beginning rates have been fixed. From the inception of the System until 1933, the rate on the first 5 percentage points of deficiency in reserve requirements was 1 percent per annum. On March 13, 1933, the Board cut the beginning rate to one-tenth of 1 percent per annum. This rate prevailed until June 30, 1945, when the Board adopted a higher rate schedule, following enactment of the legislation lowering reserve requirements to 25 percent. That schedule has continued unchanged up to the present time, as follows: one-half of 1 percent per annum when either the note or deposit reserve ratio falls to between 25 and 20 percent; 2 percent upon deficiencies below 20 percent down to 17½ percent, 3½ percent upon deficiencies below 17½ percent down to 15 percent, and an additional 1½ percent for each 2½ percent further decline in either reserve ratio below 15 percent.

In round numbers, the System's bold certificate reserves stand at $15 billion, to cover $13 billion in deposits and $31 billion in Federal Reserve notes. (A table is attached showing actual figures for Oct. 30, 1963, but round figures will simplify the discussion at this point.) If there were a continued loss of gold reserves to the point where they were about to become insufficient to cover note and deposit liabilities (that is, if they fell from $15 to $12 billion), the Board could suspend the requirements to permit time for corrective adjustment. While the initial suspension is limited to 30 days, unlimited renewals are authorized, and, although no single renewal may be for more than 15 days, no overall limit is imposed on the duration of successive suspensions. If a reserve deficiency should prove unresponsive to corrective measures, the Board could, therefore, continue a suspension for as long as necessary to permit enactment of remedial legislation.

As long as a reserve deficiency were confined to what we may call the first "layer"—the reserves required against deposit liabilities—the only action required by law would be the imposition of a tax against the Federal Reserve banks. Under a long-standing interpretation of section 11(c), the tax need not be added to the banks' discount rates until the reserve deficiency penetrates into the second "layer"—the reserves required against Federal Reserve notes. For the System as a whole, therefore, reserves could fall from their present level of $15 billion to $8 billion before any increase in discount rates would be required by the act. Under the present schedule of penalty rates, if reserves fell all the way through the first "layer" (down to $8 billion), the annual taxes on the reserve deficiency (using $18 billion as the figure for deposits) would be something under $300 million a year. Payment of these taxes would diminish net earnings of the Federal Reserve banks and reduce by an equal amount their payments to the Treasury as interest on Federal Reserve notes, which amounted to $800 million in 1962. It should be understood that the total payment to the Treasury would not change; it would simply be divided into two parts adding to the same total, one part labeled "tax on reserve deficiencies" and the other labeled "interest on Federal Reserve notes." In the example, the total payment would still be $800 million, but $300 million would be in the form of a tax and $500 million would represent interest on notes.

If reserves continued to fall, so that a deficiency occurred in the reserve against Federal Reserve notes, with a consequent additional penalty tax for that deficiency, the statute would require the Reserve banks to "add an amount equal to said tax" to the rates they charge on advances to borrowing member banks. While the statute is not at all clear on the mechanics of imposing this added charge, perhaps the most reasonable method would be to raise the discount rate by the same number of percentage points as the penalty tax rate on the note reserve deficiency. For example, if the gold certificate reserves fell to 20 percent of Federal Reserve notes—or to about $6 billion—the penalty tax under present rates for the note reserve deficiency would be one-half of 1 percent (or $10 million). Adding the penalty tax rate to the present discount rate of 3.5 percent would result in a discount rate of 4 percent. Again, it should be understood that the Board could establish a different penalty tax rate in this case; the statute simply requires that it be "not more than 1 per centum per annum." The statutory minimum penalty tax rate would come into effect only if reserves fell below this point.

It seems reasonable to conclude that if this country's gold losses should continue to the point where the Reserve banks were unable to comply with the 25-percent statutory reserve requirement, there is ample authority under the present act to meet the situation without disrupting the economy or the international payments mechanism, and to provide time for Congress to consider legislative action.

In response to your question about the arguments for and against keeping the gold reserve requirement, I doubt that I can add anything more to the testimony your

committee has already received. In my judgment, no change in the requirement should be undertaken at this time, because the risks of such an undertaking outweigh the benefits to be gained. The principal risk in such a move under current conditions is that the public might interpret it as a sign of weakness portending failure in the Government's efforts to maintain the value of the dollar. I see no need to run this risk, because the gold cover requirement does not pose any obstacle to the use of our gold reserves in defense of the dollar, and the best way to deal with worries on that score is to lay before the public a full explanation of what the statute requires and the procedures for meeting its requirements. I appreciate this opportunity to contribute to that end.

Sincerely yours,

WILLIAM MCC. MARTIN, JR.

Attachment A—Application of Federal Reserve gold certificate reserve requirements, October 30, 1963

[Dollar amounts in millions]

1. Combined Federal Reserve deposit liabilities	$17,810
2. Combined Federal Reserve note liabilities	31,442
3. Total Federal Reserve liabilities subject to reserve requirements	49,252
4. Total Federal Reserve gold certificate reserve	15,310
5. Less: 25 percent reserve requirement on Federal Reserve notes and deposits	12,313
6. Equals: Excess gold certificate reserves	2,997
7. Plus: 25 percent requirement on Federal Reserve deposits (deficiencies in this requirement necessitate no discount rate increase)	4,453
8. Equals: Total gold certificate reserve releasable without mandatory discount rate increase	7,450
9. Plus: Difference between 25 percent and 20 percent requirement on Federal Reserve notes (deficiencies in this range require only a small discount rate increase)	1,572
10. Equals: Total gold certificate reserves releasable without substantial mandatory discount rate increase	9,022

ATTACHMENT B—LEGISLATIVE BACKGROUND AND INTENT OF GOLD RESERVE PROVISIONS OF FEDERAL RESERVE ACT

The House report on H.R. 7837, 63d Congress, the 1913 bill which became the Federal Reserve Act, contains the following statement regarding the purpose of imposing reserve requirements on the proposed central banks:

"In a general way the committee believes that requirement of a fixed reserve is not a wise or desirable thing as viewed in the light of scientific banking principle. It believes, however, that in a country accustomed to fixed reserve requirements the prescription of a minimum reserve may have a beneficial effect."[1]

Since the "real bills doctrine" formed the theoretical basis for the original Federal Reserve Act, the members of the House Banking and Currency Committee evidently believed that limiting central bank credit expansion to the discounting of eligible paper would provide a sufficient check on monetary expansion, and that imposition of gold reserve requirements would be inconsistent with the "real bills" principle. However, because the precedents of reserve requirements for national banks and for various foreign central banks suggested that there might be a problem of public confidence, the committee members were willing to recommend gold reserve requirements. Other legislators, and the majority of the National Monetary Commission, were strong supporters of the idea that the central bank's liabilities should be restrained by the level of gold reserves.

According to the House report on H.R. 7837, the Federal Reserve Board's power to suspend reserve requirements was based upon a similar provision in the National Bank Act of 1864.[2] Under this latter provision the Comptroller was required to notify a bank with a reserve deficiency to "make good" the deficiency. If after 30 days the deficiency still continued, the Comptroller could, with concurrence of the Secretary of the Treasury, appoint a receiver to wind up the business of the bank.

Section 22 of H.R. 7837 was taken almost word for word from this section of the National Bank Act. Hence, in this early version of the Federal Reserve bill the Board would apparently have been required to close a reserve deficient Reserve bank and appoint a receiver therefor if such bank should fail to make good its required reserve after receiving 30 days' notice from the Board to eliminate such reserve deficiency.

In later versions of the bill, the Board's power to close a Reserve bank was replaced with the mandatory requirement to impose a graduated tax on any bank with a reserve deficiency. Such a change would seem to shift the emphasis of adjustment from the mechanism of temporary suspension of requirements to the process of tax and discount rate increases and consequent restraint upon monetary expansion.

The provision of a penalty for reserve deficiencies appeared to be drawn from European central bank regulation, most specifically the German central bank.[3] Inclusion of a penalty is confirming evidence that the congressional authors of the act were not prepared to follow unequivocally the "real bills" doctrine with its attendant implications that Federal Reserve discounting of "real bills" would automatically provide the right amount of money. This conclusion is a logical consequence of the provision which requires a reserve deficient Reserve bank to respond to the penalty tax by raising the interest and discount rates which it receives on such real bills. The Congress evidently envisioned that the tax-induced increases in discount rates would reduce Federal Reserve credit, which, in turn, would eliminate the reserve deficiency while reducing bank reserves and the money supply.

The language of the act as enacted could be interpreted as suggesting that the effects of the penalty were expected to apply to individual Reserve banks, encouraging asset transfers or liquidation of liabilities only by the particular Reserve bank affected. Study reveals, however, that penalty provisions were included in early versions of central bank bills, including the Aldrich bill which proposed one centralized monetary institution, and hence there are grounds for presuming that the deflationary consequences of the penalty tax were expected to be nationwide in scope.

Mr. ROBERTSON. Mr. President, the Senator from Ohio has expressed concern over the proposal to remove gold backing from Federal Reserve notes. I can give him assurance that we are meeting on Thursday on a bill to which no opposition has been expressed. With respect to bills on which there is opposition, we will not meet for some time. The bill he has referred to is one the Senator from Ohio is opposed to, and to which the chairman of the committee is also opposed; and, I might say, to which many other people are opposed also. There will not be an early meeting on bills of that kind.

CANADIAN TARIFF REBATES SERIOUSLY THREATEN U.S. AUTO PARTS INDUSTRY—JOB LOSS ALREADY GROWING AS PLANTS MOVE TO CANADA

Mr. SYMINGTON. Mr. President, the Canadian Government has devised a very clever scheme of tariff rebates on auto parts; and unless something is done, now, this scheme threatens widespread loss of U.S. jobs in the next 2 or 3 years.

In my own State of Missouri, the automotive parts and accessories industry is one of our large employers. We are already feeling the effect of this rebate offer in Missouri, even though the scheme is so new its impact has hardly begun.

One of our leading Missouri auto parts manufacturers, Jack Whitaker, president of the Whitaker Cable Corp. of North Kansas City, saw the handwriting on the wall, and called this whole matter to the attention of Secretary of Commerce Hodges over 6 months ago, September 18.

Mr. Whitaker also asked the Treasury Department to apply a countervailing duty to automotive parts imported from Canada so as to counteract "an actual subsidy by the Canadian Government to its manufacturers who increase their exports to the United States."

Failing to get any action of any kind whatever, Whitaker prevailed upon his trade association, the Automotive Service Industry Association, to adopt a resolution at its February annual convention in San Francisco.

On March 6, acting as chairman of a newly formed joint committee of auto parts manufacturers and wholesalers concerned with the Canadian tariff rebate scheme, Mr. Whitaker wrote President Johnson setting forth his actions to date, the announced "aims, present success, and future scope of the Canadian tariff rebate" and the conclusions of the joint committee of which he is chairman.

I ask unanimous consent that the resolution, and the letter to the President, along with included exhibits to be inserted at this point in the RECORD.

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

WHITAKER CABLE CORP.,
North Kansas City, Mo., March 6, 1964.

The Honorable LYNDON B. JOHNSON,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: The following resolution, passed by the national convention

[1] U.S. Congress, House, Committee on Banking and Currency, "Changes in the Banking and Currency System of the United States," Report No. 69 to accompany H.R. 7837, 63d Cong., 1st sess., 1913, p. 71.

[2] Ibid., p. 46. See section 5191 of the Revised Statutes for this provision in the National Bank Act of 1864.

[3] Owen, Robert L., "The Federal Reserve Act," New York, Century Co. (1919), pp. 12–14 and 19–24.

of the Automotive Service Industry Association (ASIA) in San Francisco, was sent to your office on February 21, 1964:

"The Automotive Service Industry Association, a national trade association of independent automotive wholesalers, warehouse distributors, parts rebuilders, and manufacturers of automotive replacement parts; and their affiliates, the Automotive Booster Clubs International and the Independent Garage Owners Association, with a combined representation of more than 16,000 automotive firms, at their annual convention in San Francisco, Calif., urge your personal attention to the new Canadian tariff rebate on automotive parts as discriminatory and injurious to both the U.S. automotive wholesalers and manufacturers, and which will eventually have similar effects on our Canadian counterparts."

As the chairman of a joint committee concerned with the Canadian tariff rebate scheme, representing the automotive parts manufacturers of the major trade associations; namely, ASIA, Motor Equipment Manufacturers Association (MEMA), and Automotive Warehouse Distributors Association (AWDA), as a followup to the resolution sent to your office, we humbly request your assistance to end this rapidly growing menace to jobs and industry in the United States.

EFFORTS TO GET CORRECTIVE ACTION THROUGH REGULAR CHANNELS

To illustrate that a sincere effort has been made to present the problem to, and to get corrective action from, the Commerce Department and the Treasury Department, copies of three letters have been enclosed which I will endeavor to summarize for expediency:

Exhibit No. 1: A copy of a letter that I wrote on September 18, 1963, to Secretary Hodges, using the Whitaker Cable Corp. as an example of the effect of the Canadian tariff rebating plan and citing its use by a Canadian competitor with Studebaker Corp.

Secretary Hodges replied on October 21, 1963, expressing his concern and stating that he had discussed the matter with Mr. Charles Drury, Canadian Minister of Industry, that very morning.

Exhibit No. 2: A copy of a letter to James A. Reed, Assistant Secretary of the Treasury, dated November 11, 1963, following the broadening of the Canadian tariff rebating plan to include all automotive parts, not just engines and automatic transmissions. We had been advised that Secretary Reed was familiar with the problem and that the Treasury Department had the authority to impose a countervailing duty under section 303 of the Tariff Act. We filed a formal complaint as a matter of procedure.

Exhibit No. 3: A copy of my letter dated December 18, 1963, to Secretary Hodges with a copy to Secretary Reed enclosing a copy of a report on Studebaker's move to Canada from Mr. Gordon E. Grundy. Under the topic, "Economic Aspects," it is definitely brought out that the Canadian rebating of tariffs was a major consideration in the move. A copy of Mr. Grundy's report, dated December 13, 1963, is also enclosed as a part of this exhibit.

We received a reply dated December 30 from Secretary Reed in which he thanked us for the copy of the report from Studebaker and advised that the matter is being given most serious consideration.

Secretary Hodges replied on January 16, 1964, to my letter of the 18th of December and expressed his regret that Whitaker Cable had found it necessary to lay off 125 people because of Studebaker's move to Canada. He assured us of the Department's continued interest. He also expressed that he had stated his opposition to the tariff scheme to the Minister of the Canadian Government, but to no avail. He informed us that other manufacturers were now contacting the Treasury Department.

There have been other communications with the Commerce Department and the Treasury Department, with Robert E. Simpson, Director of the Office of International Regional Economics, with John S. Stillman, Deputy for Congressional Relations and with numerous Congressmen and Senators. It should also be noted that Senator STUART SYMINGTON requested, and received, permission on about January 15 to place my original letter to Secretary Hodges, dated September 18, 1963, into the CONGRESSIONAL RECORD.

The exhibits to this point have been included to demonstrate that a tangible effort has been made to acquaint the appropriate officials of the administrative branch of the Federal Government with the situation and to further demonstrate that we have asked for corrective action.

AIMS, PRESENT SUCCESS, AND FUTURE SCOPE OF THE CANADIAN TARIFF REBATE

The following exhibits are enclosed to illustrate the aims, the degree of success to the present and the expressed intent of the future scope of this Canadian tariff rebating plan:

Exhibit No. 4: A copy of an article from the Kansas City Star dated September 22, 1963, stating that Canadian officials estimate 60,000 jobs may be created by stepping up automotive parts production and by reducing Canadian imports by $200 million.

Exhibit No. 5: A copy of an article from the Kansas City Star dated November 24, 1963, reporting that the Canadian Minister of Industry, Charles M. Drury, put the 3-year tariff incentive program into effect over the objection of Secretary Hodges. The Canadian subsidiaries of "The Big Three" are reported to welcome the scheme. Drury predicts imports could increase by $150 to $200 million annually. The real effect of the program is not expected to be felt for a year. Also, Canadian Finance Minister, Walter Gordon, states that the same sort of thing must be tried in other sectors of the economy.

Exhibit No. 6: A copy of an article from the Chicago Tribune dated February 2, 1964, emphasizes that Canada is stepping up the program on automotive parts. Economic factors include lower labor costs, the low exchange rate of the Canadian dollar, special tariff concessions and relatively low American tariffs. Car parts exports are up 560 percent in November of 1963 as against November of 1962. Paul Martin, the Canadian Secretary of State for External Affairs, is not worried about U.S. retaliation and predicts the tariff device will be extended to the aircraft and chemical industries.

Exhibit No. 7: A copy of an article from the Chicago Tribune dated February 24, 1964, stating that the Canadian export of automotive parts was up from $7,746,793 in 1962 to $32,063,168 in 1963; an increase of over 400 percent in 12 months. A Toronto paper states the automobile industry won't discuss the extent of business with its new and cheaper supply sources in Canada because 1964 is an election year in the United States and also a year for new labor contracts.

We have other newspaper articles from other cities clearly indicating that the chief executives of the motor car manufacturers are highly in favor of tariff rebating, acknowledging that it is an important step in making more units in Canada and shipping them into the United States. Engines and transmissions are to be made in Canada. One motor car executive has stated that Windsor, Toronto and Montreal are just as logical for plants as are Detroit, Kenosha and Cleveland. The Canadian tariff rebate is given only to the car manufacturer, not to the automotive parts manufacturer.

CONCLUSIONS

1. Canada has taken positive steps to acquire 60,000 jobs from the automotive industry in the United States, and with the obvious success it is having in this industry, the tariff rebating scheme will be expanded into other segments of the economy with the aircraft and chemical industries already singled out as the next targets. The fact that Canadian automotive parts imports into the United States have increased from a little less than $8 million to over $32 million in the past 12 months is indicative of the trend (with the real impact not to be felt for another 12 months) should be sufficient proof as to what is happening.

2. The automotive manufacturers are enthusiastic about the scheme as they pick up a sweet profit from the tariff device. There is every evidence to show that they are going to buy more and manufacture more in Canada. Their own parts manufacturing plants will be expanded to the detriment of both the independent Canadian parts manufacturer as well as the independent U.S. parts manufacturer. The big get bigger, as the scheme is open only to the car manufacturers. This competitive advantage given to the car manufacturer will lessen competition, increase monopoly and strike a decisive blow at the free enterprise system.

3. The vast number of independent parts manufacturers in the United States, many with subsidiaries in Canada, are caught in between. The car manufacturer wants to buy more in Canada, and the car manufacturer is the biggest customer of the parts manufacturer. Even if the parts manufacturer already has a subsidiary in Canada, this will mean spending money to increase the facilities and train employees in Canada, while plants stand idle and employees are laid off in the United States. If the parts manufacturer hasn't a plant in Canada, he must put one in to retain his business. Neither approach is economically sound when it means idled plants and employees. Realize that the profit accruing from the tariff scheme goes entirely into the car manufacturers' pockets. Realize also that it is difficult to publicly register a complaint against your biggest customer.

4. It is difficult to understand a Government policy which declares "war on poverty," fights unemployment, reduces taxes and promotes export expansion, but then negates these actions by not defending our own shores against subsidized foreign competition. Thousands of jobs in the United States are going down the drain if we do not take a positive stand to stop such encroachments. God help our GATT team of negotiators on the "Kennedy round" if we do not lay the groundwork now which permits them to show they came to bargain for free world trade—but only if it is a two-way street.

I hope this presentation gives you sufficient briefing on our case to enable you to instigate an immediate, constructive program. If you desire additional information, our committee will endeavor to supply it. The Commerce Department is unable to take action and the Treasury Department seems hesitant; therefore, we are humbly appealing to you, Mr. President, to help us.

Sincerely,

WHITAKER CABLE CORPORATION,
——— ———, *President.*

EXHIBIT NO. 1

WHITAKER CABLE CORP.,
NORTH KANSAS CITY, MO.,
September 18, 1963.

HON. LUTHER H. HODGES,
Secretary of Commerce,
Washington, D.C.

Subject: Canadian duty rebate on automotive transmissions

DEAR MR. SECRETARY: It was a sincere pleasure for me to have the opportunity to participate in the White House Conference on Export Expansion this past Tuesday and

Wednesday at the Mayflower Hotel in Washington.

You can imagine my dismay when, on returning home, I find a serious, critical problem which will not only drastically curtail the sale of automotive parts to Canadian plants from the United States but will, in turn, substantially increase the sale of automotive parts from Canada to the United States.

The Whitaker Cable Corp. manufactures electrical wiring harnesses, an automotive part for the original equipment manufacturer of automobiles, farm tractors, and other motive equipment. We have, among our competitors in the United States, one who has two assembly plants in Canada—the Essex Wire Corp. This competitor is now going to our U.S. customers who have plants in Canada and advising them they can save over 60 percent of the duty they are now spending in the shipments of automotive transmissions from the United States into Canada by buying their wiring harnesses in Canada for shipment to the United States.

Please let me go into a little more detail as to just what is happening:

1. Let us say Studebaker is shipping $10 million worth of automobile transmissions from the United States to their Canadian plant on which Studebaker pays a 25-percent Canadian duty, or $2.5 million.

2. The Canadian Government will rebate the Canadian duty paid on the automotive transmissions to Studebaker on any automotive parts they will purchase in Canada and ship to the United States.

3. Studebaker uses approximately $1 million worth of wiring harnesses in the United States annually, which they are purchasing from us in the United States.

4. If Studebaker now buys these wiring harnesses in Canada ($1 million worth) and ships them to the United States, Canada will rebate Studebaker $250,000 of the duty paid on the automotive transmissions, or 25 percent of the dollar value of the wiring harnesses.

5. Studebaker will pay 9.5-percent duty on the Canadian automotive parts shipped into the United States. Therefore, Studebaker pays $95,000 duty to the United States.

6. Savings to Studebaker by buying in Canada and shipping to the United States are $250,000 minus $95,000, or $155,000—15.5 percent.

This is an impossible competitive disadvantage and means that in order for Whitaker Cable Corp. to protect their business in the United States, we must put a plant in Canada if this rebate practice is allowed to continue.

Whitaker Cable Corp. does approximately $6 million of this business in the United States. Whitaker would have to lay off 600 people in the United States and locate in Canada. The United States would have lost $6 million worth of business to its trade balance and the payroll of 600 people.

I understand the United States is shipping about $350 million worth of automotive parts into Canada annually. If this rebate duty by Canada is allowed to continue, ultimately one-half of the dollar value now being shipped from the United States will be shipped from Canada into the United States. Therefore, the United States will eventually lose $350 million in trade balance, as just as many dollars in automotive parts will be coming into the United States as are being shipped from the United States.

If action on this Canadian proposition was not of the greatest urgency, I would not bother you with it, but a business that has taken over 40 years to build is in serious jeopardy, as are numerous other automotive parts manufacturers in the United States which will be caught in this same trap.

I humbly request this problem be given your immediate attention.

Respectfully,

WHITAKER CABLE CORP.,

———— ————,

President.

EXHIBIT NO. 2

WHITAKER CABLE CORP.,
North Kansas City, Mo.,
November 11, 1963.

MR. JAMES A. REED,
Assistant Secretary,
Department of Treasury,
Washington, D.C.

DEAR MR. REED: This letter is being written to emphasize our deep concern over the Canadian Government's policy pursuing a tariff rebate on automotive parts as expressed in a wire sent on October 31, 1963.

Attached is a copy of a letter I wrote to Secretary of Commerce Luther H. Hodges immediately following my attendance at the White House conference on export expansion. At that time, Secretary Dillon strongly expressed the need for increased exports to enable the United States to achieve a favorable balance of payments.

As you know, since my letter to Secretary Hodges was written, the Canadian Government has broadened the number of items on which they will rebate tariff from engines and automatic transmissions only to all automotive parts. This, of course, makes the impact even more severe.

We certainly cannot protect our national balance of payments if a foreign government is permitted to so subsidize its manufacturers that it is wholly impossible for a manufacturer in the United States to compete in his own domestic market.

We do not want subsidies. For that matter, we would like to see all tariffs eliminated—as long as it is a two-way street. We are enthusiastic about free world trade.

However, in this instance, we request that a countervailing duty be placed on automotive parts imported from Canada to counteract an actual subsidy by the Canadian Government to its manufacturers.

If it is necessary for a formal complaint to be filed with the Department of the Treasury to start the procedure for imposing such a countervailing duty, please accept this letter as that formal complaint.

Your consideration and assistance is truly appreciated.

Respectfully,

WHITAKER CABLE CORP.,

———— ————,

President.

EXHIBIT NO. 3

WHITAKER CABLE CORP.,
NORTH KANSAS CITY, MO.,
December 18, 1963.

The Honorable LUTHER H. HODGES,
Secretary of Commerce,
Washington, D.C.

DEAR MR. SECRETARY: We sincerely appreciate your acknowledgment letter dated October 21, 1963, in response to our letter of September 18, 1963, pertaining to the Canadian tariff rebate situation.

Your letter stated concern and implied action was being seriously considered.

Attached is a copy of a report sent to us by Studebaker. We have lost the Studebaker business and are in the process of laying off 125 people.

We fully realize a number of major factors lead to Studebaker's decision to move to Canada, but it cannot be denied after reading the "Economic Aspects" section of the report, "tariff rebating" was one of these major factors.

When are we going to get off our hands, stop looking the other way and do something about this? "For the want of a nail, the shoe was lost."

Sincerely,

WHITAKER CABLE CORP.,

———— ————,

President.

STUDEBAKER CORP.,
December 14, 1963.

A SPECIAL REPORT ON OUR CANADIAN AUTOMOBILE MANUFACTURING

In order that all concerned may have a clear picture of Studebaker's future position in the automobile manufacturing business and the thinking behind expanding its capacity in Canada, Mr. Grundy, president of the division, has prepared the attached detailed outline which I think you will find interesting.

It covers the economic factors involved, the manufacturing and procurement facilities and procedures, marketing aspects and the policies that will be followed in the future.

If you have any questions, Mr. Grundy or I will be glad to provide additional information.

B. A. BURLINGAME,
President.

A SPECIAL REPORT ON CANADIAN AUTOMOBILE MANUFACTURING, STUDEBAKER CORP., DECEMBER 13, 1963

(By Gordon E. Grundy, president, Automotive Division, Studebaker Corp.)

MANUFACTURING IN CANADA

CORPORATE EFFECT

In one stroke we will turn a Studebaker division that is currently losing in excess of $10 million per year into one with a high profit potential.

Even though in its first year there may be some minor losses due to changeover expenses and resourcing of parts, it will be most beneficial to the corporation. It will be the means of holding together an efficient field staff, a dealer body and that hard core of faithful and loyal Studebaker owners and customers which we have always enjoyed, all of these will insure the continued profitability of our chain of parts depots and provide an ideal base on which to grow profitably.

ECONOMIC ASPECTS

Background: The idea for the possibility of expanded operation in Canada was born about the time (2 or 3 years ago) that the Royal Commission on Canada's Automotive Industry brought down the Bladen report. This report advocated the adoption by the Canadian Government of a number of tax and tariff changes, incentives, etc.—all designed to bring about in Canada an economic climate encouraging the growth of the industry in Canada. Prime attention was given to cost savings resulting from volume production and the utilization or best combination of Canadian components with those made in the United States. Good examples of items for which we should continue to look to U.S. suppliers would be frames, large stampings, certain specialized components, and automatic transmissions.

Dr. Bladen's tax and tariff incentives were designed to permit duty-free entry into Canada of such important components as these, plus any others that might be necessary or desirable. For example, he envisaged that a Canadian plant such as Studebaker's might be used solely for the corporation's worldwide requirements of one or two particular models—then to the extent that these cars were exported to other countries, including the United States, credits would be given permitting duty-free entry into Canada of the necessary component parts not available economically in Canada.

The Government did not immediately give full implementation to the Bladen report. Some of the tax relief suggestions, such as the dropping of the 7½ percent Federal excise tax, were adopted but it was not until November 1962 that the Government put into effect in modified form some of Dr. Bladen's most important recommendations. One was the well-known automatic transmission and engine duty remission program under which Canadian manufacturers were permitted to bring in their requirements of these two components duty free (instead of at a duty rate of 25 percent) provided they exported an equivalent value of parts or cars.

This program worked so successfully (South Bend, under this plan, sourced in Canada over 40 parts having an annual volume of over $2,500,000) that on November 1, 1963, the Government extended the program of duty remissions to cover all automotive components and finished cars both imported and exported. Legislation has been enacted to assure continuance of this program for at least 3 years with every indication that it will be continued permanently.

The economic climate in Canada thus established and, of course, the timing, were tailormade for our move to Canada.

No automotive manufacturer ever before has tried successfully to export cars from Canada to the United States. This is true because never before has the opportunity existed as it does now, effective November 1, 1963.

ADVANTAGES

This means in effect that we will enjoy the following benefits unhampered by anything but import duties into the United States, which are of minor significance (6½ percent on the lowest dealer price in Canada less full credit for U.S. material content—or about $60 to $70 on a car retailing at $2,200):

1. A 7½ to 8 percent stabilized favorable exchange rate.
2. Lower labor rates.
3. Lower costs for primary materials, including steel and many manufactured components.
4. Lower overhead costs.
5. Ninety-nine percent drawback of any duties paid on component parts when cars are exported.
6. Under the duty remission program, full flexibility of sourcing components either in Canada or the United States, according to which is the most competitive.
7. Favorable transportation costs due to Hamilton's location on the St. Lawrence Seaway, and only 40 miles from Niagara Falls, N.Y. Some studies we have made indicate the probability of lower freight costs from Hamilton as compared with South Bend, to the majority of U.S. dealer points and foreign countries.
8. By contemplating no major styling changes in the immediate future, large cost savings can be accomplished.
9. Advantage of preferential duty treatment on exports to commonwealth countries.

MANUFACTURING AND PROCUREMENT ASPECTS

The Hamilton operation is a modern, fully integrated facility performing substantially the same operations as other larger Canadian auto plants. It deals, independently of South Bend, with many hundreds of suppliers in both the United States and Canada. South Bend currently takes care of Canadian requirements for only the engine, some of the stampings not presently supplied by Budd, and some front end machined forgings.

All of these sources of supply will be continued with the exception that the South Bend source may be phased out, as other sources are obtained for engines, small stampings, and the few machined parts. This presents no major problem as there are other alternative sources of supply for engines. The dies for the stampings can be readily transferred to other press shops and outside machining operations can be set up for the forgings. Using another engine will mean some engineering changes, but this can be done in a relatively short time. Meanwhile, sufficient blocks and cylinder heads will be run at South Bend to take care of full requirements during the transitional period.

Existing dies and tooling located at Hamilton, at vendors' plants and at South Bend are capable of producing all of the Canadian plant's requirements for many years to come. This ties in nicely with management's decision to adopt the Volkswagen approach and to leave the present redesigned Lark series outwardly unchanged for the time being.

The research, testing, and product engineering staff which will be retained under the direction of the Hamilton plant will make it possible to develop independently such mechanical and functional changes as may seem desirable. These improvements will be adopted as running changes rather than withholding them for the traditional annual model change.

The engineering staff will be largely engaged in working with vendors to insure that components being produced meet our specifications and are up to Studebaker's high quality standards.

The Hamilton plant presently occupies about 350,000 square feet of floor space covering just over 7 acres of land. There is an additional 11 acres of land area available for expansion.

The plant which was built by the Canadian Government in 1942 at a cost then of $2,200,000 (exclusive of land and equipment) is ideally laid out for automotive assembly. The modern equipment used includes a six-stage bonderizing setup and all infrared baking ovens.

This plant has operated at an 18,000-per-year volume on a one-shift basis. Therefore, it is evident that with the planned additions and changes to existing equipment, the provision of extra material handling facilities and the recruitment and training of additional supervisory staff and workmen to handle a second shift, the plant's capacity can be greatly increased. This is in progress.

The plant is located in the heart of Canada's industrial area. Incoming and outgoing shipments are handled by truck, water, and rail. Two major railroads and three sidings serve the plant, and facilities for loading trilevel railway cars have recently been installed.

MARKETING ASPECTS

Plans are being developed for full coverage of the United States and export markets. The following major policy points have already been decided upon:

1. The present price structure, worldwide, will be held. Our cost studies indicate this can be done. The Canadian plant has been delivering cars to foreign markets at the U.S. export prices at a profit.
2. The present Canadian model mix will be continued. This covers practically the whole Lark line including the Cruiser, soft-top convertible, fixed and sliding roof station wagons, hardtops and two- and four-door sedans. Canada is also furnishing the six-cylinder Daytona series not previously available in the United States. Some supplies of Hawks, Avantis, and trucks are still available at South Bend. A full line of optional equipment and accessories will be offered at present prices.
3. Production at the Hamilton plant will be stepped up as rapidly as possible. Output will be divided equitably between United States, Canadian, and export dealers. This will mean that for several months dealers in all three areas will be short of cars. However, present field inventories which represent a 3 months' supply at current selling rates will help tide them over.
4. A strong field sales organization directed by experienced marketing executives will be retained, with headquarters for the U.S. market at South Bend. This will be an autonomous group reporting on policy matters to Mr. G. E. Grundy, president of Studebaker's automotive division.
5. Advertising and sales promotional assistance will be continued in support of dealers' activities. This will be concentrated on the local level but will include national advertising commensurate with sales volume.
6. A lifetime supply of replacement parts of any models not being continued will be run at South Bend. These, together with replacement parts and accessories for all continuing models, will be available through Studebaker's chain of depots located throughout the United States and Canada. Some relocation or amalgamation of these depots may be desirable in accordance with volume requirements. They will be operated efficiently and at a profit.
7. Technical service assistance will continue to be provided in the field.
8. No changes in Studebaker's franchising arrangements are presently being considered.
9. The present 24,000-mile, 2-year warrantee policy will be maintained.

OVERALL POLICY

The overall policy will be to provide at a profit to the corporation a range of high quality Studebaker automobiles to the public through the existing dealer organization with full maintenance of existing policies with respect to price, service, parts, warrantee, advertising, and dealer assistance. Production will be stepped up just as rapidly as the demand warrants.

EXHIBIT NO. 4

[From the Kansas City Star, Sept. 22, 1963]

CANADA TO BUY LESS FROM UNITED STATES: IMPORTS OF AUTOMOBILE PARTS MAY BE REDUCED $200 MILLION: 60,000 JOBS AT STAKE

WASHINGTON.—Canada told the United States in an economic conference which ended yesterday that it plans to expand production of automobile parts and reduce its imports of parts from the United States.

Canadian officials estimated they may be able to create about 60,000 jobs for Canadians. U.S. officials said this would not necessarily mean a corresponding drop in employment in the United States.

Canada now imports about $500 million worth of automobile parts, of which, officials said, about 90 percent come from the United States. The Canadian Government hopes to reduce parts imports by as much as $200 million.

Automobile parts production was one of the central problems of discussion in a 2-day Cabinet-level conference here which ended with the issuance of a communique that stressed Canada's determination to cut back the substantial deficit in its international trade.

The trade problem is crucial for United States-Canadian relations. Each country provides the largest export market for the other.

The heart of the difficulty is that Canada for years has been buying a great deal more from the United States than it has been selling.

EXHIBIT NO. 5

[From the Kansas City Star, Nov. 24, 1963]

CANADA MOVES ON CAR SALES: AMERICAN AUTOMOBILE IMPORTS ACCOUNT FOR UNFAVORABLE BALANCE OF PAYMENTS: AIM AT PARTS MARKET

OTTAWA.—Canadians will buy about 500,000 new cars this year costing roughly $1.5 billion. But not one in the lot will be a truly Canadian car. There is no such thing.

Meeting the bulk of the demand will be the southwest Ontario plants of subsidiaries of the U.S. big three—General Motors, Ford, and Chrysler. Added to this will be the output of the Canadian branches of Studebaker and American Motors.

SOME FROM EUROPE

Judging from 1962 statistics, about 75,000 new cars will be imported from Britain, Germany, Sweden, Italy, and elsewhere.

Canada is stuck with this situation. It is considered unrealistic to invest the huge sums needed to develop, produce, and market an all-Canadian car for a relatively small market that has easy access to imported and American-designed models.

Canada imports about $500 million more in automotive products annually than it exports. Most of the discrepancy is in parts. This is just about the amount of Canada's international deficit in commodity trade and services.

Practically every economic move by Prime Minister Lester B. Pearson's liberal government since it took office last April has been conditioned by its determination to correct, substantially if not entirely, the balance-of-payments situation.

He and his ministers have been blunt on how they intend to go about it. They say they cannot look to widening oversea surpluses to offset the huge deficit with the United States and they are against higher tariffs. They have aimed at increased Canadian production of manufactured goods for the U.S. market.

Hence industry minister Charles M. Drury's announcement after talks in Washington—of a 3-year tariff incentive program to increase Canadian automotive production and exports. Despite American complaints, it went into effect Friday.

DOLLAR FOR DOLLAR

The system will give car manufacturers in Canada a remission of import duties on imported vehicles and parts to the same extent that they increase exports of Canadian-made vehicles and parts beyond the volume of the preceding year. It is a dollar-for-dollar plan.

The Canadian subsidiaries of the Big Three have welcomed the scheme. A similar policy was applied by the previous conservative government a year ago on automatic transmissions and certain car engines. It boosted exports of Canadian auto parts from $10 million to $30 million.

The new plan will apply to the entire range of imported vehicles and parts, except for tires and tubes.

Drury said that if the industry takes full advantage of the plan, it could lead to increased production and exports of between $150 million and $200 million annually.

A key provision is that car manufacturers in Canada will be able to earn duty remissions on imports through increased exports of parts by independent Canadian producers to parent United States auto companies.

It is expected to be about a year before the program begins to have an impact on Canada's trade position.

Meanwhile, it likely will do nothing to improve the snappish exchanges between Washington and Ottawa on this and other Canada-United States issues in recent weeks.

OPPOSED BY HODGES

U.S. Commerce Secretary Luther Hodges has tried to rally U.S. auto companies against the plan. He has said the United States will retaliate if the Canadian plan violates the General Agreement on Tariffs and Trade (GATT).

Drury in his announcement said no new trade restrictions are involved and the plan will be carried out "entirely within the context of Canada's trade agreement commitments."

Said finance minister Walter Gordon last week: "The same sort of thing must be tried in other sectors of the economy."

EXHIBIT NO. 6

CANADA READY TO PUSH AUTO PARTS EXPORTS: CONSIDER TIME RIGHT TO STEP UP OUTPUT

(By Eugene Griffin)

OTTAWA, February 2.—The Canadian automotive industry is geared to expand exports of cars and parts to the United States and other countries.

Within the industry there is belief that the time is right to step up production.

Economic factors include lower labor costs, the low exchange rate of the Canadian dollar, special tariff concessions, and relatively low American tariffs.

The trend to manufacture automotive products in Canada for sale in the United States has been highlighted by Studebaker Corp.'s move from South Bend, Ind., to Hamilton, Ontario.

WASN'T FIRST, HOWEVER

Studebaker was not the first car manufacturer, however, to see an advantage in a Canadian base.

Volvo, of Sweden, exports Canadian-assembled cars to the United States from a plant opened last year at Dartmouth, Nova Scotia, on Halifax Harbor. Wages are lower there than in Hamilton.

Greyhound Corp., produces buses at a subsidiary plant at Winnipeg, Manitoba, for final assembly across the border at Pembina, N. Dak., 70 miles away.

About 200 buses will be turned out this year in this operation, which gives work to 500 Canadians in Winnipeg and 50 Americans in Pembina. North Dakota offers State tax inducements to encourage such Canadian programs.

PUSHING PARTS EXPORTS

Canada is pushing the export of automotive parts to Detroit and other car assembly centers.

Canada exported $2,897,826 worth of car parts to the United States last November, up from $517,599 in November 1962. Sales of Canadian car parts to all countries increased to $4,014,652 in November 1963, from $2,356,781 a year earlier.

In the first 11 months last year, exports of automotive parts to the United States were up to $17,054,858, from $4,745,109 in 1962, and sales to all countries rose to $29,834,590 in the corresponding period in 1963, from $17,683,989 in 1962.

Canadian automobile manufacturers, almost entirely American owned, are encouraged to obtain more parts, components and equipment from Canadian sources of supply, and to import less from the United States.

URGED TO BUY CANADIAN

The Canadian manufacturers also are asked to urge their parent corporations to buy parts in Canada instead of buying from small suppliers in Michigan, Illinois, or other States.

Plants in Canada, however, have to import major components not manufactured in Canada. The companies are offered exemption from Canadian tariffs on these imported items, to the value of parts or cars which they export from Canada to the United States.

About 40,000 persons work in the automobile manufacturing in Canada. Another 35,000 Canadians have jobs producing automotive parts. These totals are rising now and the industry and the Government expect them to continue to grow.

CAR OUTPUT UP 24.5 PRECENT

The industry produced 533,783 passenger cars in 1963, an increase of 24.5 percent from 1962.

Canada's new system of granting tariff exemptions to producers to equal their own exports to the United States has come under criticism in the United States, as a form of subsidy to evade trade agreements. The U.S. Treasury Department has been reported investigating the plan.

Paul Martin, Canadian Secretary of State for External Affairs, said, however, "that he is not worried about any possible American retaliation." He has predicted that Canada will extend the tariff device to promote exports by other Canadian industries, such as aircraft and chemical.

EXHIBIT NO. 7

CANADA AUTO PART SALES TO UNITED STATES UP 400 PERCENT

(By Eugene Griffin)

OTTAWA, ONTARIO, February 24.—Canadian shipments of automotive parts end engines to the United States increased more than 400 percent last year to $32,063,168, the Dominion bureau of statistics reported today. A year earlier the total was $7,746,793.

Since last November the Canadian Government through special legislation has encouraged more shipments of automobile engines and parts. Canadian companies may import components free of duty up to the value of complete cars or automobile parts exported to the United States.

All automobile manufacturing and assembling plants in Canada are subsidiaries of American corporations, with the exception of the Swedish-owned Volvo plant, near Halifax, Nova Scotia.

RELUCTANT TO DISCUSS

A Toronto paper said last week that the automobile industry won't discuss the extent of business with its new and cheaper supply sources in Canada because 1964 is an election year in the United States, and also a year for new labor contracts.

The Toronto Industrial Commission has said it expects that the establishment of new automotive supply plants will highlight activity in the Toronto area this year. W. A. Willson, general manager of the commission, said the main reason for this industrial growth is the Government's policy to promote Canadian automobile components for export in the United States.

Canada also is studying other industries that could export to parent companies in the United States through use of special tariff privileges.

SUGGESTS AIRCRAFT

Canada's Secretary of State for External Affairs, Paul Martin, has suggested that Canadian aircraft and chemical industries could increase sales in the United States through the tariff exemption that is boosting auto part exports.

Canadian exports to all countries last year amounted to a record $6,798,538,017, an increase of 10 percent from 1962.

The United States imported $3,766,400,000 worth of Canadian goods last year.

Exports to Russia and eastern European Communist countries amounted to $211,071,000, and to Red China, $104,738,000.

Wheat, with huge shipments to Communist countries, displaced newsprint as Canada's No. 1 export for the first time since 1952.

Canada's exports to Communist Cuba went up from less than $11 million in 1962 to $16,432,672 last year. This was only half of what Canada sent to Cuba in 1961, however, when Canadian exporters reaped their highest profits as a result of the American embargo on trade with Premier Fidel Castro.

Mr. SYMINGTON. Mr. President, the Wall Street Journal of March 26, published an article on this subject which spells out the actions already taken by many automotive companies; and also future plans of others. It is headed, "Canadian Car Push: Dominion Tempts U.S. Auto Firms To Move Parts Output

to North; Tariff Lures Arouse Interest; Some Parts Likely To Be Exported Back Into United States; Impact on Jobs, Dollar Drain."

I ask unanimous consent that this article be inserted at this point in the RECORD.

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

[From the Wall Street Journal, Mar. 26, 1964]

CANADIAN CAR PUSH: DOMINION TEMPTS U.S. AUTO FIRMS TO MOVE PARTS OUTPUT TO NORTH; TARIFF LURES AROUSE INTEREST; SOME PARTS LIKELY TO BE EXPORTED BACK INTO UNITED STATES

(By Jerry Flint)

DETROIT.—A few weeks ago word spread at the Dodge plant in midtown Detroit that 130 foundry jobs would be moved to a plant a few miles away at the end of the 1964 model run. The news caused consternation—for the few miles will take the jobs across the Detroit River and into Canada, where they'll be out of reach of U.S. workers.

A number of other auto industry jobs are likely to move into Canda soon, too. For the Canadian Government seems to be succeeding in attempts to get American car makers to expand production of auto parts in Canada—at the expense of the United States.

Dominion tariff schedules already offer a strong incentive to U.S. auto firms, whose subsidiaries build nearly all Canadian cars, to make the parts for these cars in Canada, too. If a Canadian-assembled car is of 60 percent Canadian content—including labor—its maker pays only light tariffs on parts imported from the United States; if its Canadian content is less, the parts tariffs are much heavier.

CANADIAN PARTS FOR U.S. CARS?

Now the Canadian Government also is tempting U.S. firms to make parts in Canada for shipment back into the United States. Its offer: If a Canadian auto plant exports parts, it will get tariff rebates on the parts it must still import. Officials estimate that if U.S. firms respond fully, their Canadian subsidiaries could earn rebates of $35 million a year—an impressive sum in the Canadian auto industry. Ford Motor Co.'s Canadian subsidiary earned only $24.3 million profit in all 1963.

The lures appear to be working. General Motors Corp. announced a few days ago that it will spend $120 million to build Canadian auto and truck assembly and parts plants in the next 2 years. That would be more than twice as much as it has spent in Canada in any previous 2-year period.

Whether GM will build any parts in Canada for export back into the United States isn't known. But all its competitors already use at least a small amount of Canadian parts in their U.S.-assembled cars, and there are indications the total may expand greatly. Ford Motor Co. says it will make a major move in Canada within 6 months; it has been learned that Ford has considered plans for making in Canada some radios and automatic transmissions for its U.S. cars.

And Lynn Townsend, president of Chrysler Corp., recently told a Canadian audience that within 20 years American automakers may get their entire supply of some important parts, such as frames, engines, or transmissions, from Canada, while Canadian assembly plants may build cars for both countries. Canadians don't have to wait 20 years to see the latter; Studebaker Corp. last December began assembling all its cars in Canada.

BALANCE-OF-PAYMENTS THREAT

Such developments are anything but welcome in Washington. If carried very far, they could aggravate the U.S. balance-of-payments deficit (excess of money going out of the U.S. over money coming in). They won't help cut the U.S. unemployment rate under its present 5.4 percent of the labor force, either. Even if few jobs are actually moved across the border, new jobs will be created in Canada that otherwise would be created in the United States.

So Commerce Secretary Hodges has advised the automakers to "get up on their hind legs" and fight Canadian attempts to lure their plants northward. But so far his words have not been backed by U.S. action. It's true the U.S. raised tariffs sharply on some imported auto parts last fall, and Canadians are protesting. But the Canadians think this was a coincidental part of a general reclassification of many U.S. tariff rates, and not a retaliatory move.

At any rate, the Canadian Government is pushing ahead with its offers. It's out to slash a $1.2 billion yearly deficit in Canada's balance of payments with the United States; imports of auto parts now account for about half that deficit. And it believes mass production of auto parts in Canada could lower Canadian car prices, which now run considerably higher than in the United States. A standard-sized Ford Galaxie 500, for instance, lists for $2,405 in Canada (Canadian money) against $2,047 (U.S. money) in the United States.

STIFFER ACTION HINTED

There have, in fact, been hints that if the lure of tariff rebates doesn't pull many U.S. auto-parts plants northward, the Canadian Government will try some more coercive measures. "The Government has explained pretty vividly that it intends to rectify the trade imbalance by some means," says the president of a Canadian automaker. "If this doesn't work it will try something stiffer."

American auto executives, however, don't sound as if they'll have to be pushed very hard. Roy Chapin, Jr., executive vice president of American Motors Corp., which is eyeing tariff rebates it believes could bring its Canadian subsidiary an extra $4 million a year, calls the Canadians "ingenious in using the carrot technique." And Chrysler President Townsend calls the tariff-rebate offer "a very strong stimulant to our business imaginations."

Already Canadian exports of auto parts are rising sharply, though the total still is small. In 1961 Canada exported $36.4 million worth of autos and parts, including $11.9 million to the United States. In 1962 it exported $61.3 million worth, including $14.5 million to the United States. And in the first 10 months last year the export total rose to $95.4 million, including $38 million shipped to the United States.

One reason exports to countries other than the United States have been rising is that American auto makers have been letting their Canadian units do more of their world exporting. And the rise in exports to the United States apparently has only begun; the first 10 months of 1963 cover only the beginning of the Canadian push for more parts plants.

U.S. automakers are often secretive about their plans to build such plants, partly out of fear they'll be accused of "exporting jobs." Here, however, is a rundown of all that can be learned about what is happening:

Chrysler recently bought a Canadian foundry in Windsor, Ontario, and plans to increase engine production there. Some engine block casting and machine work on engine parts is moving from Detroit to Canada this fall.

One industry source says this is only preliminary to a major Chrysler engine-building program in Canada. He says that in the 1966 model year Chrysler plans to build 225,000 compact car engines in Canada, with the majority to be exported, many to the United States. Rod Todgham, president of Chrysler of Canada, concedes "it is more economical for us to get into engine production" in Canada; right now an automated V-8 engine line in Chrysler's Windsor plant runs only 2 hours a day, and could expand output greatly while cutting costs.

FORD PLANS

Karl Scott, president of Ford of Canada, says, "We're making a tremendous number of studies as to what may be done, none of which is ready for disclosure." But it has been learned that Ford has considered building a partsmaking plant in Canada for the Ford Autolite division, in addition to its discussions of making radios and automatic transmissions in the Dominion.

Ford last year sent $110 million of U.S.-made parts into Canada, and brought only $30 million of parts from Canada into the United States. But Ford men figure they can halve this $80 million trade difference in 5 to 10 years. Chrysler can cut its trade imbalance in parts with Canada in half in 4 or 5 years, Mr. Todgham says.

American Motors Corp. is stepping up its buying of auto bumpers, headlamps, wheel covers, and transmission parts from Canadian partsmakers for U.S. cars. This year it figures on buying $5 million worth of such parts, up from $1 to $1.5 million in 1963.

Gordon Grundy, president of Studebaker's Canadian operation, figures the company can sell 15,000 to 20,000 Canadian-built cars a year in the United States at "rock bottom." This summer Studebaker also will stop making engines in South Bend, Ind., that it now ships to Canada; industry sources say it probably will buy Canadian-made engines from one of its competitors.

GM EXPANSION

Up to now GM has been the big holdout against the trend; it uses no Canadian parts in its U.S.-built cars. But this may change. The company announced last week it will build a new trim plant in Windsor, near Detroit, and a truck chassis plant at its Canadian headquarters in Oshawa, near Toronto. It also will expand the Oshawa car assembly plant and build another assembly plant in Canada, though it won't say where; altogether, GM says, the expansion program will create 4,000 new Canadian jobs. While it's not clear whether GM's expanded Canadian units will export parts to the United States, a Canadian GM official says "we'd certainly like to."

This activity by automakers is being paralleled by Canadian expansions by independent U.S. parts makers, though not all of them are happy about it. An executive of a major American parts maker, confiding that Detroit companies are asking him to transfer some operations to Canada, complains that "they don't mind us spending $500,000 to move something."

The trend nevertheless is gathering. McCord Corp. of Detroit will build 100,000 radiators in Canada for U.S. cars during the 1965 model year, says James Hayward, executive vice president. He figures the radiators will be worth $2 to $2.5 million.

Kysor Industrial Corp. of Cadillac, Mich., bought a Canadian auto parts maker in January and plans to shift some of its U.S. production there. About 20 jobs will be added to the 140-man Canadian operation, says R. A. Weigel, president. And Rockwell-Standard Corp. of Pittsburgh last fall bought 75 percent of Ontario Steel Products Co., a Canadian auto parts maker.

MORE U.S. DOMINATION

Such expansions have their ironic aspects. The whole trend is bound to increase U.S. domination of the Canadian auto parts industry. Not only will more American-owned companies make parts in Canada, but as they introduce new competition Canadian-owned parts makers that are inefficient and don't have money for expansion will "pass

out of existence," predicts Mr. Todgham of Canadian Chrysler.

Canadian Government officials are well aware of this—and the sensitivity of Canadian voters to U.S. domination of Canadian industry. But they're determined to go ahead with their plans. "We've got to take our chances on this thing, but in the long run we think we'll be better off," says B. G. Barrow, assistant to the Canadian Minister of Industry.

Even without lures to build auto parts in Canada for export to the United States, American automakers might well be expanding their Canadian parts output, as the Canadian market itself is growing. Canada last year built 533,000 cars and 99,000 trucks, a record, though the figures are dwarfed by the 9 million vehicles built in the United States in 1963.

MARKET GROWTH PREDICTIONS

Ford expects production to grow 3.5 percent a year, and GM figures Canadian car-truck volume will run between 665,000 and 750,000 by 1968. Chrysler sees close to 800,000 Canadian car sales in 5 years, and expects to increase its own Canadian car-truck volume this year by 10,000 units over its 97,000 sales of 1963. American Motors expects to sell 35,000 cars in Canada this year, up from 28,000 last year.

None of this brings any joy to U.S. workers, who generally don't have seniority rights to move into Canada with any jobs that might be transferred, even if they were willing to accept Canada's generally lower wage scales. When the Canadians first announced their plans to lure more parts production, a Government official said it would mean 60,000 new jobs. Other officials have since discounted this estimate but they likely are anxious to avoid U.S. charges of job stealing.

Auto men figure moves now underway or in prospect could switch 5,000 U.S. jobs into Canada, besides creating new ones there. United Auto Workers Union locals have counted 500 jobs going into Canada soon from Chrysler's Detroit Dodge and Trenton, Mich., engine plants, and they don't like it.

"We must make every effort to provide jobs for all workers by bringing new jobs into industry rather than moving them out of our midst into another country," Steve Pasica, president of UAW local 3, protested in a telegram to Chrysler President Townsend. He also sent a wire to President Johnson, asking for help in stopping the move. His answer, from Assistant Labor Secretary James Reynolds, wasn't very consoling. Mr. Reynolds said the Government couldn't stop the move but added that if "the workers need assistance in locating new jobs the resources of the U.S. Employment Service will be available."

Foreign automakers have also shown interest in the Canadian market. Volvo, a Swedish carmaker, has opened a Canadian assembly plant that turns out 45 cars a week. And Renault, the French carmaker, has been considering a plant in French-speaking Quebec.

Mr. SYMINGTON. Mr. President, this is a grave matter. It deserves urgent and immediate action from the proper Government officials unless we want to resign ourselves to the loss of some 60,000 jobs to Canada in this one industry.

THE TAX CUT, OUR SENIOR CITIZENS, AND RUMORS

Mr. KUCHEL. Mr. President, it has been brought to my attention that a vicious rumor is sweeping the Nation concerning the effect of the recently passed tax cut bill on our senior citizens.

According to this rumor, the additional $600 exemption for persons over the age of 65 has been eliminated. Instead of being able to take $1,200 off their income tax, so the rumor goes, over-65 taxpayers only be able to take only the standard $600 exemption off their income tax.

I take this opportunity, Mr. President, to set the record straight on this matter. There is absolutely no truth to this rumor. The Internal Revenue Act of 1964 specifically retains the double $1,200 exemption for taxpayers over the age of 65.

I have also been informed that there is a rumor spreading among our senior citizens that social security benefits and railroad retirement benefits will no longer be tax free. Once again let me put it squarely in the RECORD that this rumor is untrue and that social security benefits and railroad retirement benefits remain tax free under the new law.

Far from harming the elderly, the new tax cut bill contains many provisions that favor our senior citizens. The new law exempts from capital gains taxation the first $20,000 of proceeds from the sale of a personal residence by a taxpayer aged 65 or over, providing he has lived in the home for at least 5 of the past 8 years. I authored such legislation in a previous Congress and am delighted that this provision has now been accepted.

The new law also further liberalizes medical deductions where the elderly are concerned. Up until now persons over 65 have been subject to the rule limiting deductions for drugs and medicines to outlays above 1 percent of their income. The new law repeals this 1-percent rule and allows the elderly to deduct the full cost of drugs and medicines.

A third benefit liberalizes the special tax credit granted to retired couples against dividend income and other kinds of investment income on joint returns. The old law allowed a husband aged 65 or over to take a tax credit on investment income up to a maximum of $1,524 provided he previously held a job 10 years. But if his wife had not had this work experience, he could not make a similar computation on her behalf. The new law increases to a maximum of $2,286 the retirement income on which the couple can take the credit provided both are over the age of 65.

Also benefiting some elderly taxpayers is the optional minimum standard deduction provision of the new bill. Under this provision, an over-65 taxpayer who does not itemize deductions can either take the standard 10 percent deduction or else figure his deduction in a new way. Under this new plan, he is allowed $300 for himself and an additional $100 for each additional exemption. Since he receives an additional exemption by being over age 65, and still another if his wife is over age 65, this new law can provide an additional $200 in tax deductions for elderly married couples.

Mr. President, I think the Congress has a good record where voting tax benefits to the elderly is concerned. I myself, along with a majority of the Senate and the House, voted to increase social security benefits back in 1961. Both Houses also supported enthusiastically the tax benefits for the elderly cited above. It is to maintain our good record in this area that I want to squelch once and for all the various untrue rumors that the new tax cut bill will be directly harmful to our senior citizens.

LAWBOOKS, U.S.A.

Mr. KUCHEL. Mr. President, I wish to commend the American Bar Association, Federal Bar Association, and the U.S. Information Agency on the formation of Lawbooks, U.S.A. This unique and significant program will be of interest to you for the following reasons:

First. Lawbooks is a nonprofit venture whereby paper back books on the nature of the American legal system are sent to opinionmakers in the emerging nations.

Second. There will be no cost to our Government, though the benefits will be great.

Third. It is a lawyer-to-lawyer approach to foster an international appreciation of the rule of law.

Fourth. The books will be distributed overseas by volunteer Peace Corps lawyers, USIA posts, and foreign bar association leaders.

Fifth. This project is being administered by the younger lawyers of our Nation.

You may remember, Mr. President, that during the occupation of Japan after cessation of hostilities, the Federal Bar Association sponsored a program whereby Government agencies were asked to donate surplus copies of the United States Code and committee documents and reports relating to our Criminal Code and our judicial system. These books and pamphlets were then distributed in Japan through the facilities of the Army Judge Advocate General's office to students, lawyers, and judges. This undertaking received widespread acclaim from the Japanese Bar Association and an official citation from the commanding general of our forces in the Far East, Gen. Douglas MacArthur, whom we all remember in our prayers today. I am told that the Japanese judicial system and the criminal code are similar in many respects to that of the United States.

Lawbooks, U.S.A. revives the spirit of this earlier program, but is more ambitious in scope. The participating bar associations now hope to send paper back books to lawyers, professors and students in all of the emerging nations. Each lawyer is being asked to donate one packet to a fellow lawyer overseas and to correspond with him on a lawyer-to-lawyer basis. It is apparent that the legal profession of our country understands that lawyers in these new nations must know and have the very feel of the American concept of law if peace through law is to be achieved.

I am pleased and honored to serve as a trustee on the Lawbooks, U.S.A. National Committee along with such prominent lawyer-statesmen as Justice Tom C. Clark, Congressman Barratt O'Hara, of the Foreign Affairs Committee; Assistant Secretary of State for African Affairs, G. Mennen Williams; Dean Erwin Griswold, of Harvard Law School; Dean Clyde Ferguson, of Howard Law School; former USIA Director, Edward

R. Murrow; former Governor Harold Stassen, and former ABA and FBA presidents Charles Rhyne and Earl Kintner. I think that this distinguished board suggests the worthy nature of this undertaking.

I know that you will agree with me when I say that the younger lawyers of our country are to be commended for their contribution to world understanding through law. I urge you to encourage and support them in this most noble project.

HIGH VETERANS OF FOREIGN WARS AWARD TO MR. GEORGE F. GETTY II

Mr. KUCHEL. Mr. President, recently, the Veterans of Foreign Wars of the United States held its annual conference of national and State officials in Washington. This conference was attended by approximately 500 Veterans of Foreign Wars leaders. An annual banquet honored the Members of Congress who served in the Armed Services. At that banquet our beloved President pro tempore, CARL HAYDEN, received, the Veterans of Foreign Wars first Annual Congressional Award.

The Veterans of Foreign Wars has earned the respect of our Nation for the service it performs in recognizing those citizens who make an outstanding contribution to the strengthening of America.

A native son of California, Mr. George F. Getty II, was also the recipient of one of the Veterans of Foreign Wars' highest awards. March 8, 1964, the commander in chief of the Veterans of Foreign Wars, Mr. Joseph J. Lombardo, awarded the Commander in Chief's Gold Medal With Citation to Mr. Getty.

This award was in recognition of Mr. Getty's efforts to help alert our Nation to the subtle, but profoundly dangerous, methods by which international communism is using trade and commerce as weapons of penetration and aggression.

Mr. Getty, who has set a high example of business achievement, community leadership, and patriotic endeavor, well deserved this award.

Commander Lombardo's presentation remarks clearly set forth the reasons why George F. Getty was selected to receive this honor. I ask unanimous consent that the text of the remarks by Mr. Joseph J. Lombardo, commander in chief, Veterans of Foreign Wars, presenting the V.F.W. Commander in Chief's Gold Medal and Citation to Mr. George F. Getty, II, Los Angeles, Calif., be printed at the conclusion of my remarks.

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

REMARKS BY COMMANDER IN CHIEF JOSEPH J. LOMBARDO PRESENTING VFW COMMANDER IN CHIEF GOLD MEDAL AND CITATION TO MR. GEORGE F. GETTY II, FOR OUTSTANDING CONTRIBUTIONS TO OUR NATIONAL SECURITY, MARCH 8, 1964, COTILLION ROOM

The man who, while deeply involved in day-to-day business activities, still remains aware of his overriding responsibility as a citizen to help protect our Nation is, indeed, an asset to our way of life. Unfortunately, there are all too few who demonstrate this admirable characteristic.

I am glad to report that we have with us today one who has set such a high example of business achievement and active patriotism.

Mr. George F. Getty is such a person. He is a man of distinguished achievement in the business world. He is president of the Tidewater Oil Co., a director of the Bank of America and Douglas Aircraft Corp., and is a member of the American Petroleum Institute. In his native city of Los Angeles he is active in civic affairs as a director of the Los Angeles World Affairs Council and a director of the Southern California Symphony Association. I am also glad to say he is a member of the VFW in good standing.

He is, I would like to point out, an oversea veteran. He enlisted in the Army in 1942, serving in the Philippines, Malaya, and Japan, and was discharged as a first lieutenant.

But, while no longer "on active duty," he has continued to serve our Nation well. He knows communism and its dangers. He knows what Khrushchev really meant when he said "We declare war on you in the peaceful field of trade."

Mr. Getty has, through much effort and study, become an acknowledged authority on the Kremlin's use of trade, especially oil, as an instrument of Red aggression. But, he didn't get his knowledge secondhand. In 1960, he was a member of the U.S. Petroleum Exchange Delegation to Russia, and he made the most of the opportunity. He traveled to the various Russian oilfields and refineries, and with a trained eye he evaluated Russian capabilities and intentions in terms of a Red oil offensive.

He has used this information to help alert our Nation to the subtle, but great, danger of the Russian use of petroleum as a means of penetrating and disrupting the economy of free nations.

One of his outstanding speeches, before the Petroleum Institute in Fort Worth, Tex., has been extensively reprinted both in the press and in the CONGRESSIONAL RECORD. He was paid the high honor of being the subject of complimentary remarks by the minority leader of the Senate, Senator DIRKSEN, who stated on the floor of the Senate that Mr. Getty's warning is "probably the most comprehensive, authoritative, and understandable analysis of the Russian oil situation, both in the Soviet Union, and as an instrument of international trade," and also that Mr. Getty's speech "is a most valuable contribution to our understanding of Russian techniques of expansion through the use of trade."

Therefore, in recognition of his sense of responsibility as a citizen, of his able and dedicated efforts to alert our Nation to the dangers of Communist commercial aggression, and because of his resulting contributions to our national security, it is my privilege, on behalf of the Veterans of Foreign Wars of the United States, to present to Mr. George F. Getty the Commander in Chief's Gold Medal and citation.

BYELORUSSIAN INDEPENDENCE DAY

Mr. KUCHEL. Mr. President, most Americans are aware of the brave struggles of the three Baltic nations—Estonia, Latvia, and Lithuania—to throw off the oppressive yoke of Soviet Russian dictatorship. But many Americans are not aware of the equally determined struggles of a fourth Baltic-area nation—the Byelorussian Republic—to shake off the chains of Communist domination and achieve freedom and independence.

Byelorussia is the third largest constituent republic in the Soviet Union and is contiguous with the eastern boundaries of Estonia, Latvia, and Lithuania. Its 8 million inhabitants have a national history dating back almost seven centuries. Tragically, that history is comprised mainly of an endless struggle to gain independence from imperialist Russia.

Unification of the Byelorussian territories began early in the 13th century, first around Navahradak and then around Vilna. By the 15th and 16th centuries the nation reached the zenith of its military might and economic and cultural development. The Byelorussian people succeeded in passing on their civilization and language to neighboring provinces. Administratively the nation reached a level equal to that of the most advanced states of Western Europe, with which it maintained friendly relations.

In the late 16th century, czarist Russia successfully drove back the invading Mongols and then turned its imperialistic eyes westward toward Byelorussia. In 1563 the Russian hordes, led by Ivan the Terrible, entered Polacak, one of the principal cities, and almost all the inhabitants were massacred, the population falling from 100,000 to 3,000 in less than a year.

For the next 2 centuries, Byelorussia became a pawn in a mighty chessboard battle between Russian and Poland. Yearning for its own independence, the small nation shifted between Polish and Russian domination depending on the fortunes of war.

In the 19th century, Byelorussia came permanently under Russian control and the people were subjected to the same Russianization experience in all the Baltic nations at that time. The University of Vilna was suppressed and all its libraries and faculties shipped to Russia proper. No high schools of any kind were permitted on Byelorussian territory, not even those using the Russian language. The Uniate Church, the major national religious group in Byelorussia, was abolished, its property confiscated, and its priests and monks deported. A total ban was imposed on all printed works in the Byelorussian language, even those of a religious nature.

The ravages of World War I gave the Byelorussians their first real opportunity to win their independence. Overjoyed at the overthrow of the Russian Czar in 1917, they assembled in national congress at Minsk. The Bolshevik rulers of Russia tried to suppress this meeting by having Joseph Stalin, then Commissar for Nationality Affairs, surround the Congress building with a Siberian armored infantry division. The members of the assembly refused to be stopped, however, and met in a locomotive repair shop in order to plan their next move.

That move was made on March 25, 1918, when Byelorussia proclaimed its independence and adopted a provisional constitution. The constitution guaranteed freedom of speech and assembly, the right to form labor unions, the right

to strike, liberty of conscience, the inviolability of the person and the home, and the equality of all citizens. In industry, an 8-hour day was introduced.

After declaring its independence, Byelorussia was accorded de jure recognition by over a dozen foreign states. But that independence was short lived. At the treaty of Brest-Litovsk, the Bolsheviks signed a peace treaty with the Germans permitting the Kaiser's troops to occupy three-quarters of the Byelorussian territory. Opposed to the social policies of the new government, the Germans disarmed the Byelorussian armies, thereby leaving the tiny nation defenseless at the end of World War I when the German Army retreated and the Red Army advanced unopposed.

Her brief period of independence over, Byelorussia's history since World War I has been similar to her history for centuries before that. She has shifted back and forth between Russia, Poland, and Germany, all depending on the fortunes of war at the particular moment. Today she is totally under the yoke of Soviet Russian rule and the efforts to suppress the Byelorussian national identity which began under the czars continue unabated.

It is fitting and proper that we in the United States should mark the 46th anniversary of the Byelorussian declaration of independence. The seven centuries' struggle of these oppressed peoples to form their own nation and determine their own fate demands the support and respect of freemen and free nations everywhere. The totalitarian walls of the Iron Curtain must never be allowed to obscure the never-ending struggle of the Byelorussian people to determine their own free destiny.

RESOURCES OF THE SEAS

Mr. KUCHEL. Mr. President, the potential worth of resources of the seas covering three-fifths of our globe long has challenged man's imagination and ingenuity. During recent years, this and other countries have embarked upon various enterprises in the field of oceanography. These activities include cataloging, measuring, mapping, studying habits, and evaluating physical features. They encompass the submerged portions of the earth, the mineral contents, and components of the waters of the seas, and the marine and vegetable life which exist in them.

Because of its extensive coastline and long maritime history, California has a highly developed sense of realization that mankind must intensify its efforts to solve riddles and mysteries relating to our oceans. In that direction, a significant symposium was held recently in California at which assorted aspects of this broad subject were discussed. My attention has been called to one outstanding paper delivered by a respected scientist at the University of California, Milner B. Schaefer, touching on many problems and illuminating certain assets of our offshore waters.

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

CALIFORNIA AND THE WORLD OCEAN: THE RESOURCES OF THE SEA—WHAT DOES THE OCEAN OFFER?

(By Milner B. Schaefer, Institute of Marine Resources, University of California)

Seventeen million people now reside in California, three-quarters of them within an hour's drive of the seacoast. It is forecast that, by 1980, the State's population will reach 28 million. Of these, perhaps 20 million will be in great urban communities near the sea. We live in intimate relation to the sea—it determines our climate and weather, is a bounteous source of food and industrial materials, a potential source of our most critical necessity—water, and a convenient place to dispose of domestic and industrial wastes. It provides broad freeways for our commerce with other lands, and is a paramount source of healthful outdoor recreation and esthetic and intellectual satisfaction. The uses of the sea will be of increasing importance to the State's burgeoning and more concentrated population, but their multiplicity—and some areas of conflict—must bring in train the need for careful planning and formulation of adequate public policy. I shall attempt to review briefly some of the ways in which the world ocean is, and will increasingly be, of importance to California—its opportunities and problems in relation to the needs of our developing society.

Note that the resources of the sea include not only the useful things we take out of it—the extractive resources—such as fish, minerals, petroleum, and water, but also the ways we use it to our benefit which involve no removals, and, in the instance of waste disposal, involves putting in materials which would be an embarrassment on land but which we cheaply and conveniently consign to the ocean.

KINDS OF MARINE RESOURCES

Recreation and esthetics

One needs only to visit the crowded seashore on any summer weekend to realize that a majority of our citizens look to the sea as a source of relaxation and outdoor recreation. Sailings, swimming, sportfishing, surfing, skindiving, water skiing, and plain simple contemplation of the beauty and majesty of the sea, afford respite from the stress of work and urban living. There are, for example, in the State, some hundred thousand pleasure craft, several million sport fishermen, and, over a score of thousands of scuba divers. Swimmers, sunbathers, and picnickers are uncounted. With the increasing population and urbanization of the land, with the growing complexity of our industrial society, and increased leisure time, the need for such recreational outlets will, I believe, be one of our most pressing requirements. Even the long coastline of California may not be able to meet this need. Only about a thousand miles of it are very useful for most recreation, since elsewhere the water is too cold, or the weather and rocks too rough. A thousand miles of useful coast sounds like a great deal, but for a population of 28 million, it corresponds to about 5 people per foot. The choicest part, the sand beaches, are actually shrinking, due to loss of sand to the deep ocean not balanced by the supply from the land, which has been diminished by runoff control. The beaches are also desired sites for some industrial establishments. We are short of small boat harbors, and some of our harbor areas are badly polluted. We simply must find ways to maintain the beaches, and to extend them, to lengthen the shoreline rather than decrease it, and to make new islands, bays, and harbors. It is, at the same time, important to maintain some parts of the shore in their natural, undisturbed state, since we derive considerable pleasure, and no little revenue, from the observation of the undisturbed beauty of nature and its creatures.

Power

Another requirement of a growing industrialized society is for vast amounts of power. We are unlikely to obtain directly from the sea any important share of our power requirements—at least until the advent of fusion of duterium and hydrogen, of which the sea is the greatest reservoir. However, the sea is otherwise of large importance to power development, because it provides a convenient and economical source of water for cooling of powerplants. This becomes of great importance as we get into the production of power by nuclear fission, using very large multimegawatt reactors. We see the small beginning in smaller experimental nuclear powerplants, using sea water for cooling, being planned for locations at Bodega Bay and on the beach near San Onofre.

Water

The use of very large atomic reactors, producing thermal power at a rate of something like 25,000 megawatts, is likely also to be an important part of the solution of California's most critical resource shortage—fresh water. Such plants, which seem to be within the reach of present technology, promise to be able both to produce cheap electric power and to distill fresh water from the sea at acceptable costs. They raise, however, three kinds of problems:

1. Selection of sites that will not preempt other important uses of the shore—such as beaches that might be better reserved for recreation.

2. Disposal of the waste heat into the sea in a fashion that will benefit rather than harm other resources—for instance, we could use the heat to make some of the miserably cold beach areas comfortable for swimming, or to enhance the local abundance of some of the finer sports fishes, which like warmer water than we experience through much of the year, or even to increase the biological productivity of the sea by using the heat to bring up nutrient-rich subsurface waters to fertilize the sunlit upper layer where the planktonic pasture nourishes the living resources.

3. The possibility of atomic contamination through accidents.

Waste disposal

The sea along the coast is, as I have just indicated, a convenient place to get rid of waste heat from powerplants. It is also a most convenient place economically to dispose of a large variety of other industrial and domestic wastes, because the rapid mixing and large volume of the ocean dilutes them quickly and the organic constituents are decomposed by its bacteria. However, it is easily possible in inshore waters, and especially in semienclosed bays and estuaries, to introduce even such fragile wastes as domestic sewage at a rate so great that dilution and decomposition is too slow to prevent the concentrations in the environment reaching levels which are harmful to man.

Some of the more refractory materials, especially those that are toxic at very low concentrations, challenge even the capacity of the vast high seas. The most notable of this class, of course, are radioisotopes, the introduction of which into the sea has been approached with great caution. But other things, such as lead-tetraethyl (from combustion of motor fuels), synthetic detergents, and some pesticides, are building up in the open sea in measurable amounts, the ultimate effects of which cannot now be forecast.

Other sources of adventitious pollution of beaches, more of a nuisance than a danger, but yet potentially damaging to recreation and other uses, are petroleum leaks from offshore wells, pumping of ships' oily bilges, and drift kelp lost from kelp harvesting.

Living resources

Fish and other living resources of the sea provide an important element of recreation. At least equally important is the commercial harvest of these resources, which is the basis of California industry of considerable magnitude, valued at about $200 million per year, and having a large growth potential. In respect of marine fisheries, California's area of interest extends far beyond the small bit of ocean immediately adjacent to our coast, because, in addition to domestic fisheries in nearby waters, our fishing industry also operates fleets which bring home their catches from far distant seas, operates substantially from farflung bases in other lands, and also imports large amounts of raw materials from other nations. The seas accessible to California fishermen and the California fish processing industry are all the high seas of the world.

During 1962 there were landed from waters immediately contiguous to the U.S. Pacific coast 833 million pounds of fish, of which 281 million pounds were landed in California. But, of 280 million pounds brought from the distant high seas, nearly all, 237 million pounds, were landed in California. We also imported 142 million pounds, mostly tuna, from other States and nations. Not included in these figures is the harvest of seaweed-kelp from which are made a variety of products used in the food and pharmaceutical industries; this kelp harvest is of the order of 150,000 tons per year.

The bulk of the harvest of California's local fisheries consists of tunas, mackerel, and sardines, all of which, together with anchovy and squid, are used almost exclusively for canning. An important characteristic of the harvest of fish from the California Current is that, although over 60 kinds of fish and a score of invertebrate species are included, only a few varieties constitute most of the catch. A similar situation occurs in many other parts of the sea. This is partly because some kinds of fish are relatively scarce, but is also due in large part to the fact that some species are inadequately used because of lack of markets, or because institutional and social factors inhibit development. There is no doubt that the harvest of some of the fish populations of the California Current could be greatly increased. Salmon, sardine, and Pacific mackerel are now yielding near their maximum sustainable harvest. But some other species are much underused. There is, for example, a vast population of jack mackerel, which extends far off our coast into the Central Pacific, of which we take but a small share. Bluefin and albacore tuna, which range far across the Pacific, and are only summer visitors to California, can certainly stand some increase of harvest, but the amount is unknown. Only a tiny share of the large populations of anchovies and squid are used for canning. What limits the use of these species for canning is purely economic—we know how to catch and process them, but at current costs and prices the market is limited, and that limit controls the catch.

A large and growing world market exists for fish meal, and its byproduct fish oil, which can be manufactured from most any kind of fish available in quantity at low enough costs to be competitive. The use, for this purpose, of some of the vast tonnage of anchovy and hake, now going unharvested off our shore, appears attractive as a basis of new industry. In addition, harvesting of anchovies should result in increasing the valuable sardine stocks, because results of research by the California Cooperative Fishery Investigations gives good reason to believe that anchovies and sardines are close competitors. As the sardine stocks diminished, due to the intense fishery, augmented perhaps by adverse environmental conditions, the anchovy stocks have very greatly increased. There is pressing need for "range management" in the fisheries here and elsewhere where only one species in a system of competitors is intensively harvested, a need for control of the "weed" species in order to maintain, and augment, the harvest of the most desired species. But catching of these fish for other than human consumption is presently contrary to our laws, and also meets opposition from other users—such as those who use anchovies for bait for sportsfishing, or those who believe that the anchovy is the main food of sportsfish. Obviously, there is need for careful evaluation and clarification of the means by which man can intervene for his greatest benefit in this and similar situations.

We can improve the harvest of some inshore species of marine animals and plants, and especially sedentary species, by even more sophisticated intervention. Oyster and clam beds may be husbanded by seeding, predator control and selective breeding. Control of undesirable predators on kelp seems possible. Habitats of some near shore sportsfish are improved by the construction of artificial reefs.

The most prosperous and most rapidly expanding sector of the California fishing industry is not that based on fish caught near to home, but depending on distant-water operations, many from oversea bases. Three California tuna packers operate plants in Puerto Rico, obtaining fish unloaded directly from California vessels, by shipment of tuna landed in Peru, Ecuador and elsewhere, and by purchose from foreign companies. California firms also operate tuna fishing bases in such places as Ecuador, Peru, and West Africa, employing both U.S. vessels and foreign-flag vessels. A considerable share of the booming fishery for anchovies, used for fishmeal, in Peru is California-owned. There is a substantial business in import of lobsters and shrimp to California from the Gulf of California and elsewhere along the Pacific coasts of Mexico and Central America. There are afoot plans of California enterprises to develop new fisheries in the Atlantic and Indian Oceans. California's distant-water tuna fishing craft are also extending their operations beyond the traditional area of the Eastern Pacific from California to Chile; a few vessels are operating in the Atlantic off West Africa, and during the past 2 years several vessels have fished during the summer months along the U.S. Atlantic coast for bluefin and skipjack tuna. I expect to see, in the near future, California vessels operating near the Society-Marquesas Islands in the South Pacific and also in the tropical Atlantic off Venezuela and Brazil.

California's bold and imaginative fishing industry is in position to participate fully in the living harvest of the world ocean, which has doubled in a decade and a half to 45 million metric tons per year, and will probably double again in like period. This is important not only for the immediate monetary return to our economy, but even more because the harvest of animal protein from the sea is desperately needed to remedy the current protein starvation of a large share of the world's population—a billion people on this earth never get enough animal protein in their diets. This need becomes even more acute as the human population continues its explosive growth.

Transportation

Another aspect of the world ocean, involving both the close and distant seas, of large importance to California, is the movement of commercial cargoes. Improved means of marine transportation presents a great industrial opportunity. This involves both improved vehicles and improved means of loading and unloading cargoes, since the movement of materials on and off of ships generates a large share of the cost of ocean transportation, and the limitations of size and depth of harbors conditions present ship size and design. A host of possibilities suggest themselves.

For many kinds of cargo, boldly conceived offshore loading and unloading, perhaps through pipelines, might permit the use of larger and more efficient ships and more rapid handling methods. Creation of large deep water harbors in lands not blessed with them by nature, such as northern Peru, and the creation of larger, deeper canals, through the use of atomic explosives, is a possible means of removing some of the handicaps at the "other end of the line." Large cargo submarines have been suggested as a means of avoiding limitations of rough weather. For some kinds of cargo, hovercraft which run just over the ocean surface, and can run up on the beach to unload, may be economical. Hydrofoil craft which "fly" through the ocean might be more efficient than present surface ships. Success of speeding transocean transit by routing around rough water, made possible by improved forecasting of wind, sea and swell, has already been demonstrated and can be much improved. These and other possibilities can, through the application of our knowledge and inventiveness, be the basis of important new industry in California.

Minerals from the sea

Additional sources of petroleum we could use right now, and we will need them worse in the future. Dr. R. Revelle has forecast that within a decade or two we will have to import more oil than we produce in California. Already, we are recovering oil from deposits along the margin of the sea. But recently submarine geologists of Scripps Institution have shown that many of the banks and ridges off southern California are closed anticlines, formed of layers of sedimentary rock folded into dome-like structures, that seem comparable to similar features of the coast ranges of California, and these may contain oil. They obviously deserve further exploration.

A much less speculative prospect are the deposits of phosphorite rock existing on the surface of the continental borderlands of southern California, some in water shallower than 50 fathoms. These phosphorites are suitable for the manufacture of certain kinds of phosphate fertilizer, much used to maintain California's high agricultural productivity. Because shipping costs from present inland sources are relatively high, it has been estimated by Dr. John Mero and others that these submarine deposits of phosphate rock could be marketed in California, and probably also in other countries bordering on the Pacific, quite profitably.

Deeper in the ocean, on the bottom under the high seas, covering vast stretches of the sea floor, are incredibly large tonnages of black ferromanganese nodules containing about 24 percent of manganese and up to 1 or 2 percent of copper, cobalt, or nickel. Although the nodules, which are being deposited from seawater by processes not yet well understood, grow at only a fraction of a millimeter in a thousand years, the total quantity is so vast that the deposits are actually forming at a rate more rapid than the total world consumption of some of their constituent metals. Some private industry is seriously examining the prospect of harvesting these nodules. Whether they are now an economically feasible source is moot, but there is little doubt that they will become so

within a couple of decades, with the continued depletion of high-grade sources of some of the important metals on land.

Other potentially valuable deposits of the sea bottom consist of the skeletal remains of marine animals. One familiar example in shallow water is the large, ancient deposit of oyster shell in San Francisco Bay, which is the basis of industry producing cement, soil conditioners, and poultry grit, with an annual output valued in the millions. Less well known are the vast deposits over large areas of the deep sea floor of the skeletons of microscopic animals, some of which are nearly pure calcium carbonate, and which are quite similar in composition to the rock presently used for making cement. Other deposits consist of enormous quantities of diatomaceous earth.

Some of the dissolved minerals in seawater are already the basis of important California industry. The San Francisco Bay area is one of the great solar salt producing areas of the world, with an output of more than a million tons of salt a year, or about one-third of all the salt extracted by solar evaporation in the whole world. This, and to a lesser extent the salt-producing locations at Moss Landing, Newport Bay, and San Diego Bay, have the unique combination of requisites for this industry: High net evaporation with absence of rain during much of the year, large areas of land suitable for inexpensive construction of watertight evaporating ponds, and access to local markets, and sea transportation for distant markets, very close at hand.

In addition to sodium chloride and some potassium compounds produced by solar evaporation, there is extracted from the remaining bittern magnesium chloride, bromine, and chemicals used in the manufacture of gypsum.

The only other materials now produced from seawater at competitive economic conditions are magnesium metal and several magnesium compounds, such as are produced by the Dow plant at Freeport, Tex.

According to a recent study by McIlhenny and Ballard of Dow Chemical Co., if one were to combine a seawater conversion plant with a chemical recovery plant of considerable size, processing about 2 by 10^9 acre-feet of water a year, since the conversion brines are somewhat concentrated, and some plant and pumping costs would be shared, it becomes economically feasible, with present technology and current power costs, to extract additional elements, notably strontium, boron, fluorine, aluminum, and lithium. But we may be able to do even better, if power costs go down through the use of large nuclear reactors as part of the system; and development of new technology for concentrating materials from seawater is not beyond the bounds of expectation.

Military oceanography

The uses, and problems, of the sea in relation to national defense involve the efforts of a great many people in science and industry in California. We like to think of the ocean as a moat, protecting us from possible foreign attack, so long as our forces control it. But this control has become exceedingly difficult with the advent of deep and fast atomic submarines that move stealthily through the murky depths, and can suddenly and secretly launch atomic missiles at long ranges. A vitally important task is, therefore, to learn how quickly and accurately to locate enemy craft below the surface of the sea, and also how our own subsurface craft may operate most effectively in this mysterious environment. These fearsome problems, and others related to military needs, will demand the best talents of our scientists and engineers for many years to come.

Weather and climate

I mention last the aspect of the ocean which mostly greatly affects all of our lives—the climate and weather. We owe our renowned equable climate to the California Current, which acts as a giant air-conditioner on the winds that prevail from the ocean to the land. But the interactions between air and sea are also involved in some of the inconvenient and disagreeable things, such as the lack of rainfall in southern California, the winter fogs in southern California and the summer fogs of San Francisco, and the atmospheric temperature inversions over the coast that trap the air against the mountains and lead to smog.

So far, there is little that we can do about these things, except, through better understanding, to improve weather forecasts, both short and long range. Which is of no little value for improving the performance of agriculture and industry, not to mention our personal convenience. It is, however, not entirely visionary to suppose that, as we come better to understand the workings of the great heat engine of air and sea we may be able to exercise some control, to modify the rainfall pattern and other weather to our benefit.

NEED FOR PUBLIC POLICY

Because the resources of the sea are multiple, the uses of one affecting in larger or smaller degree the others, there inevitably arise conflicts among the different uses and users. A few examples: Waste disposal can harm recreation and commercial fishing. Power and fresh water production by large atomic plants on the coast can preempt sites for other purposes, and can affect the coastal waters for several miles. Oil production and kelp harvesting are feared as leading to beach contamination. Sports fishermen and commercial fishermen are notoriously at odds.

An important continuing problem of marine science is to aid in reconciling such conflicts among multiple uses, to find means by which people can use the ocean in a variety of ways with a minimum of interference. Fortunately, some of the conflicts are more imaginary than real, and some of the real conflicts can be eliminated by intelligent planning and action. But there must remain a residue of irreconcilable alternatives where decisions have to be made, hopefully on an objective factual basis and with the benefits to all people fairly considered.

Since the resources of the sea are, to a very great extent, public property, not amenable to private ownership and control, their use and management becomes the responsibility of public authorities. But here we encounter a tangled skein of rights and responsibilities, especially in the near shore zone, from the beach to some miles offshore. In this zone, where there is the greatest multiplicity of uses, and hence a large need for coordinated planning and careful formulation of policy looking toward the future, there are involved authorities at all levels—city, county, State, Federal, and international—with their responsibilities and jurisdictions often not clearly defined. For such a system to work well, it is of the highest importance that we foresee as clearly as we can the full scope of the opportunities and problems, that we obtain a sound factual basis of making wise decisions, and that we seek means by which we may continually adapt our forward planning to the evolving needs of our society.

Beyond the Continental Shelf and the territorial sea, lie the broad reaches of the Pacific, communicating directly with all parts of the world ocean. Here is a great avenue of trade, and a vast storehouse of food and other resources to support the peoples of the world. This is the joint property of all nations, and accessible to all men on an equal footing. California's scientists, engineers, and seamen have gone a long way toward developing capabilities to utilize its many resources, and her enterprising and imaginative industrialists are applying this knowledge in many places, both near and far. It is to be hoped that the policies of our State and Nation will vigorously foster the further development of this frontier, because therein lie opportunities to advance the well-being not only of our own people, but also of our neighbors across the sea.

U.S. FOREIGN POLICY IN LATIN AMERICA

Mr. SMATHERS. Mr. President, a few days ago the chairman of the Committee on Foreign Relations, the Senator from Arkansas [Mr. FULBRIGHT], made a speech in the Senate with reference to the foreign policy of the United States in various parts of the world. The speech seemed to start a dialog with respect to what our foreign policy should be and actually is. I should like at this time to have printed in the RECORD an article written by Mr. William S. White, entitled "U.S. Stiffens on Latin America."

I believe this article accurately portrays the firm opposition of our administration to Communist control of Cuba and to further Communist endeavors to extend its influence into Central and South American countries.

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

U.S. STIFFENS ON LATIN AMERICA

(By William S. White)

The Johnson administration is moving on every front toward a more realistic approach to Latin America—an approach in which the legitimate interests of the United States will be the final test of every policy.

There is not the slightest intention to be "tough" or arrogant with the Latins. There is not the smallest purpose to be ungenerous with American aid or unsympathetic to the poverty and the fierce national and cultural pride which make the Latins perhaps the world's most sensitive people.

There is, however, the firmest of determination here to end a long era of well-intentioned but undue submissiveness in Washington to every wind of disapproval of us, however unjustified, which may blow up from south of the border.

In a word, the U.S. Government is casting off the moldy hair shirt which for decades it has worn. It is saying goodby to an absurdly extreme sense of American guilt. For these same decades this guilt feeling has assumed that the United States is automatically and inevitably to blame for every difficulty in the Western Hemisphere simply because half a limetime ago this country sometimes practiced "gunboat diplomacy" in Latin America.

GOOD NEIGHBORS

We intend to be "good neighbors" in the true and adult and self-respecting sense. We do not intend, however, to be simply "Uncle Sap," good neighbors forever, saying we are wrong when we are right, and forever remorseful because some President Coolidge of the dim past sent the Marines to Nicaragua.

All this is one columnist's interpretation of the direction in which the U.S. Government is turning under two men whose human connections with and personal understanding of the Latins are facts of lifelong experience—President Johnson and Assistant Secretary of State Thomas Mann.

They know the Latin mind. Mr. Johnson knows it because of 30 years of mutually cordial political association with the Mexican-Americans of Texas. Mr. Mann knows it through much service as perhaps the most skilled diplomat of his generation in Latin American affairs.

Each man's awareness is intimate and factual; not bookish and theoretical. Each man truly likes the Latins; but neither man is filled with purely academic assumptions that are foreign to human reality.

They know, for illustration, that while the Latins naturally like a United States which bows to every demand, the Latins at bottom respect only those officials who are "muy hombre" (very manly) and frankly prepared to uphold their own rights. This must be done with grace and good humor; but also with dignity and resolution.

COMMUNIST CUBA

Thus, this country now sees honest American efforts to settle difficulties like that in the Panama Canal Zone with full respect for the right and feelings of the Panamanians—but also with full insistence on the right and feelings of the United States of America.

Thus, this country will later see powerful and tireless Washington efforts to do more than talk about the menace posed by Castro Cuba. This Government will expect its Latin friends to realize that we are attempting to excise the cancer of communism in Cuba not so much for our own sake as for theirs. And this Government will expect the true cooperation of those it is trying so hard to save.

The round sum of the developing policy of the United States toward Latin America might be thus expressed: Mr. Johnson did not come to the Presidency to preside over liquidation of free governments in this hemisphere to suit the world's Fidel Castros, nor to waive every American interest in the doctrinaire notion that the United States is always wrong.

Mr. Mann did not undertake perhaps the toughest job in American diplomacy simply to solicit hurrahs from those who still think that every criticism of the United States—and every thrust at American business abroad—must be met with instant American concessions and instant American breast beating.

Mr. SMATHERS. Mr. President, I ask unanimous consent to have printed in the RECORD at this point an article published in this morning's Washington Post entitled "Latins Get Net Inflow of U.S. Private Capital."

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

LATINS GET NET INFLOW OF U.S. PRIVATE CAPITAL

A net inflow of U.S. private capital into Latin America during the last quarter of 1963 has been reported.

The current of southbound investments was sufficient, economists said Saturday, to make the year's totals show an inflow favorable to Latin America of $78 million for the 19 Latin American nations. This reversed the trend shown during the first three quarters of the year, when there was a net outflow of $46 million, slightly improved—from the Latin American viewpoint—over the $54 million of outflow in the first three quarters of 1962. In 1962, there was a net outflow of capital from the 19 Latin American republics of $32 million.

The net outflow of private investment funds from Latin America has been a source of concern to those desiring to help the area move ahead under the Alliance for Progress.

A sharp decline in outflow of investment funds from Venezuela during 1963 was largely responsible for the better total figures for Latin America as a whole.

Venezuela had a net outflow of U.S. investment capital of $194 million in 1962, a preliminary report indicated, and a net outflow of only $14 million in 1963.

Mr. SMATHERS. Mr. President, we have known for some time that we could never succeed in our efforts to help build up the countries of Central and South America and give them the type of economy which would support democratic governments unless some private capital flowed into those countries.

Since the advent of Fidel Castro, there has been a loss of private capital going into Central and South America, because businessmen were afraid to invest further in an area where their investment might be confiscated.

I am delighted to see that in recent months the outflow of private capital has stopped in Venezuela and in some of the other major countries, and that the inflow has once again started, although it has not proceeded at the rate it once flowed and at the rate at which I hope it will soon again proceed.

THE GOVERNMENT OF THE DOMINICAN REPUBLIC

Mr. SMATHERS. Mr. President, an excellent article was written by George Beebe, the able managing editor of the Miami Herald, and published in that outstanding newspaper on March 23. Mr. Beebe is also a perceptive student of Latin American affairs. The article which he wrote is entitled "Dominican Trio Cleans Up Trujillo Mess."

I ask unanimous consent that the article may be printed in the RECORD at this point in my remarks.

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

DOMINICAN TRIO CLEANS UP TRUJILLO MESS

(By George Beebe)

SANTO DOMINGO.—Three bright young men are doing a commendable job of washing some of the dirty linen that old man Rafael Trujillo had tossed into the hamper for 32 years.

As a civilian triumvirate, they won't be around for the final rinse, because they have agreed to relinquish governmental reins to an elected President by September of 1965.

In the meantime, they are giving refreshing leadership to a potentially rich little nation just begging to enjoy the liberties so long denied it under a ruthless dictator.

Trujillo did much to modernize this country, but he left behind an image so black and bankrupt that it will take generations to whiten.

The road ahead is mined with staggering problems.

At the helm of this ruling body are:

President Donal Reid Cabral, 49, a lawyer-businessman who accepts no salary and who is so personable and confident that he is accompanied by military aides only when on official business.

Manuel Tavares Espaillat, 40, a Yale engineering graduate who vigorously concentrates on industrial development.

Ramon Tapia, 38, a lawyer who is forceful in dealing with the military which grudgingly sanctions the triumvirate because it has no talent for governmental intricacies.

Most everyone refers to the short, dynamic president as "Donnie." He lists the triumvirate's accomplishments after 6 months as:

Maintaining law and order without force (although the University of Santo Domingo student Leftists argue otherwise); complete independence of justice; a slight upswing in a sick economy; and a completely free press.

"Our greatest problems," said Dr. Reid, "are the same as most other Latin American nations—hunger and lack of education."

U.S. aid was chopped off last September when a military coup ousted Dr. Juan Bosch, the first democratically elected President of the Dominican Republic in 30 years.

This was a severe blow to the civilian triumvirate when it took over 72 hours later.

Bosch's ineptness since has been proved, and President Johnson recently restored relations and opened up a trickle of rice for the needy.

But Reid and company moved right ahead without Uncle Sam. A World Bank mission is now here to check on the feasibility of a $150 million loan for the Yaqui River project—a series of TVA-type hydroelectric and irrigation dams in two rich valleys.

A team of Israelis is tackling a much-needed reforestation program in the towering mountains of the north.

Under FHA-type program seven American construction companies will help erase some of the shortage of 150,000 badly needed homes.

"Contrary to some opinions that we should be only a caretaker this triumvirate must push economic development now," says Manuel Tavares.

The Government is making loans to establish small businesses. It seeks to lure Dominican capital out of safe deposit boxes in faraway lands. It is offering attractive tax concessions to investors.

The triumvirate well knows, however, that until it can show the world some political and economic stability, the Dominican progress must be slow. Most of the 3,500,000 Dominicans are aware of the problems. Happily they like the new look in the Presidential Palace.

Mr. SMATHERS. Mr. President, it is a very appropriate article in light of the fact that the U.S. Government has recently sent W. Tapley Bennet, Jr., to the Dominican Republic as our Ambassador. This is a step that was long overdue. Mr. Bennet is very knowledgeable about affairs in this area of the world. I am certain he will be a great Ambassador and will help the Dominican Republic get on its economic and political feet.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

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

CONFIDENCE OF BUSINESS COMMUNITY IN THE ADMINISTRATION

Mr. SMATHERS. Mr. President, in the Washington Post of March 30, there is an article written in the business section by Mr. Harold B. Dorsey, a highly respected economist. The article was entitled "Investment View." There is a subheading which says: "L.B.J. Stands Spur Confidence."

The article states that the President is doing what has to be done with regard to tax cuts, with regard to economy

in Government, and with regard to asking for responsibility on the part of labor, management, and business leaders. It states that the whole business community has great confidence in this administration, and actually our economy is turning up because of the confidence which they have in our President.

Mr. President, I ask unanimous consent that the article be printed at this point in the RECORD.

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

INVESTMENT VIEW

L.B.J. STANDS SPUR CONFIDENCE

(By Harold B. Dorsey)

The reason why this column has been following so persistently the manifestations of the economic philosophy of the Johnson administration is the fact that this matter is highly significant in the calculations of business executives and investment managers, both here and abroad.

This single element may well determine whether spending decisions will be adversely affected by an antibusiness attitude, whether credit policies are going to be dictated by the White House or by the real authorities on this subject at the Federal Reserve, whether we are going to have an inflationary boom-and-bust sequence or whether the economy is going to enjoy a sound, satisfactory, and sustainable growth trend.

The most recent available evidence on the subject may be seen in speeches given last Monday by President Johnson to the United Automobile Workers and by Dr. Walter Heller to the Economic Club of Detroit.

Both of these speeches emphasized that a sustainable growth trend and an improvement in the international balance-of-payments deficit depends very heavily on the avoidance of another inflationary wage-price spiral. The President said: "The international position of the dollar * * * demands that our prices and costs do not rise. We must not choke off our needed and speeded economic expansion by revival of the wage-price spiral."

It would be very difficult for even the most extreme partisan to quarrel with that premise. Whether higher prices are caused by avariciousness of business or by excessive demands of labor, the simple fact remains that inflationary price behavior would have an adverse effect on the demand for our goods and services in domestic and world markets. It is merely a corollary that this would reduce the demand for workers.

Let us grant then that this premise must be widely accepted. Nevertheless, there has been considerable worry that the administration might have an antibusiness and prolabor bias, with an arbitrary, mailed-fist attitude toward prices and nothing more than meaningless finger-wagging attitudes toward labor demands.

President Johnson told the auto workers that it is the responsibility of labor, as well as management, to prevent the development of a wage-price spiral. There was no hint in his speech to the auto workers, or in that of Heller to the business executives, that the responsibility of one side is heavier than that of the other.

The President pointed out: "The administration has not undertaken, and will not undertake, to fix prices and wages in this economy. We are neither able nor willing to substitute our judgments for the judgments of those who sit at the local bargaining tables across the country. We cannot fix a single pattern for every plant and every industry."

This appears to be a sensible retreat from the crackdown image of the administration that was worrying business leaders a month ago. At the same time the administration certainly did not deem it necessary to swing a left jab at labor while it was withholding a right uppercut to business.

This particular point can be significant. For many years it has been an accepted political practice to pit class against class and one economic group against another. The fact of the matter is that the country has been in great need of a leader who will encourage the various sectors of the economy to work together rather than at cross purposes. We have an intricate economic machine. It functions to the best interests of everybody—including the driver—if all of the component cogs mesh together smoothly. If one cog is smacked with a hammer it might crack and weaken the progress and efficiency of the entire mechanism.

It may be taken for granted that partisans will contend that President Johnson is trying to be all things to all men and that he is therefore a weak leader. Nevertheless, a majority of the American population will probably recognize that his economic philosophy, as it has been indicated up to the moment, seems to be an effort to get everybody to pull together. Certainly it is within the prerogatives of the administration to point out—without political prejudice and without rancor—the responsibilities of the various sectors that make up the whole economy.

As the image of the economic philosophy of the Johnson administration has been shaping up recently, investment managers and business executives are likely to gain more confidence in the outlook for business activity, employment, and earnings.

EFFECT OF FOREIGN IMPORTS OF BEEF ON THE AMERICAN CATTLE INDUSTRY

Mr. PEARSON. Mr. President, we have all become acutely aware of the desperate condition in which the American cattle industry now finds itself. After months of excuses and debate there now appears to be a general acknowledgement of the fact that the high level of foreign imports of beef is having a very serious effect upon the economy of this major industry.

On February 6 of this year, after a very careful personal analysis of the economy of the cattle industry, I presented to the Senate my own detailed views as to the cause of the current situation. In that statement I urged that immediate steps be taken to restrict the importation of beef in such a way as to reduce it from its current high level. I recommended a number of other steps which I thought were also necessary to stabilize the economy of the cattle industry without injecting Government control into the operations of a major industry which has thus far remained relatively free of Federal control.

When the administration announced only nominal rollbacks in the level of imports from Australia and New Zealand it became obvious that the hope for a negotiated agreement to satisfactorily solve the import problem could not be expected under present leadership and that it would be necessary for the Congress to impose quotas by legislation. At this point I joined in the cosponsorship of such legislation and have supported it as an amendment to the cotton-wheat bill, an amendment which was rejected by a vote of 46 to 44, and in the form of a bill and, more currently, an amendment to legislation pending in the Senate Finance Committee.

I am pleased to note that the administration has initiated action in several other areas which I recommended, but I am very much afraid that these steps are being pursued as diversionary tactics rather than as steps which should be designed to supplement quota reductions.

Much testimony has been submitted to the Senate Finance Committee in support of legislation to establish quotas on beef imports. On Friday, March 20, Mr. William House, a rancher of Cedar Vale, Kans., appeared before the committee on behalf of the Kansas Livestock Association and the American Hereford Association. Mr. House is president of both of these organizations. He is experienced and a well-informed businessman who devotes a substantial portion of his time to public affairs. He speaks from intimate knowledge of the business he represents and from a broad knowledge of national and international affairs.

Mr. House submitted a prepared statement but as I listened to his testimony along with the members of the Finance Committee I was tremendously impressed with the sincerity and practical nature of his oral presentation. I believe that all of the Members of the Senate and all others concerned with this problem can benefit by what Mr. House had to say to the committee and I, therefore, ask unanimous consent that a transcript of the oral remarks of Mr. House before the Finance Committee be printed at this point in the CONGRESSIONAL RECORD.

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

REMARKS OF MR. WILLIAM HOUSE BEFORE THE SENATE FINANCE COMMITTEE

Mr. Chairman, this morning to the Senators and Congressmen and friends gathered here, I would like to appear both for the Kansas Livestock Association as its president, and the American Hereford Association as its president.

I had a good deal of trouble getting here. I missed a plane in Kansas City on account of overcast and was delayed about 4 hours. Then last night, I got to Chicago and missed another plane. The generator went out. I was wandering around the lobby in the airport in Chicago, and you know, bad news always runs in great amounts. When you get it, it piles up on you. I just happened to pick up the U.S. News & World Report to try to kill a little time and its cover says: "It is To Be a Real Boom." I said, well that is the third ship that the stockmen in the United States are going to miss tonight because there isn't going to be any boom in the livestock business, I can guarantee you.

To make matters worse, I turned over to page 37, and it pretty well explains why we are appearing here today.

On page 37 it says: "Dean Rusk and diplomats of the State Department are described as exercising more influence over U.S. policy on beef imports than Orville Freeman, Secretary of Agriculture. These U.S. diplomats, it is said, prefer not to offend cattle raisers abroad by import restrictions to help American cattlemen."

Now, that is exactly why I am here this morning, and that is exactly why the cattlemen throughout the United States and in my State have insisted that we appear before this committee.

In the last 15 years we have witnessed a tremendous expansion of the beef industry in the United States. Producers increased

their herds from 77 million head to over 106 million head during this period of time. Feeders on family-size farms converted to efficient mechanized equipment in order to feed more cattle at lower cost. Huge industrial type feedlots were constructed and operated close to the centers of population. New and modern packinghouses and processing plants followed the feedlots in order to be near a dependable supply of slaughter cattle.

The question is, was this expansion in the beef industry within the United States justified? We think that it was. The consuming public accepted the product and voluntarily entered into the market and purchased it in ever-increasing amounts.

Consumption of beef per person jumped from 63 pounds to 96 pounds during this period, an increase of 50 percent. The industry improved the quality of its product with more grain feeding, processors improved their methods, and retailers put beef on the counters in more desirable cuts and in attractive packages. It is a true American success story.

Suddenly we find the entire industry grinding to a halt. The expansion period seems to be over. Prices of fed cattle have dropped below the cost of production, and unless there is a remarkable recovery within the next few months we will see the decline reflected in the demand for feeder and stocker cattle next fall and during the peak movement of cattle from the range to the feedlots this fall.

Now, prices alone would indicate the necessity for bringing production more in line with active demand. However, today the great question is not whether or not we can adjust production to a desired level within the borders of this country, it is to clearly determine the attitude of the Federal Government toward its own citizens engaged in the producing and feeding of beef cattle.

More dramatically stated, the question becomes this: Does the American market belong to American stockmen, and if the answer is no, then what percent of the American market is to be reserved for us and what percent will be guaranteed to producers and feeders in foreign countries?

Today the entire industry is restlessly awaiting the signal from Washington. Shall we go ahead or shall we slow down? Do we supply the market or shall we depend on other countries?

We can adequately supply the entire domestic demand from our herds and feedlots and at a reasonable price. An hour's work will buy more beef here than any other place in the world.

Gov. John Anderson has ably presented the problem as it is in Kansas. It shows that the economic impact has just begun. We have both types of feedlots, we have herds of cattle that have increased, we have packinghouses that have moved in from the river areas, and we are particularly proud of the development that has taken place in Kansas.

I might say that when you drop the price of cattle 25 percent, you have taken all the profit out of it, and it has a tremendous impact on the purchasing power of the farm and ranch families throughout Kansas. And Kansas is typical of the Midwestern States.

Now, today's market is one of the worst that we have see for many years. It costs a minimum of 23 to 25 cents a pound to put flesh on a steer that weighs 600 to 800 pounds that is desired in the markets.

Those cattle in turn are bringing an average in Kansas City of just under 20 cents a pound. You have to go back to 1947 to find the price of prime grade cattle as low as it is today.

Now, losses have been the rule in the cattle feeding business for three consecutive feeding periods. Oldtime feeders tell me that has never occurred in the history of the cattle-feeding business in the United States.

Now, that is not years. The feeding period on the average is 150 to 180 days. But I have on good advice been told that this is accurate throughout the history of the feeding business.

Sometimes one lot is a loss, and sometimes two lots are losses, but never in the history of the United States have three lots ever lost money in a row before.

Now, to highlight this I would like to mention a fact that exists in Kansas. There are cattle which were put in Kansas feedlots almost a year ago, that were worth about $200 at the time.

The owners will give you title to the animals if you will pay for this year's feed bill alone. He will concede you the total price of the animal. In not being able to give these cattle away, he sells them and sends the entire proceeds back to the feedlot that fed them during the year.

That is an extreme case.

But the average case is somewhere from $33 to $75 per head. It has cost the livestock industry in the United States somewhere in the neighborhood of $1½ billion in net profits in 1963. I figure that on the basis of average losses against slaughter which runs about 35 million cattle in the United States—and has for 2 or 3 years—I think that is a minimum figure for the average.

Now, of course, the great question of the day is the impact of imports. Imports present a difficult problem for the industry for the first time in history. This is the new factor that many feeders failed to recognize and many people tend to minimize. We have been through periods of declining prices before, but we have never witnessed a period when imports increased when our prices were declining.

In 1956, we had rather a slow year, but imports were only running 1.6 percent, but they have increased all through this declining period of market prices, so that in 1963 they are 11.3 percent or a full month's supply of beef in the United States.

Now, most of this beef comes in as boned beef. It competes with the ground beef of our cows and bulls that we are through with at the ranch. It also competes with the beef that is ground from the carcasses of fed cattle.

I have checked this very closely. A minimum of 15 percent of a fed animal is ground and sold as ground beef. A maximum of 38 percent, but an average in the United States of somewhere between 20 and 24 percent is always sold as ground meat.

Now, this imported boned beef is being sold in the place of this fed beef that is ground; it is being mixed half and half, and it is being sold as manufacturing beef which we have supplied by parts from these animals.

Now, the economists for a long time have recognized that when people have enough food they give very little for any extra. And that is the thing that we based our decisions on and our conclusion that imports have had a tremendous impact on prices in the United States.

It is this: That once the channels of trade are full, and food is on the counter sufficient to meet all needs, the price will drop somewhere around 20 to 25 percent for every 2 percent increase in supply, and we think that is exactly what has happened to the beef business.

If you take out imports today, this 11.3 percent, our increase of beef production last year was 10 percent, it just exactly matched the increase in population of a little over 3 percent, and the increase in consumption of 6 percent, which gives you a 9 percent figure.

The livestock industry in the United States is in exact balance today with the demand for its product. You pull the 10 or 11 percent imports out, and we are just in balance. You put them on top of it and you have demoralized and wrecked the U.S. market for beef.

Now, you say, what economists say this? Which ones have said that it is their thinking? I would like to refer you to Willard Cochrane—Willard W. Cochrane and his "Farm Price—Myth and Reality."

There are several pages that are significant in this. It was written in 1958, and as you know he is now the chief adviser to the USDA.

On page 41, he says: "Other things being equal, a 2-percent decline in the overall amount of food products offered on the market will drive farm prices up by 25 percent, and a 2-percent increase in the amount offered will drive prices down by 25 percent. The farmer is truly at the crack end of the ship." That is a quotation.

On page 54, he concludes: "The finest of lines separates the conditions of too much and too little in agriculture."

And better to explain it to the audience and to the Senators, I would like to point out that once you have had a good meal, say a steak, that evening you won't give anything for a second one, and that is the problem that we have in the United States.

The cattlemen have tried to keep their production equal to the demand. You have imported enough beef to increase the supply just over what we need, and you have demoralized the market.

Now, here is the problem that appears important to us: Shall we cut production back in order to permit this 10 or 11 percent from foreign countries to completely occupy and dominate the market?

I don't think we should. Each time we back off, somebody in the United States, and probably an arm of the Government, will justify importing beef on the basis of our withdrawal from the market. This is the most serious problem that the cattlemen face today and they are well aware of it.

If we withdraw, they advance, and if we withdraw enough to push the market up economically speaking, then they step in and take advantage of it. And some arm of the Government will justify the importation of beef and we are whipped.

So we will have to back off another 10 percent, and another 10 percent, and with the world supply of beef as it is today, and with the finances as they are getting in this country both our Government and from individuals, they can completely dominate at least 50 percent of the market within 5 to 7 years.

The question is not what they can do, but it is what we wish them to do.

I, for one, feel that at least we should run another year or two in full production and see what Congress decides to do. I realize that it is going to break a lot of people. It's going to bankrupt a lot of young people in the United States. It is going to have a tremendous impact on the purchases of goods but I still feel that the cattlemen should go ahead and produce for the U.S. market in hopes that we will see a turn in the attitude of the Government in recognizing this problem.

Now, why can't we compete with beef from foreign countries? This is a question that you ask all around the Nation. Well, let it come in and let it break the market, but I would like to point this out: It is true in Kansas and it is true in the United States. Our high standards of living have set wages and prices far above the world market.

It costs as much to ship beef, and this this is very important, it costs as much to ship beef from Omaha to the east coast as it does to ship beef from Australia to the east coast.

Both agricultural wages and industrial wages run from 4 to 10 times as high in the United States as they are in competing countries. It costs more in taxes alone in my county to support a cow than it does to completely support the cow in Australia for a whole year.

Now, that is direct county taxes for local support.

In Chautauqua County, Kans., it costs $14 a head direct local taxes to the local government. You can support a cow and pay every cost in Australia for less than $11. These are the things that Kansas cattlemen and the U.S. cattlemen are up against.

Actually with our costs in the United States, it costs us $100 per calf unit to produce it. If we don't get more than that we have to withdraw from the business, and these figures have been substantiated by all the colleges in the Midwest.

Now, closely connected with this problem is this: We have gone out and stimulated our market through selling. We have used the livestock and meat board, we have used the wives of producers all over the United States to help promote the fine beef that America produces.

Now, we came up to 2 years ago and foreign countries took all of the increase in consumption that we had built into the American market with our own money and our own efforts. To say that we are unhappy is to be speaking very quietly.

We don't know whether we should promote the selling of beef any more or whether to withdraw our promotional efforts, because some time and some day, the decision has to be made as to who you are going to depend on for your food supply in the world.

Now, the theory of free trade enters into this, but we can't find any free trade today. We simply find the United States being a dumping place for anything that somebody has too much of somewhere else in the world.

You can ship beef into the country but there is no market in the world that will accept our beef on any reasonable basis at all. They don't want to use the dollar exchange, and this makes a very serious problem that we cannot possibly handle.

It cannot be handled at the local level; if it could be we would certainly try.

Now, many industries can move out of the United States and many of them are moving on account of the high standard of living that we have set. The high standard of wages, the high costs of government. They move out and ship the product back. We can't move. We have to stand and fight. Our land is here, and we, our production unit is here and we have to stay.

The oil industry is protected by quotas that create a price for crude oil in the United States almost double the world market. In the national interest, the defense industry and all of its suppliers are completely protected from foreign competition.

We have no free movement of labor. We prevent the bidding for jobs in this country with immigration quotas, minimum wage laws or collective bargaining. If these restrictions can be justified, then it should be no problem to justify the protection of agriculture in this country.

Other governments make this their No. 1 policy, and offer no concessions to outsiders in agriculture.

Now, in closing, I would like to say this, and it deals with legislation only.

There are few products today that cannot be grown or manufactured cheaper somewhere else in the world, and cheap transportation opens our markets to them. Protection against the differentials in costs that have resulted from deliberate governmental policy is an absolute necessity if we are to retain both production and employment in this country.

There is little value in seeking a customer abroad if you have a better customer at home. As citizens of this country, we offer no apology for asking protection from countries where production costs, including wages, are far below that of the United States. Protection was contemplated when article I, section 8, was incorporated into the Constitution.

The first and third grants of power to Congress handed the authority to impose duties on imports and to regulate commerce with foreign countries directly to the legislative branch.

To regulate is defined as to bring under control or fix the amount, and no other words could better describe what our industry desires of Congress today.

The basic industries of this country were developed and preserved by protection through the use of duties, quotas and even embargoes when necessary in the best interests of the country.

The exercise of this authority can be reviewed at every session of Congress. To permit our markets to be placed on the trading block by the State Department runs counter to the welfare of this entire country. Prosperity is difficult to maintain for only a few. The long-range dependable food supply has to be developed and maintained within this country if we are to be strong and independent.

Now, the producers in agriculture are also the greatest consumers of manufactured goods. Any policy that denies them the profits necessary to permit the purchase of these goods will be felt throughout the Nation. At this time, our markets are below cost of production, and the imports of beef have without question added to the heavy domestic production and contributed to the decline in the prices that they can get.

It is within the power of Congress to bring under control the factor of imports by imposing quotas.

To cut them in half would certainly be realistic, and leave a larger share of the market for foreign countries than they were formerly accustomed to have. The industry is entitled to the assurance of protection that we can get only with legislation.

We must have long-range planning, a reasonable expectation of profit in order to attract capital and credit necessary to continue in business.

If Congress will fulfill its obligations under the Constitution, and impose quotas, then we, as an industry, will make a determined effort to solve our internal problems in the best interests of this country. Thank you.

EDITORIAL PRAISE FOR ACCOMPLISHMENTS OF PRESIDENT JOHNSON

Mr. HUMPHREY. Mr. President, it is most heartening to read of the continued editorial support for the policies of President Johnson and his administration. From all sections of the country, the message is the same: "President Johnson is doing a magnificent job as Chief Executive; keep up the good work."

I have collected a sampling of editorial opinion dealing principally with the President's war-on-poverty message, his hour-long fireside chat reviewing the first 3 months of the Johnson administration, and additional public opinion polls citing the high level of support throughout the country for the Johnson policies.

As a Democrat, these editorials make good reading. But, more importantly, they make good reading as an American. When a President is successful in the policies he pursues—whether he be Democrat or Republican—the entire Nation is the ultimate beneficiary. This is certainly the case during the opening months of President Johnson's historic Presidency.

Mr. President, I ask unanimous consent that these editorials be printed at this point in the RECORD.

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

[From the Christian Science Monitor, Mar. 17, 1964]

STILL RIDING HIGH

(By Godfrey Sperling, Jr.)

Gallup and Lou Harris, not to speak of Sam Lubell, may have said it, but I like to think there is a special ring of authority when it can be announced that the Grand Central Terminal survey now says it:

President Johnson's popularity still remains quite high.

Actually, there is a real question whether this is the second edition of the Grand Central poll—or whether because of a blunder we are starting all over again. Two months ago I took a sampling of opinion at this gathering place of people from all over the United States—as they go to and from trains. At that time the Johnson rating was quite high.

But soon thereafter a letter from a reader pointed out that we had erred in calling it the Grand Central Station. She said that this was a terminal, not a station, and that I could read it on the building if I were at all observant. So it seems we must start anew with this Grand Central Terminal (not station) plumbing of public opinion.

The most significant finding, perhaps, in polling on two different days, was that among two dozen people who identified themselves as Republicans there wasn't one who thought Johnson would be defeated in November.

Among these, of course, were those who were hopeful that a Republican would win. But none saw it as a likely prospect.

Typical answer came from two men who identified themselves as engineers and registered Republicans from Harrisburg, Pa. Said one: "He's doing fine. He has my confidence." Said the other: "I think he has done a remarkable job—to have all these responsibilities thrust upon him."

Another Republican, this time an attorney from Minneapolis, did not rate Johnson quite so high—expressing more confidence in Kennedy than in Johnson. But he did say: "I think you will see a different Johnson after he is elected in November." He volunteered this confidence in Johnson's election without being asked.

What do the Negroes think about Johnson and his position on civil rights? Said a New York Central attendant: "I think he's doing a good job so far. I had a question about him at first on civil rights, because of the part of the country he came from. But I don't have this question any more. Also I like this tax cut. It means $3 a week for me, and that's quite a bit."

Another attendant said: "He'll certainly get my vote. His civil rights program is the greatest thing that ever happened for the Negroes. It was Kennedy's (program), but he's following through on it. If he goes ahead with the poverty program, that will be great, too."

A senior at the Thomas Jefferson High School in Brooklyn, also a Negro, said: "I'm satisfied with what the President is doing, but I think he could do more in civil rights." Another Negro, standing close by, who is employed with the U.S. Government in New York State, said: "He's doing a fair job. He's a politician. Therefore he takes expedient steps. But I do feel he would like to be remembered as the President who did a great deal to give full citizenship to the Negro."

Moving along the tunnel between the Roosevelt Hotel and the terminal there were these comments from men working at several of the small shops: Newsdealer: "He's

doing all right, at least from what you read in the papers. It's really too early." Man behind counter in snapshot store: "To tell you the truth, I feel better about him now than earlier. I wasn't sure he would follow up on what Kennedy was doing. That tax cut—that's what I like."

Man in watch-repair shop: "He's doing as good as could be expected. If Kennedy were here, he would be doing a little better." Man in printing shop: "He's not the glamour type. He speaks slowly and thinks deeply. But it's kind of like having a man batting .400 and replacing him with a youngster. You can't expect too much of the youngster at first. But I have every confidence in Johnson."

Another newsdealer: "The President used a keyword when he spoke of poverty. If we can do something about poverty, we will do much to solve all our problems—racial, unemployment, crime, everything."

A soldier just getting out of the service but still in uniform said: "I think he is doing almost as well as Kennedy." Said an artist: "I think it is too early to tell. I think he's doing a good job but I would like to see him take some direct action in Cuba and Vietnam. I am a Republican. I like Lodge, but I don't imagine he has too much of a chance."

[From the Times Union, Mar. 10, 1964]

UNDER TV SCRUTINY: JOHNSON HOLDS PRESS TALKS WITH DIGNITY, SINCERITY

(By Paul Martin)

WASHINGTON.—If his first formal press conferences are fair examples, President Johnson has nothing to fear from televised news conferences or TV debates with his opponent in this year's presidential campaign.

The President has answered questions matter of factly in plain language that anyone can understand. He doesn't try to be cute or funny. He isn't evasive and he doesn't get excited or ramble on. His conferences are conducted with dignity befitting the Presidency.

To those who sat in the room at his first television conference, Johnson conveyed an attitude of simple sincerity. He smiled at times, a slow and uncertain smile at first, reaching out for friends. There was even a hint of humility about this tall Texan who is known to be a proud and forceful man.

In the 3 months since he has been President, Johnson has held several meetings with the press on short notice in the White House Oval Room. He seems to have a preference for Saturday sessions, reminiscent of the farm and ranch country where folks do their work on weekdays, then go to town on Saturday to relax and swap information.

But the first formal news conference, announced well in advance and carried live on radio and television, was held on Saturday, Leap Year Day, February 29. This led to some unwarranted wisecracks to the effect that the President would hold regularly scheduled press conferences in the future—every leap year.

The setting was the relaxing atmosphere of the State Department international conference room with its wall-to-wall carpeting, vinyl upholstered chairs placed well apart, subdued indirect lighting, potted palms, and wood-paneled walls.

More than 300 reporters turned out, many of them on their day off. If it wasn't exactly intimate, it was a good deal cozier than the austere State Department auditorium where Kennedy used to hold the stage. For one thing, reporters were allowed to smoke. For another, the crowd wasn't padded with White House aids or curious onlookers from the State Department.

Malcolm Kilduff, assistant White House press secretary, announced at first that everyone would remain seated to ask questions. Quipped Eddie Folliard, the Washington Post's Pulitzer Prize-winning correspondent: "Then we won't get into the TV picture." Afterward Kilduff said reporters could stand up, because otherwise they couldn't be heard across the room.

The President remained seated at a large desk in front of the Great Seal of the United States flanked by the Stars and Stripes and the President's flag. He looked well, with a strong flesh tone to his face, graying hair brushed back pompadour style, character lines around his eyes and mouth.

He wore a dark blue suit, light blue shirt, and blue-and-white striped four-in-hand tie, somewhat more conservative than his usual attire.

Glancing around the room, he singled out questioners by recognizing those who raised their hands. He successfully avoided those two waspish female persecutors of Presidents, Sarah McClendon and May Craig. The reporters seemed to be testing the water gingerly, as was the President.

The President's public relations advisers have been reluctant for some time to expose him to interrogation by hip-shooting reporters in full view of TV cameras, fearing that he might suffer in comparison to the late President Kennedy. They are two entirely different individuals, of course. But Johnson demonstrated that he can hold his own in debate.

He gave the appearance of a man of the people who knows instinctively what Americans are thinking on the issues, and he wants to do the right thing. He keeps on top of all developments. He intends to do what he thinks is best for America and the free world.

You get a feeling that when President Johnson makes mistakes—and every President does—it will be the result of misinformation or inadequate information, rather than a mistake of judgment. You know that criticism is bound to arise as he is forced to take a position on controversial issues.

Above all, here is a man of good will who wants to be liked. And he is determined to do the best job that he can in the White House.

[From the Houston Chronicle, Mar. 17, 1964]

THE PRESIDENT AND THE OFFICE

We carried an abiding hope and a warmth as pleasant as the fine spring day away Sunday, after we watched the President on television. It was not only this President, but the Presidency, that came through so clearly, and we know that Mr. Johnson intended what he said to be understood precisely that way.

Toward the end of the hour, a reporter asked the President how he liked the job. And Mr. Johnson said: "I am doing the best I can in it, and I am enjoying it."

Then, a few seconds later: "But I am proud of this Nation, and I am so grateful that I could have an opportunity that I have had in America that I want to give my life seeing that the opportunity is perpetuated for others."

And finally, as fitting a climax as any statement by any President could have: "And I may not be a great President, but as long as I am here, I am going to try to be a good President, and do my dead level best to see this system preserved because when the final chips are down, it is not going to be the number of people we have or the number of acres or the number of resources that win. The thing that is going to make us win is our system of government."

That was honest; that was good. We liked it.

[From the New York Post, Mar. 16, 1964]

L.B.J.'s FIRESIDE CHAT

In his 1-hour conversation with three television reporters, President Johnson effectively projected a philosophy of prudent progressivism. We suspect it is a credo that reflects the mood of the country.

"A better deal," was the happy phrase the President offered to define his administration's hopes. It is a modest statement of objectives, but for that reason perhaps a realistic one.

The hour on television gave the country a better picture than it had had before of its President and his objectives. Such a session is one way of the President's fulfilling his role as the Nation's educator.

We hope, however, that it is not considered a substitute for the traditional news conference where tough reporters from all over the Nation, representing all points of view, can fire away at the Chief Executive. Such a freewheeling exchange is an essential part of the democratic process, despite the occasional "inaccuracies" which the President candidly conceded bother him.

The President's obvious pleasure in the exercise of Presidential power emerged clearly. Despite the awesome burdens of the office, he has never felt better, the President indicated.

If Mr. Johnson does manage to achieve "a better deal" for the Nation, especially in regard to peacemaking and the elimination of poverty, his place in American history will be secure.

[From the Washington (D.C.) Daily News, Mar. 17, 1964]

HONEST AND SINCERE

(By Richard Starnes)

Those in the craft of gathering and interpreting news would doubtless have liked to see a few more flashes of fire during the President's folksy conversation with three television reporters Sunday.

They would certainly have welcomed more candor in his discussion of the alleged disenchantment between him and Attorney General Robert Kennedy, and some might have been hoping for a headline describing the nasty surprises we have in store for the North Vietnamese.

But newsmen's likes and dislikes butter few parsnips for a man facing a presidential election. Lyndon Johnson was using an immensely powerful medium in a homespun format that suits him ideally—and he made the most of it.

His sincerity and dedication could not be doubted, even in rambling locutions that occasionally reminded of the finest tangled syntax of the Eisenhower administration. He showed—to a degree that must dishearten contenders for the GOP presidential nomination—a great deal of the old-shoe magic that got Harry Truman elected when all the experts had long since counted him out. L.B.J. for all his rugged good looks, is not as handsome as Henry Cabot Lodge; he is not as quick witted as Richard Nixon, nor as rich as Nelson Rockefeller. But the impression grows that he could lick all three in the same evening.

A perceptive oracle of the female persuasion, consulted immediately after the President's interview was concluded, had this to say:

"He's not flashy, but he is honest and sincere, and he knows what he's talking about. People are going to trust him. I liked his sense of responsibility about Cuba and Vietnam. He's right—nobody wants to see a war start. I liked the idea that he was wise enough to know that we couldn't make everyone in the world do what we want them to do. I hope Goldwater was listening to him.

"I'll tell you another thing: I liked his concern for people who are not well off, and I felt in my bones that he really meant it. He's going to do his best. I just wish he wouldn't work so hard."

It is, to be sure, dangerous to generalize from one off-the-cuff reaction. But it is no more than reasonable to suppose that that

one female vote Mr. Johnson tucked safely in the bank was duplicated many times over throughout the land last Sunday night.

It is possible that the political pros—that is to say those who make bum guesses for money—would assay the President's fervent peroration as genuine cornball, but one viewer's guess is that the people who elect American Presidents found it moving, reassuring, and believable. The brilliance of John Kennedy seemed sometimes to contain the elusive instability of quicksilver. People admired it and liked to see it at work, but it was always with the nagging sense of disquiet one experiences in watching a trapeze artist perform.

For all his dedication to the homely virtues of peace, fiscal responsibility, and patience in the face of travail, the President's sure political instinct told him that standpattism was a luxury he could not afford. He said he wanted to be a progressive "without getting both feet off the ground," and he was canny enough to give substance to what might otherwise have been a meaningless platitude by alluding to his message to Congress outlining his program for making war on want.

It is hard to flaw his performance, except in minor detail. He shouldn't squirm so much, he ought to try smiling more often, and having chosen an informal format, he might have found profit in being a little less wary and a little more relaxed.

Americans have outgrown the gallus-snapping, thigh-thwacking school of politicians. But they like a man who talks to them as equals—witnesseth again Mr. Truman—and this is a valuable fact that President Johnson seems to have learned.

[From the Denver Post, Mar. 11, 1964]

ARMY COULD HELP (HUMAN) SALVAGE JOB

You have to be on your toes these days to keep up with Lyndon Johnson's war on poverty. Until we saw the story Monday that planners of the war want to to lower the selective service draft age—possibly to 16—we thought the war on poverty hadn't started yet, that Sargent Shriver still needed marching orders from Congress.

We knew that back in January, President Johnson had ordered the Defense Department and selective service to give physical and mental examinations to all draftees as soon as possible after they reach the age of 18. And he had directed the Labor Department and Department of Health, Education, and Welfare to set up programs for physical and educational rehabilitation of those draftees who flunk the tests. But both of these programs were then slated to start July 1.

What we missed was an announcement on February 9 from Labor Secretary Willard Wirtz that his Department would start its rehabilitation program on February 17, with $1.2 million scooped up from Manpower Training Act funds. A call to the Colorado State Employment Service, which administers these services locally, revealed that, sure enough, the program already has started.

The moral is, we suppose, never underestimate the zeal of Secretary Wirtz to beat Sargent Shriver to the punch.

Seriously though, this phase of the war on poverty makes good sense.

For years, Washington officials have been appalled at the fact that more than a third of Army draftees are rejected for service—about 40 percent for physical deficiencies, 40 percent for educational deficiencies, 10 percent for a combination of reasons. Until now, however, no one has done much about it.

Yet the draft mechanism and its attendant physical and mental tests do give the Government a practical means of spotting those young men whose deficiencies, if not corrected, almost inevitably doom them to the labor scrapheap in our increasingly technical society. Any youth who is too illiterate to qualify for the Army is unlikely ever to qualify for much of a civilian job either.

At the moment the Labor Department's rehabilitation program is minimal—mainly a matter of aptitude tests, followed by counseling as to what existing jobs or training programs a rejectee might qualify for.

If, however, Congress provides a thoroughgoing educational and training program for draft rejectees—possibly including a space-age version of the old Civilian Conservation Corps—there would seem to be hope of salvaging for useful, productive work thousands of youngsters who otherwise would be condemned to lives of poverty, joblessness, or crime.

The proposed lowering of the draft age is simply a means, we presume, of administering the tests and spotting the youths who need help, at an earlier age.

If so, this too makes sense.

[From the Boston Globe, Mar. 17, 1964]

OPERATION RESCUE

"What you are being asked to consider is not a simple and easy program," warned President Johnson Monday in his message summonsing Congress to a nationwide campaign against poverty, "but poverty is not a simple and easy enemy."

The facts of the situation amply sustain his appeal for action. The recent 1964 report of the Council of Economic Advisers, upon which Mr. Johnson has drawn largely for his plans to reduce poverty in the United States, finds that no fewer than one-fifth of all U.S. families are struggling to eke out existence on total incomes of less than $3,000 a year in the richest Nation on earth, with no improvement in sight.

Even grimmer is the picture drawn by the National Policy Committee on Pockets of Poverty, whose members include former President Truman and three Nobel Prize winners. This 3-year study not only finds the CEA report overoptimistic. It reports that nearly one-third of the country's families flounder below the destitution level of $2,000 a year, among such groups as nonwhite families, families whose heads are women, couples 65 or over, some farm families, and those whose heads have less than 8 years of schooling.

This is the situation which has elicited from the President one of the strongest appeals for concerted social action at all levels of our society that the Congress has heard since the early years of the great depression. The challenge, he rightly points out, is not merely one of giving succor to the distressed, but finding ways "to give people a chance" by opening to them gates of opportunity which circumstance and a changing industrial society have closed.

The Economic Opportunity Act sought by President Johnson will not displace current emergency aid programs, such as those now operating throughout the poverty-stricken reaches of Appalachia. Rather it seeks to launch a five-way, coordinated attack at root causes of poverty itself.

This would be undertaken by a reconstituted National Conservation Corps to train and educate youth presently thwarted from useful work by educational, health, and other disabilities; a new national work-training program directed by the Department of Labor through cooperation with State and local governments; a national work-study program, under the Department of Health, Education, and Welfare, designed for youths financially unable to go to college; a community action program for cities and rural areas.

The President's planned national war on poverty is inevitably complex; but his selection of Sargent Shriver to coordinate its many parts and supervise its operations would seem to assure expert direction. Its costs, Mr. Johnson sets at approximately $962 million—all of which, he is at pains to remind Congress, has been provided for already in his economy budget.

The added strength this massive program foresees for the Nation's economy could be enormous. Its impact upon educational deficits, upon the ominous problem of jobless youth, and urban and rural social health, could be tremendous. But its greatest appeal drives beyond all these. The President has spoken to the spirit and conscience of the Nation.

[From the Atlanta (Ga.) Constitution, Mar. 17, 1964]

GOOD STRATEGY, ABLE GENERAL SET STAGE FOR TIMELY ATTACK ON HARD-CORE POVERTY

President Johnson's long-awaited program to alleviate poverty finally reached Congress yesterday. His "war on poverty" turns out to be a comprehensive, reasonable and well-thought-out plan.

The President is up against an ancient and tough foe. Despite the affluence we see all around us, poverty has been gaining ground in recent years. Automation is on the march. Fewer and fewer jobs are available to the unskilled and the undereducated. Unemployment is up. The lot of the poor is getting tougher.

This gloomy picture is made all the darker because it exists in the strongest and wealthiest land in the history of the world.

So the moment for the assault on poverty has arrived. And President Johnson probably is right when he says the Nation now has the resources to achieve a victory.

A war requires a general, and President Johnson has selected an able one in Sargent Shriver. Mr. Shriver has scored a resounding success as chief of the Peace Corps. And one of the spearheads of the antipoverty campaign will be the volunteer workers who will constitute a domestic version of the Peace Corps.

Mr. Johnson's other proposals—such as the work-study program, the job corps, the work-training program and the community action program—sound logical and reasonable. Their effectiveness will depend, of course, on how they are executed. And this will be a test of Mr. Shriver's skill, for the "war on poverty" cuts across the activities and responsibilities of practically every major department of Government.

Mr. Johnson's "war on poverty" cannot be dismissed as another handout program for the poor. It affects every American, since the United States cannot continue to present a strong and united front against its enemies with one-fifth of the Nation caught up in the bitterness and frustration of poverty.

Alleviating poverty also will strengthen the American economy and reduce the drain of welfare costs.

In view of the objectives—they are large but nevertheless realistic—the cost of Mr. Johnson's program (less than $1 billion) is modest.

For this relatively small amount, the United States can fight a war in which the goal is not destruction, but creation—creation of a stronger economy and a society in which every citizen can hope for a better and fuller life.

[From the Chattanooga (Tenn.) Times, Mar. 17, 1964]

OPENING THE WAR

President Johnson's antipoverty program, outlined in a special message with few surprises, has an encouraging framework of practicality beneath its aura of idealism.

The President said his objective was "total victory" in this war against poverty. It is doubtful that his administration or any of its immediate successors will be able to claim that as an accomplished fact, or to offer substantive proof for his assertion that "for

the first time in history, it is possible to conquer poverty."

Nevertheless, he offers a plan to get at the roots and causes of deprivation which offers good chances for success and which is within the Nation's means. Its cost, he said, would be 1 percent of the total budget, not an unreasonable investment in developing the basic resources of human talent now untapped.

The attack will be on the vicious cycle of destitution, which has ignorance, lack of training, limited job opportunities, long-term unemployment, and social dependence as links in the chain binding one generation to the next.

A major phase of the campaign will be the establishment of a Job Corps with room for 40,000 volunteers the first year from among school dropouts and draft rejects—young people with the greatest need for additional training and job opportunities at a critical point in their lives. The Job Corps is a modern version of the depression-born Civilian Conservation Corps. The greater emphasis would be on preparation for employment, however, rather than on the useful labor the enrollees might perform in their 2-year stint.

The domestic Peace Corps idea, already before Congress, is picked up under a "Volunteers for America" designation. It would be used to provide manpower at little cost for staffing the various phases of the war against poverty.

Loans and grants to communities for development of their own antipoverty programs, assistance to marginal farmers, and aid for businesses giving work to the long-term unemployed are other features of the program.

"The war on poverty is not a struggle simply to support people, to make them dependent on the generosity of others," Mr. Johnson said. "It is a struggle to give people a chance."

If the campaign can be waged within that framework, it can be meaningful in whatever degree of success it achieves.

[From the Nashville Tennessean, Mar. 17, 1964]

CONGRESS SHOULD ACT SOON ON POVERTY PLAN

President Johnson has submitted to Congress his program for reducing poverty in the Nation. The plan submitted is no halfway measure. It calls for a massive attack on the causes of poverty rather than merely on the symptoms.

The President set the pace for this type of effort when he asked Congress for the weapons with which to win a "total victory" in the war against poverty.

Mr. Johnson asked for approval of a "Job Corps" eventually to put 100,000 youths to work in more than 100 camps around the country. About half of these would work in special conservation projects to give them work experience. The other 50 percent would get training, basic education and work assignments in the training centers.

Under the whole program, almost 500,000 underprivileged youth would get a chance to develop skills, continue education, and find useful work.

One of the most attractive features of the plan is the opportunity for each American community to develop an antipoverty plan to meet its own problems and receive Federal aid to carry it out.

The Government would also help pay the cost of providing jobs in such places as playgrounds, libraries and settlement houses to youths between 16 and 21 out of school and out of work. Another fund would provide part-time jobs for students having to work their way through college.

Special phases of the program would assist poverty-stricken farm families, provide loans for small businesses to provide more jobs for low income workers, and help unemployed fathers of needy families to become self-supporting.

The program, which would be carried out by a special Office of Economic Opportunity, in coordination with other Government departments, obviously is the result of a great deal of planning and research into the poverty pockets of the Nation.

The plan undoubtedly will run into some opposition from those who cannot—or will not—see that the program is no handout, but a carefully planned way to turn wasted human energies into productive channels, to the benefit of the people and the Nation.

The President's program will call for no unanticipated funds, as the money to finance it is included in the $97.9 billion budget which was sent to Congress in January.

The program will cost $962.5 million, which is less than 1 percent of the national budget, and only about 2 percent of the Nation's defense expenditures. This seems to be a comparatively small amount in relation to the long range benefit it promises to bring.

President Johnson has moved promptly to carry out his pledge to the Nation and correct poverty conditions which have no sound reason for existence. The next step is up to Congress.

[From the New York Post, Mar. 19, 1964]

HOPE FOR APPALACHIA'S FORGOTTEN MEN

It was right that President Johnson's crusade against poverty should be spearheaded by proposals to help underprivileged youth. They are, says the magazine Christianity and Crisis, "the new unemployed" who, unless helped now, will grow into tomorrow's "unemployable adults."

But poverty, as President Johnson's message to Congress noted, is a many-faced affair. Not only certain age groups but some areas of the country are more severely afflicted than others.

The worst off, the late President Kennedy recognized, is Appalachia. He assigned Under Secretary of Commerce Franklin D. Roosevelt, Jr. to work up a plan for its revival. Mr. Roosevelt's Commission held extensive hearings all through the Appalachians, ranging from Pennsylvania to Alabama. It has now come in with a 5-year plan whose initial cost will be $218 million.

The program will have the support of all except those who believe the poor are the victims of their own character defects.

[From the St. Louis Post-Dispatch, Mar. 17, 1964]

IF BACKED BY ZEAL

Carried out with intelligent zeal, and, above all, the firm, ardent support of the American people, President Johnson's strategy against poverty could improve markedly the unhappy lot of a fifth of the Nation.

As the President says, the task which he is turning over to a new Office of Economic Opportunity, Congress willing, is neither simple nor easy. But it can be accomplished with "total commitment." Without devotion and energy, it could be no more than a sop to the conscience of the affluent. The test is less in the program, which can be revised with experience, than in the acceptance of responsibility for the alleviation of poverty.

More specifically, the program could degenerate into shameless bureaucratic squabbles if Sargent Shriver, who is to head the new OEO, were denied the wholehearted cooperation of the old-line agencies involved. Further difficulties could be created by the States and local communities by failing to carry out their assigned roles. Such forebodings, it is to be hoped, will prove without foundation. Yet apprehensions have been aroused because the President's message was delayed for weeks by jealous interagency bickering. Has the affluence of the majority made officialdom too blase to comprehend the misery of the minority?

As for the President's battle plan, all of its elements seem promising. The proposed National Job Corps would assemble the least qualified of our young people in educational camps. Other young people would be helped through training while working. And part-time jobs would be provided for those who without them could not continue their schooling.

Community action, based on local situations, is proposed for the very young and the old. For 2 years, the Government would pay 90 percent of the cost. Further help would be provided, where needed, through the recruitment of volunteers as for the Peace Corps, a special opportunity for applied good will.

To create new opportunities, the President proposes loans and guarantees to spur the employment of the jobless, aid in the purchase of farmland, the formation of cooperatives and similar measures. These are rather like the measures already taken in hard-pressed areas with, alas, only limited success. But the approach may become more fruitful as causes of unemployment or are more clearly understood, and such understanding may be forthcoming as a result of Mr. Johnson's call for a special commission to study the impact of automation, and the Nation's manpower in relation to its needs.

To fill the arsenal against poverty, the President recommends continuation or extension of the food stamp plan, help for migratory farm labor, unemployment benefits, and aid to education and housing. Each is a weapon for eliminating those disabilities which have brought into being that "other America" outside our affluent society.

President Johnson sets the cost of the program at $970 million or 1 percent of the national budget. Considering the much higher cost of other national necessities—defense, for example—this indeed is an offer to accomplish very much with very little. In view of opportunities for reducing expenses elsewhere, the outlay might add but a feather to the weight of the budget. But aside from the deleterious effects of poverty on the economy, hunger and pain and want call for assuaging today—not tomorrow or the day after.

[From the Portland Press Herald, Mar. 18, 1964]

JOHNSON LAUNCHES WAR ON POVERTY, AND RESULTS MAY WELL JUSTIFY IT

For months the American people have been hearing that the Johnson administration, alarmed by the high incidence of poverty within the country, and the continuing high rate of unemployment, would launch a comprehensive "war on poverty."

Some of the White House frontline soldiers, eager to take aim and fire, have already filed bills in Congress to establish a Youth Conservation Corps patterned after the great depression's Civilian Conservation Corps, and a National Service Corps that would do for the 50 States, or those needing it, what the Peace Corps is achieving abroad.

On Monday President Johnson sent his special message to Capitol Hill giving in detail his own conception of how poverty and unemployment should be attacked. It will require the dispatch to Congress of many other bills, and the establishment of a new executive agency, headed by Sargent Shriver—the Office of Economic Opportunities.

The chief emphasis in this wide-scale war will be placed upon the problems of young people whose background is one of intense poverty, whose education is limited or almost nonexistent, whose skills are minimal, and who are employed—when they have work—at very low wages.

These young people are not only the fruits of poverty, but the creators of poverty when they marry and begin to have families of their own. For every boy or girl of exceptional

drive and ability who escapes out of an environment of poverty, dozens remain submerged in it, not always because they choose, but because they cannot overcome the factors of overlarge families and poor health and education and lack of incentive that made them, and their parents, poor in the first place.

Enough is known about these sociological aspects of poverty to persuade the White House and those supporting the President's program that a large-scale program of relief and rehabilitation will be worth the cost, now estimated at around a billion dollars the first year.

The question, as we see it, is not whether the attempt should be made, but whether the richest and—we like to think—most compassionate nation in the world can refuse to make the effort.

[From the Miami News, Mar. 17, 1964]

ATTACKS MANY FRONTS: L.B.J. LEADS POVERTY WAR; CONGRESS MUST RESPOND

Few large metropolitan areas of any level of prosperity specially our own—can fail to appreciate the importance of the war on poverty which President Johnson outlined to Congress yesterday.

At last count, the Florida State Employment Service estimated that 5,000 youths are walking the streets of Dade County without the schooling or training to equip them for gainful employment. Nationally, hundreds of thousands of young people are in similar circumstances.

Not all the unemployed are young. Some are heads of families who have been displaced by the changing nature of our economy.

Since poverty does not spring from any single cause, the program outlined by the Johnson administration is appropriately broad. It depends to a great extent on coordinating and expanding educational and health programs already in existence.

But the emphasis is on the youth problem, with the establishment of a Job Corps which would resemble the old Civilian Conservation Corps except that it would be under nonmilitary direction. The plan borrows from the Peace Corps the idea of a volunteer service group. It also borrows the Peace Corps' popular Director, Sargent Shriver, to head a new Office of Economic Opportunities.

An especially attractive feature of the program is its heavy reliance on local action at the community and State levels.

This comprehensive attack on poverty has been a long time in the planning. Originally conceived by the late President Kennedy, it has been adopted by President Johnson as one of his major legislative requests.

We hope the Congress responds with the sense of urgency which President Johnson has tried to impart in his message, and which is so evident to the affected communities.

[From the Minneapolis Star, Mar. 17, 1964]

L.B.J.'S WAR ON POVERTY

Lyndon B. Johnson doesn't have the flair of John F. Kennedy for igniting a crusade. Mr. Kennedy gave to the Alliance for Progress, the Peace Corps and other New Frontier measures a cultured enthusiasm which contrasts with Mr. Johnson's pedestrian presentation.

Of course, not all of Mr. Kennedy's enthusiasm brushed off on others. The Peace Corps might be accounted as the only outstanding success of his many programs although some of his projects—as the tax cut—were taken up by President Johnson and pushed along to victory.

Whether Mr. Johnson can do the same with his war on poverty is still a big question. Presidents Kennedy, Roosevelt, Hoover, and almost all other Chief Executives have sought by various methods to better the material standards of all Americans. Mr. Johnson has taken on the difficult task of defining and launching an all-embracing campaign against low incomes and unemployment.

But the effort must constantly be made, by any administration tinged with benevolence, to help the lot of the unfortunate. Automation is upsetting job patterns. The population boom has created the need for many new work positions.

President Johnson may be putting himself and Sargent Shriver on the spot in this new drive of vast proportions. The least the rest of us can do is to wish them well—and lend a hand when we can.

[From the Rochester Democrat-Chronicle Mar. 15, 1964]

CRITICISMS "INACCURATE" ON JOHNSON SPEECH

(By Max Freedman)

There has been so much speculation, most of it wrong, about President Johnson's speech in Los Angeles on February 21 that the real facts behind the preparation of that speech should be set down simply and clearly.

President Johnson has been accused of speaking recklessly and provocatively when he issued his warning that external support of the Communist forces in South Vietnam amounted to a "deeply dangerous game." Pierre Salinger, the President's press secretary, has been blamed for emphasizing these words and for hinting at an enlargement of the war which the administration did not dare avow in public.

These criticisms, and others like them, are at once unfair and inaccurate. They also miss the whole purpose of the speech. President Johnson went to Los Angeles to make a speech in which he would show that the United States under his leadership would respond to every challenge in world affairs with restraint as well as with strength. Responsibility, not provocation, was his theme and his purpose.

The speech was prepared in obedience to the President's instructions. He carefully followed the evolution of the speech through successive drafts and corrected them. Not a word in the final speech was casual or loosely considered.

As first conceived, the speech was to be primarily a review of U.S. policy in Latin America, since the President of Mexico was sharing the platform honors with Johnson in Los Angeles. This brought Tom Mann of the State Department into active consultation in the shaping of the speech. His advice was invariably helpful. Some of the material was later removed when President Johnson decided he could use it more effectively in a forthcoming speech on Latin America.

The President relied very heavily, as he should, on the help of Secretary of State Dean Rusk and McGeorge Bundy, his principal advisers on foreign policy. It is completely wrong to say that Rusk at his press conference knocked down the Los Angeles speech or retreated from it. He knew all about that speech in advance, approved of it, and deeply influenced it.

Now what about the warning about events in Vietnam?

President Johnson decided that a brief but emphatic warning to the sponsors and supporters of Communist subversion was the bare minimum required by the present situation in Vietnam. It was never intended as an ominous signal that the United States was on the verge of drastic military action. Instead, the President conveyed a carefully measured warning that the supporters of aggression and subversion would commit a dangerous mistake if they considered themselves immune from American reprisals. The warning placed the Communists under notice that conditions in Vietnam were being watched with growing and urgent concern in Washington, while leaving President Johnson a range of choices in the response he would ultimately make.

There are the strongest reasons for stating that Rusk was misinterpreted in his later remarks at his press conference. He was not backing away from the Los Angeles speech; he was trying to correct the exaggerated and unjustified reactions to that speech. He was completely correct in rejecting the notion that a decision to carry the war to North Vietnam was imminent or that such a decision would produce a miraculous change in the situation. His statement was never intended to weaken the force of President Johnson's warning in Los Angeles or to withdraw it.

Perhaps it is inevitable that public controversy should break out on what should be done next in Vietnam. But it should be understood that a grievous price is being paid for this discussion. We are not, in fact, giving the public very much guidance and enlightenment, for we are debating mere bits and pieces of a comprehensive policy still to be formulated inside the administration and still to be approved by the President. Even worse, this premature controversy prevents the President from gaining the full benefit from the review of alternative policies now taking place. For officials take sides on issues dragged into public debate or become less open to conversion once their views are known to the public. The President suffers, and nothing benefits from this process except the circulation of newspapers.

"All in due time" may be unpopular advice to give American people, but unpopularity does not detract from its wisdom. The warning at Los Angeles cannot be turned into action without the American public, at the right time, being fully informed and consulted.

EXECUTIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations this day received, see the end of Senate proceedings.)

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

U.S. COAST GUARD

The legislative clerk read the nomination of Carl W. Selin, to be a member of the permanent commissioned teaching staff of the U.S. Coast Guard Academy as an instructor with the grade of lieutenant commander.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

INTERSTATE COMMERCE COMMISSION

The legislative clerk read the nomination of Laurence Walrath, of Florida, to

be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1970.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

Mr. HUMPHREY. Mr. President, I ask that the next nomination, that of Virginia Mae Brown to be an Interstate Commerce Commissioner, be passed over.

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

Mr. HUMPHREY. Mr. President, I ask unanimous consent the the President be immediately notified of the two nominations confirmed today.

The ACTING PRESIDENT pro tempore. Without objection, the President will be notified forthwith.

LEGISLATIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

STUDY TO DETERMINE SITE FOR CONSTRUCTION OF CANAL CONNECTING THE ATLANTIC AND PACIFIC OCEANS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 934, Senate bill 2701.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 2701) to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans.

Mr. DIRKSEN. Mr. President, I ask that, except for the letters, an excerpt from the report—because it is interesting material—be printed in the RECORD. This is a very timely subject. Those who read the RECORD will benefit from the discussion which was carried on.

There being no objection, the excerpt from the report (Rept. No. 968) was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to authorize the President to appoint a seven-member Commission including the Secretary of State, the Secretary of the Army, and the Chairman of the U.S. Atomic Energy Commission, to conduct an investigation and study to determine the feasibility of, and the most suitable site for, construction of a sea level canal connecting the Atlantic and Pacific Oceans, and the best means to effect its construction, whether by conventional or nuclear means. This Commission, with a chairman determined by the President, would conclude its investigation and report to the Congress by January 31, 1966.

BACKGROUND OF THE BILL

Senator WARREN G. MAGNUSON, chairman of the committee, introduced S. 2497, which would provide for an investigation and study by the Secretary of State, the Secretary of Defense, and the Chairman of the U.S. Atomic Energy Commission, acting jointly, to determine the site for construction of a sea level interoceanic canal through the American isthmus. Pursuant to the terms of S. 2497, a final report to Congress would be required within 6 months.

S. 2428, introduced by Senator NORRIS COTTON, would authorize the President to appoint a Commission including representatives of the Panama Canal Company, to make a study for increasing the capacity and security of the Panama Canal or the construction of a new canal to meet the future needs of interoceanic commerce and national defense.

On March 3 and 4, 1964, the committee held hearings on S. 2497 and S. 2428. Among the witnesses who testified were Deputy Secretary of Defense Cyrus R. Vance, Secretary of the Army Stephen Ailes, Assistant Secretary of State for Inter-American Affairs Thomas C. Mann, and Dr. Glenn T. Seaborg, Chairman, U.S. Atomic Energy Commission. With unanimity these witnesses endorsed the objectives of S. 2497 and S. 2428 and offered constructive recommendations which have been incorporated in the S. 2701 bill.

NEED FOR THE BILL

At the outset of the hearings, both Senator MAGNUSON and Secretary Vance stressed that although the present difficulties with the Republic of Panama serve to emphasize the necessity of expediting a study to determine the feasibility of, and the most suitable site for, a second transisthmian canal, nevertheless, the proposed legislation is not a product of the Panama crisis. Similar bills have been the subject of consideration by Congress for many years.

However, with the passage of time the physical limitations of the Panama Canal are becoming more apparent. In 1910 when the canal first opened traffic was light; on an average five ships transited per day. The canal now averages 30 transits per day, and by 1980 it is forecast that interoceanic traffic will exceed its capabilities. Thereafter ships will be required to wait in line for the privilege of passing, at great expense to shipowners and, ultimately, to consumers.

There are other physical limitations inherent in the present canal. Its intricate and complex locks, which measure 1,000 feet in length and 110 feet in width, and its channels with a minimum depth of 42 feet, already preclude many ships from passage. Even today 24 U.S. naval vessels and 50 commercial ships cannot transit the canal. An additional 556 ships cannot pass through with a full load. Some must reduce their capacity by 30 percent in order to transit. Even larger ships under construction will be prohibited because of their size from using the present canal. In addition, the intricate nature of the locks poses a serious security problem. Prolonged delays could well result from hostile acts directed at the present canal's mechanical equipment. Such a risk would not be involved in a sea level canal.

That such restriction on the free flow of transisthmian commerce is of vital concern to the United States is apparent upon consideration of the fact that 70 percent of the tonnage which transits the Panama Canal involves goods which either originate in, or are destined for, the United States.

Mindful that the present canal is rapidly receding into obsolescence, Government witnesses advised that the United States should proceed expeditiously with the proposed investigation and study in the belief that eventual construction of a sea level canal is desirable and in our national interest.

AEC Chairman Seaborg and his associates informed the committee that they are confident that it is technically feasible and safe to build a sea level transisthmian canal by nuclear means. Witnesses cautioned, however, that necessary field surveys and the development, refinement, and stockpiling of the several hundred nuclear devices required for excavation will take in tandem approximately 5 years. Thereafter, actual construction will consume from 2 to 10 years, depending on the route ultimately selected.

Of course, diplomatic negotiations with the nation or nations through which the canal is to pass will also take time. The restrictions imposed by the nuclear test ban treaty of August 5, 1963, must be determined and resolved. Faced with such a long lead-time before construction can commence, it is imperative that the proposed study and necessary preparations begin immediately.

The committee, aware that action is required now to insure the future free flow of transisthmian commerce so important not only to the interests of the United States but to world trade as well, reports without amendment this bill to provide for an investigation and study to determine the feasibility of, and the most suitable site for, the second transisthmian canal to connect the Atlantic and Pacific Oceans. Moreover, in recommending that the bill do pass, the committee is conscious that the construction of such a canal at sea level constitutes a civil engineering project of greater magnitude than any ever undertaken by man.

SECTION-BY-SECTION ANALYSIS

S. 2701 vests the President with flexibility in the matter of appointment of members to the Commission to conduct the study. Also, as requested, the time within which the Commission must submit its final report to Congress has been extended beyond the limitation of 6 months specified in S. 2497. The suggestion advanced by committee members, and endorsed by Dr. Seaborg, that the geographic area of the proposed study be broadened to include an investigation of the feasibility of constructing a trans-U.S. canal has been adopted.

Section 1

Section 1 of the measure would authorize the President to create a Commission composed of seven members, including the Secretary of State, the Secretary of the Army, and the Chairman of the U.S. Atomic Energy Commission, to conduct an investigation and study to determine the feasibility of, and the most suitable site for, the construction of a sea level canal connecting the Atlantic and Pacific Oceans and the best means to effect construction, whether by conventional or nuclear means.

Section 2

Section 2 specifically authorizes the Commission to utilize the facilities of any executive department or agency and to avail itself of such expert assistance as may be required, in accordance with the provisions of section 15 of the act of August 2, 1946 (5 U.S.C. 55a).

Section 3

Section 3 makes it mandatory that the Commission complete its investigation and study and submit its report to the Congress by January 31, 1966. The President is requested to submit such recommendations to the Congress as he deems advisable.

Section 4

Section 4 authorizes the appropriation of such funds as may be required to effectuate the purposes of the legislation.

The ACTING PRESIDENT pro tempore. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill (S. 2701) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to appoint a Commission to be composed of seven men including the Secretary of State, the Secretary of the Army, and the Chairman of the United States Atomic Energy Commission, to make

a full and complete investigation and study, including necessary on-site surveys, and considering national defense, foreign relations, intercoastal shipping, interoceanic shipping, and such other matters as they may determine to be important, for the purpose of determining the feasibility of, and the most suitable site for, the construction of a sea level canal connecting the Atlantic and Pacific Oceans; the best means of constructing such a canal, whether by conventional or nuclear excavation, and the estimated cost thereof. The President shall designate as Chairman one of the members of the Commission.

SEC. 2. The Commission is authorized to utilize the facilities of any department, agency, or instrumentality of the executive branch of the United States Government, and to obtain such services as it deems necessary in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

SEC. 3. The Commission shall complete the investigation and study as provided in section 1 of this Act and present its findings and conclusions to the President and the Congress by January 31, 1966. The President shall submit such recommendations to the Congress as he deems advisable.

SEC. 4. There are hereby authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

Mr. HUMPHREY. Mr. President, I move that the vote by which Senate bill 2701 was passed be reconsidered.

Mr. JAVITS. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

RELOCATION OF THE SENECA NATION

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 1794.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H.R. 1794) to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 13, after the word "including", to insert "surface"; in line 14, after the word "increased", to strike out "difficulty or impossibility" and insert "expense"; in line 22, after the word "increased", to strike out "difficulty or impossibility" and insert "expense"; on page 3, line 20, after the word "of", to strike out "$1,033,275" and insert "$824,273"; on page 4, after line 13, to insert:

(f) The sums payable under (a) and (c) of this section shall be subject to deduction in accordance with stipulations entered into, or to be entered into, between the United States, the Seneca Nation, and individual Seneca Indians if it is judicially determined that title to any lands or improvements to which such compensation relates is not vested, in whole or in part, in the Seneca Nation or individual Seneca Indians.

On page 7, after line 3, to strike out:

SEC. 4. There is authorized to be appropriated the additional sum of $16,931,000, which shall be deposited in the Treasury of the United States to the credit of the Seneca Nation and which shall draw interest on the principal at the rate of 4 per centum per annum until expended, for assistance designed to improve the economic, social, and educational conditions of enrolled members of the Seneca Nation, including, but not limited to, the following purposes:

(a) agricultural, commercial, and recreational development on the Allegany, Cattaraugus, and Oil Springs Reservations;

(b) industrial development on the Seneca reservations or within fifty miles of any exterior boundary of said reservations;

(c) relocation and resettlement, including the construction of roads, utilities, sanitation facilities, houses, and related structures;

(d) the construction and maintenance of community buildings and other community facilities;

(e) an educational fund for scholarship loans and grants, vocational training, and counseling services;

(f) the acquisition of lands either within or contiguous to the Allegany Reservation, as authorized under section 13 of this Act; and

(g) a resurvey of the boundaries of the villages established pursuant to the Act of February 19, 1875 (18 Stat. 330), together with a title search to determine the current status and extent of all leases issued by the Seneca Nation therein.

The funds authorized by this section shall be expended in accordance with plans and programs approved by the Seneca Nation and the Secretary of the Interior: *Provided*, That no part of such funds shall be used for per capita payments.

And in lieu thereof, to insert:

SEC. 4. There is authorized to be appropriated the additional sum of $6,116,550, which shall be deposited in the Treasury of the United States to the credit of the Seneca Nation and which shall draw interest on the principal at the rate of 4 per centum per annum until expended for assistance designed to improve the economic, social, and educational conditions of enrolled members of the Seneca Nation, including the following purposes:

(a) developing and carrying out individual and family plans, including relocation and resettlement and the construction of roads, utilities, sanitation facilities, houses, and related structures:

(b) the construction and maintenance of community buildings and other community facilities; and

(c) industrial and recreational development on the Allegany, Cattaraugus, and Oil Springs Reservations.

The funds authorized by this section shall be expended in accordance with plans and programs approved by the Seneca Nation and the Secretary of the Interior: *Provided*, That no part of such funds shall be used for per capita payments.

On page 15, line 9, after the word "under," to strike out "section 4(f)" and insert "section 4"; in line 14, after the word "industrial," to strike out "development," and insert "development."; in the same line, after the amendment just above stated, to strike out "or contiguous to the Allegany Reservation for recreational or commercial development. Any lands so acquired outside the existing reservation shall become a part of the reservation and have the same legal status as lands within the reservation." and insert "Any lands or interests in lands so acquired shall have the same legal status as other lands within the reservation."; on page 17, line 14, after the word "Federal," to strike out "taxation." and insert "income taxes."; and after line 15, to insert a new section, as follows:

SEC. 18. The tribal council of the Seneca Nation shall submit to the Secretary of the Interior within two years from the date of enactment of this Act, and the Secretary shall within ninety days thereafter submit to the Congress, proposed legislation providing for the termination of Federal supervision over the property and affairs of the tribe and its members within a reasonable time after the submission of such proposed legislation.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that certain portions of the report that are relevant to an explanation of the bill be printed in the RECORD.

There being no objection, the excerpts from the report (No. 969) were ordered to be printed in the RECORD, as follows:

PURPOSE

The primary purposes of H.R. 1794 are to provide for payments to the Seneca Nation, and its individual members, for certain interests in lands within the Allegany Reservation, N.Y., needed in connection with the Kinzua Dam and Reservoir project, and to authorize a rehabilitation program for the Indians. The committee also considered S. 1836, a companion measure introduced by Senator JAVITS (for himself and Senators KEATING, SCOTT, CLARK, MCGOVERN, CASE, and ERVIN).

BACKGROUND

Kinzua Dam is under construction by the Corps of Engineers, U.S. Army, on the Allegheny River. Authorization for its construction as one feature of the Ohio River Basin project is contained in the act of June 28, 1938 (52 Stat. 1215, 1217), as amended by the acts of August 18, 1941 (55 Stat. 638), and December 22, 1944 (58 Stat. 889), and first funds for its construction, were made available in the Public Works Appropriation Act, 1958. Present schedules call for partial closure of the dam in June of this year, for total closure in October of this year, and for completion of the entire structure early next year. The estimated cost of the project, exclusive of certain items in the present bill, is $107 million.

The damsite is in Warren County, Pa. The lands to be flooded, permanently or intermittently, total about 21,175 acres. They are in Warren and McKean Counties, Pa., and Cattaraugus County, N.Y. Among the lands in the last-named county which will be affected are approximately 10,200 acres within the Allegany Indian Reservation, 9,100 of which are now dry land and 1,100 of which are within the present river channel. These 10,200 acres are about one-third of the entire acreage within the Allegany Reservation. The remainder of the reservation land includes about 10,000 acres wthin the so-called congressional villages and 2,000 acres in rights-of-way for highways and the like. There will thus be left about 8,500 acres of dry land for permanent and unrestricted use by members of the Seneca Tribe residing on this reservation. According to testimony from the witness for the Corps of Engineers, approximately 5,000 acres of Seneca land within the taking area will be available for use by the Indians for farming, grazing, hunting, and other similar purposes, but not for habitation.

The Seneca Nation has 4,132 enrolled members, of whom about 1,103 reside on the Allegany Reservation, 1,873 on the Cattaraugus Reservation, and the remainder elsewhere. Of the 1,103 on the Allegany Reservation, 482

(making up 127 families) are within the reservoir area. Nearly all of these families will be relocated at two places within the reservation—the Jimersontown site (300 acres) and the Steamburg site (350 acres).

Article III of the treaty of November 11, 1794 (7 Stat. 44), commonly referred to as the Pickering Treaty, after describing "the land of the Seneka nation," went on as follows:

Now, the United States acknowledge all the land within the aforementioned boundaries, to be the property of the Seneka nation; and the United States will never claim the same, nor disturb the Seneka nation, nor any of the six Nations, or of their Indian friends residing thereon and united with them, in the free use and enjoyment thereof; but it shall remain theirs, until they choose to sell the same to the people of the United States, who have the right to purchase.

Relying in part on this engagement, the Seneca Nation contested in the courts the authority of the Corps of Engineers to condemn land for and to construct the project. It lost its suits (*United States* v. *21,250 Acres of Land*, 161 F. Supp. 376 (D.C.W.D.N.Y., 1957); *Seneca Nation* v. *Brucker*, 262 F. 2d 27 (C.A.D.C. Cir., 1958), cert. den. 360 U.S. 909 (1959)). A copy of the opinion of the court of appeals in the second of these cases is appended to this report. (See appendix.)

In recognition of these treaty promises, and the precedents established in recent legislative takings of Indian land for dam projects along the Missouri River, H.R. 1794 provides special benefits and programs to the Seneca Nation that are not extended to non-Indian owners of lands required for the Kinzua project.

The bill provides for three categories of payment to the Senecas: (1) That which would be required in any event for the acquisition of interests in land within the Allegany Reservation; (2) that which compensates the Senecas for certain indirect damages not ordinarily compensable in condemnation actions; and (3) that which is to be used for the social and economic advancement of the Nation and its members.

DIRECT DAMAGES

The first of these three items is covered in section 2, subsections (a), (b), and (c), of the bill. It amounts in all, to $1,289,060, plus such additional sum, if any, as the Seneca Nation may recover in court for damages to its sand and gravel resources. This amount is broken into $666,285 for interests in land being acquired by the United States, $522,775 for the taking of permanent improvements on lands within the reservation, and $100,000 for "damages caused by the increased expense of developing or otherwise exploiting the oil and gas subsurface resources retained by the nation."

Contrary to its usual practice, the Corps of Engineers, at the request of the Seneca Nation, is acquiring only flowage easements rather than fee title to lands within the reservoir area. Many of these easements have already been acquired by declaration of taking filed in the U.S. District Court for the Western District of New York. The remainder will be so acquired before the present bill becomes law. Those below elevation 1,292 mean sea level are within the maximum winter flow regulation pool of the reservoir, those below elevation 1,328 are within the maximum summer flow regulation pool, and those between this elevation and elevation 1,365 will, it is estimated, be subject to flooding at frequencies varying from once a year to once every 100 years, depending on their location. Other lands are required for the relocation of rights-of-way which now cross the reservation.

Both the amount of $666,285 which is fixed in the bill for the acquisition of the easements and the amount of $522,775 which is fixed for the permanent improvements were arrived at by negotiation between spokesmen for the Seneca Nation and the Corps of Engineers. The negotiations were conducted after each of the parties had had independent tract-by-tract appraisals made by qualified appraisers.

Although these figures represent compromises, they are acceptable both to the corps and to the nation.

The $100,000 for such increased expense as may occur in developing the oil and gas resources of the nation is likewise a mutually acceptable compromise figure. The existence of such resources was admitted by both parties, but there was disagreement as to their extent and commercial value.

Because of disagreement over the value of sand and gravel, the Seneca Nation has the right to seek additional damages for this resource through judicial proceedings. In the event the nation does pursue the matter successfully in the case of any of the tracts alleged to have significant sand and gravel resources, the Government will be entitled to an offset to the extent that it has already paid for other interests in the surface of the same land. This is provided for in section 3(b) of the bill.

The reason for separating the amount to be paid for the easements from that to be paid for the improvements is that the latter belong to individual members of the nation who have only a use right in the land itself.

INDIRECT DAMAGES

Section 2, subsection (d), of the amended bill provides for the payment of $824,273 for various indirect damages. The nation claimed $1,242,250 for these items; the House-passed bill authorized $1,033,275; the Corps of Engineers recommended $824,273. The reduced dollar amounts for the items within this category are $691,625 for the loss of timber, wildlife products, and the like; $127,050 for certain relocation costs; and $5,598 for the loss of the river bottom (933 acres), the corps valuing this at $6 per acre (the amount allowed in earlier legislative settlements similar to the present one). The amount recommended is a net reduction of $209,002 from the House-passed figure for this item.

The corps disagreed strongly (as it had in earlier cases) with the propriety of charging these indirect costs to the project rather than elsewhere. However, these costs are similar to those which have been allowed by the Congress in earlier cases involving Indian land takings.

REHABILITATION FUNDS

The largest of the items in H.R. 1794 is that for which provision is made in section 4.

This section of the bill, as amended, authorizes a rehabilitation fund for the purpose of improving the economic, social, and educational conditions of the 4,132 enrolled members of the Senaca Nation, not merely the 1,103 members residing on the Allegany Reservation. The sum authorized amounts to $6,116,550. This is a decrease of $10,814,450 in the amount authorized in H.R. 1794 as passed by the House of Representatives.

Among the programs for which this money may be used are individual and family plans, including relocation, resettlement, and education, and the construction of roads, utilities, sanitation facilities, houses, and related structures. It will also provide for the construction of community buildings and industrial and recreational development on the Allegany, Cattaraugus and Oil Springs Reservations.

The funds are to be expended in accordance with the plans and programs approved by the Seneca Nation and the Secretary of the Interior. No part of the funds may be used for per capita payments.

COMMITTEE AMENDMENTS

The committee has adopted several amendments to H.R. 1794. The first major change is in section 2 where the amount authorized for indirect damages has been reduced from $1,033,275 to $824,273. In testimony before the subcommittee, the Seneca Nation and the Corps of Engineers submitted the following estimates in this category:

	Seneca Nation	Corps
Moving and reestablishing a long house, cookhouse, and shed	$8,000	
Acquiring 450 acres of replacement land in the 2 relocation areas	50,000	
Cost of domestic water at the 2 relocation sites	100,000	
(The cost of these facilities has been estimated at $410,000 by the Community Facilities Administration, which has authorized a $306,000 grant; and the city of Salamanca also contributed $10,000.)		
933 acres of river bottom sand and gravel appraised by Empire Appraisals Associates at $100 an acre but by the corps at $6 an acre	93,300	$5,598
(The corps claimed that the riverbed was under a servitude to the Government and, therefore, compensation was unnecessary.)		
Rough site leveling	155,500	
Site planning	2,000	
Staking 1-acre lots	7,775	
Topographical boundary survey	7,000	
Loss of timber, wildlife products, fish, berries, herbs, etc., as set forth in table 19 of our Missouri River Basin report	691,625	691,625
Individual removal costs and loss of earnings	127,050	127,050
(Moving 4 complete sets of farm buildings, $24,520; moving 3 sets of farm machinery, $330; earnings loss of self-employed families, $4,800; wage loss of 102 employed persons, $71,400; moving 130 sets household equipment and furniture, $13,000; moving 130 families and personal property, $13,000.)		
Total	1,242,250	824,273

The amount recommended in the bill, $824,273, corresponds with the corps' estimate. This sum includes $691,625 for loss of timber, wildlife products, fish, herbs, etc.; $127,050 for individual removal costs and loss of earnings; and $5,598 as payments for 933 acres of river bottom at $6 per acre. The total amount recommended contains the same elements provided in other settlements with Indian tribes for intangible damages and retains the same value per acre for river bottom lands. The overall reduction from the House recommended figure is $209,002. Some of the items requested by the Senecas were considered to be double payment and were, therefore, eliminated.

The second major change in H.R. 1794 was made in section 4, pertaining to rehabilitation funds. As passed by the House, this section authorized $16,931,000 for this purpose. The Department of the Interior and the Seneca Nation requested this amount for the following purposes: $8 million for agricultural, commercial, and recreational development; $4,438,000 for industrial development; $1,029,000 for relocation and resettlement; $970,000 for community buildings and facilities; $2,300,000 for an educational fund; and $194,000 for a resurvey of the congressional villages on the reservation.

The committee has reduced the total figure to $6,116,550. On a per capita basis, the almost $17 million recommended by the Department in this section amounts to over $4,000 for every enrolled Seneca Indian.

At the hearing held on March 2, 1964, the committee gave careful consideration to the proposed plan of industrial and recreational development ($12,438,000) supported by the Seneca Tribe and recommended by the Department of the Interior in its report. While there is little doubt that the construction of the facilities desired by the tribe would result in providing numerous employment opportunities and possibly substantial income to the nation, the committee does not believe that projects of this size can be justified on the basis of the loss the Senecas will sustain as a result of the Kinzua Dam. These projects, if approved, would go far beyond rehabilitation benefits given to other Indian tribes in recent years. Some of the developments recommended, such as the industrial park ($4,438,000), would not be constructed on the Allegany Reservation where the Indians are to be flooded out, but on the Cattaragus Reservation, 30 miles distant.

The other main feature contained in the proposed recreation program involves a Williamsburg-type Indian village ($7,110,000), complete with exhibit facilities, motel, swimming pool, amphitheater, etc. It should be pointed out that only 127 Seneca families, involving 482 people, are directly affected by the Kinzua Reservoir, and only 8 individuals are actually making their living from the lands to be flooded. For this reason the committee believes a project of this magnitude is unwarranted. It has been alleged that the geographical area in which the Senecas reside is a depressed one, but if this is the case, it should qualify for assistance under the Area Redevelopment Administration or other Federal aid program. This legislation should not be the vehicle for authorizing Federal grants to improve economic conditions not resulting from the Kinzua Dam and Reservoir project. Also, the committee believes the $2,300,000 sought for educational programs is out of line with previous settlements and that a resurvey of congressional villages, while it may be desirable, has no connection with the taking of land for the Kinzua Reservoir.

In recent years Congress has enacted several statutes to pay tribes and individual Indians along the Missouri River for lands taken in connection with Fort Randall, Oahe, and Big Bend Reservoirs. Tens of thousands of acres set aside for them by treaty have been taken for these projects, and in each case special rehabilitation funds have been made available to aid them in adapting to a new and different way of life. The most generous settlements to date have been made with the Lower Brule and the Crow Creek Tribes of South Dakota. Because two separate and distinct takings were made on these reservations, a rehabilitation program almost double the previous high was paid to the Indians. On a per capita basis those payments amounted to $2,250 for every Indian living on or off the reservation. In the Seneca case, the committee's recommendations amount to a $2,250 payment for the 1,103 Indians residing on the Allegany Reservation. It further recommends the equivalent of a $1,200 payment for the other 3,000 Seneca Indians whether they live on the Cattaraugus Reservation or completely off the reservations. This latter sum is equal to the amount paid the Standing Rock Sioux Tribe in the rehabilitation program authorized under Public Law 85-915.

The committee notes the fact that the per capita income of the Seneca Tribe is substantially higher than that of most Indians residing in the West and that the need for a rehabilitation program in New York is considerably less than in other areas of the country. By authorizing a rehabilitation program as large as any heretofore approved, it is believed that this settlement is a generous one.

Under the substitute language recommended in section 4, the Senecas will be able to construct new homes to relocate those families forced to move from the reservoir area. They will be able to build roads, utilities, community buildings and facilities, and develop industrial and recreational resources on the reservations. They will also be able to formulate plans for economic, social and educational assistance to individuals and families whether living on or off the Allegany Reservation.

A third substantive amendment recommended by the committee adds a new Section 18 to the bill to provide that within 2 years following the date of enactment of H.R. 1794, the tribal council of the Seneca Nation will submit to the Secretary of the Interior proposed legislation providing for the termination of Federal supervision over the property and affairs of the tribe within a reasonable time thereafter. Within 90 days after the tribe submits its proposed legislation, the Secretary of the Interior shall submit the proposal to the Congress for its consideration.

In 1948 the Bureau of Indian Affairs closed its office at Salamanca, N.Y., that served the Indians in that area. All the ordinary services provided to other citizens by the State of New York and its subdivisions, such as education, welfare, and law and order, were extended to the Senecas, and there was very little reason for the Bureau of Indian Affairs to retain any local connection with the Nation. In 1953, by the adoption of House Concurrent Resolution 108, Congress declared that—

"At the earliest possible time, all of the Indian tribes and the individual members thereof located within the States of * * * New York * * * should be freed from Federal supervision and control and from all disabilities and limitations specially applicable to Indians."

The resolution also directed the Secretary of the Interior to prepare legislative recommendations to carry out the purposes of the resolution. Subsequently, the Secretary forwarded legislation to Congress, but it failed of enactment.

The passage of H.R. 1794 with a rehabilitation program that would require approval of expenditure of funds by the Secretary will necessitate continued supervision through the Bureau of Indian Affairs. The committee does not believe the Bureau should return to the Seneca Reservation area on a long-term basis in view of the fact that for 16 years these Indians have been recognized as competent and able to handle their own affairs without further Federal assistance. The directive in section 18 requires that the tribe submit a proposed plan for the disposition and use of its land and other assets so that the Federal Government may withdraw from supervision of the tribe altogether at some time in the near future. The tribe's plan and proposed legislation will be the subject of committee hearings before a final program is enacted.

MISCELLANEOUS PROVISIONS

In section 2 the committee has struck the words "difficulty or impossibility" where they appear in connection with developing subsurface resources. It is believed that these terms do not properly describe the purpose for which a portion of the compensation paid to the tribe is being made, and therefore the word "expense" has been substituted.

A new subsection (f) has been added to section 2 at the request of the Corps of Engineers. The purpose and intent of the amendment is spelled out in the letter to the chairman of the Subcommittee on Indian Affairs which is included in this report.

Section 3, subsections (a), (c), and (d), deal with the distribution of moneys received by the nation among individual members who had use rights in the land within the reservoir area, who have improvements on such land, and who have to move to another location. (The sums mentioned in this section are not additional to the sums for which provision is made in sec. 2 but are part of the latter.) If any individual member is dissatisfied with the amount tendered him for his use rights or improvements, opportunity is provided in sections 11 and 12 for him to refuse the tender and to litigate the issue. Appropriate adjustments will then be made in the amount paid the nation under section 2.

The $6,116,550 allowed in section 4 will not be paid over directly to the Seneca Nation immediately upon appropriation. It will, rather, remain in the Treasury to the credit of the nation until expended for purposes approved by the Secretary of the Interior and will, while in the Treasury, draw interest at the rate of 4 percent per annum.

Section 5 provides for the relocation of graves within the taking area. This is a normal expense of constructing any public project where a cemetery has to be moved. This section also provides that the Secretary of the Army will set up a trust fund amounting to $14.40 for each grave for perpetual care. It is estimated that the cost which will be incurred pursuant to this section will amount to about $643,240.

Since the United States is acquiring only easements in the land within the reservoir area the Senecas will, of course, retain all rights not acquired by the Government. This is spelled out in sections 6 and 9 of the bill. Section 9, however, also requires that the nation provide free public access to the shoreline of the reservoir and provides that any use by the public of its water area shall be subject to regulations prescribed by the Secretary of the Army. Section 6, which deals with minerals, requires that any exploration for or development of minerals within the taking area shall be consistent with the protection and operation of the project and with the interests in land which the United States acquires for project purposes. The Senecas' interest in the lands within the reservoir area is further emphasized by the reverter provisions of section 15.

The Senecas will, under section 7, be permitted to occupy the land being acquired by the Government until January 1, 1965, or such earlier date as reservoir requirements necessitate. During this period they may, under section 8, continue to harvest their crops, remove timber, mine sand and gravel, and salvage improvements. The value of these items will not be deducted from the compensation paid them.

Section 10 authorizes the appropriation of not more than $250,000 to reimburse the Seneca Nation for expenses which it has incurred in connection with the Allegheny Reservoir project. Attorney fees will be paid under a contract approved by the Secretary of the Interior.

Section 13 of the bill as passed by the House authorized the Secretary of the Interior to use funds provided in section 4 to purchase or acquire through condemnation lands within or outside the Allegany Reservation for certain tribal purposes. The committee has amended this section to restrict the authority to acquire lands that are within the reservation.

Provision is made that the moneys paid to the nation or to individual members of the nation shall be exempt from income taxes (sec. 17); that they shall not, with certain exceptions, be subject to prior debts, liens, or claims (sec. 3(d)); and that none of the expenditures of the United States under the act shall be considered by way of offset or counterclaim in any claim of the Senecas agasinst the Government except claims arising out of the taking of interests in land for the Kinzua project (sec. 15).

The title of the bill has been changed to reflect that the purpose of the legislation is to provide payments for certain interests in lands rather than to authorize the aquisition of flowage easements and rights-of-way within the Allegany Reservation.

TOTAL COST

It is estimated that the total amount involved in H.R. 1794, as amended, is about $9,126,550. A portion of this amount—particularly that for direct damages as described above—is already available from appropriations made to the Corps of Engineers for construction of the Allegheny Reservoir project. The costs of administering that portion of the bill which concerns the Bureau of Indian Affairs will be borne by appropriations made to that agency. It is expected that these costs will be held to a minimum.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

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

Mr. KUCHEL. Mr. President, I do not object to this procedure. I wish the RECORD to show, however, that, as a member of the committee, I disagree with the text by which the bill was reported to the Senate. I withhold any personal opposition because the Members of the Senate primarily interested in solving a longstanding problem and interested in endeavoring to do justice to the Seneca Indian Tribe desire to have the bill proceed to conference. Under the circumstances, I wish the RECORD to show my own position.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the committee amendments en bloc.

The amendments were agreed to.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to authorize payment for certain interests in lands within the Allegany Indian Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes."

Mr. JAVITS. Mr. President, the Senator from California [Mr. KUCHEL] is very gracious in allowing the Senate to consider this bill. My colleague [Mr. KEATING] and I have consulted with those who have the deepest interest in this matter—the Seneca Indian Nation through their president, George Heron.

There are certain points to which I should like to direct the attention of the conferees. These deal with matters which I believe the Senator from California has in mind.

However, the Senator from Idaho [Mr. CHURCH] who has handled the bill for the committee, is absent today. He felt that if the bill were passed by unanimous consent, detailed comments on specific aspects of the bill await the presence of those who have been closely connected with the bill.

So in deference to the Senator, I shall not comment in detail at this time, except to reserve the right at a later time this week to make some points with respect to conference to be held on the bill.

In the meantime, I ask unanimous consent to have a brief memorandum printed in the RECORD. We shall be sure to clear the memorandum with the office of the Senator from Idaho [Mr. CHURCH], so as to insure that this statement is in the spirit of assurances given to the Senator, because we most earnestly wish to keep our faith with him.

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

On February 7, 1964, the House of Representatives passed H.R. 1794 by voice vote. The House-passed bill provided for compensation and rehabilitation funds in the amount of $20 million. The bill, reported by the Senate Interior Committee, includes a reduced amount of $9.1 million.

The committee also added an amendment to the House-passed bill which would require the Tribal Council of the Seneca Nation to submit to the Secretary of the Interior within 2 years from the date of enactment of this legislation for the Secretary's transmittal to the Congress within 90 days, proposed legislation providing for the termination of Federal supervision over the property and affairs of the tribe and its members within a reasonable time after the submission of such proposed legislation.

As I have stated previously, I do not believe the reduction of funds or the addition of this amendment are in the best interests of the Seneca Nation. However, in view of the absence from the floor today of the chairman of the Indian Affairs Subcommittee, who has provided committee leadership on this measure, those who intended to comment on H.R. 1794 have been assured that they will have an opportunity later this week to express their views on this bill in the presence of the subcommittee chairman.

In view of the immediate need of the Seneca Nation for these funds because of the relocation requirements resulting from the scheduled October 1, 1964, completion of the Kinzua Dam, I believe this bill must be acted upon as promptly as possible. It is because prompt action is so important to the planning of the Seneca Nation that I favor passage of H.R. 1794 today.

Mr. KEATING. Mr. President, my colleague has correctly stated the arrangement we have made. So I shall also reserve comment until later in the week, when the Senator from Idaho [Mr. CHURCH] will be able to be present.

I express the hope that the House version will prevail in the conference. However, the expression of reasons for that will, under our agreement, come at a later time.

Mr. SCOTT. Mr. President, the Senate Interior Committee has cut by 64 percent House authorized funds (H.R. 1794) to provide compensation to the Seneca Indians for their lands which are to be flooded because of construction of the Allegheny River Dam at Kinzua, Pa.

This deplorable action was taken despite the fact that the Senecas' claim to these lands was embodied in a personal promise of George Washington and sanctified by one of our oldest treaties.

If these people were citizens of some far-off, "underdeveloped" nation, instead of being among the very first Americans, I have no doubt that their cries of injustice would be echoed and thundered all across the United States. But the Senecas have no such advantage.

And, unlike many countries which have been sustained by our wealth, they cannot threaten Washington with the possibility of accepting Soviet aid.

As a cosponsor of S. 1836, which is similar to the House bill, I deplore the fact that the full amount required to carry out the purposes of the legislation is not now available.

Throughout my years in the House and Senate I have striven for economy in Government. But this cutting action is not economy, it is penury at the expense of a minority of Americans who do not have the financial means to fight back.

Mr. JAVITS. Mr. President, I move that the vote by which House bill 1794 was passed be reconsidered.

Mr. HUMPHREY. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

SOVIETS THREATEN ALL AMERICANS

Mr. KEATING. Mr. President, the Brooklyn Chapter of the Jewish War Veterans has recently issued a warning that should be carefully reviewed.

County Comdr. Melvin M. Hurwitz points to the continued instances of anti-Semitism and religious persecution in the U.S.S.R. as a subject for serious consideration by the people of the United States.

He also warns that the Soviet buildup of merchant ships may become an increasingly serious threat to the U.S. merchant marine and our already depressed shipyards.

Mr. President, I ask unanimous consent to have printed following my remarks in the RECORD the text of the statement of Mr. Hurwitz.

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

SOVIETS THREATEN ALL AMERICANS

The Jewish War Veterans of Kings County, under the leadership of Melvin M. Hurwitz, county commander, wishes to direct the public's attention to the Soviet economic threat to the world, as well as to their restrictions on religious life as it relates to the Soviet Jew.

Our State Department has suggested that serious thought be given to a "united appeal of private religious organizations representing worldwide Jewry and, if possible, other religious groups, in an effort to ease restrictions placed upon Soviet Jewry by the Moscow government. Reports of death sentences imposed in a secret Moscow trial against a number of persons charged with economic crimes, seven of them Jews, indicated again that the world must know that the American public protests these barbarous acts."

We must be aware that the Soviet Union is actively engaged in a major economic war with the United States at this very moment. Vice Adm. Roy A. Gano, commander of the Military Sea Transportation Service, stated recently that the Soviet Union has presently on order in shipbuilding yards throughout the world, a total of 370 merchant ships, as compared with the United States, who has 45 ships on order. Part of this fleet will be assigned to trade routes for the specific purpose of keeping freight rates abnormally depressed. This will be done in the expectation that most of the established common carriers will curtail their operations, thereby giving the Soviet Union an advantage and possibly causing economic deprivation in our country.

Commander Hurwitz urges the public to consider the daily Soviet threats as a problem for serious consideration.

NEW YORK RESOLUTIONS IN FAVOR OF CIVIL RIGHTS

Mr. KEATING. Mr. President, as the Senate begins the debate on H.R. 7152, the civil rights bill of 1963, I offer two resolutions in favor of the bill—one passed by the New York State Legislature, and one by the Common Council of the City of Syracuse. I ask that they be printed in full at this point in the RECORD.

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

RESOLUTION 58

Concurrent resolution of the Senate and Assembly of the State of New York memorializing Congress to enact civil rights legislation

Whereas the guarantees of civil rights and human dignity pledged in the Declaration of Independence and Constitution of the United States have been violated and subverted by practices of racial discrimination and segregation which now exist in many areas of this Nation; and

Whereas the continuation of such discrimination and segregation violates the citizen rights of individual Americans, threatens our domestic tranquility, impairs our Nation's economic growth, damages the foreign policies of the United States and, if not eliminated, will weaken this country as a leader of the free world; and

Whereas the laws of the State of New York have broken ground in the civil rights field, demonstrating to the States and Federal Government the beneficent social and economic consequences of implementing the moral commitments made in the Declaration of Independence and Constitution; and

Whereas there is now pending in the Congress legislation which will provide the Federal Government with needed legal instruments for pursuing its declared national goal of eliminating racial discrimination and segregation: Therefore be it

Resolved (if the senate concur), That the Congress of the United States be, and hereby is, memorialized to enact forthwith the civil rights and antidiscrimination legislation now pending before it; and be it further

Resolved (if the senate concur), That each Member of the Congress from the State of New York be urged to support and vote for the civil rights legislation, including provisions guaranteeing an end to discrimination in the use of public accommodations and in the exercise of voting rights; and be it further

Resolved (if the senate concur), That the New York delegation to the Congress commit its support to accelerating the movement of this legislation from committee to the floor for immediate action; and be it further

Resolved (if the senate concur), That copies of this resolution be transmitted to the Congress of the United States by forwarding one copy to the clerk of the Senate, one copy to the Clerk of the House of Representatives and one copy to each Member of Congress from the State of New York.

RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SYRACUSE

Whereas the State of New York has always been a leader in measures to bring equal rights to all citizens; and

Whereas it is now recognized that civil rights constitutes a problem of nationwide scope; and

Whereas there is now before the U.S. Senate legislation designed to bring equality to all citizens in respect to voting rights, public accommodations and other fields; and

Whereas a strong civil rights bill has been passed by an overwhelming vote of the House of Representatives; and

Whereas Congressmen from this district voted for the passage of said bill in its final form; and

Whereas both the New York State Assembly and the Onondaga County Board of Supervisors have urged our Representatives in the Congress to support such legislation; and

Whereas many citizens of Syracuse are rightly concerned that the said legislation be enacted into law: Now, therefore, be it

Resolved, That this common council hereby requests the U.S. Senators from this State to support the prompt enactment of the civil rights bill as passed by the House of Representatives; and be it further

Resolved, That copies of this resolution be sent immediately to the Senators from this State; and be it further

Resolved, That certified copies of this resolution be forwarded to the majority leader of the Senate and to the floor leader of the Senate.

FLORIDA ANTI-CIVIL-RIGHTS CAMPAIGN

Mr. KEATING. Mr. President, a number of times in the past few weeks, I have had occasion to discuss the activities of the Coordinating Committee for Fundamental American Freedoms and the Mississippi State Sovereignty Commission.

It has now come to my attention, that a similar semiofficial organization is operating in the State of Florida. A State commission, with offices in the capital, has been collecting funds for a private group dedicated to opposing the Federal civil rights bill. George Prentice, executive director of the Florida Commission on Constitutional Government, was quoted in a Miami Herald article as conceding that his agency had received and passed on $10,000 to the Florida Committee for Fundamental Freedoms. Prentice also admitted that the Committee for Fundamental American Freedoms had sent out letters on State stationery appealing for funds.

An appeal for funds for this organization was received in Miami in an envelope bearing the return address: "Speakers Office, House of Representatives, Tallahassee, Fla." The enclosure states that contributions will pay for "newspaper columns and editorials weekly for 16 weeks, full page advertisements in 50 newspapers, direct mailings to doctors, lawyers, chambers of commerce, and other specified groups."

What caught my eye immediately, however, was the notation that "any and all moneys to be donated are tax deductible." Since Florida has no State income tax, I called the Internal Revenue Service, which keeps a current listing of all organizations which are entitled to claim tax deductibility for donations. The Florida Commission on Constitutional Government is not on that list. Neither is the Coordinating Committee for Fundamental American Freedoms.

Mr. President, I want to emphasize that I do not object to any group's lobbying either for or against this bill. Nor do I dispute the right of any individual to criticize what it contains—as long as he has the facts straight—or to contribute to any organization which represents his viewpoint. But I do object to distortion of facts, I do object to false and misleading claims of tax exemption, and I do object when an arm of a State government solicits funds—to be used either for or against the civil rights bill—for this campaign.

NEW YORK CITY SCHOOL INTEGRATION

Mr. JAVITS. Mr. President, in accordance with the practice I have instituted of placing in the RECORD materials describing the efforts being made by various levels of government in New York City to provide a fair and reasonable solution to racial imbalance in the schools, I ask unanimous consent that a policy statement of the New York City Board of Education, originally adopted in 1954, and reaffirmed in 1963, be printed at this point in the RECORD.

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

POLICY ON INTEGRATION OF BOARD OF EDUCATION OF THE CITY OF NEW YORK

BOARD OF EDUCATION
OF THE CITY OF NEW YORK,
Brooklyn, N.Y., October 1, 1963.

DEAR COLLEAGUE: The introduction of the board of education's plan for integration, published on August 23, 1963, includes the following statement:

"The professional staff of the school system commits itself to pursue vigorously the unequivocal integration policy established by the board of education."

I said this for you this summer because I believed you would want me to say it. I feel also that you would like to have your own personal copy of the board's policy statement for your continued guidance. It's a pleasure to send it to you along with this note.

Sincerely,

CALVIN E. GROSS.

RESPONSIBILITY OF THE SCHOOLS IN INTEGRATION: A REAFFIRMATION OF POLICY ORIGINALLY ADOPTED IN 1954

It has been said, correctly, that the schools alone cannot eliminate prejudice, discrimination, and segregation. It is equally true that this task will not be accomplished with less than an all-out effort of the schools.

Our schools must not be neutral in the struggle of society to better itself. We must not overlook the harmful effects of discrimination on the education of all children. Moreover, within the limits of our control, we must not acquiesce in the undemocratic school patterns which are a concomitant of segregated housing. Furthermore, we must continue our policy of not tolerating racial or religious prejudice on the part of any member of our staffs. If education is to fulfill its responsibility, it must recognize that the school world has a significant influence on each child's attitudes and affects the future of democracy.

To further its integration policy, the school system has responsibilities to its pupils and personnel and to the communities.

1. For pupils: We must seek ways to give every child an optimum opportunity for fulfillment and success:

(a) Our school system must vigorously employ every means at its disposal to desegregate schools and classrooms and to bring about true integration as soon as possible.

(b) We must continue to develop educational programs which prepare all pupils to live constructively in a pluralistic society.

(c) We must provide whatever services and materials are essential to meet the special educational needs of those pupils whose progress has been impaired by an accumulation of the ills of discrimination. Simultaneously we must lift the goals of those whose environment has kept their aspirational levels at a low plane.

2. For school personnel: We must develop personnel practices which will maximize the success of the integration program:

(a) We must provide appropriate education and training for school personnel so that every staff member may gain an appreciation of the strengths inherent in the variety of backgrounds that compose our total population.

(b) In recognition of the value to the children of association with professionals of different backgrounds, our staffing procedures must provide for better ethnic heterogeneity in school faculties.

(c) It is essential that capable and experienced teachers and supervisors be distributed in accordance with educational needs.

3. With communities: We must work closely and cooperatively with communities:

(a) We must support the efforts of those communities which are struggling to overcome past frustration and failure and to surmount present deprivation.

(b) We consider it our obligation to help develop the kind of community attitudes which will help in the implementation of the integration policies of the city public schools.

Mr. JAVITS. Mr. President, readers of the daily press will have noted a renewed effort by groups in New York City who had previously sponsored the school boycott—or, at least, one of them—to get together and to present a front of unity with respect to the pending revision of the recent plan of the board of education for the correction of racial imbalance in the schools. I am very hopeful—and I here express that hope—that the board of education of the city of New York will realize that, whether it likes it or not, it has become a part of the entire national effort with respect to the public schools and the racial composition of individual public schools. I have supported the general outlines of the plan of the New York City Board of Education as being a sound one; and I have welcomed the fact that the New York City Board of Education has acted on its own, and has not had to be stimulated by court action. Indeed, I believe that it did not need to be stimulated by boycotts. The board of education has a great deal at stake in connection with this matter, because probably it embodies the fundamental difference between what is going on in certain parts of the country; namely, in the South—where the social order is segregation and where there is constant opposition to desegregation of the public schools, and where that development is proceeding at a snail's pace under court orders, as compared with the progress being made in New York, where the whole climate and the people are in favor of correcting racial imbalance in schools and in housing patterns which underlie the imbalance in the schools.

The New York City Board of Education is proceeding along three lines:

First. It is bussing children to schools of their choice which are under utilized.

Second. It is proposing to redraw school district lines, in order to obtain a better racial balance of the schools which serve those districts.

Third. It is proposing utilization of the Princeton plan—the plan to pair adjacent schools so as to concentrate certain grades in one school and certain other grades in the other school—which may involve a modest amount of expenditure for transporting children by bus, in order to bring about the highly desirable result of a racial balance, insofar as we can achieve it, in our schools, without undue strain or inconvenience or injustice to the parents or to the children concerned.

These are eminently fair principles; and I am sure the New York City Board of Education will proceed with them, although it will listen—and properly so—to the views of those who would have it engage in compulsory bussing on a wide scale, and also will listen to those who favor no bussing at all and favor leaving the situation exactly as it is.

Certainly the educational aspects are the most important, in terms of the molding of our society; and I hope the New York City Board of Education will stick closely to those plans, in consultation with our State educational authorities, who, I believe, are very expert and have very sound views on this subject. I hope very much that the New York City Board of Education, having educational standards as its prime concern, will proceed without fear, because I deeply believe that the overwhelming majority of our people back it in a fair effort to resolve our problems, which are special ones which apply particularly to the North, as distinguished from the social order of segregation, to which those who are decades behind the times, are trying to adhere in the South.

We can take great pride in what the Board of Education of New York City has already accomplished. I very much wish to see it continue as a leader and an example in this field.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

ONE HUNDREDTH ANNIVERSARY OF THE ELGIN WATCH CO.

Mr. DIRKSEN. Mr. President, in the peaceful Fox River Valley of northeastern Illinois is located the city of Elgin. The city is industrial, it has a population in excess of 50,000 people, and is the hub of a substantial and progressive agricultural area.

Just a year before the end of the Civil War and the assassination of Abraham Lincoln, some imaginative, skilled and redoubtable persons established the Elgin Watch Co. For a century, it has been the pride and joy of our citizenry, because it was one of two companies in the State which produced watches and other jeweled instruments which brought to and kept in our State so many skilled and competent craftsmen and provided stable and well-paying jobs.

But Elgin is the first watch company to remain in continuous and active existence for a century and this year it observes the 100th anniversary of its founding.

The watch and clock industry generally has been sharply affected by the unduly liberal tariff policies of this country and it has been no easy task for Elgin to continue and go forward. But the skills of its craftsmen and the imagination and aggressiveness of its management has made it possible in the face of intense competition for watchmakers abroad to channel and devote the skills and competence of its people to precision and timing devices for the Nation's defense and security.

Not only has Elgin made significant contributions to the victory effort of this country in two world conflicts but to the achievement of our goals in the space race. as well. The company's research and development work on precision timing devices for the Apollo project is an example of what it has been doing in the national interest.

There was a time when Elgin watch was recognized as the leading timepiece in the railroad industry, where accurate timing was highly important. Today the Elgin effort is indispensable to success in the Nation's space program.

Elgin's achievements do not quite stop there. Its products today include not only high-quality watches and clocks, but also radios, diamond rings, wedding bands and impressive products and systems for industry. Thus has this company throughout the century enriched virtually every facet of American life.

Its 100th anniversary as a continuously operating industrial enterprise is truly a testimony to the stamina and vitality of its management, the fidelity of its craftsmen, and devotion to the ideal of quality products.

It may be that in some future day there will come to authority in this land those who will be as devoted to the ideal of preserving the existence, the skills, and the importance of this industry as they are to opening our doors to the intensely competitive products of other lands where lower living standards, lower wages, and subsidized aid from their governments make it unreasonably difficult for our own domestic industries to carry on. May that day be at hand before too long. Meanwhile, congratulations and a vigorous salute to Elgin Watch Co., its management, and its employees.

THE ILLINOIS SYMPHONY ORCHESTRA AT CARACAS, VENEZUELA

Mr. DIRKSEN. Mr. President, the University of Illinois Symphony Orchestra presented a concert in the Great Hall of Central University at Caracas, Venezuela this month and had an enthusiastic audience of 3,700 in a hall which contains only 3,500 seats. This is the same university where Mr. Teodoro Moscoso, who heads up the Alliance for Progress had his automobile overturned and

burned just 2 years ago. When the orchestra concluded with the "Stars and Stripes Forever" it received a rousing standing ovation.

The account of this concert which appeared in El Nacional in Caracas, on March 6, 1964, is, therefore, revealing and I believe merits a wider distribution through the CONGRESSIONAL RECORD.

I ask unanimous consent that it be printed in the RECORD.

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

[From El Nacional, Caracas, Venezuela, Mar. 6, 1964]

THE UNIVERSITY OF ILLINOIS SYMPHONY ORCHESTRA

For the first time in our history, we have in our midst a student symphony orchestra on a mission of artistic rapprochement, sowing, by its example of achievement, the seeds of culture in these southern lands. In truth, a magnificent example, not only for our students of music but also for our institutions and men of wealth who could bring about through their permanent and effective interest a similar organization in this country. The University of Illinois Symphony Orchestra, on the basis of such assistance has, in a comparatively short time, attained its present stature. Without such aid this could hardly have been realized.

In the two concerts which this young group has thus far performed, the first in the Grand Hall of Central University and the second in the outdoor amphitheater in Bello Monte, we have admired without reservation not only the works presented but the whole of the organization. Only a profound love of music and an enduring and iron discipline could bring about such extraordinary results in the few years of existence of the University of Illinois Symphony Orchestra. Polish, precision, clearness of tone, magnificent unison in the blending of the notes of the various instruments, accomplished with no forced effort, rendition from the almost inaudible pianissimo to fierce, strident cacaphony; all these add many other qualities of a great orchestra we felt present and alive as something organic, yet artistic, in the University of Illinois Symphony Orchestra under the baton of its conductor, Bernard M. Goodman, every inch a master, every inch a musician—in one word, a complete artist in the execution of his forte. And in reality, not only to him but to members of the group must go plaudits for their playing of some of the most difficult and complicated of instruments; to the oboeist, Benjamin Woodruff, to the tubaist, David Keuhn. And as for Robert Ward who played to piano solo in the Concerto For Piano and Orchestra by Samuel Barber, his execution demonstrated sensibility and a dynamic assurance as the principal in the performance.

We salute the youth of this great group of students who make up the University of Illinois Symphony Orchestra—we salute the marvelous youth of this great group of instrumentalists in their artistic peregrinations through these Nations of the other America.

ISRAEL PEFIA.

JOHN A. SHELEY, ILLINOIS PUBLISHER, ON NEWS RELEASES

Mr. DIRKSEN. Mr. President, Illinois has many fine daily and weekly newspapers. In this respect we are extremely fortunate. One young editor and publisher in southern Illinois who is providing an outstanding newspaper for his readers is John A. Sheley, publisher of the Democrat at Pinckneyville, Ill. That he is not at all content with press releases is best illustrated by his recent analysis of a news release on medicare.

Mr. Sheley's fine sense of understanding of our youths of today is demonstrated by his comments on what would have been a tragedy but for the quick and courageous action of a brave young Pinckneyville youth, Bill Ware.

Mr. President, I commend this able editor and I salute the bravery and courage of Bill Ware.

I trust that my esteemed friend the Senator from Minnesota [Mr. HUMPHREY], when he hears the name of the newspaper, will not think that the publisher has suddenly become a great and aggressive propaganda instrument for the New Frontier, because I am pretty sure that Mr. Sheley, a redoubtable young man, has his feet on the ground and looks through conservative spectacles.

I ask unanimous consent that the articles from the Democrat to which I have referred be printed at this point in the RECORD.

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

[From the Pinckneyville (Ill.) Democrat]

JOHNSON'S HEALTH CARE FOR ELDERLY MORE TAX GRAB

President Johnson's health message is a remarkable document of inconsistency and misinformation on health care for the elderly.

Mr. Johnson declares that elderly Americans should not be subjected to a test of need for tax-paid medical care, but at the same time he urges all States to enact adequate Kerr-Mills medical aid for the aged programs. Eligibility for Kerr-Mills benefits is based on need.

Mr. Johnson declares that private health insurance usually costs more than the average retired couple can afford. But more than 60 percent of the entire population 65 and over is protected with health insurance.

Mr. Johnson calls upon all the States to provide adequate programs of assistance under the Kerr-Mills law. Adequate programs under the Kerr-Mills law provide hospitalization as well as physicians' services for elderly Americans who need help. But Mr. Johnson wants another program of hospitalization financed by increased social security taxes which would be available to everyone over 65, the wealthy included.

Mr. Johnson claims that the average worker would pay no more than $1 a month to pay for this program of hospitalization for the elderly. But the average industrial wage in this country is more than $100 a week, and the tax increase proposed by Mr. Johnson would cost the $100-a-week worker $27.50, not $12. Employers would pay an additional $27.50 for a total payroll tax increase of $55 on every $100 in wages. And that would be only the beginning.

Why should everyone over 65 get hospitalization at the expense of wage earners just because a few need help? Why should the workers of America be forced to pay higher taxes for hospitalization for everyone over 65, many of whom are wealthy, and millions of whom have health insurance, just because they've had a birthday?

Voters are urged to contact Representative KENNETH J. GRAY, Senator EVERETT M. DIRKSEN, and Senator PAUL DOUGLAS.

Mr. Johnson describes social seecurity financed hospitalization as a program in which the employees would contribute during their working years so they could receive benefits when they get old. But the U.S. Supreme Court has declared in major decisions that social security is a tax program in which people already retired receive support from taxes on the working people and their employers. In the case of medicare, some 18 million elderly would receive more than $35 billion in benefits during their lifetime at taxpayers' expense, and they would have paid nothing for these benefits.

Mr. Johnson calls for a payroll tax increase of one-half of 1 percent, with one-fourth of 1 percent to be paid by the employee and an equal amount by the employer and the tax applied to a $400 increase in the taxable wage base. But a study by Robert J. Myers, chief actuary of the Social Security Administration, has demonstrated that in a dynamic economy that tax increase would not be sufficient to finance this program for more than 3 years.

[From the Pinckneyville (Ill.) Democrat]

FOUR-YEAR-OLD BOY WITH CLOTHES ON FIRE SAVED WHEN BILL WARE CATCHES HIM, SMOTHERS FLAMES WITH HIS BODY

He doesn't remember where he read how to do it, or if he read it at all but when Bill Ware saw little 4-year-old David Templeton running down the alley, his burning clothes turning him into a human torch, Bill caught him, threw him on the ground, smothering the rapidly burning clothes. The attending physician, when questioned by the Democrat, flatly stated that had the horrified little boy not been stopped by Ware, had kept running a bit longer, the degree of burns would have been fatal.

The whole terrible tragedy happened last Thursday evening. David and two other small boys were playing near a fire barrel in the alley behind the home of David's parents, Mr. and Mrs. Robert L. Templeton of Penina Street. To date the youngsters are not sure just what happened. But suddenly David's clothes were on fire. His two companions, even at their young age, immediately tried to put out the fire with sticks they were carrying. At this time Bill Ware, 16-year-old son of Mr. and Mrs. Nevins Ware was coming home from PCHS and turned into the alley, a short cut to the family's back door. Ware saw the other boys hitting at David and supposed they were engaged in boy fun. But a few steps closer and David broke from the two helpers and started running toward his home which was in the same direction of approaching Bill Ware. Ware said as soon as the little fellow started running he could see the boy's body was engulfed in flames. The running fanned the flames higher. At this point Ware bolted toward David, caught him, threw him on the ground and smothered the flames with his own body. Ware remembers spreading out his car coat on both sides to completely envelope the boy's flames as Bill laid on him. By the time Ware had caught the little boy flames had burned through his car coat, jacket, shirt, blue jeans, and underwear.

As soon as he had the flames out Ware picked up little David and carried him to his parent's home. David's mother saw Ware carrying the boy to the back door. Inside Bill held the little fellow while David's mother called the hospital and told them she was coming in with the injured boy. The mother said David, in shock now, cried little while going to the hospital but as waves of pain hit he cried out briefly.

At the hospital emergency treatment was given. A dangerously deep third degree burn the size of an adults hand was found on the chest. There were many second degree burns on the abdomen and front of David's torso, many very deep. His right arm was also burned. His face was not.

David's father was working the second shift at Decca Records. He was called to the hospital.

Today young Templeton seems to be well on the road to recovery though it may be several weeks before he goes home. His

mother reports he has regained his appetite and is able to move about more each day. He can have visitors. Cards and gifts are pouring in. The nurses have David's bed right near their desk so the little fellow can get fast immediate attention.

After Mrs. Templeton took David to the hospital Bill Ware found himself with two very frightened boys on his hands. He told David's older brother to sit in a chair and watch TV until his mother returned. He took the other youngster next door to Mrs. Robert Huff. Bill then went home. When his parents came home he greeted them with the fact that he had burned his clothes and right hand. Little by little Bill's father and mother pieced together the story of what their youngster had done.

(EDITOR'S NOTE.—There are many "ifs" in this case. When one thinks of all the possibilities that existed, of the chances of Bill Ware not walking down that alley at that particular time, what would have happened to little Dave Templeton? What if Ware had arrived several minutes earlier and had gone on into the house; what if he had arrived 1 minute later. Would little Dave have "run to his death?" The doctor said definitely yes. What if a train had been across the tracks when Ware got there, just a block from home? What caused Ware to take this human torch in his own hands and throw aside all thought of his own safety, his own body? What if he had decided to run to a phone, or call for help at a nearby home? The odds for a wrong move were numerous but this youngster did the one and only right thing there was to do at this particular moment.

(Today's headlines are generous with the misdeeds of teenagers. Stories of this type are not often. But it proves that for the most part when the fire starts the average American teenager will jump in head first to put out that fire.

(To some young people in his generation Bill Ware is not too well known. He hasn't been a hero in winning any games. He can't be seen at night hanging around the popular places. He is very active in youth work in his church, studies hard and doesn't get his dad's car. He is often seen, but not heard after school in the local P. N. Hirsch store which his father manages. But to adults this young man is everything complimentary. His teachers have no trouble with him nor do his parents. And you can be sure that to little David Templeton, Dave's parents and most of Pinckneyville, Bill Ware now looks to be about 10 feet tall and as Cassius Clay says, "the greatest.")

CIVIL RIGHTS

Mr. HOLLAND. Mr. President, at the request of the Tampa, Fla., Tribune, one of the great newspapers of the State I represent in part, I prepared a statement which outlines my position on the civil rights bill pending presently before the Senate, which the Tribune published in its Sunday edition of yesterday, March 29, 1964. As this article summarizes my position on this matter, I ask unanimous consent that it be printed in the RECORD.

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

[From the Tampa (Fla.) Tribune, Mar. 29, 1964]

SENATOR HOLLAND SAYS: "HIGHLY COERCIVE NATURE DOOMS CIVIL RIGHTS BILL"

(EDITOR'S NOTE.—At the request of the Tribune, U.S. Senator SPESSARD L. HOLLAND, of Florida, here outlines his position on the civil rights bill.)

I am glad to have this opportunity to comment upon my reasons for opposing the civil rights bill which is presently the subject of lengthy debate in the U.S. Senate.

It is obvious to those who are familiar with my voting record in the Senate, and earlier, in the State senate, that my position on this matter has never been extreme. Back in 1937 I was among the majority in the State senate who supported through to passage legislation eliminating the payment of a poll tax as a prerequisite for voting. I have always believed that use of the ballot was the right as well as the privilege of every citizen, and that there should be no monetary price levied upon its use by those qualified to vote.

For nearly 14 years in the U.S. Senate I repeatedly introduced, often with relatively little support, the so-called Holland amendment which eliminated the poll tax as a requirement for voting for elected Federal officials. This was finally approved by Congress in 1962 and was adopted as the 24th amendment to the Federal Constitution early this year following its ratification by the required 38 States.

There are several sections of the civil rights bill presently under consideration in the Senate which I would wholeheartedly support if they were introduced as separate pieces of legislation. Among these are the provisions for accelerating the programs of vocational education and on-the-job training. These provisions are positive and are needed, for they strike at the root of the problem. I would support, too, the creation of local mediation boards for the purpose of aiding communities in the equitable resolution of biracial problems.

Unfortunately, the omnibus approach which has been taken in the current bill precludes my supporting its good features for, overall, I believe it to be bad legislation which cannot accomplish the laudable objectives attributed to it by its sponsors.

My principal objections to the bill focus upon those portions which deal with the establishment of a Federal FEPC law, compulsory school desegregation, so-called public accommodations, and the withholding of federally appropriated funds from States and lesser units of government. In my opinion, each of these sections represents a "meat ax" approach to the problem, and I consider all of them unconstitutional, unwise, and punitive.

The FEPC provision would deprive employers of the essential right to select their own employees. I think the right of every American to pick his own employees or for workingmen to have a choice as to fellow workers in their unions is an essential part of American freedom. Should the Federal Government attempt to use such sweeping power to control employment practices throughout the Nation by an army of enforcement officials, we would come close to being a "police" state.

Title IV of the bill, relating to public education, contains bad provisions. Through open-end authorization of appropriations it would give the Federal Government a blank check which could cause billions of dollars to be spent for the avowed purpose of bringing about integration in school facilities throughout the Nation. No ceiling is placed upon expenditures, and these sums could be used for the purpose of accomplishing compulsory integration in schools which are not integrated, and where the citizens who are most interested may not desire integration.

The same section would give the Attorney General unbridled authority to use the injunctive process in his sole discretion, coupled with the right of utilizing criminal contempt proceedings without jury trial. I strongly object to this as a dangerous departure. Use of the injunction is, of course, the most arbitrary way to proceed in public affairs—and this proposal is the most arbitrary use of that power in a delicate area. In the 1960 civil rights debates opponents of the bill were able to defeat three similar attempts in this area. I feel it imperative that we again thwart those who would thus confer too much power upon any Attorney General and deprive citizens of their constitutional right of jury trial.

Personal experience, together with the impartial research of educational associations leads me to the belief that what the Negro youngsters of America and their parents need and want, and what most of them would gladly accept, is better schools rather than integrated schools.

This same research, supported by statistics compiled by three highly regarded governmental institutions—the Bureau of the Census, the Office of Education, and the Library of Congress—also clearly demonstrates that the Negro student and the Negro teacher in America have far greater opportunities in the States where segregation in education has prevailed for many years than in the other States.

The public accommodations aspect of the bill was most adequately defined by my friend and colleague, Senator RICHARD RUSSELL, of Georgia, when he stated that it "levels an all but mortal blow at the right of a man who owns property to decide how that property shall be used." This section deprives an individual, who by his own efforts has amassed the capital to establish a business enterprise, from deciding whom he shall serve. The bill before the Senate would require such a businessman to accept any patron who presented himself, regardless of the mores of the community upon which the businessman must depend for good will and economic survival, and regardless of the personal desires of the proprietor. The recently widely publicized account of the difficulties encountered by a fine restaurant in Atlanta (Leb's) graphically illustrates the unfairness of such a requirement. A Federal edict stripping a businessman of the right of selection of his clientele is tyranny, not equality.

Still another requirement of the proposed law which I feel to be unconstitutional is that which would permit the Federal Government to withhold appropriated funds from States and communities which are not totally integrated. This deprivation would affect, among many others, hospital and school facilities despite the fact that the funds appropriated accrue from taxes levied against all Americans.

I believe that the civil rights bill, even if enacted, is doomed to failure by the fact of its highly coercive nature. The serious problem of racial relations will be solved only when understanding, good will, and genuine desire for adjustments which can be tolerated is demonstrated by both sides.

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is concluded.

ORDER DISPENSING WITH CALENDAR CALL

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the call of the calendar under rule VIII be dispensed with today.

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

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public

accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

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

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

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further proceedings under the order for the quorum call be suspended.

Mr. BOGGS. Mr. President, reserving the right to object, I should like to have the quorum call go a little longer temporarily.

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

The legislative clerk resumed the call of the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. HUMPHREY. Mr. President——

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

Mr. HUMPHREY. I should first like to say to my colleagues that in opening the debate today on the subject of the Civil Rights Act the distinguished Senator from California [Mr. KUCHEL] and I will attempt to lay the affirmative case for the bill before the Senate. I have been privileged to initiate this debate, and I would like my colleagues to know that it is my intention to address myself to the 11 titles of the bill. At the conclusion of my remarks I shall be more than happy to attempt to answer questions or to engage in debate and discussion. I believe it is very important for a full understanding of this measure; but during my presentation I shall not yield.

Mr. President, today is the 94th anniversary of the ratification of the 15th amendment. By coincidence, the Senate opens debate on the substance of the pending bill, the Civil Rights Act, on this the 94th anniversary of the 15th amendment, which was certified as adopted on March 30, 1870.

The 15th amendment is very short, but like the Gettysburg Address, it is of continuing historic significance and highly important. It reads as follows:

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

In many ways the amendment can be called the freedom amendment, because it assures all citizens of the United States that there can be no infringement upon the right to vote based upon race or previous condition of servitude.

INTRODUCTION

Mr. President, last Thursday the Senate spoke with clarity and eloquence in favor of moving ahead to a final decision on the question of guaranteeing full human rights to every American. By a vote of 67 to 17 we decided to make H.R. 7152 the pending business. By a vote of 50 to 34 we kept this bill before the Senate, instead of sending it to a committee. This presents us with a clear mandate to move resolutely ahead until this question is decided.

Even if it were within our power to do so, the Senators charged with managing this legislation have no intention of ramming H.R. 7152 through the Senate without full and extensive debate. Every responsible Senator realizes the historic nature of this bill. Every Senator knows its controversial nature. Every Senator knows that we bear great responsibilities to debate the legislation honestly, objectively, and fully.

As we have previously announced, the bipartisan leadership supporting H.R. 7152 has determined to present the affirmative case for civil rights legislation in general, and the pending bill in particular. The distinguished Senator from California [Mr. KUCHEL] and I intend, as I have indicated, to make a comprehensive presentation on H.R. 7152 today. We intend to analyze the bill title by title, setting forth the need, explaining the substantive provisions, responding to arguments which have already been raised in opposition, and, in general, initiating the debate on H.R. 7152 itself in a thoroughly constructive fashion.

On subsequent days the bipartisan team of captains assigned to each title of the bill will lead additional discussions on each title.

These captains include: Senator HART and Senator KEATING on title I—voting rights; Senator MAGNUSON and Senator HRUSKA on title II—public accommodations; Senator MORSE and Senator JAVITS on title III—public facilities and Attorney General's powers; Senator DOUGLAS and Senator COOPER on title IV—school desegregation; Senator LONG of Missouri and Senator SCOTT on title V—Civil Rights Commission; Senator PASTORE and Senator COTTON on title VI—federally assisted programs; Senator CLARK and Senator CASE on title VII—equal employment opportunity; and Senator DODD for the Democrats on titles VIII through XI—voting surveys appeal of remands, community relations service, and miscellaneous items.

It is also the intention of the bipartisan leadership to seek cooperation of all Senators whereby we can consider all germane amendments to each title and then vote on these various titles as we proceed with this orderly and detailed consideration of the bill.

I know that many people will accuse supporters of the civil rights bill of conducting their own filibuster since our affirmative presentation will consume a number of days of debate. I reject such charges as spurious, without substance, and, in fact, ridiculous. As I have already said, we believe this historic bill must receive full and fair debate. We are willing to participate in such a debate; in fact, we intend to initiate it. But we are also willing to come to a decision on each title of the bill and on the bill itself. We are willing to let a majority of the Senate say "yea" or "nay" on voting rights, public accommodations, school desegregation, equal employment opportunity and the other provisions of the legislation.

Mr. President (Mr. NELSON in the chair), this is the very antithesis of a filibuster, because a filibuster is designed to prevent a decision by affirmative action. We intend to seek a decision by the Senate exercising its will to vote yea or nay on every provision of the bill.

I sincerely hope that Senators opposed to this legislation will be equally willing to permit the Senate to work its will, after an opportunity for a searching examination and analysis of every provision.

We issue this friendly challenge: we will join with you in debating this bill; will you join with us in voting on H.R. 7152 after the debate has been concluded? Will you permit the Senate, and, in a sense, the Nation, to come to grips with these issues and decide them, one way or the other? This is our respectful challenge. I devoutly hope it will be accepted.

The Senate has wisely voted that H.R. 7152 should be its pending business. In doing so we have recognized the historic mission and obligation that confronts us. Our Founding Fathers were faced with another historic task when they assembled in Philadelphia more than 175 years ago to save the weak and divided Confederation of States that had emerged from our War of Independence.

This sense of history was captured by our Founders in the moving words of the preamble to our Constitution. I believe these words are appropriate today; and I should like to repeat them:

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

I cannot help but marvel at the impact, the directness, and the sense of destiny captured in these 52 words. I cannot help but marvel at their relevance to the responsibility which now confronts the Senate of the United States. The preamble to the Constitution might very well have been written as a preamble to the Civil Rights Act of 1964.

We, the people of the United States—

Not white people, colored people, short people, or tall people, but simply:

We the people.

In order to form a more perfect Union—

We know that until racial justice and freedom is a reality in this land, our Union will remain profoundly imperfect. That is why we are debating this bill. That is why the bill must become law.

To * * * establish justice, insure domestic tranquillity, provide for the common defense,

promote the general welfare, and secure the blessings of liberty to ourselves and our posterity—

Surely these are the objectives that we seek in this legislation. Justice, domestic tranquillity, the general welfare, and the blessings of liberty—these are what our founders sought 177 years ago—these are the objectives we seek today.

Mr. President, I cannot overemphasize the historic importance of the debate we are beginning. We are participants in one of the most crucial eras in the long and proud history of the United States and, yes, in mankind's struggle for justice and freedom which has gone forward since the dawn of history. If freedom becomes a full reality in America, we can dare to believe that it will become a reality everywhere. If freedom fails here—in America, the land of the free—what hope can we have for it surviving elsewhere?

That is why we must debate this legislation with courage, determination, frankness, honesty, and—above all—with the sense of the obligation and destiny that has come to us at this time and in this place.

It is in this spirit, and expressing the same determination that captured the faith and imagination of our Founding Fathers, that I am privileged to present, at least in part, the affirmative case for the Civil Rights Act of 1964.

Mr. President, as I prepared to speak today, I went to the Scriptures to find the Golden Rule in the Gospel of St. Matthew. The Golden Rule exemplifies what we are attempting to do in this civil rights legislation.

Chapter 7, verse 12 of Matthew reads as follows:

All things therefore, whatsoever ye would that men should do unto you, even so also do ye unto them: for this is the law and the prophets.

This has been paraphrased in the common language that we use so often as:

Do unto others as you would have them do unto you.

If I were to capsule what we are trying to do in this legislation, it is to fulfill this great admonition which is the guiding rule of human relations if we are to have justice, tranquillity, peace, and freedom.

The formal language of the Scriptures puts it more eloquently, but every American, and all people throughout the world have at one time said, and I hope at all times meant:

Do unto others as you would have them do unto you.

Now let me start with title I, voting rights.

PROTECTION OF VOTING RIGHTS: TITLE I

The United States is founded on the principle of government by the people. Our War of Independence was fought on the slogan of "no taxation without representation." The basic documents of American history—the Declaration of Independence, the Constitution, and the Bill of Rights—are all dedicated to the principle of popular sovereignty through majority rule.

The 15th amendment to the Constitution, which I read today on its 94th anniversary, specifically states:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Yet this basic right to vote is denied to millions of Americans on account of race. Millions of Negro citizens are taxed without representation, because they are not allowed to vote. Less than 7 percent of the eligible Negroes in the State of Mississippi are registered, compared to 70 percent of the white adult population. There are dozens of counties in Mississippi where less than 3 percent of the Negroes of voting age are permitted to register. The same disgraceful pattern is found in all too many other States. In 100 counties that contain about one-third of all southern Negroes, an average of only 8.3 percent of all the eligible Negroes are registered. Some of these counties administer their voting in a particularly unusual and blatant way. In Seminole County, Ga., for instance, 2.5 percent of the Negroes of voting age are registered, compared to 132 percent of the eligible whites.

In Hertford County, N.C., only 8.8 percent of the eligible Negroes have been permitted to register, although somehow the white registration amounts to 144 percent of the entire white population of voting age. And so it goes.

I do not believe that any Member of this body would claim that Negroes have not been systematically prevented from registering and voting in many parts of the Nation. In fact, the existence of widespread denial of voting rights has been acknowledged recently by the senior Senator from Georgia [Mr. RUSSELL], the senior Senator from Louisiana [Mr. ELLENDER], and the junior Senator from Florida [Mr. SMATHERS]. It has been maintained that Negroes are not really very interested in voting, but the distinguished junior Senator from Florida [Mr. SMATHERS] reported the other day that in his State Negroes had "a higher percentage of voting than is shown for the whites." That applies to registered voters only, I might add.

PREVIOUS LAWS ON VOTING RIGHTS

The disenfranchisement of Negroes has been an obvious scandal for generations, but it was not until 1957 that Congress took steps to deal with this problem. The Civil Rights Act of 1957 created the U.S. Commission on Civil Rights and empowered the Attorney General to bring suit to protect voting rights and prevent intimidation in connection with the exercise of those rights.

In 1960 a second Civil Rights Act was adopted. It authorized the Attorney General to inspect voting records and gave Federal courts the power to appoint voter registration referees if the court found a pattern of discriminatory denial of voting rights to members of a particular race.

What have been the results of these two laws? For one thing, the Civil Rights Commission has been an invaluable source of information on the nature and extent of racial discrimination. Thanks to the scholarly work of the dedicated members and staff of the Commission, we have a great deal more precise information about the problem of civil rights than ever before.

Second, the Department of Justice has brought 58 suits for denial of voting rights. Those cases that have been settled have resulted in giving the franchise to thousands of Negroes who had been prevented from exercising their rights by intimidation and official discrimination.

Most important of all, these lawsuits have revealed the specific techniques used by officials to deny Negroes the vote, and they have shown that present procedures do not provide adequate remedies for the loss of voting rights on account of race or color. The experience of these lawsuits has shown the next steps that must be taken to implement the mandate of the 15th amendment and to extend equal protection of the laws to Negro Americans. Title I embodies those next steps. The proceedings of many courts of law have made abundantly clear the need for adopting these measures. The evidence was conclusive. I shall outline the major types of difficulties faced by Negroes attempting to exercise their voting rights and show how title I would provide legal remedies for these problems.

A DOUBLE STANDARD FOR VOTER QUALIFICATION

In many counties voting officials regularly apply one set of standards to white applicants and another set to Negroes seeking to register. In one county Negroes trying to register were told to go home and think about it for a while. White applicants could register merely by signing their names in a book.

In some States all applicants are required to interpret a provision of the State constitution to the satisfaction of the local registrar.

I digress to point out that this is a matter of testimony that was accepted in court, a matter of review and study by the Civil Rights Commission, and a matter which is documented by the Department of Justice; more significantly, these are all matters that are documented in the Federal court.

Whites were normally given sections of three lines or less to interpret, and were even permitted to choose their own constitutional passage if they felt that the one originally given them to interpret was *too* difficult.

In Alabama the application form includes this question:

Will you give aid and comfort to the enemies of the United States or the government of the State of Alabama?

One white applicant replied:

If hurt would give comfort only if wonded [sic].

Incredibly, Mr. President, he passed.

But when Negroes apply, they are judged by stricter standards. In one county the principal of a local Negro school was turned away on five successive visits to the voting office. Finally, on his sixth visit, he was permitted to fill out the forms and take the constitutional interpretation test. He was asked to interpret a section of the State constitution

that was so complex that it had given difficulty to the State supreme court.

In another county Negro applicants were asked to interpret passages, never given to whites, dealing with the interest rate on a particular school fund, the validity of ancient laws, and so on. These passages often deal with matters that have baffled lawyers, yet the answers are judged by voting officials who usually have neither legal training nor scruples about discriminating against Negroes.

Some States ask tricky catch questions. Voting officials help white applicants to answer such questions, then arbitrarily decide against Negro applicants. By the use of such methods, Negro professors and scientists have been pronounced illiterate by local officials.

Title I would deal with these practices by providing that applicants for voting registration must be evaluated according to uniform standards, procedures, and practices. In other words, Negroes and whites must be treated equally, and the same standards used to allow whites to register must be used for Negroes.

A second technique for denying Negroes the right to vote is to ask questions that have nothing to do with the applicant's qualifications to vote, or to apply irrelevantly strict standards to answers. One favorite method is asking the applicant's age in years, months, and days. In Bienville Parish, La., a Negro was turned down for saying on her application that her color was "Negro," rather than "brown" or "black." In another Louisiana parish a Negro was rejected for writing "brown," instead of "Negro."

Title I would deal with this practice by prohibiting officials from denying the vote to anyone because of mistakes that are not material in determining the applicant's qualifications to vote.

Although literacy tests are frequently used to discriminate against Negroes, it is often difficult to prove this in court, because tests may be given orally, with no record kept of the questions and answers. Registrars have exercised an almost uncontrolled discretion to reject a Negro's answer, no matter how correct it may be, and to accept a white man's answer, no matter how incorrect. Registrars are free to help the white man and heckle the Negro. And proof of what happened depends on conflicting and undocumented testimony. If literacy tests were given in writing and a record kept of the questions and answers, a court would be able to see whether the tests had been fairly applied.

Title I deals with this problem by requiring that where literacy tests are employed as a qualification for voting in Federal elections, they be administered in writing. A record must be kept.

The title also provides that in any voting rights suit under the Civil Rights Act of 1957 in which literacy is a relevant fact, there shall be a rebuttable presumption that a person with a sixth-grade education is sufficiently literate to vote in a Federal election. This provision is in no way an interference with the State's right to fix voter qualifications; it merely establishes a rule of evidence applicable in voting discrimination suits in the Federal courts—a rule which places on the State officials in such suits the burden of showing that persons who have completed the sixth grade are, in fact, not literate.

Still another obstacle to the completely effective use of the 1957 and 1960 acts is delay in litigation. In one case, filed in July 1961, lengthy procedural delays postponed the actual trial until March 1962. The court then refused to rule and an appeal was taken. The appellate court granted interim relief, but it was not until the summer of 1963, 2 years later, after the registrar was found guilty of contempt of court, that specific Negroes were ordered registered. They had been disenfranchised for 2 years, waiting for the final settlement of the case. Another case, filed in July 1961, did not come to hearing until February 1964. Delays of 1 to 2 years in the district court are not unusual, particularly, as is often the case, when recalcitrant defendants make full use of every dilatory tactic available to them. And even at best there is necessarily delay in the two-step appellate process. There is no effective remedy for the loss of the right to vote in an election that has already been held. In this case the old saying is perfectly true: "Justice delayed is justice denied."

In order to expedite the handling of voting rights cases by the courts, title I provides that either party may ask the chief judge of the circuit, or the presiding circuit judge, to appoint a three-judge court to hear the case. Appeals from such a court would go directly to the Supreme Court. The title also requires expeditious handling of all voting cases, whether tried by a three-judge court or not.

THE CONSTITUTIONAL BASIS OF TITLE I

It may be anticipated that the provisions of title I will be objected to on the ground that they infringe on the constitutional right of the States to determine qualifications for voting.

I do not think that this criticism is justifiable. The three-judge court provision applies in all voting suits under the 1957 and 1960 acts. Our power to enact this procedural change is unquestioned. Except for this provision, title I expressly applies only to voting for Members of the House of Representatives and the Senate and for the President and Vice President—that is, to election of Federal officials.

The attack on the constitutionality of the title is based on the fact that the establishment of voting qualifications, even for Federal elections, is typically a matter subject to the regulatory powers of the States. Article II, section 1, of the Constitution provides that "each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors" to elect the President and Vice President. Article I, section 4, provides that:

> The Times, Places and Manner of holding Elections for Senators, and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The opponents of title I also rely on the 17th amendment provisions that declares that persons eligible to vote for the election of Senators shall have the same qualifications required for electors of the largest house of the State legislature. From these sources they conclude that the States have the sole and exclusive constitutional power to regulate elections, whether State or Federal, and to set qualifications for voters.

This argument ignores the existence of the 14th and 15th amendments to the Constitution, which confer upon Congress authority to legislate with respect to discriminatory denials of the right to vote. These are the abuses against which title I is specifically directed. Section 1 of the 15th amendment provides that the "right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."

Each of the practices with which title I deals is a device which has been used to deny equal rights to Negroes. The Supreme Court has decided, in *Lane* v. *Wilson*, 307 U.S. 268, 272 (1939), that the 15th amendment is directed against all.

> Contrivances by a State to thwart equality in the enjoyment of the right to vote by citizens of the United States regardless of race or color.

This includes "sophisticated as well as simple-minded modes of discrimination." The Court went on to say that the 15th amendment forbids:

> Onerous procedural requirements which effectively handicap exercise of the franchise by the colored race although the abstract right to vote may remain unrestricted as to race.

Section 2 of the 15th amendment confers upon Congress the power to enact "appropriate legislation" to enforce section 1. This power includes the enactment of all measures adapted to counteract discriminatory devices. Congressional jurisdiction in this area is also supported by these Supreme Court decisions: *United States* v. *Raines*, 362 U.S. 17, 25 (1960); and *Hannah* v. *Larche*, 363 U.S. 420, 452 (1960).

Moreover, practices of discrimination against Negroes in the applications of tests, standards and the like also constitute denial of equal protection of the laws guaranteed by the 14th amendment. See, for example, *Davis* v. *Schnell*, 81 F. Supp. 872 (S.D. Ala. 1949) affirmed 336 U.S. 933. The 14th amendment, like the 15th, is directed to action by a State and authorizes the Congress to enforce its provisions by "appropriate legislation."

So far as the election of Senators and Representatives is concerned there are additional and unquestionable constitutional sources for title I. Those who attack the constitutionality of the title in this respect overlook the last clause of article I, section 4, which authorizes Congress to "at any time by Law make or alter such Regulations" as may be prescribed by each State. In connection with this provision the Supreme Court has stated:

> It cannot be doubted that these comprehensive words embrace authority to provide a complete code for congressional elections, not only as to times and places, but in rela-

tion to notices, registration, supervision of voting, protection of voters, prevention of fraud and corrupt practices, counting of votes, duties of inspectors and canvassers, and making and publication of election returns; in short, to enact the numerous requirements as to procedure and safeguards which experience shows are necessary in order to enforce the fundamental right involved. *Smiley* v. *Holm,* 285 U.S. 355, 366 (1932).

Congress may also legislate with respect to Federal elections because it possesses powers, which, although not specifically enumerated in the Constitution, are implied because they "are necessary and proper" within the meaning of article I, section 8, clause 18. In *Burroughs and Cannon* v. *United States,* 290 U.S. 534 (1934), the Supreme Court ruled that the implied powers of Congress extend to measures to insure the purity of the Federal ballot. In sustaining the validity of the Corrupt Practices Act, the Court declared (290 U.S. at 545):

> To say that Congress is without power to pass appropriate legislation to safeguard such an election [for President of the United States] from the improper use of money to influence the result is to deny to the Nation in a vital particular the power of self-protection. Congress, undoubtedly, possesses that power, as it possesses every other power essential to preserve the departments and institutions of the General Government from impairment or destruction, whether threatened by force or by corruption.

And in *Ex Parte Siebold,* 110 U.S. 371, 382 (1879), the Supreme Court stated Congress had the power to "assume the entire regulation of the elections of representatives."

It should also be emphasized that, in fact, title I establishes no qualifications for voting. It establishes no substantive standards to which the States must adhere. All title I does is to require that whatever standards and procedures a State does adopt will be applied fairly to all who apply, so far as Federal elections are concerned. After it becomes law, States will still be free to adopt whatever qualifications they wish within existing constitutional limitations. The practices, procedures, and standards used to qualify individuals to vote in Federal elections are not prescribed by title I. All it requires is that they be uniformly applied.

In other words, we, the people, will have uniform standards—not we, the people, some colored and some white, with different standards. We, the people—all the people—shall be the governing phrase for all legislation passed by Congress.

It is true that registrars will be prohibited from disqualifying voters in such elections because of immaterial errors or omissions in applications—such as an error as to one's age computed in years, months, and days. If I were to ask Senators to give their age in years, months, and days, even one of the brightest might fail and be declared ineligible to register. But we are not thereby legislating standards. The provision applies only to immaterial errors; that is, to errors which are not relevant to the question of whether or not an individual is actually qualified to vote.

In addition, title I requires that if a State does use a literacy test as a substantive qualification, a device which has been subject to extensive abuse—it must adopt an additional procedure to insure against that abuse. Thus the title neither requires a State to, nor prohibits it from, imposing a literacy test for voting. And if a State does use a literacy test, title I does not say what the standard of literacy shall be. However, it does say that if a State imposes a literacy test for voting in a Federal election, the test shall be in writing. Why? Because oral examinations have been found by the courts to be totaly unreliable and not to provide adequate evidence or protection of individual rights. Therefore, a test in writing is required.

And the title does provide that in suits relating to such elections, proof of a sixth-grade education shall presumptively establish literacy. This, however, is merely a rule of evidence for use in trials. The presumption can be overcome by actual proof that the applicant is, in fact, illiterate. If the State establishes literacy as a voting qualification, it remains the qualification.

SHOULD THE TITLE INCLUDE STATE ELECTIONS?

On this point, there are honest differences of opinion. It has been contended that on the one hand the procedural protections—those relating to uniform standards, immaterial errors and omissions, and literacy tests—should apply to State as well as to Federal elections and, on the other hand, that by virtue of the definition of a Federal election as one held "solely or in part for the purpose of electing" a Federal officer, this title in fact, unconstitutionally regulates State elections. In effect, one contention is that title I goes too far; the other is that it does not go far enough.

I have great respect for distinguished Senators who make these arguments; but, with all respect, it seems to me that they are in error. I think Congress has the authority to implement the 14th and 15th amendments by extending the provisions of title I to State elections. However, I do not think it necessary that it do so.

The inclusion in the coverage of title I of elections held "in part" for Federal officials is essential. If the words "in part" were to be omitted, all Federal elections could be excluded from the coverage of title I by the simple device of having just a single local official elected as part of the Federal election. This would be enough to keep the election from being one held "solely" for election of Federal officers.

Where State and Federal elections are held together, the inclusion of the words "in part" will no doubt have an effect on the State election. But this is so, not because of any design to regulate State elections, but because of the practicalities of the situation in which one election is held for both State and Federal offices.

Typically, each State has but a single registration and voting procedure and a single qualification standard for both State and Federal elections. If a State continues the single procedure for State and Federal elections after the enactment of title I, its elections, including the inseparably related election of State and local officers, will be held "in part" for the election of Federal officers, and they will be covered by the legislation.

If a State is displeased with this result—and it should be remembered that the result is nothing more than an end to discrimination—nothing in title I prevents it from a mechanical separation of the registration and election process into distinct State and Federal components. Therefore, the States will be free to set up a procedure solely for the election of State officials. Title I does not stop them from doing this and is not, therefore, a device to regulate State elections. But, of course, if they do so, they will remain subject to the mandates of the 14th and 15th amendments.

I think that as a practical matter the States will not establish separate elections. If the same voters are permitted to participate in each election, there will be no purpose in separate elections. On the other hand, if some voters are permitted to participate in the Federal election, but not in the State election, there will be presented the spectacle of a body of individual voters, each of whom was found by the State authorities to lack the necessary qualifications to vote in the State election but to possess qualifications fixed by the State for the purpose of voting in a Federal election. This will, of course, raise substantial questions under the 14th and 15th amendments. For these reasons, I believe that, although title I does not specifically pertain to individual States control of their own elections, it will go far to eliminate discriminatory practices in such elections.

ACCESS TO PUBLIC ACCOMMODATIONS: TITLE II

Mr. President, I turn now to title II, one of the most important, significant, and necessary parts of the bill.

This title deals with discrimination in places of public accommodation, a practice which vexes and torments our Negro citizens perhaps more than any other of the injustices they encounter. As President Kennedy stated in his civil rights message to Congress on February 28 of last year:

> No act is more contrary to the spirit of our democracy and Constitution—or more rightfully resented by a Negro citizen who seeks only equal treatment—than the barring of that citizen from restaurants, hotels, theaters, recreational areas, and other public accommodations and facilities.

It is difficult for most of us to fully comprehend the monstrous humiliations and inconveniences that racial discrimination imposes on our Negro fellow citizens. If a white man is thirsty on a hot day, he goes to the nearest soda fountain. If he is hungry, he goes to the nearest restaurant. If he needs a restroom, he can go to the nearest gas station. If it is night and he is tired, he takes his pick of the available motels and hotels.

But for a Negro the picture is different. Trying to get a glass of iced tea at a lunch counter may result in insult and abuse, unless he is willing to go out of his way, perhaps to walk across town. He can never count on using a restroom, on getting a decent place to stay, on buying

a good meal. These are trivial matters in the life of a white person, but for some 20 million American Negroes, they are important considerations that must be planned for in detail. They must draw up travel plans much as a general advancing across hostile territory would establish his logistical support.

If a white family is planning an automobile trip of some distance, it is a commonplace thing to write to a touring service for a guide book that will list the available restaurants, motels, and hotels in the area to be visited. If that white family has a dog, and it wants to take the dog along on the trip, it can write for a specialized guide book that will list the places where a family with a dog can stay the night. I have on my desk the guidebook that the American Automobile Association sends. It is called "Touring With Towser." It lists hundreds of places of public accommodation that will take guests with dogs.

But now consider the problems facing a Negro family looking forward to a vacation. How can they plan their trip so as to be sure of finding a place to stay at night? If they write away, they too can obtain a guidebook that lists places of public accommodation where a Negro can go with confidence. I have a copy of that guidebook on my desk also. It is called "Go," and it is subtitled, "Guide to Pleasant Motoring." It lists places where a Negro can go for a room without being humiliated by racial discrimination.

It is heartbreaking to compare these two guidebooks, the one for families with dogs, and the other for Negroes. In Augusta, Ga., for example, there are five hotels and motels that will take dogs, and only one where a Negro can go with confidence. In Columbus, Ga., there are six places for dogs, and none for Negroes. In Charleston, S.C., there are 10 places where a dog can stay, and none for a Negro.

The Committee on Commerce has heard testimony from travel experts that if a Negro family wants to drive from Washington, D.C., to Miami, the average distance between places where it could expect to find sleeping accommodations is 141 miles. For a trip from here to New Orelans, it is 174 miles. What does such a family do if a child gets sick midway between towns where they will be accepted? What if there is no vacancy?

If those of us whose color of skin insures free access to places of public accommodations were to experience the humiliation and insult which awaits Negro Americans in thousands upon thousands of such places, we, too, would be quick to protest and to seek the assistance of remedial laws.

"Do unto others as you would have them do unto you," Mr. President, is title II, in essence and in substance. That is the legal and the moral justification for it. However, there is abundant evidence that too many Americans have been doing to others what they would not tolerate if it were done to themselves. Indeed, Mr. President, they would be quick to protest and to seek the assistance of remedial laws.

We, too, would give short shrift to those who professed to agree that history had harmed us and that our aims were just—and then blandly asked for more time and patience. We, too, would listen incredulously to others who saw no evil in the withholding of rights but detected the very essence of evil in the vindication of those rights. We, too, would refuse to be cowed by still others who cursed and spoke with hate.

In short, we, too, would make ourselves heard above the babel of self-righteousness, argument and threat; and we, too, would seek the protection of law. Were we to do less, we would fail not only ourselves, but also the Nation, for we would evidence our loss of faith in the ability of the United States to bring peace, freedom, and equality to all its own people. We have not lost this faith. We do not intend to lose it.

As every self-respecting and freedom-loving American would do, our Negro citizens have lifted their voices. A century after emancipation, they are determined to secure for themselves and all other Americans the right to equal status in all aspects of our national life. The rest of the Nation is listening. The rest of the Nation expects those of us who are charged with the conduct of Government to provide the leadership necessary to guarantee the Negro his rightful place in our society.

All Americans—Negroes and whites, alike—wish that Federal legislation were not necessary. Unfortunately, the doctrine and practices of racial supremacy are too widely and tenaciously held to permit of any reasonable expectation of timely progress without legislation.

The American Negro does not seek to be set apart from the community of American life. He seeks to participate in it. He does not seek separation. Instead, he seeks participation and inclusion. These Americans want to be full citizens, to enjoy all the rights and privileges, and to assume the duties and burdens. Surely Congress can do nothing less than to permit them to do their job, to be parts of the total community, and to be parts of the life of this Nation. America has become great because Americans are a united people. The American Negroes seek to be parts of that society; and they are asking that it be made a legal reality. This is what title II is all about.

Ironically, the very people who complain the most bitterly at the prospect of Federal action are the ones who have made it inevitable. Had they devoted the singleness of purpose and energy to the integration of the Negro into American life that they have expended in attempting to isolate him, neither title II, nor the remainder of H.R. 7152, would be before us. This proposed legislation is here only because too many Americans have refused to permit the American Negro to enjoy all the privileges, duties, responsibilities and guarantees of the Constitution of the United States. Their continued refusal to recognize the obligations of human dignity and equality compels us to provide legal process to protect them.

We often hear the argument that you cannot legislate morality. Yet we do enact a variety of laws dealing with other immoral acts, for example, robbery, assault, arson, burglary, extortion, embezzlement, and other crimes against individuals and society.

In fact, we are asking the Senate to legislate ethics in reference to its own employees and Senators themselves. That is the great hue and cry that goes up from this body. A committee of the Senate is investigating the subject. We have charged that committee with the responsibility of remedial action for ourselves and those with whom we associate. And yet some Senators apparently have doubts about whether or not they ought to provide protections and guarantees of constitutional rights to our fellow Americans.

In these instances I have mentioned we have no hesitation in using the power of law to protect public and private property rights from crimes and infringements. Can we afford to do less in terms of protecting human rights? How can a law guaranteeing equal access to public accommodations possibly be construed as outside the American legal tradition when 30 States and the District of Columbia have enacted similar statutes, and when these State laws have been supported by the Supreme Court?

Approval of title II will not confer any preferred status in places of public accommodation. It will not give Negroes and members of other minority groups rights that they or other Americans do not now have. It will still be possible to exclude them from places of public accommodation—but only on the same grounds that other Americans are excluded. It will simply reaffirm and reinforce rights which all our citizens should enjoy, but have withered for many millions of them. It will let those millions know that racial discrimination is not to continue because the Government is indifferent to it or condones it.

EXTENT OF VOLUNTARY DESEGREGATION

The necessity for widespread demonstrations to call attention to discrimination in public establishments may have led some people to believe that every owner of every such establishment in the South is opposed to the desegregation of his place of business. I am convinced that the opposite is true—that men with a sense of right predominate in those businesses, just as in others. It is clear, however, that many a businessman who would like to end practices of discrimination is balked by community pressure or fear that he will lose ground to his competitors. It is in part for this reason that we cannot assume that desegregation of public accommodations can be achieved voluntarily. It is true that in the last 2 years or so some progress has been made in achieving voluntary desegregation, but this has been primarily in the larger cities—cities with populations of over 50,000. In addition, there is reason to believe that the limits of voluntary desegregation in large areas of the country have been reached.

I noted in this morning's press a magnificent example of desegregation and integration on Easter Sunday in Birmingham, Ala. The Reverend Billy Graham spoke to approximately 35,000 people who were gathered together without regard to race. He delivered an inspiring Easter message calling on the people of our country to banish hate and prejudice from their hearts. Colored and white sat alongside each other. They sang together, prayed together, and worshipped together.

I am fully cognizant of the fact that it will require more than law, but the law at least should express the determination of the Federal Government not to accept discrimination or condone it; and it should express the determination of the Federal Government to use legal powers to abolish it.

Information available with respect to some 275 cities with populations of over 10,000 in the 11 States of the South and in the border States of Kentucky, Maryland, Oklahoma, and West Virginia indicates that as of last July all or part of the hotels and motels were still segregated in 65 percent of these cities; 60 percent of the restaurants and theaters were still segregated; and 43 percent still had segregated lunch counters. In cities having a population of less than 10,000 in the same States, 85 to 90 percent of all eating places, hotels, motels, and theaters remained segregated.

It has therefore become clear that the law must take a hand in achieving effective desegregation. If such a law is enacted the problems of community pressure and competitive disadvantage will be sharply diminished. It has been suggested that title II will force businessmen to engage in practices against their will. In fact, it will enable many businessmen to do what they think is right and what they want to do, but have feared to do up to now. It will encourage freedom of action rather than restrict it.

The grievances which most often have led to protest and demonstrations by Negro Americans are the segregation and discrimination they encounter in the commonly used and necessary places of public accommodation—hotels, motels, eating places, and places of entertainment. No amount of oratory and quibbling can obscure the personal hardships and insults which are produced by discriminatory practices in these places. And no amount of involved legal argument can cast doubt on the validity of the Negro's claim to equal access to these places.

We must hasten the day when Negro parents and children can travel on every highway of this land without the fear that they will be refused a place of rest because of the accident of birth. We must insure to the same family that it can enter a restaurant in its own community as the equal of every other family living there. We must make certain that every door in our public places of amusement and culture is open to men of black skin as well as white. In sum, we must put an end to the shabby treatment of the Negro in public places which demeans him and debases the value of his American citizenship.

Mr. President, I ask Senators to ask themselves how they would like to be rejected because of the color of their skin, and only because of that. When traveling with their families on a highway and seeking a place to rest, how would they like to be told "there is no room in the inn," as it was said some 2,000 years ago?

That is why the debate is a moral issue. All the legalism and all the oratory will not in any way justify what we have done to debase humanity. The morality of the issue is the controlling factor. We do not have to be lawyers to understand, "Do unto others as you would have them do unto you."

Now, what are the provisions of title II?

PROVISIONS OF TITLE II

Title II of H.R. 7152 will take us a long way toward this goal of full citizenship. In section 201 it establishes the right of all persons to full and equal enjoyment, without segregation or other discrimination on account of race, color, religion, or national origin, of the services and facilities of specified places of public accommodation where the operations of such places affect interstate commerce or where such discrimination or segregation is supported by State action. The bill sets out in detail the tests for determining whether the operations of an establishment affect interstate commerce or whether the discrimination is supported by State action. I shall discuss these tests more extensively shortly.

The business enterprises covered by section 201 include hotels and motels—other than small, owner-occupied establishments—restaurants and lunch counters, including those on the premises of retail establishments, gasoline stations, and motion-picture houses, theaters, sports arenas, and other public places of exhibition or amusement. These are the establishments covered by title II. The reach of that title is much narrower than when the bill was first introduced. It is also narrower than S. 1732, the bill reported by the Senate Commerce Committee, which covers the general run of retail establishments, membership in labor unions, and so forth. Union membership is not covered in title II of H.R. 7152 because title VII deals with this and other aspects of fair opportunity in employment. The deletion of the coverage of retail establishments generally is illustrative of the moderate nature of this bill and of its intent to deal only with the problems which urgently require solution. Discrimination in retail establishments generally is not as troublesome a problem as is discrimination in the places of public accommodation enumerated in the bill. And it seems likely that if discrimination is terminated in restaurants and hotels, it will soon be terminated voluntarily in those few retail stores where it still exists.

In other words, title II is related to the facts of the situation. Title II is in the bill because of volumes of evidence as to discrimination in places of public accommodation and the results of such discrimination. This is a practical step forward.

Title II also covers certain establishments which operate as an integral part of a covered establishment. This provision of title II has been a source of some discussion, and I think it would be appropriate to pause here and take a careful look at what is involved. Subsections (1), (2), and (3) of section 201(b) enumerate the covered establishments—that is, hotels, motels, restaurants, movie houses, and the like, which cannot discriminate. Subsection (4) of section 201(b) then adds:

> Any establishment (A) which is physically located within the premises of any establishment otherwise covered by this subsection, or 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.

This language includes, for example, a barbershop within a covered hotel if the barbershop holds itself out as serving the patrons of the hotel. It also includes a department store within the premises of which there is located a lunch counter if the department store holds itself out as serving the patrons of the lunch counter.

There has been some criticism and fear expressed about the consequences of this provision. For example, it has been suggested that it is unfair to require the barbershop within a hotel to serve Negroes, but not to require the barbershop across the street to do so also. But this is not an arbitrary result. If a hotel is required to operate in a nondiscriminatory manner, all the services which it offers to patrons must be offered to all the patrons. This principle could not be effectuated if an establishment within the hotel, which is providing services to the hotel's patrons, were relieved of the requirement not to discriminate simply because there was a competitive establishment elsewhere. The distinction is, therefore, a wholly reasonable one. Unless we want to legislate for the whole economy, a line has to be drawn some place, and the bill does it in a sensible place.

The bill deals with the practical problems we face. This is a bill of limitation and restraint. It is a reasonable proposal. It is directed to specific, known abuses.

It has also been suggested that the language of section 201(b)(4) covers much more than it appears to—for example, that if there are stores on the ground floor of an office building and one of them is a covered restaurant, the clothing store next door is also covered, and so is the lawyer on the 18th floor. There is no merit or substance at all to this suggestion. What is covered turns upon the definition of the word "premises," and I think that all of us—the people affected, the Attorney General and the courts—can be depended upon to give this word realistic content in terms of purposes of the bill. Obviously, a lunch counter in a drugstore is within the premises of the drugstore;

but neither the drugstore nor the office on the 18th floor nor the clothing store is within the premises of the adjacent restaurant; nor is the restaurant within their premises. I do not believe this problem is a real one. I know it is not a real one for those who operate the establishments. The only ones who would make it appear to be a real problem are those who attempt to confuse the Senate by arguments which tend to obscure the question. I do not intend to let that happen.

"MRS. MURPHY" EXCEPTION

Now a word about Mrs. Murphy, because we have heard a great deal about that lady.

There are two exceptions to the coverage of title II which should also be emphasized. First, section 201(b)(1), relating to hotels, motels, and the like, excludes any establishment which is "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." This is the so-called Mrs. Murphy exception.

We in Minnesota would like to amend that term to include "Mrs. Olson."

The purpose of this exclusion is self-evident. Title II, like the bill as a whole, is designed to reach the most significant manifestations of discrimination. It is carefully drafted and moderate in nature. There is no desire to regulate truly personal or private relationships. The so-called Mrs. Murphy provision results from a recognition of the fact that a number of people open their homes to transient guests, often not as a regular business, but as a supplement to their income. The relationships involved in such situations are clearly and unmistakably of a much closer and more personal nature than in the case of major commercial establishments.

This does not mean that discrimination in the operation of such facilities is any more defensible or moral than elsewhere, but merely that discrimination in such establishments is not of major dimension, especially when compared with the other problems with which title II and the bill as a whole deals. Of course, there are discriminatory practices not reached by H.R. 7152, but it is to be expected and hoped that they will largely disappear as the result of voluntary action taken in the salutory atmosphere created by enactment of the bill.

I emphasize that we are talking about tourist homes, not boarding houses or lodging houses. To be subject to section 201(b)(1), an establishment must be one "which provides lodging to transient guests." Lodging and rooming houses do not ordinarily cater to transients. This important exclusion is frequently overlooked by the bill's opponents.

PRIVATE CLUBS EXCEPTED

The other exception is contained in section 201(e). It provides:

> The provisions of this title shall not apply to a bona fide private club or other establishment not 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).

Again, this exception reflects the judgment that establishments which are purely private in nature should not be covered by this legislation. However, it is possible that some establishments which might otherwise be covered may now attempt to disguise themselves as clubs. Consequently, the requirement is that the club be bona fide. The restaurant which changes its name to a club and issues memberships for a dollar to anyone who applies, other than Negroes, will not be bona fide.

In his opening speech opposing the majority leader's motion that the Senate proceed to the consideration of H.R. 7152, the distinguished Senator from Georgia [Mr. RUSSELL] alleged that "circuitous" wording in title II would result in the opening of every private club to so-called minority groups. The Senator from Georgia contended that restaurant facilities found within most private clubs would affect interstate commerce within the meaning of the bill and, therefore, all the provisions of title II would be applicable to private clubs.

The Senator from Georgia was sufficiently persuasive to bring about a number of editorial comments and other commentaries in the press relating to his interpretation of title II.

I have great respect for the Senator from Georgia, and therefore I believe it is necessary once again to treat the argument and deal with it. It will be dealt with in detail by the distinguished Senator from Washington [Mr. MAGNUSON], and others. I must respectfully disagree with the interpretation of title II made by the Senator from Georgia. The restaurants and eating facilities found within private clubs are not places of public accommodation within the meaning of title II because they do not serve the general public. Subsection (e) of section 201 expressly exempts private clubs except to the extent that they make their facilities "available to the customers or patrons of an establishment within the scope of subsection (b)." That is, a hotel, motel, or similar establishment listed in subsection (b). In other words, in plain layman's language, if a country club makes arrangements with a covered hotel under which club privileges are made available to the patrons of the hotel, the club cannot discriminate among the guests of the hotel. If, on the other hand, the club makes no such special arrangements with hotels, motels, and so forth, it remains strictly private and not covered by the provisions of title II.

DISCRIMINATION BY STATE OR LOCAL LAW

Section 202 of title II would also prohibit discrimination or segregation in any establishment in which discrimination or segregation is required by State law or local ordinance. These laws and ordinances relate to a wide variety of subjects: billiard rooms in Georgia, telephone booths in Oklahoma, circuses in South Carolina, washrooms in Tennessee, racetracks in Arkansas, barbershops in Augusta, bars in New Orleans, and so forth. They are in patent violation of the equal-protection clause of the 14th amendment. Some of these laws, it is true, are not enforced; but any individual who violates them lives under the threat that he will be prosecuted or face the expense and burden of a lawsuit. These laws cannot be condoned and they must be repealed.

Section 202 is both broader and narrower than section 201. It is broader in the sense that it is not confined to enumerated types of establishments. It is narrower because it applies only where discrimination is required by a public statute, ordinance, rule, order, and so forth. With respect to the establishments covered by such laws, section 202 in effect says that if any government is going to use race, color, religion or national origin as a basis for depriving the owners of an establishment of freedom to choose their customers, the choice that will be enforced is desegregation, not segregation. All that a State or city has to do to relieve the owners of a business of the impact of section 202 is to repeal the offending law or ordinance—which is a violation of the 14th amendment to the Constitution, and no one can deny it. It can be expected that section 202 will result in the repeal of many such statutes.

Section 203 provides that no person shall, first, withhold or deny or attempt to withhold or deny rights or privileges secured by sections 201 or 202; second, intimidate, threaten, or coerce any person with the purpose of interfering with such rights or privileges; or third, punish or attempt to punish any person for exercising those rights or privileges.

MODERATE ENFORCEMENT PROVISIONS

The remedy provided for a violation of section 203 is a suit for injunctive relief by the person aggrieved or by the Attorney General if he satisfies himself that the purposes of the title will be materially furthered by his bringing the suit. No criminal penalty or suit for civil damages is provided.

The easiest way to enforce the provision is not to act in a discriminatory manner. The easiest way to prevent the law from putting one in jail is to stop acting illegally. The easiest way for cities or States to accommodate themselves to title II is to stop violating the 14th amendment to the Constitution.

I should like to emphasize that the establishments covered are very clearly described in section 201(b). Local laws and ordinances dispose of the problem of definition under section 202. The owner of any establishment should have little difficulty in determining whether he is subject to title II; and if he makes a mistake, he does not expose himself to any sanction or penalty. The only method of enforcement is by suit for preventive relief, that is, for an injunction. Only after the court has determined that he is in fact covered and has violated the terms of the law, will an order be issued requiring him to conform. Nor is it likely that the owner of an establishment which is not covered will be subjected to legal harassment. Under section 204(b), the court may allow the winning party, other than the United States, a reasonable attorney's fee as part of the costs. This will obviously operate to diminish the likelihood of unjustified suits being brought.

Of course, if an establishment is found to be covered and an order is issued against the owner requiring him not to discriminate, he will be subject to contempt proceedings if he disobeys the order. Yet even in this case, the bill evidences unusual concern to avoid harsh punishment. Ordinarily, such contempt proceedings are tried without a jury. But section 205(c) specifies that the jury trial provision of the Civil Rights Act of 1957 will be applicable to criminal contempt proceedings under title II.

Under this provision, the defendant could be initially tried with or without a jury at the discretion of the judge, but if he should be tried without a jury, the judge could not sentence him to imprisonment in excess of 45 days or to pay a fine exceeding $300. If the judge attempted to impose heavier penalties, the accused would have a right to a new trial before a jury.

Section 204(a) provides that the Attorney General may institute suits only "if he satisfies himself that the purposes of this title will be materially furthered by the filing of an action."

There are valid reasons for both conferring authority on the Attorney General and limiting that authority. First, in many cases the persons aggrieved will be travelers who simply will not have the time or means to institute a lawsuit far away from home. Second, suits by the Attorney General will make it possible to go directly to trouble spots and to avoid imposing excessive competitive disadvantage on any one individual. An individual will ordinarily be in a position to sue only one or a small number of establishments which have discriminated against him. The Attorney General could sue all the restaurants or all the motels in a particular area so that no one owner of an establishment would be at a disadvantage as against the owners of competing establishments. There is reason to hope that in large sections of the country the public accommodations provisions of H.R. 7152 will be accepted gracefully and that few lawsuits will have to be brought.

We do not expect the Attorney General to do the whole job. There will, however, be circumstances when he should bring the suit; if he satisfies himself that those circumstances exist, he may do so.

Let us also remember that the Attorney General will bring such a suit in the name of the United States, not in behalf of any individual or group. It is not the job of the Department of Justice to act as a legal aid society for any individual—however worthy the cause; but it is very much the responsibility of the Attorney General to represent the United States and the interests of all the people. The Attorney General would be acting in this latter capacity in any suits which he might bring to achieve full compliance under title II. I will comment in greater detail on this aspect of the Attorney General's responsibilities in my discussion of titles III and IV.

EMPHASIS ON VOLUNTARY COMPLIANCE

Nevertheless, the emphasis of title II is not upon lawsuit by the Attorney General, but upon voluntary compliance. Section 204(d) authorizes the Attorney General, before bringing suit, to utilize the services of any municipal, Federal, State, or local agency or instrumentality which may be available to attempt to secure compliance with the provisions of the title voluntarily. I am sure that cooperation by State and Federal agencies, including the Community Relations Service established by title X, will substantially diminish the necessity of bringing suit.

When it becomes necessary for the Attorney General to institute suit, section 201(c) requires him, with respect to areas which have their own public accommodations laws, to notify State or local officials, and, upon request, to give them a reasonable time to act under State or local laws or regulations before he institutes an action.

However, section 202(e) provides that this requirement may be dispensed with if the Attorney General files a certificate in court to the effect that the delay "would adversely affect the interests of the United States, or that in a particular case compliance with such provision would prove ineffective." This exception gives the Attorney General discretion to move promptly with a lawsuit if he feels that the particular local law is ineffective or if, for example, he feels that bringing suit will prevent possible violence or disorder.

CONSTITUTIONAL BASIS FOR TITLE II

There has been considerable discussion as to whether the constitutional bases of the public accommodations provisions of H.R. 7152 should be the commerce clause or the 14th amendment. The contention will even be made that no constitutional authority whatsoever supports the legislation. I think there is little doubt that, with the careful changes that have been made during the course of its development, this bill finds firm support in both the commerce clause and the 14th amendment, and is not prohibited by any other provision of the Constitution.

The opposition to relying on the commerce clause turns in part on the view that what title II deals with is a moral question involving the treatment of human beings—that legislation designed to deal with such a matter should not rely on a clause of the Constitution relating to the movement of chattels in commerce. We must, I believe, agree that the fact that title II does embody a moral judgment should not be a reason for failing to rely on our power to regulate commerce.

In fact, the Constitution of the United States is the Constitution of a Nation. All its provisions are properly available to effectuate the moral judgments of that Nation. That is why it is wholly appropriate to use any relevant constitutional authority with respect to a national problem. If more than one provision of the Constitution provides that authority, so much the better.

In fact, we have not hesitated to use the power to tax as an instrument against gambling and the narcotic traffic. We have not hesitated to use the power to regulate commerce to fight the white slave trade.

Many other laws based on the commerce clause are designed at least in part to eliminate social evils. They have a moral purpose. For example, the Fair Labor Standards Act, the Labor-Management Relations Act, and the prohibitions against the interstate transmission of gambling devices are based on the commerce clause. And the Supreme Court has expressly stated that Congress may exercise its commerce power to prevent injuries to "the public health, morals, or welfare" (*United States* v. *Darby*, 312 U.S. 100, 114).

Therefore, if, as I earnestly believe it does, the commerce clause provides a source of authority for us to act, we should use it. Certainly the problem with which we are dealing is as far reaching and important as any with which we have ever been faced. All sources of constitutional authority are relevant to it.

Moreover, reliance on the commerce clause is not merely a legal device. The evil of racial discrimination with which title II is concerned has clear economic consequences. The treatment of these consequences is a traditional object of the exercise of legislative authority under the commerce clause.

Among other things, that clause gives Congress authority to deal with conditions adversely affecting the allocation of resources. Discrimination and segregation on racial grounds have a substantial adverse effect on the interstate flow of goods, capital, and of persons. Skilled or educated men who are apt to be victims of discrimination in an area are reluctant to settle there even if opportunities are available. For this and other reasons, capital is reluctant to invest in such a region and, therefore, the flow of goods to, and their sale within, such an area is similarly reduced. It is quite clear that Congress may legislate with respect to such conditions: indeed, it has done so. The Fair Labor Standards Act—title 29, United States Code, section 201, and the following—indicates that one of the reasons that a minimum standard of living is desirable is because it has a substantial effect upon "the orderly and fair marketing of goods in commerce."

Certainly the lack of facilities at which to rest and at which to eat is a substantial impediment to interstate travel and commerce. For example, because of the lack of such facilities some truck companies hesitate to use Negro drivers in certain areas of the country. Congress in the Interstate Commerce Act of 1887—title 49, United States Code, section 3(1)—forbade a railroad in interstate commerce "to subject any person to any unreasonable or undue prejudice or disadvantage in any respect whatsoever." Motor carriers and air carriers are subject to similar regulations—title 49, United States Code, section 316(d); title 49, United States Code, section 1374(b).

These acts of Congress proscribed racial segregation of passengers on railroads, motor carriers, and air carriers. (*Mitchell* v. *United States*, 313 U.S. 80; *Henderson* v. *United States*, 339 U.S. 816; *N.A.A.C.P.* v. *St. Louis-San Francisco Ry.*

Co., 297 I.C.C. 335; *Boynton* v. *Virginia*, 364 U.S. 454; *Keys* v. *Carolina Coach Co.*, 64 M.C.C. 769; *Fitzgerald* v. *Pan American World Airways*, 229 F. 2d 499 (C.A. 2).)

The decisions in these cases are, of course, direct authority for the proposition that Congress may enact legislation appropriate to secure equality of treatment for Negroes using the facilities of interstate commerce, including eating places, gasoline stations, and places at which to rest. And the constitutional authority of Congress to regulate commerce extends beyond the regulation of the interstate carriers themselves; it covers all businesses affecting interstate travel; that is, interstate commerce. Thus, the wages of employees engaged in preparing meals for interstate airlines, sandwiches for sale in a railroad terminal, and ice for cooling trains have all been held subject to Federal regulation under the commerce clause. (*Walling* v. *Armstrong*, 68 F. Supp. 870, affirmed, 161 F. 2d 515; *Sherry Corine Corp.* v. *Mitchell*, 264 F. 2d 532; *Chapman* v. *Home Ice Co.*, 136 F. 2d 353, certiorari denied, 320 U.S. 761.)

Similarly, Congressional authority under the commerce clause extends to restaurants at a terminal used by an interstate carrier. In *Boynton* v. *Virginia* (364 U.S. 454, 463), the Supreme Court declared:

> Interstate passengers have to eat. * * * Such passengers in transit on a paid interstate * * * journey had a right to expect that this essential transportation food service voluntarily provided for them under such circumstances would be rendered without discrimination prohibited by the Interstate Commerce Act.

Finally, as regards the commerce clause, the fact that some of the establishments are small does not derogate from the authority of Congress to regulate them. What is important is the aggregate impact on commerce of the activities of numerous small enterprises, not the individual impact of any one of them (*National Labor Relations Board* v. *Fainblatt*, 306 U.S. 601, 606). And in *Wickard* v. *Filburn* (317 U.S. 111), the Agricultural Adjustment Act was applied to a farmer who sowed only 23 acres of wheat and whose individual effect on interstate commerce amounted only to the pressure of 239 bushels of wheat upon the total national market. In *Mabee* v. *White Plains Publishing Co.* (327 U.S. 178), the Fair Labor Standards Act was applied under the commerce clause to a newspaper whose circulation was about 9,000 copies and which mailed only 45 copies—about one-half of 1 percent of its business—out of State. In *United States* v. *Sullivan* (332 U.S. 689), the Supreme Court held that Congress has power to forbid a small retail druggist from selling drugs without the form of label required by the Federal Food, Drug, and Cosmetic Act—title 21, United States Code, section 301 and the following—even though the drugs were imported in properly labeled bottles from which they were not removed until they reached the local drugstore and even though the drugs in question had reached the State 9 months before being resold.

In view of this authority I think there can be no question as to the validity of the tests, set forth in section 201(c), to determine whether the operations of a place of public accommodation "affect commerce." An analysis of the provision indicates that a relationship to the flow of goods in commerce or to interstate travel is the basic test with respect to each type of establishment enumerated in section 201(b). Section 201(c) makes it clear that the fact that a hotel, motel or similar establishment "provides lodging to transient guests" is sufficient to establish that "its operations affect commerce." This is so whether transients are travelling interstate or merely within a State. Obviously interstate travelers could not be protected against discriminatory denial of accommodations if motels or hotels could claim to serve intrastate travelers only. And beginning with the Shreveport rate cases in 1913 (*Houston & Texas Ry.* v. *United States*, 234 U.S. 344), the courts have held that Congress can regulate intrastate transactions where it is reasonably necessary to do so in order to protect interstate commerce. The necessity clearly exists in this case.

I go into this detail because, in the preliminary debate on the bill, the point was made that the commerce clause is inoperative, because it is claimed, first, that this is a moral issue and, second, that the businesses which would be brought under the purview of these statutes are too small to be regarded as a part of commerce.

I reject these arguments. I do not reject them as a Senator. I reject them as one who relates to the Senate innumerable decisions of the Federal courts which make the arguments of the opposition to this title without substance and without legal foundation.

CIVIL RIGHTS CASES OF 1883

Obviously, the power of Congress to regulate commerce is far reaching. Before this debate is over I am sure we will hear the argument made that because of the decision of the Supreme Court in the *Civil Rights Cases*, 109 U.S. 3 (1883), the public accommodations provisions of this bill are unconstitutional. I think that that argument is demonstrably wrong.

As I understand it, basically this argument is a simple one. Section 2 of the Civil Rights Act of 1875 declared that everyone in the United States should, without regard to race, color, or previous condition of servitude, "be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges, of inns, public conveyances on land or water, theaters, and other places of public amusement." Section 2 made it a crime for any person to violate section 1.

This language, it will be contended, is practically identical with the language of title II; these provisions of the Civil Rights Act of 1875 were declared unconstitutional; and, therefore, title II is unconstitutional. But the argument does not stand analysis.

First of all, insofar as the commerce clause is concerned, the Court expressly stated that it was not passing upon its applicability because Congress did not attempt to exercise power under it. The Court said:

> And whether Congress, in the exercise of its power to regulate commerce amongst the several States, might or might not pass a law regulating rights in public conveyances passing from one State to another, is also a question which is not now before us, as the sections in question are not conceived in any such view (109 U.S. at p. 19).

It is true that elsewhere in the opinion the Court said with respect to the 1875 act that—

> No one will contend that the power to pass it was contained in the Constitution before the adoption of the last three amendments (109 U.S. at p. 10).

Undoubtedly it will be contended that, in spite of the later express disclaimer to the effect that this question was "not now before us," the Court, in fact, ruled on the commerce clause. Obviously, if that were all the authority available, one could argue for some time about whether the Court meant what it seemed to say on page 10 of its opinion or what it seemed to say on page 19. The Court said two things which appear on their face to be contradictory.

But I do not think the question is really worth arguing about. As my earlier discussion of the commerce clause clearly indicates, the legal view as to what that clause covers has developed substantially since 1883.

Every Senator knows that the Court has made varied interpretations of the commerce clause. The Constitution is a living document. It is not merely a historical document relating to years gone by.

The Court has the responsibility to apply the Constitution and its amendments to the present needs of this Republic, within the full meaning of the Constitution.

Since 1883 Congress has passed and the courts have upheld as an appropriate exercise of authority under the commerce power legislation of the type considered in the Civil Rights Cases; that is, legislation outlawing racial discrimination on public conveyances, such as railroads and air and motor carriers. At the very least, I think all will agree that the Civil Rights Cases are not now and never have been regarded as an authoritative interpretation of the commerce clause of the Constitution.

While I am not a lawyer, I have studied constitutional law. On occasion, I taught a course in it. I know of nothing which holds that the commerce clause is to be interpreted and defined by the ruling of the Court in 1883. To the contrary, it is rejected. As the able Senator from Oregon [Mr. MORSE] would say, "If a student of mine put down on paper that the commerce clause is defined in the Civil Rights Cases of 1883, he would be declared unfit for further study."

One does not have to be a lawyer to know that. I hope that we shall not burden the RECORD with trivia, detail and non sequiturs on the commerce clause with regard to the Civil Rights Cases of 1883.

So far as the 14th amendment is concerned, the Civil Rights Cases covered an

entirely different situation than is presented by title II. The validity of the title under that amendment does not depend at all upon the possibility that the decision will be overruled. In fact, title II is entirely consistent with the decision in the Civil Rights Cases.

The 14th amendment provides that—

No State shall * * * deny to any person * * * the equal protection of the laws.

That is rather clear language. It is not aimed at the action of individuals, but at the action of States. Because sections 1 and 2 of the 1875 act made "no reference whatever to any supposed or apprehended violation of the 14th amendment on the part of the States" (109 U.S. at p. 14), the majority of Justices in the Civil Rights Cases held the act to be beyond the power of Congress. In other words, Congress may legislate under the 14th amendment only with respect to State action. And insofar as it rests upon that provision of the Constitution, that is all that title II does. There is, of course, no question about section 202 which is directed at discrimination and segregation required or commanded by a State statute or local ordinance. And discrimination or segregation by the places of public accommodation enumerated in section 201(b) is prohibited under the 14th amendment only if it "is supported by State action."

A long line of decisions has made it clear that for the purposes of the 14th amendment the phrase "State action" is a broad one which may be satisfied by a number of circumstances. Section 201(d) states that segregation by an establishment covered by section 201(b) shall be considered to be "supported by State action" within the meaning of title II if, and only if it—

(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 a State or political subdivision thereof.

Each one of these tests has been held to be State action within the meaning of the 14th amendment. In short, the legislation considered in the civil rights cases did not meet the judicial tests of "State action." On the other hand, title II does meet them. The phrase "is carried on under color of any law, statute, ordinance, or regulation" is taken from section 1 of the Civil Rights Act of 1871. It is still on the books as title 42, United States Code, section 1983. The constitutionality of language such as this is now clear (*Monroe* v. *Pape*, 365 U.S. 167, 171–187).

Second, section 201(d) provides that discrimination or segregation is supported by State action if it is "carried on under color of any custom or usage required or enforced by officials of the State or political subdivision thereof." The phrase "under color of any custom or usage" appears in section 1 of the Civil Rights Act of 1871, and in other Federal statutes.

I mention this because it was also brought up in the preliminary debate on the civil rights bill. There were those who said that that language was too broad, that it had no legal basis, that it had no historical reference. I repudiate such statements, not on the basis of the word of the Senator from Minnesota, but on the basis of law, and the basis of court decisions,

In the Civil Rights Cases of 1883, the Court pointed out that similar language in other legislation was valid because such language prohibited State action as contrasted with the action of a private individual.

The ruling of the Court in the Civil Rights Cases was related to private action, not State action as provided for in the pending legislation. The two situations are quite distinct.

Third, and finally, section 201(d) provides that discrimination or segregation is supported by State action if it is—required by action of a State or a political subdivision thereof.

As I have already shown, action "required" by a State is State action under the 14th amendment. It is also clear that State action which falls short of a requirement but does foster discrimination may constitute a sufficient degree of State "participation and involvement" to warrant a holding of State action in violation of the 14th amendment:

It is settled that governmental sanction need not reach the level of compulsion to clothe what is otherwise private discrimination with "State action."

In this instance, I refer to *Simkins* v. *Moses H. Cone Memorial Hospital* (323 F. 2d 959, 968 (C.A. 4, 1963)), certiorari denied, March 2, 1964.

In summary, the view that the decision in the civil rights cases of 1883 prevents us from basing title II in part upon the authority of the 14th amendment rests upon a misconception of two things—what the civil rights cases actually decided and what this bill covers. This is why we recommend careful study of the bill. When it is carefully studied, it becomes clear, as I have stated several times, that the bill has been carefully designed. It is based upon documented evidence, and it derives its powers from the Constitution, not from wishful thinking.

CONSTITUTIONAL IMPACT OF TITLE II

It has also been suggested that for Congress to require places of public accommodation not to discriminate on grounds of race, color, religion or national origin is a taking of property without due process of law in violation of the fifth amendment. This argument also lacks merit.

In this connection, it should be emphasized that what is involved in the public accommodations provisions is a very narrow regulation of the use of property. All that is required is that such places not discriminate on account of race, color, religion, or national origin. They can, so far as this law is concerned, discriminate on any other ground. Restaurants can still deny service to men without ties or jackets or to women wearing shorts, if that is their policy. Hotels can turn away rude, dirty, or boisterous people—or simply those who cannot pay the tariff. All this can still be done—so long as it is not a subterfuge for discrimination on the ground of race, color, religion, or national origin.

Any kind of regulation always imposes some limitation on private activity. The type of regulation proposed in title II is hardly novel. As I have noted, some 30 States and the District of Columbia presently have public accommodations laws forbidding racial or religious discrimination, and a number of cities have ordinances of like character. Some of these provide criminal sanctions, or impose a forfeiture of a license. Some such laws were enacted shortly after the Civil War; others are more recent.

Mr. President, I ask unanimous consent to insert in the RECORD at this point a summary of State public accommodations laws.

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

SUMMARY OF STATE PUBLIC ACCOMMODATIONS LAWS

1. Alaska—Sections 11.60.230–11.60.240 (1962):

Establishments covered: Any establishment which caters or offers its services or goods to the general public, including but not limited to public housing and all forms of publicly assisted housing, and any housing accommodation offered for sale, rent, or lease.

Enforcement sanctions: Penal, misdemeanor, fine of up to $500, or imprisonment up to 30 days or both.

2. California—Sections 51–54 (1961):

Establishments covered: Restrictions on the transfer or use of realty, business establishments of every kind whatsoever.

Enforcement sanctions: Civil, actual damages plus $250 to party aggrieved.

3. Colorado—Sections 25–1–1 to 25–2–5:

Establishments covered: (1) inns, restaurants, eating houses, barbershops, public conveyances on land or water, theaters and all other places of public accommodation or amusement.

Enforcement sanctions: Penal, (1) misdemeanor, fine of $10 to $300, or imprisonment up to 1 year, or both; civil, recovery by person aggrieved $50 to $500; either relief bars the other; (2) penal, misdemeanor, fine of $100 to $300, or imprisonment up to 90 days, or both.

4. Connecticut—Section 53–35 (1961):

Establishments covered: Any establishment, which caters or offers its services or facilities to the general public including, but not limited to, public housing projects and all other forms of publicly assisted housing, any lot on which it is intended that housing accommodation will be constructed, which is one of three or more housing accommodations or buildings, lots on a single parcel of land contiguous with regard to highways or streets, held under single ownership or control within 1 year.

Enforcement sanctions: Penal, fine of $25 to $100, or imprisonment up to 30 days, or both.

5. Idaho—Sections 18–7201 through 18–7203 (1961):

Establishments covered: Resorts, transportation facilities, places of amusement, places of sale of goods or merchandise or of rendering of personal services, restaurants, places where food or beverages of any kind are sold for consumption on the premises, places of public entertainment and recreation, public elevators, washrooms, places of public housing, educational institutions supported in part by public funds.

Enforcement sanctions: Penal, misdemeanor.

6. Illinois—C. Title 38, article 13, sections 13–1 to 13–4 (1961); title 43, section 133; title 103, section 468.1.

Establishments covered: Restaurants, hotels, soda fountains, taverns, barbershops, department stores, clothing stores, restrooms, theaters, skating rinks, public golf courses, elevators, railroads, buses, airplanes, street cars, boats, funeral hearses, crematories, cemeteries, and public conveyances, and all other places of public accommodation and amusement, premises where alcoholic beverages are sold, and concessionaries of State.

Enforcement sanctions: Penal, fine of up to $1,000, and imprisonment up to 6 months; civil. damages of $100 to $1,000; commission on human relations, conciliatory and injunctive forms of relief.

7. Indiana—Sections 10–901 to 10–914 (1961):

Establishments covered: Any establishment which caters or offers its services or facilities or goods to the general public, including but not limited to public housing projects.

Enforcement sanctions: Penal, fine of $25 to $100, imprisonment up to 30 days, or both; civil, damages, $20 to $100 to aggrieved person; either relief bars the other.

8. Iowa—C. 735:

Establishments covered: Inns, restaurants, chophouses, eating houses, lunch counters, and all other places where refreshments are served, public conveyances, barbershops, bathhouses, theaters, and all other places of amusement.

Enforcement sanctions: Penal, misdemeanor, fine of up to $100 or imprisonment up to 30 days.

9. Kansas—C. 21–2424 (1959): Establishments covered: State university, college, or other school of public instruction, hotels, restaurants, any place of public entertainment or public amusement for which a license is required, railroad, bus, streetcar, or other means of public carriage.

Enforcement sanctions: Penal, misdemeanor, fine of up to $1,000.

10. Maine—C. 137, section 50 (1954): Establishments covered: Inns, any restaurant, public conveyance on land or water, bathhouse, barbershop, theater, and music hall.

Enforcement sanctions: Penal, fine of up to $100, or imprisonment up to 30 days or both.

11. Maryland—article 49B, section 11, C. 227 (1963): Establishments covered: Hotel, restaurant, inn, motel, or establishments commonly known or recognized as regularly engaged in the business of providing sleeping accommodations, or serving food, or both, for a consideration, and which is open to the general public; except premises or portions of premises primarily devoted to the sale of alcoholic beverages and generally described as bars, taverns or cocktail lounges.

Law not applicable to Carroll County, Md., unless adapted by referendum; not applicable to Calvert, Caroline, Dorchester, Garrett, Kent, Queen Annes, St. Marys, Somerset, Talbot, Wicomico, and Worcester Counties.

Enforcement sanctions: Limited to injunctive relief.

12. Massachusetts—C. 140, sections 5 and 8 (1878); C. 272, section 92A (1953); C. 272, section 98 (1950):

Establishments covered: (1) Innholder, (2) [1] inn, tavern, hotel, shelter, motel, resort for transient or permanent guests or [2] carrier, conveyance or elevator, [3] gas station, garage, retail store or [4] restaurant, bar or eating place, [5] restroom, barbershop, [6] a boardwalk or other public highway; [7] auditorium, theater, music hall, [8] place of public amusement, [9] public library, museum or planetarium; [10] hospital operating for profit.

Enforcement sanctions: Penal, (1) fine of up to $50; (2) fine of up to $100, or imprisonment up to 60 days, or both; (3) fine of up to $300, or imprisonment up to 1 year, or both; civil, damages of $100 to $500.

13. Michigan—sections 28.343 and 28.344: Establishments covered: Inns, hotels, motels, Government housing, restaurants, barbershops, billiard parlors, stores, public conveyances, theaters, public educational institutions, elevators, and all other places of public accommodation, amusement, and recreation.

Enforcement sanctions: Penal, $100 minimum fine, or 15 days minimum imprisonment, or both; civil, liability to the injured party in treble damages [chose in action not assignable]; if violating person is licensee of the State, license may be revoked.

14. Minnesota—section 327.09: Establishments covered: public conveyances, theaters, and other public places of amusement, hotels, barbershops, saloons, restaurants, or other places of refreshments, entertainment, or accommodations.

Enforcement sanctions: Penal, misdemeanor; civil, damages up to $500.

15. Montana—title 64, section 211 (1955): Establishments covered: Place of public accommodation or amusements.

Enforcement sanctions: Limited to injunctive relief.

16. Nebraska—C. 20, esctions 101 and 102: Establishments covered: Inns, restaurants, public conveyances, barbershops, theaters, and other places of amusement.

Enforcement sanctions: Penal, misdemeanor; fine of $25 to $100 plus cost of the prosecution.

17. New Hampshire—C. 354, sections 1, 2, 4, and 5 (1961): Establishments covered: Inns, taverns, or hotel, public conveyance, bathhouse, barbershop, theater.

Enforcement sanctions: Penal, fine of $10 to $100, or imprisonment 30 to 90 days.

18. New Jersey—title 2A, sections 161–4 and 170–11; title 10, sections 1–2 to 1–7, 1–14 and 1–19; title 18, sections 25–1 to 25–6:

Establishments covered: (1) Place of safety or shelter; (2) inn, tavern, hotel, restaurant, garage, public conveyance, public bathhouse, public boardwalk, theater, or other place of public amusement, skating rink, amusement and recreation parks, hospital, public library, kindergarten, primary and secondary school, high school, college, and university; (3) employment, publicly assisted housing, or other real property.

Enforcement sanctions: (1) Penal, imprisonment up to 1 year, or fine of up to $1,000, or both; (2) civil, damages of $100 to $500, cost of prosecution, attorney's fee of $20 to $100; penal, misdemeanor, fine of up to $500, or imprisonment up to 90 days, or both; (3) complaint to division of civil rights, limited to conciliatory and injunctive forms of relief.

19. New Mexico—C. 49, sections 8.1 to 8.6 (1955):

Establishments covered: Inns, taverns, hotels, motels and tourist courts, restaurants, ice cream parlors, hospitals, bathhouses, theaters, race courses, skating rinks, amusement and recreation parks, swimming pools, public libraries, garages, all public conveyances.

Enforcement sanctions: Limited to injunctive relief.

20. New York—Article 4 sections 40 and 41, article 15 section 290, article 46 sections 513–515.

Establishments covered: Inns, taverns, hotels, any place where food is sold for consumption on the premises; ice cream parlors, retail stores and establishments, hospitals, bathhouses, barbershops, theaters, race courses, skating rinks, amusement and recreation parks, public libraries, kindergartens, primary and secondary schools, high schools, colleges and universities, extension courses, garages, all public conveyances, any place where food is sold, institutions for care of neglected or delinquent children supported by public funds, (2) employment, (3) public employment or employment in industry engaged in defense contracts.

Enforcement sanctions: Penal, misdemeanor, fine of $100 to $500, or imprisonment 30 to 90 days, or both; civil, $100 to $500 damages, assignable to any resident of the State; (2) State Commission Against Discrimination, (3) penal, misdemeanor, fine of $50 to $500.

21. North Dakota—12–22–30 (1961).

Establishments covered: Public conveyances, theaters, or other public places of amusement, hotels, barber shops, saloons, restaurants, or other public places of refreshment, entertainment, or accommodation.

Enforcement sanction: Penal, misdemeanor, fine of up to $100, or imprisonment up to 30 days, or both.

22. Ohio—sections 2901–35 and 2901–36.

Establishments covered: Inn, restaurant, eating house, barber shop, public conveyance, theater, store, or other place for the sale of merchandise, or other place of public accommodation or amusement.

Enforcement sanctions: Penal, fine of $50 to $500, or imprisonment of 30 to 50 days, or both; civil, damages up to $500; either relief bars the other.

23. Oregon—sections 30.670, 30.675 and 30.-680.

Establishments covered: Hotel, motel, motor court, trailer park, campground, place offering to the public food or drink for consumption on or off the premises, place offering to the public entertainment, recreation or amusement, place offering to the public goods or services.

Enforcement sanctions: Civil, damages up to $500.

24. Pennsylvania—title 18, section 4654.

Establishments covered: Inns, taverns, hotels, restaurants, ice cream parlors, drug stores, hospitals, bathhouses, theaters, race courses, skating rinks, amusement and recreation park, public libraries, kindergartens, primary and secondary schools, high schools, colleges and universities, extension courses, garages and all public conveyances.

Enforcement sanctions: Penal, misdemeanor, fine of up to $100; or imprisonment up to 90 days, or both.

Establishments covered: Inns, taverns, hotels, restaurants, ice cream parlors, retail stores and establishments, hospitals, restrooms, bathhouses, race courses, skating rinks, amusement and recreation parks, swimming pools, seashore accommodations and boardwalks, public libraries, garages, all public conveyances and public housing projects.

Enforcement sanctions: Rhode Island Commission Against Discrimination, conciliation and injunctive forms of relief.

26. South Dakota—Senate bill 1 (1963):

Establishments covered: Public conveyances, theater, or other public places of amusement, or by hotels, motels, barbershops, saloons, restaurants, or other places of refreshment, entertainment, or accommodations.

Enforcement sanctions: Penal, fine of up to $200.

27. Vermont—C. 29, sections 1451 and 1452:

Establishments covered: Any establishment which caters or offers its services or facilities or goods to the general public.

Enforcement sanctions: Penal, fine of up to $500, or imprisonment up to 30 days, or both.

28. Washington—title 49.60.010 to 49.60.-170; title 9.91.010:

Establishments covered: (1) Any place kept for gain whether conducted for the entertainment, housing or lodging of transient guests, or for the benefit, use or accommodation of those seeking health, recreation or rest, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or other personal property, or for the rendering of personal services, or for public conveyance or transportation or for the garaging of vehicles, or where food or beverages of any kind are sold

for consumption on the premises, or where medical service or care is made available, or any place of public amusement, or any public library or educational institution, or schools of special instruction, or nursery schools, or day care centers or children's camps; publicly assisted housing; employment.

Enforcement sanctions: Penal, misdemeanor; Washington State Board Against Discrimination, conciliatory and injunctive relief (seeking of any civil or penal remedy is a bar to application to the commission).

29. Wisconsin—section 942.24 (1955).

Establishments covered: Inns, restaurants, taverns, barbershops and public conveyances.

Enforcement sanctions: Penal, fine of up to $200, or imprisonment of up to 6 months, or both; civil, damages, not less than $25 plus costs; neither relief bars the other.

30. Wyoming—sections 6-83.1 and 6-83.2.

Establishments covered: Places or agencies which are public in nature, or which invite the patronage of the public.

Enforcement sanctions: Penal, misdemeanor, fine of up to $100, or imprisonment up to 90 days, or both.

District of Columbia—title 47, sections 2907, 2910, and 2911:

Establishments covered: Restaurants, hotels, ice cream parlors, saloons, places where soda water is kept for sale, barbershops, bathhouses.

Enforcement sanctions: Penal, misdemeanor, fine of $100, forfeiture of license, not eligible for renewal for 1 year.

COMMON LAW HERITAGE

The legal theory supporting enactment of title II is firmly rooted in our common law heritage. Blackstone himself writes:

A man may justify entering into an inn or public house, without the leave of the owner first specially asked; because when a man professes the keeping of such inn or public house, he thereby gives a general license to any person to enter his doors (Commentary, 3, p. 168 (212)).

So we are not proposing anything radical. Blackstone is not known as a radical. In fact, he was quite a conservative man.

As early as 1450 a case was successfully prosecuted for refusal to serve. In fact, during the 13th, 14th, and 15th centuries, the duty to serve all who came was covered by criminal law. In an anonymous case in 1623, the court held:

An action on the case lyeth against an innkeeper who denies lodging to a traveller for his money, if he hath spare lodging; because he hath subjected himself to keep a common inn.

In the case of *Lane* v. *Cotton* (1701), the court held:

Wherever any subject take upon himself a public trust for the benefit of his fellow subjects, he is eo ipso bound to serve the subject in all the things that are within the reach and comprehension of such an office, under pain of an action against him. * * * If an innkeeper refuse to entertain a guest, when his house is not full, an action will lie against him.

So this provision of title II is not a machination of a radical, evil mind. Title II is in the tradition of Anglo-Saxon common law.

In summary, the responsibilities of those persons engaged in occupations which serve the public to serve all the public runs to the very heart of our Anglo-Saxon legal heritage. I deeply regret that these historical precedents are frequently overlooked by the opponents of this proposed legislation.

When we read statements to the effect that the bill is an intrusion upon private rights and a mailed fist of governmental power, I wish that those who make that charge would examine the common law and the constitutional law cases. This evidence proves that public accommodations should be available without discrimination, as part of an Anglo-Saxon legal heritage. We should not even have to legislate in connection with this matter; but apparently we do, because of the refusal of some to abide by what has generally been accepted as custom and the common law.

Moreover, the Supreme Court has twice sustained the constitutionality of State and local public accommodations laws. In *Bob-Lo Excursion Co.* v. *Michigan* (333 U.S. 28 (1948)), the Court sustained a State public accommodations law, applied to an excursion boat which had refused passage to a Negro, against objections that it interfered with interstate commerce. The Court referred to the law as "one of the familiar type enacted by many States" (334 U.S. at 33). It emphasized that the State law "contains nothing out of harmony with our Federal policy," and pointed out that "Federal legislation has indicated a national policy against racial discrimination" in interstate transportation (333 U.S. at 37). The State court had held that the law was consistent with due process, and counsel did not even argue this point in the Supreme Court. In *District of Columbia* v. *Thompson Co.* (346 U.S. 100 (1953)), a public accommodations law of the District of Columbia was sustained as applied to a restaurant which had refused to serve Negroes.

So I think there is no doubt about the constitutional basis for the bill. The only question is whether we have the moral fiber to do something about the situation which has developed.

In *Railway Mail Assn.* v. *Corsi* (326 U.S. 88 (1945)), a provision of the New York civil rights law which prohibited a labor organization from denying any person membership, or equal treatment, by reason of race, color, or creed was challenged. The Court stated—at page 94:

We see no constitutional basis for the contention that a State cannot protect workers from exclusion solely on the basis of race, color, or creed by an organization, functioning under the protection of the State, which holds itself out to represent the general business needs of employees.

The right of a private association to choose its own members is certainly entitled to as much respect as the right of a businessman to choose his customers.

In light of these decisions, it is clear that a public accommodations law, such as is proposed in title II of H.R. 7152, is a "regulation which is reasonable in relation to its subject and is adopted in the interests of the community," and is consistent with the due process guaranteed by the fifth amendment. See *West Coast Hotel Co.* v. *Parrish* (300 U.S. 371, 379 (1937)).

There is then no real question as to the reasonableness or the constitutionality of title II. It reflects our deepest moral feelings. It meets an urgent economic and social need. It must be enacted without delay.

PUBLIC FACILITY AND SCHOOL DESEGREGATION: TITLES III AND IV

Mr. President, titles III and IV of the bill may be considered together, since both deal with desegregation of publicly owned facilities.

Title IV would authorize the Attorney General to bring public school—including college—desegregation suits where he certifies that he has received a signed complaint from parties injured by segregation and that these parties are, in his judgment, unable to initiate and maintain appropriate legal proceedings for relief.

Title III would authorize the Attorney General to bring suits under similiar circumstances for the desegregation of other public facilities, such as parks, playgrounds, libraries, and museums, which are owned or operated by State or local governmental units. He would also be authorized to intervene in such suits brought by a private party, as well as in any other suit brought by a private party based on the denial of equal protection of the laws on account of race, color, religion, or national origin.

These provisions in titles III and IV create no new rights. They impose no new duties on local officials, since such officials are already under a long-declared constitutional duty not to segregate or otherwise discriminate. They merely authorize the Attorney General to sue on behalf of the United States to enforce what the Constitution itself requires. At present only a private civil action can be brought in these situations. And the process of private litigation has proved insufficient to vindicate the clear rights conferred by the 14th amendment.

It is now 10 years since the Supreme Court held, in Brown against Board of Education, that the Constitution commanded an end to racial segregation in public schools. Yet, the sad fact is that in Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina less than 1 percent of all Negro pupils in biracial districts are enrolled in desegregated schools.

Other percentages are: Florida, 1.53; Tennessee, 2.71; Texas, 4.29; Virginia, 1.57. For the South as a whole the percentage is 1.06. Source: Southern Education Reporting Service, Statistical Summary of School Segregation and Desegregation, 1963-64.

Three States—Alabama, Mississippi, and South Carolina—had, as of last August, not a single Negro child registered to attend a white school below the college level; Alabama now has 11, South Carolina 10, and Mississippi still has none. In 11 Southern States, the overall percentage of Negro children in school with whites is less than 1 percent.

Children who were entering segregated primary schools when the Supreme Court decided the Brown case are now attending segregated high schools. We can never make up the loss to their education; but the Federal Government can help to see to it that children who will enter segregated kindergarten next fall

will not be graduating from a segregated high school in 1978.

Ten years of private litigation has produced a 1-percent rate of school desegregation in these 11 States—far less in some of them. At this rate, the 14th amendment will not become a reality in these States for centuries. There are nearly 2,000 biracial school districts which are still totally segregated. This means that nearly 2,000 separate lawsuits may be required to bring about compliance with the Constitution. A single lawsuit in a single school district can take many years, and cost many thousands of dollars. Stubborn litigation may occur over numerous features of a plan of desegregation, over numerous questions of compliance, and even over the status of each individual pupil under a pupil placement law. Repeated appeals may be taken. And the cost is very great.

NEW ORLEANS SCHOOL CASE: DELIBERATE SPEED IN PRACTICE

Examination of what has happened in individual cases tells the story very clearly, and demonstrates why so little progress has been made. The story of one such case, in the city of New Orleans, has been well told in the opinion of the Court of Appeals for the Fifth Circuit in *Bush* v. *Orleans Parish School Board* (308 F. 2d 491). The court's opinion, written in August 1962, states:

> This case is "Exhibit A" for "deliberate speed." It goes back to November 1951, when certain Negro children, through their parents, petitioned the Orleans Parish Board to desegregate the Orleans public schools (308 F. 2d at 492).

Suit was instituted in 1952. The case waited until the Supreme Court decided *Brown* v. *Board of Education,* in 1954 and 1955 (347 U.S. 483; and 349 U.S. 249). In 1956 the district court ordered the New Orleans School Board to obey the law of the land. The school board appealed; the judgment of the district court was affirmed. The school board sought certiorari from the Supreme Court; it was denied. The school board then returned to the district court and moved that the injunction—a simple order to begin considering ways in which to comply with a clear rule of law—be vacated. This essentially dilatory and frivolous motion was of course denied. Again the school board appealed and lost, again it sought review in the Supreme Court and was denied. A third time the school board attacked the order in the district court; a third time it appealed the denial of that attack. After this third appeal to the circuit court, the school board did not seek certiorari. By this time, however, it was 1959. The school board had managed to postpone even the beginning of thought about desegregation for 3 more years.

During this time forces had built up that were to make legal delays superfluous. Immediately after the issuance of the 1956 injunction the Louisiana Legislature enacted a massive body of laws intended to preserve segregation in the schools. When the district court ordered the school board to file a plan—not to begin desegregation, but only to file a plan for desegregation—a Louisiana court ruled that under one of these State laws, the legislature and not the board had the right to change the racial situation in the schools. Thus the local board, with its unique knowledge of local conditions, was kept from participation in the drawing of a desegregation plan. The district court was forced to draw its own without the board's assistance.

The district court's plan was not radical. It affected not at all children then attending school. It provided that in September 1960—6 years after the decision in the *Brown* case—children entering the first grade could enter either the formerly all-white or the formerly all-Negro schools nearest their homes, at their option. The school board could transfer students from school to school, so long as they did not do so on considerations of race.

Even this moderate plan was too much for the State of Louisiana. The State attorney general obtained, in the Louisiana courts, an injunction against the school board, forbidding it to obey the Federal court order. Then the Governor, acting under a law passed for the occasion, took over control of the New Orleans public schools. Again it was necessary to go to Federal court, this time for an injunction against the Governor and other State officials to prevent them from interfering in the orderly progress of desegregation. Again the State used the processes of law to delay the granting of constitutional rights; again it appealed to the Supreme Court and was repulsed.

The way now seemed clear for the school board; and that board, in public session, announced its intention to comply with the court orders and adopt the grade-a-year plan. But, as the fifth circuit noted:

> The Louisiana Legislature did not remain idle. The Governor of the State called five consecutive extra sessions of the legislature (unprecedented in Louisiana) for the purpose of preventing the board from proceeding with the desegregation program. Among other actions, the legislature seized the funds of the Orleans Parish School Board, forbade banks to lend money to the board, removed as fiscal agent for the State the bank which has honored payroll checks issued by the school board, ordered a school holiday on November 14 [the day on which desegregation was to commence] addressed out of office four of the five members of the board, later repealed the act creating the board, then on two occasions created a new school board for Orleans Parish, still later addressed out of office the superintendent of schools in Orleans Parish, and dismissed the board's attorney. The Federal courts declared these and a large bundle of related acts unconstitutional.

I would think so. Mr. President, there is a blow-by-blow account of defiance of the Federal court and of a refusal to comply with a court decision whose constitutionality had not been contested. Again be it noted that removal of these unconstitutional barriers to the carrying out of orderly desegregation by the local authorities required three cases before a three-judge district court, and three appeals to the Supreme Court. On November 14, 1960, which was several years later, 4 little Negro girls—out of 134 Negro children who had applied—were admitted to white schools in New Orleans.

Think of the time that has been consumed and the money and resources that were involved to permit four fine little girls to attend a school after the Supreme Court of the United States had ruled that segregation in the public schools was a clear violation of the Constitution of the United States.

I am sure that the people who threw stones, demonstrated, and rioted in protest would prefer now to forget what followed.. I am sure that all of us would prefer that it had never happened.

I do not recite these circumstances to irritate old wounds. I merely point out those things to show why title IV is in the bill.

The school year ended more quietly. In September 1961 eight more Negro children were admitted to white schools.

In 1962 the plaintiffs—new plaintiffs joined in the suits as the original ones were finishing their schooling in segregated schools—alleged that Louisiana's pupil placement law was being applied so as to maintain segregation. The district court found the proof supported this allegation and, in August 1962, the court of appeals affirmed this finding and ordered the school board to adopt a comprehensive plan of desegregation, at the rate of one grade a year, beginning with the first grade.

Thus, after 10 years of litigation, the original plaintiffs got no relief whatever. Twelve Negro children, out of 55,000 in the parish, had been admitted to white schools. And the courts had ordered adoption of a plan of desegregation, at the rate of one grade a year.

Why had so much painful effort, so much legal work and expense, accomplished so little? The candid answer is that the State of Louisiana has used all the legal devices at its command, and every opportunity for delay which the law affords, in a conscious, deliberate effort not to comply with the law of the land, not to allow the Negro children their plain constitutional rights.

I single out this case as an example because the story is so clearly told in the court's opinion, not because it is unique. The pattern has been similar in other States with segregated schools—a deliberate design to resist, delay, and obstruct by every possible means, with the State arraying all its resources and legal skill—paid for with taxpayers' funds—to make it as expensive, time consuming, and burdensome as possible for individual citizens to obtain their clear constitutional rights.

Lest anyone think that one case settles the issue in a State, I can point to the situation in Virginia, where there have been separate lawsuits in Charlottesville (extending over 7 years in Federal and State courts, with repeated appeals), Powhatan, Richmond, Roanoke, Norfolk, Alexandria, and Arlington. In each case the courts were dealing with the same system and pattern of segregation, the same State educational system, and the same governing law (both State and Federal). Yet issues which were decided for one school district had to be litigated all over again in the next one,

and the next, and the next; nothing was taken as settled.

SEPARATE IS NOT EQUAL

It must be emphasized, moreover, that the result has been to deny growing children the kind of education to which they are entitled. I am not now speaking of the psychological and social disadvantages inherent in any system of segregation, with all its hurtful implication of a superior and an inferior race. I am speaking of the plain fact that separate is not equal, and never has been, as all of us have known for a long time.

For example, look at the situation in New Orleans. The record in the Bush case shows that the average class in the Negro elementary schools had 38.3 pupils; in the white schools, 28.7. In the Negro elementary schools each teacher had an average of 36 pupils; in the white schools, 26.1. White classes met in regular classrooms; many Negro classes met in rooms converted from stages, janitors' quarters, libraries, and teachers' lounges. Fully 10 percent of the Negro children—over 5,500—were on "platoon" or split shift attendance.

Mississippi affords another example. Mississippi's schools are still 100-percent segregated, 10 years after the Brown case. Although half the pupils in that State are Negro, the biennial report of the State superintendent of public education shows that only 7 Negro high schools are accredited by the Southern Regional Association of Colleges and Secondary Schools, while 82 white high schools are accredited. Of Mississippi's 82 counties, fully 9 have no Negro high schools at all—and in 2 of these counties (Noxubee and Tunica) there are 5 times as many Negro students as white students. And almost twice as much is spent on instruction of each white pupil as is spent on each Negro pupil statewide. In some counties, over 10 times as much is spent per white pupil as is spent per Negro pupil.

Mr. President, I ask unanimous consent to insert in the RECORD at this point further statistical data on the inequality of Negro and white educational facilities in Mississippi. These figures all come from official documents of the State of Mississippi.

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

Average annual salary of classroom teachers, 1961–62; White, $3,742.39; Negro, $3,236.75.

Source: Statistical Data, School Session 1961–62, Mississippi State Department of Education (1962), p. 42.

Pupil-teacher ratio: White, 1 teacher for each 23 jupils; Negro, 1 teacher for each 28.5 pupils.

Sourse: Ibid, pages 1, 39; computed on average daily attendance.

Percentage of public schools accredited by the State of Mississippi: Elementary schools, white, 96.9 percent; Negro, 44.3 percent; junior high schools, white, 100 percent; Negro, 89.7 percent; high schools, white, 100 percent; Negro, 76.3 percent.

Source: Biennial Report and Recommendations of State Superintendent of Education to the Legislature of Mississippi for the scholastic years 1959–60 and 1960–61, page 137.

Mr. HUMPHREY. This kind of discrimination and unequal treatment is not confined to Mississippi. Unfortunately, it is all too common in some parts of this country. I have been able to find figures comparing per-pupil expenditures for whites and Negroes in six States where the public schools are almost totally segregated. These figures all come from official reports of the individual States, and they reveal a shocking pattern of inequality. In five of these six States Negro schoolchildren are short changed. Much less is spent for each Negro pupil than for each white student. Mr. President, I ask unanimous consent to insert in the RECORD at this point these statistics showing that segregated schools are not equal.

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

ANNUAL EXPENDITURE PER PUPIL

Alabama: White, $162.68; Negro, $161.77.
Arkansas: White, $246; Negro, $197.
Louisiana: White, $234; Negro, $182.
North Carolina: White $172; Negro, $165.
Mississippi: White, $173.42; Negro, $117.10.

Source: All figures are from the latest annual report of the respective State boards of education. Figures for Arkansas and Mississippi are based on average daily attendance.

EFFECT ON HIGHER EDUCATION

Mr. HUMPHREY. Thus far I have talked about public elementary and secondary schools. The situation in higher education is also appalling. In its 1960 Report on Equal Protection of the Laws in Public Higher Education, the Civil Rights Commission found that, in the academic year 1959–60, at least 86 of the 211 public higher educational institutions formerly open only to white students in the 17 Southern States continued to exclude Negro applicants on the ground of race in violation of the law of the land (p. 265). Moreover, where Negroes have been admitted there has tended to be token integration only—one or two Negro students. And even these victories have been achieved only after strenuous efforts.

The Commission found that the average length of Federal lawsuits to obtain admission to colleges and universities, where an appeal was taken (as it usually is), was over 2½ years—page 269.

We are dealing, then, with a gross deprivation of educational opportunities. We are dealing with massive efforts to block desegregation through the courts, by constant appeals and by ignoring court orders, by thinking up ever more ingenious schemes with which to deny equal desegregated education to millions of Negro children. And thus far, we have been dealing with it by saying to the Negro, "Sue for your rights in the courts—with your own lawyers, your own resources, your own children's lives."

COST OF LITIGATION

What does all this litigation cost? One indication is given by the case of *NAACP* v. *Patty* (159 F. Supp. 503 (E.D. Va., 1958)), 6 years ago, in which the court stated that the cost to the National Association for the Advancement of Colored People of litigating a case going to the Supreme Court "in which the fundamental rules governing racial problems are laid down" was from $50,000 to $100,000. In *Brown* v. *The Board of Education*, it was over $200,000.

Another estimate is that the cost of a single trial in the district court, with an appeal to the court of appeals and an application for certiorari to the Supreme Court, is from $15,000 to $18,000—letter from Gordon Tiffany, staff director, Commission on Civil Rights, January 29, 1960, CONGRESSIONAL RECORD, volume 106, part 3, pp. 3663–4. In New Orleans, there were six such appeals. It cost New Orleans Negroes something like $8,000 per child to secure to these 12 children their constitutional rights as Americans.

The burden of this litigation to put the Constitution into effect is carried by individuals who volunteer, at great personal cost, to vindicate rights of the public as a whole. It falls on members of a minority group which, in general, is the least well to do, least well educated, and most vulnerable to economic and other pressures. One measure of the status of Negroes in the States of the old Confederacy is that in those 11 States there were a total of 305 Negro lawyers in 1960. Louisiana had 19, Alabama 18, South Carolina 13, Georgia 12, and Mississippi 4. To these one might add the legal resources of the National Association for the Advancement of Colored People, whose legal defense department has the imposing staff of nine lawyers.

I need not labor any more the point that private litigation, financed with private funds, is just not adequate to do the job that has to be done to make effective the clear constitutional rights of schoolchildren, white and Negro, to attend schools that are free from racial segregation or discrimination. Indeed, the point is obvious to anyone who reads the newspaper.

ASSISTANCE TO SECURE DESEGREGATION OF SCHOOLS

In the case of schools and colleges, litigation alone is not enough. Title IV provides also for affirmative assistance in meeting practical problems. It authorizes the Commissioner of Education, upon the request of the appropriate State and local authorities, to assist local school boards in dealing with problems arising from desegregation. Such assistance would include advice and technical assistance in the preparation and implementation of desegregation plans, and grants and contracts for special training for school personnel to enable them to deal with educational problems arising from desegregation. This assistance would be available whether desegregation was being carried out at the instance of the local authorities or under court order, but acceptance of the assistance would be entirely optional with the local authorities, and the Commissioner would be given no coercive powers.

These provisions recognize that segregation in schools is a problem which concerns all Americans in all sections of the country. We should not simply stand back and say to the local authorities, "Desegregate." Teachers and school officials who have not experienced the problems involved in merging two formerly separate school systems into one can benefit greatly from the experience of other localities which have met

and solved similar problems. School administrators should have at their disposal adequate funds for training and adjustment programs. It is vital that in providing equal education to Negroes, we do not lower the quality of education overall.

Title IV also provides, in section 402, for a survey and report to Congress, by the Commissioner of Education, concerning "the lack of availability of equal educational opportunities for individuals by reason of race, color, religion, or national origin" in public schools and colleges. This survey will cover not only the continued existence of unconstitutional racial segregation, but all forms of discrimination and inequality of treatment.

The existence of inequality, of deprivation of educational opportunity because of race and color, is obvious. But their extent is not yet fully known. An authoritative survey and report is needed, and will be most useful to the Congress, to educators, and to the public. Since the matter to be reported on is not merely the statistics as to the extent of segregation and desegregation but the quality of education available to whites and Negroes, it is appropriate that responsibility for the survey and report be vested in the Commissioner of Education.

DESEGREGATION OF PUBLIC FACILITIES

In the school cases there may be justification for a gradual approach in carrying out a plan of desegregation, although none for delay in starting the process. There can be no justification for any delay in making fully available to all citizens, the parks, playgrounds, libraries, and other public facilities built and maintained with taxes paid by all citizens. As the Supreme Court has declared, in a case involving such facilities, "The basic guarantees of our Constitution are warrants for the here and now"—(*Watson* v. *City of Memphis*, 373 U.S. 526, 533 (1963)). Yet here, too, the clear constitutional rights of citizens are being made effective only by costly and time-consuming litigation, in city after city.

It is almost unthinkable to me that a citizen should have to spend 3 years in litigation and take a case to the U.S. Supreme Court, at a cost of thousands of dollars, in order to be able to walk in a city park that he helped pay for; to play on a city golf course that he helped pay for; to enter a city art museum that he helped to pay for; or to have his children play in a city playground that he helped pay for. Yet that was the question at issue in the Watson case.

It is wholly appropriate that the Attorney General, a public official, should be authorized in title III and title IV to sue to maintain the clear constitutional rights of a large segment of the public. The Supreme Court has said:

> There is the highest public interest in the due observance of all the constitutional guarantees, including these that bear most directly on private rights; and we think it perfectly competent for Congress to authorize the United States to be the guardian of that public interest in a suit for injunctive relief. *United States* v. *Raines*, 362 U.S. 17, 27 (1960).

This statement was made of the right given the United States by the Civil Rights Acts of 1957 and 1960 to sue to vindicate the constitutional right to vote. The Court's reasoning is just as applicable to suits to vindicate the right of the public—all the public—to use the public parks, playgrounds, buildings, and schools.

Mr. President, suppose you attempted to go into Rock Creek Park with your loved ones on Sunday, but discovered you first had to go to court for authority to use these public facilities? How long would most white citizens tolerate such a state of affairs?

Is it any wonder that Negroes demonstrate? I abhor instances of violence and disorder. I deeply regret them; but people cannot be abused for years without repercussions.

I often wonder how the American Negro has kept himself clean from the forces of subversion for these many years.

It is nothing short of amazing that the American Negro has been so patient. If such things had happened to my family, I would not have been patient.

Put yourself in the other man's shoes, or as the old Indian said, "Let me walk a mile in the other man's moccasins."

"Do unto others as you would have them do unto you."

Mr. President, when we deny a person the right to enter a museum or a library because of race, when we deny him access to a public park because of race, when we do that, in America, the land of the free and the home of the brave—America, the Beautiful, as we say—there is something wrong. That is why title IV is in the bill. It is not in the bill because some radical designed it. It is in the bill to prevent radicalism.

We say, "You are colored. Get away from the lunch counter. You may be good enough to prepare the food but do not sit down and eat it. You may be good enough to fight for your country and die for your country, but do not try to live in it peacefully."

I reject that kind of philosophy.

In a sense, America is now in the midst of a struggle of anticolonialism. Those of us who seek to impose this yoke of superiority—which is nothing more or less than a refined definition of the ugly practice of colonialism—will find that the yoke of superiority will be ripped from our hands. We can either drop it peacefully and treat our fellow citizens as human beings or it will be torn from us—and rightly it should.

That is what this debate is all about. The question is: Are we going to decide the issue with due process of law, or will it be decided in the streets and back alleys with clubs and violence? That is the question.

The question is: Will it be decided by men who love their country and the Constitution, or will it be decided by those who would subvert it?

The Senate has a choice. If we have to stay here for many months to make that choice, we will do it. There will be no weakening. If the American Negro can wait a hundred years for the promises in the Emancipation Proclamation to become a reality, I can wait for a hundred weeks, if necessary, in this debate.

This debate will resolve the fundamental proposition as to whether we really believe that men and women are entitled to full civil equality. If we do not believe it, we should say so; then we can relegate ourselves to the past in the history of great nations. But if we do believe it, we should say so, and we shall stand high and strong in the great history of nations.

RIGHT OF ATTORNEY GENERAL TO SUE: AMPLE PRECEDENTS EXIST

We commonly rely on public officials to enforce public rights even though private interests are also involved. The public's right to free competition under the antitrust laws is enforced by the Attorney General and the Federal Trade Commission. The United States brings suit to enforce payment of tariffs levied to protect American manufacturers. The National Labor Relations Board brings suits to enjoin unfair labor practices by employers and employees. I call attention to a study, prepared by the Library of Congress and placed in the CONGRESSIONAL RECORD, volume 106, part 3, page 3665, which lists nearly 30 statutes providing for injunction suits by the United States in situations where private interests may also be affected.

In all these situations the United States is authorized to sue because it is asserting and vindicating the public interest, not private rights. The national interest at stake in titles III and IV is second to none in priority. It is concerned not with economic rights but with human rights—rights to an education, to the use of public facilities, to hold one's head up in dignity and equality. It is concerned not with statutory policies which may come and go, but with the fundamentals of our constitutional system and the basic political and moral principles which we proclaim and embody to the world. It is difficult to imagine a case which more clearly justifies an authorization to the United States to sue in the public interest.

Nevertheless, the provisions of titles III and IV are considerably more restricted than most of these other statutory provisions. The Attorney General may sue to protect economic rights of businessmen, regardless of their ability to finance and conduct effective litigation on their own behalf. But he is authorized to bring suit under titles III and IV to protect human rights which are not capable of measurement in economic terms only if he certifies first, that the private individuals affected are unable, directly or through other interested persons and organizations, to bear the expense of the litigation or to obtain effective legal representation, or second, that institution of the suit would jeopardize the employment or economic standing of, or might result in injury or economic damages to, such persons, their families, or their property.

Section 301(b) of the title sets out in some detail the circumstances under which a person may be deemed incapable of bringing suit. The financial test imposed is not met simply because the bringing of suit would be a financial burden, as it often is. The complainant must be unable, either alone or through

interested persons or organizations, to bear the costs of litigation or to obtain effective counsel. Alternatively, he may be considered unable to sue if to do so would result in economic or personal jeopardy to him or his family.

The purpose of the requirement that the Attorney General first find that the injured party is unable to bring suit is to assure that the Federal Government is not involved when private parties are able to undertake necessary legal action.

The bill requires the Attorney General to state in his complaint that he has received a complaint and that in his judgment the persons who complained are unable to initiate or maintain appropriate legal proceedings. These statements by the Attorney General will not be subject to challenge either by the defendants or by the court. Under no circumstances will the Attorney General be required to reveal the names of the particular complainants. Of course, if the defendants deny that they discriminate, it would always be necessary for the Attorney General to prove discrimination to the satisfaction of the court.

In short, we are still relying on private litigation as the first line of action to make constitutional rights effective. The Attorney General may act only where he finds, in the particular case, that private litigants do not have and cannot obtain the resources necessary, or that they are likely to incur reprisals for their temerity in claiming their constitutional rights.

Ordinarily, the United States is not liable for costs when it brings a suit, but titles III and IV depart from this settled principle by providing that the United States shall be liable for costs if it loses. This is another example of the way this bill leans over backward to be moderate and fair.

Titles III and IV should be—and I am confident will be—approved by the Congress.

EXTENSION OF CIVIL RIGHTS COMMISSION: TITLE V

Mr. President, title V of H.R. 7152 extends the life of the Commission on Civil Rights for an additional 4 years, that is, to January 31, 1968. In addition, the Commission is given new authority to serve as a national clearinghouse for information concerning denials of equal protection of the laws and to investigate charges of fraud or discrimination in the conduct of Federal elections. The title also makes procedural and technical changes in the Commission's governing statute.

Since its establishment in 1957, the Commission has actively investigated allegations that citizens of the United States are being deprived of their right to vote or to have their vote counted by reason of their color, race, religion, or national origin. The Commission has studied, collected information, and reported on practices constituting a denial of equal protection of the laws under the Constitution.

The Commission's reports, recommendations, and appraisals of relevant laws and policies have been invaluable in providing a basis for remedial action by Congress and the executive branch, and in informing the public. In fact, almost every provision of H.R. 7152 has some basis in facts and recommendations developed by the Commission and its 50 State advisory committees.

The need for such studies and reports has not decreased in the past 7 years. Unfortunately, discrimination and the denial of civil rights continues, and are not confined to any one part of the country. A continuing investigation of this many-faceted problem is clearly needed. The Civil Rights Commission has done an excellent job in the past; title V of the bill would enable it to continue its work. And the extension of its life for 4 years should make it easier for it to get and keep a capable staff.

Title V would also give the Commission several new and useful functions. Many private and governmental organizations are interested in obtaining information on civil rights matters. Title V would enable the Commission to serve as a national clearinghouse for receipt, and dissemination of such data. This exchange of material will facilitate, for all agencies concerned, the task of working to end deprivations of equal protection of the laws.

The Commission under title V would also be authorized to investigate allegations of vote fraud. The results of any such investigation would be useful to the Congress in determining whether existing Federal legislation is appropriate to deal with this problem.

The Commission's record since 1957 is the most persuasive testimony in favor of this 4-year extension.

Title V will be discussed at length and in detail by the able and distinguished Senator from Missouri [Mr. LONG] and the distinguished Senator from Pennsylvania [Mr. SCOTT].

ENDING DISCRIMINATION IN FEDERAL PROGRAMS: TITLE VI

Mr. President, title VI deals with racial discrimination in federally assisted programs. Its basic principle, set forth in section 601, is that:

> 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.

If anyone can be against that, he can be against Mother's Day. How can one justify discrimination in the use of Federal funds and Federal programs? President after President has announced that national policy is to end discrimination in Federal programs and Federal assistance. But, regrettably, there has been open violation of these policies.

As President Kennedy stated in his message of June 19, 1963:

> Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.

And, in fact, this principle is being applied under a number of Federal assistance programs. But, regrettably, there are important programs in which it is not.

FEDERAL FUNDS IN SEGREGATED ACTIVITIES

Substantial grants of Federal funds are made each year for construction and operation of public schools in federally impacted areas. Large sums of money are contributed by the United States each year for the construction, operation, and maintenance of segregated schools. For example, for fiscal year 1962 the following grants were made for construction and operation of public schools in impacted areas in five Southern States: Alabama, $6,948,061; Georgia, $6,200,863; Mississippi, $2,161,945; South Carolina, $4,331,576; Virginia, $15,639,603; total for the five States, $35,282,048.

Yet, for the school year 1962–63 Alabama, Mississippi, and South Carolina had no Negroes and whites together in any type of school. Georgia had only 44 Negroes in integrated schools, and only about one-half of 1 percent of Virginia's Negro children were in desegregated schools. Source: Annual report for 1962, Department of Health, Education, and Welfare, pages 288–89; report of Civil Right Commission, 1963, page 65. Substantial Federal funds go to segregated schools in other States. In short massive Federal funds are now being paid each year, to help construct and operate segregated schools, and thus to maintain and perpetuate a system which violates the Constitution.

Similarly, under the Hill-Burton Act, Federal grants are made to hospitals which admit whites only or Negroes only. The Civil Rights Commission, in its 1963 report reported that between 1946 and December 31, 1962, Federal grants totaling $36,775,994 were made to 89 racially segregated medical facilities. Of this a very small proportion—$4,080,308 and 13 projects—was for projects which admitted Negroes only; the rest had a "white only" label. One consequence of these Federal policies—which in this instance are required by Act of Congress—was stated by the U.S. Court of Appeals for the Fourth Circuit in a recent opinion:

> Racial discrimination in medical facilities is at least partly responsible for the fact that in North Carolina the rate of infant mortality [for Negroes] is twice the rate for whites and maternal deaths are five times greater. *Simkins* v. *Moses H. Cone Memorial Hospital*, 323 F. 2d 959, 970, n. 23 (1963).

In higher education also, a substantial part of the Federal grants to colleges, medical schools and so forth, in the South is still going to segregated institutions.

Nor is this all. In several States, agricultural extension services, supported by Federal funds, maintain racially segregated offices for Negroes and whites. See CONGRESSIONAL RECORD, volume 109, part 18, page 23531.

I do not know how it is possible to "plow black" and how to "plow white." It may be possible to do it, but I have never been able to discover the technique. Vocational training courses, supported with Federal funds, are given in segregated schools and institutions and often limit Negroes to training in less skilled occupations. In particular localities it is reported that Negroes have been cut off from relief rolls, or denied surplus agricultural commodities, or otherwise deprived of the benefit of federally assisted programs, in retaliation

for their participation in voter registration drives, sit-in demonstrations and the like

Much has been done by the executive branch to eliminate racial discrimination from federally assisted programs. President Kennedy, by Executive order, prohibited such discrimination in federally assisted housing, and in employment on federally assisted construction. Individual agencies have taken effective action for the programs they administer. But the time has come for across-the-board legislation by Congress, to declare a broad principle that is right and necessary, and to make it effective for every Federal program involving financial assistance by grant, loan, or contract.

The need for action is clear. This is an area in which the United States, like Caesar's wife, must be above suspicion.

NEED FOR LEGISLATION

Legislation is needed for several reasons. First, some Federal statutes appear to contemplate grants to racially segregated institutions. Such laws include the Hill-Burton Act of 1946, 42 United States Code 291e(f) for hospital construction; the second Morrill Act of 1890 for annual grants to land-grant colleges, 7 United States Code 323; and (by implication) the School Construction Act of 1950, 20 United States Code 636(b)(f). In each of these laws Congress expressed its basic intention to prohibit racial discrimination in obtaining the benefits of Federal funds. But in line with constitutional doctrines current when these laws were passed, it authorized the provision of "separate but equal" facilities. It may be that all of these statutory provisions are unconstitutional and separable, as the Court of Appeals for the Fourth Circuit has recently held in a case under the Hill-Burton Act. *Simkins* v. *Moses H. Cone Memorial Hospital,* 323 F. 2d 957 (C.A. 4, 1963), certiorari denied, March 2, 1964. But it is clearly desirable for Congress to wipe them off the books without waiting for further judicial action.

Second, most Federal agencies probably have authority now to eliminate racial discrimination in their assistance programs. Enactment of title VI will eliminate any conceivable doubts on this score and give express legislative support to the agency's actions. It will place Congress squarely on record on a basic issue of national policy on which Congress ought to be on record.

Third, some Federal agencies appear to have been reluctant to act in this area. Title VI will require them to act. Its enactment will thus serve to insure uniformity and permanence to the nondiscrimination policy.

Fourth, as Senators can well remember, in connection with legislation authorizing or continuing particular programs, a good deal of time has often been taken up with the so-called Powell amendment which would prohibit racial discrimination in the particular program. Many of us have argued that the issue of nondiscrimination should be handled in an overall, consistent way for all Federal programs, rather than piecemeal, and that it should be considered separately from the merits of particular programs of aid to education, health, and the like. This bill gives the Congress an opportunity to settle the issue of discrimination once and for all, in a uniform, across-the-board manner, and thereby to avoid having to debate the issue in piecemeal fashion every time any one of these Federal assistance programs is before the Congress.

Title VI is an authorization and a direction to each Federal agency administering a financial assistance program by way of grant, loan or contract, other than a contract of insurance or guaranty, to take action to effectuate the basic principle of nondiscrimination stated in section 601. Each agency must take some appropriate action; it may do so by "rule, regulation, or order of general applicability," but such a rule, regulation, or order must be approved by the President. Failure of a recipient to comply with such a rule, regulation, or order, may lead to a termination or refusal of Federal assistance. Termination of assistance, however, is not the objective of the title—I underscore this point—It is a last resort, to be used only if all else fails to achieve the real objective, the elimination of discrimination in the use and receipt of Federal funds. This fact deserves the greatest possible emphasis: Cutoff of Federal funds is seen as a last resort, when all voluntary means have failed.

TITLE VI IS NOT PUNITIVE

It seems to be assumed, by some of the opponents of title VI, that its purpose is a punitive or vindictive one. Nothing could be farther from the truth.

The purpose of title VI is to make sure that funds of the United States are not used to support racial discrimination. In many instances the practices of segregation or discrimination, which title VI seeks to end, are unconstitutional. This is clearly so wherever Federal funds go to a State agency which engages in racial discrimination. It may also be so where Federal funds go to support private, segregated institutions, under the decision in *Simkins* v. *Moses H. Cone Memorial Hospital,* 323 F. 2d 959 (C.A. 4, 1963), certificate denied, March 2, 1964. In all cases, such discrimination is contrary to national policy, and to the moral sense of the Nation. Thus, title VI is simply designed to insure that Federal funds are spent in accordance with the Constitution and the moral sense of the Nation.

Moreover, the purpose of title VI is not to cut off funds, but to end racial discrimination. This purpose is reflected in the requirement that any action taken by the Federal department or agency must be "consistent with the achievement of the objective of the statute authorizing the financial assistance in connection with which the action is taken." In general, cutoff of funds would not be consistent with the objectives of the Federal assistance statute if there are available other effective means of ending discrimination. And section 602, by authorizing the agency to achieve compliance "by any other means authorized by law" encourages agencies to find ways to end racial discrimination without refusing or terminating assistance.

Title VI does not confer a "shotgun" authority to cut off all Federal aid to a State. Any nondiscrimination requirement an agency adopts must be supportable as tending to end racial discrimination with respect to the particular program or activity to which it applies. Funds can be cut off only on an express finding that the particular recipient has failed to comply with that requirement. Thus, title VI does not authorize any cutoff or limitation of highway funds, for example, by reason of school segregation. And it does not authorize a cutoff, or other compliance action, on a statewide basis unless the State itself is engaging in discrimination on a statewide basis. For example, in the case of grants to impacted area schools, separate compliance action would have to be taken with respect to each school district receiving a grant.

Finally, the authority to cut off funds is hedged about with a number of procedural restrictions. Before funds would be cut off, the following would have to occur: First, the agency must adopt a nondiscrimination requirement, by rule, regulation, or order of general applicability; second, the President must approve that rule, regulation, or order; third, the agency must advise the recipient of assistance that he is not complying with that requirement, and seek to secure compliance by voluntary means; fourth, a hearing must be held before any formal compliance action is taken; fifth, the agency may, and in many cases will, seek to secure compliance by means not involving a cutoff of funds; sixth, if it determines that a refusal or termination of funds is appropriate, the agency must make an express finding that the particular person from whom funds are to be cut off has failed to comply with its nondiscrimination requirement; seventh, the agency must file a full written report with the appropriate congressional committee and 30 days must elapse; eighth, the aid recipient can obtain judicial review and may apply for a stay pending such review.

In short, title VI is a reasonable, moderate, cautious, carefully worked out solution to a situation that clearly calls for legislative action. Why, then, has it been so vehemently attacked in certain quarters? The answer, I submit, is clear. The opponents of title VI want the Federal Government to continue giving financial support to racial segregation. They are unwilling to challenge directly the principle that is stated in section 601—that public funds should not be expended in a way that promotes and maintains discrimination. And so they are attempting to flank attack, by seeking to create false and misleading impressions as to the intention and effect of title VI.

EFFECT ON SPECIFIC PROGRAMS

It, therefore, is important to be quite clear as to just what title VI would and would not do. In terms, it applies to well over a hundred different Federal assistance programs. In fact, however, its effect will be much more limited.

Perhaps the greatest amount of Federal assistance funds goes for direct programs, in which Federal funds are

paid directly by the United States to the ultimate recipient, such as social security payments, veterans' compensation and pensions, civil service and railroad retirement benefits. Contrary to assertions that have been made, title VI will have no practical effect on such programs, for two reasons. First, the Federal Government does not engage in racial discrimination in determining eligibility for and paying out benefits under such programs. It could not. Neither the statutes authorizing them, nor the fifth amendment to the Constitution, would permit such discrimination. Second, title VI would not authorize the withholding of any of these direct payments on the ground that the recipient engages in racial discrimination in connection with his business or other activities. It is irrelevant, to the purpose of these acts, what the recipient does with the money he receives. His employees, the customers of his business, or other persons with whom he deals, are in no sense participants in or beneficiaries of these Federal programs.

With respect to State welfare programs, which receive Federal grants under the Social Security Act or other Federal laws, the picture is basically the same, with one significant difference. Title VI will not authorize imposition of any requirements on the ultimate beneficiaries of these welfare payments, for the same reasons already discussed under the preceding heading. But it will result in requirements that the State agencies administering these programs refrain from racial discrimination in the allowance of benefits and in treatment of beneficiaries. For example, a State agency administering an unemployment compensation program which participates in the Federal Unemployment Trust Fund, would be prohibited from denying payments to otherwise eligible beneficiaries because they were Negroes, or because they had participated in voter registration drives or sitin demonstrations. The State agency could also be prohibited from maintaining segregated lines or waiting rooms for, or otherwise differentiating in its treatment of, white and Negro beneficiaries.

EFFECT ON HOUSING AND FARM PROGRAMS

Title VI will have little or no effect on federally assisted housing. This is so for two reasons. First, much Federal housing assistance is given by way of insurance or guaranty, such as FHA and VA mortgage insurance and guaranties. Programs of assistance by way of insurance and guaranty are expressly excluded from title VI. Hence enactment of title VI will have no effect on FHA and VA insurance and guaranties. It will impose no new requirements with respect to these programs. On the other hand it will not impair in any way the existing authority of the President, and the agencies administering these programs, to deal with problems of discrimination in them. The provisions of H.R. 7152 simply do not affect them one way or the other.

Second, in those cases where housing assistance is given by Federal grant or loan, such as loans to public housing and urban renewal projects, title VI will require that the public bodies or private entities receiving the benefits of any such loan refrain from racial discrimination. However, like requirements are already in effect under Executive Order No. 11063. Hence title VI will merely give statutory support to the regulations already in effect as to these programs.

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

Mr. HUMPHREY. I prefer not to yield until I conclude my prepared remarks.

Title VI will have little if any effect on farm programs. It will not affect direct Federal programs, such as CCC price support operations, crop insurance, and acreage allotment payments. It will not affect loans to farmers, except to make sure that the lending agencies follow nondiscriminatory policies. It will not require any farmer to change his employment policies. I hope the opponents of title VI will note this statement carefully—there has been a great deal of distortion and misunderstanding in precisely these areas.

Whether and to what extent title VI would affect employment in activities receiving Federal assistance will depend on the nature and purposes of the particular Federal assistance program.

Farm employment would not be affected by title VI. The various Federal programs of assistance to farmers, such as acreage allotments under the Agricultural Adjustment Act, were not intended to deal with problems of farm employment, and farm employees are generally not participants in or beneficiaries of such programs. Hence title VI would not authorize imposition of any requirements under these programs relating to racial discrimination in farm employment.

On the other hand, stimulation of employment is typically a significant purpose of Federal grants for construction of highways, airports, schools, and other public works. For example, in section 12 of the Public Works Acceleration Act of 1962, 42 United States Code 2641(a), Congress found that acceleration of public works construction, including construction assisted by Federal grants and loans, was:

Necessary to provide immediate useful work for the unemployed and underemployed.

Congress has generally required payment of prevailing wages, and adherence to the 8-hour day and 40-hour week, on such construction. Where Federal funds are made available in order to provide jobs, it would be unconscionable to permit racial discrimination in the availability of these jobs. Racial discrimination in construction financed by Federal grants and loans is now prohibited under Executive Order No. 11114. Title VI would give statutory support to the policy reflected in this Executive order, and would require its extension to those agencies which presently take the position that they are not legally able to comply with it.

Employees and applicants for employment are the primary beneficiaries of Federal assistance to State employment services. Title VI would thus authorize adoption of regulations requiring the elimination of racial discrimination in referral practices, treatment of job applicants, et cetera, by such State employment services receiving Federal funds. For like reasons, it would authorize action in connection with federally assisted vocational training programs.

In this area there is some overlap between title VI and title VII. Both titles call for initial reliance on voluntary methods for achieving compliance. If such methods fail, then the department or agency administering a Federal assistance program would consider the availability of a suit under title VII in determining what means of obtaining compliance with its nondiscrimination requirement would be most effective and consistent with the objectives of the Federal assistance statute.

EFFECT ON EDUCATION PROGRAMS

Title VI would have a substantial and eminently desirable impact on programs of assistance to education. Title VI would require elimination of racial discrimination and segregation in all "impacted area" schools receiving Federal grants under Public Laws 815 and 874. Racial segregation at such schools is now prohibited by the Constitution. The Commissioner of Education would be warranted in relying on any existing plans of desegregation which appeared adequate and effective, and on litigation by private parties or by the Attorney General under title IV of H.R. 7152, as the primary means of securing compliance with this nondiscriminatory requirement. It is not expected that funds would be cut off so long as reasonable steps were being taken in good faith to end unconstitutional segregation.

In such cases the Commissioner might also be justified in requiring elimination of racial discrimination in employment or assignment of teachers, at least where such discrimination affected the educational opportunities of students. See *Board of Education* v. *Braxton*, C.A. 5, Jan. 10, 1964, 32 U.S. Law Week 2353.

This does not mean that title VI would authorize a Federal official to prescribe pupil assignments, or to select a faculty, as opponents of the bill have suggested. The only authority conferred would be authority to adopt, with the approval of the President, a general requirement that the local school authority refrain from racial discrimination in treatment of pupils and teachers, and authority to achieve compliance with that requirement by cutoff of funds or by other means authorized by law.

In the administration of the school lunch program title VI would also authorize a requirement that the schools receiving school lunch money not engage in racial discrimination. Cutoff of funds would, however, generally be inconsistent with the objectives of the school lunch program, which are to provide urgently needed food for growing bodies, and such cutoffs would not occur so long as other means of achieving compliance were available.

In connection with various Federal programs of aid to higher education, language institutes, research grants to colleges, and the like, title VI would similarly authorize requirements of nondiscrimination. In a number of programs, such action has already been taken.

Title VI would override the "separate but equal" provisions now in the Hill-Burton Act. The policy of the title might be enforced here by requiring that hospitals receiving Federal construction grants under the Hill-Burton Act agree not to exclude or segregate patients, or otherwise discriminate in their treatment of patients, because of race, color or national origin. Such hospitals could also be required to refrain from racial discrimination in extending hospital privileges to doctors, and in employment of doctors and nurses. Any such discrimination is unconstitutional under the decision of the U.S. Court of Appeals for the Fourth Circuit. *Simkins* v. *Moses H. Cone Memorial Hospital,* 323 F. 2d 959 (C.A. 4, 1963), certiorari denied, March 2, 1964. Discriminatory treatment of patients is obviously a discrimination against beneficiaries of the Hill-Burton Act. And, just as the relevant Federal agency might be justified in requiring elimination of racial discrimination with respect to teachers in education programs, the administrator of the Hill-Burton program might be justified in adopting regulations dealing with discrimination with respect to the professional staff of a hospital, that is, doctors and nurses.

In making grants to medical schools, hospitals and others to promote knowledge and training in the field of health, the Federal Government could require freedom from racial discrimination against participants in the program, just as in the case of other forms of assistance to education and training.

Title VI, contrary to the arguments of some of its opponents, would have little if any effect on banking. Programs of insurance of bank deposits, such as FDIC and FSLIC are expressly excluded.

NO NEW FEDERAL AUTHORITY IN TITLE VI

It has also been argued that title VI would confer sweeping new authority, of undefined scope, to Federal departments and agencies. In fact, the opposite is the case. Most agencies extending Federal assistance now have authority to refuse or terminate assistance for failure to comply with a variety of requirements imposed by statute or by administrative action. This existing statutory authority is, however, not surrounded by the procedural safeguards for which title VI provides.

For example, the Secretary of Labor is authorized to make grants to State employment services if he finds that the State plan is "reasonably appropriate and adequate to carry out" the purposes of the Federal law—29 United States Code 49g. He is empowered to determine whether the State employment service is conducted in accordance with his rules and regulations, and to withhold payments if he determines that the State "has not properly expended the moneys paid to it." Provision is made for notice in writing to the State, but not for hearing or judicial review—29 United States Code 49h. This is under existing law.

To give only one of many examples, the School Lunch Act, 42 United States Code 175b, now authorizes payments to States:

> In accordance with such agreements, not inconsistent with the provisions of this chapter, as may be entered into by the Secretary [of Agriculture] and such State educational agency. 42 U.S.C. 175b.

Funds are paid by the States to public and private schools in accordance with further agreement which must also be approved by the Secretary. Implicit in the authority to enter into agreements is the further authority to deny a grant to a State or school which refuses to agree to terms approved by the Secretary, and to terminate assistance for failure to comply with the agreements entered into. In fact the Secretary's regulations provide that any State or school may be disqualified from future participation if it fails to comply with the provisions of its agreement. No provision is made in the act for notice, hearing, or judicial review. This act is typical of the pattern of many Federal assistance statutes. A comparison of its provisions with those of title VI show what unusual and detailed procedural safeguards have been carefully written into title VI.

Title VI is also not an interference in any sense with private business and individual rights. It does not confer any new Federal authority; it merely states how the authority conferred by other laws is to be administered. It is not a regulatory measure, but an exercise of the unquestioned power of the Federal Government to "fix the terms on which Federal funds shall be disbursed." *Oklahoma* v. *Civil Service Commission,* 330 U.S. 127, 143 (1947). No recipient is required to accept Federal aid. If he does so voluntarily, he must take it on the conditions on which it is offered.

BALANCED AND MODERATE APPROACH

As originally introduced, title VI was wholly discretionary; it did not require any action by Federal agencies. Alternative proposals have been made which would require immediate cutoff of Federal funds wherever racial discrimination exists. I think title VI in its present form strikes a reasonable and sound balance between these two positions. On the one hand, it requires Federal agencies to take action to effectuate the nondiscrimination policies. This is necessary. If, as I deeply feel, it is contrary to our basic political and moral principles to allow Federal funds to be used to support and perpetuate racial discrimination, then it is right for Congress to require every Federal department and agency, without exception, to act to eliminate any such discrimination.

But at the same time it is wise to leave the agencies a good deal of discretion as to how they will act. We are dealing with a large number of programs, each with its own special problems and patterns of administration. What is appropriate for one program may not fit another.

The objective of title VI is, and should be, to end discrimination, and not to cut off Federal funds. In its present form, title VI is drafted on the theory that cutoff of funds should be avoided if racial discrimination can be ended by other means. It encourages Federal departments and agencies to be resourceful in finding ways of ending discrimination voluntarily without forcing a termination of funds needed for education, public health, social welfare, disaster relief, and other urgent programs. Cutoff of funds needed for such purposes should be the last step, not the first, in an effective program to end racial discrimination. Title VI would require that funds be refused or terminated if other methods of ending discrimination are not available, or have not proved effective. But it would allow Federal departments and agencies to try such other methods first.

THE NEED FOR MODERATION

Mandatory, immediate cutoffs of Federal funds would defeat important objectives of Federal legislation, without commensurate gains in eliminating racial discrimination or segregation. Therefore, the desire and the objective is to seek compliance with this important title without exercising the mandatory provisions. Some examples will illustrate the point.

The Supreme Court, while declaring that racial segregation in public schools is prohibited by the Constitution, has recognized the practical problems inherent in changing a long-established community pattern and has approved the concept of desegregation with all deliberate speed. Depending on the circumstances, Federal courts have approved plans of progressive desegregation which will take a period of years to complete. Under title VI in its present form, Federal authorities in administering programs of financial assistance to public schools—such as grants to schools in federally impacted areas for construction and operation, school lunch programs, grants for science, mathematics, and modern language instruction, and the like—would be justified in accepting a reasonable plan for gradual desegregation, whether adopted under court order or voluntarily, as sufficient compliance with section 601 so long as it was being carried out in good faith. A flat prohibition against extending Federal assistance to segregated institutions would mean, in such cases, that the public school either had to achieve immediate, total desegregation even though a Federal court may have found such a plan impracticable or not in the best interests of the community, or else forgo the benefit of Federal funds necessary to an adequate educational program or to the proper nourishment of growing children. Indeed, where a court has approved a particular plan for desegregation, to require the school board to adopt a different plan under compulsion of a mandatory cutoff of Federal funds might place it in contempt of court, or create an unseemly conflict between Federal agencies and Federal courts.

Public education is most needed by the poorer and least privileged children. The same is true of school lunches, and of special programs of aid to handicapped children—blind, deaf, mentally

retarded, and so forth. The unhappy experience in Prince Edward County, Va., shows that, while everyone suffers when public schools are closed, Negroes are the hardest hit. The same is true when the level of school services is reduced. What is needed, therefore, is a balance between the goal of eliminating discrimination and the goal of providing education, food, and so forth, to those most in need of it, including Negroes and members of other minority groups. Title VI in its present form seeks to preserve enough flexibility in method of achieving compliance to make such a balance possible.

Another example is afforded by disaster relief programs. Racial discrimination or segregation in the administration of disaster relief is particularly shocking; and offensive to our sense of justice and fair play. Human suffering draws no color lines, and the administration of help to the sufferers should not. Agencies administering disaster relief programs must, and doubtless will, make every effort to act, in advance of an emergency, to make sure that methods of administering relief are set up on a nondiscriminatory basis. But when an emergency situation strikes, relief must be prompt. If a hard choice has to be made between saving lives and eliminating segregation, human life may have to come first. Situations may arise where the first essential is to get food, clothing and shelter to the people who need it, through whatever agencies are quickly available, and then work to ensure that for the future any possibility of racial segregation or discrimination is precluded. A title VI which required Federal agencies to deny or delay the food, shelter, clothing and medical attention necessary to preserve life would not be in the public interest.

Effective and lasting elimination of discriminatory practices often requires a considerable measure of acceptance by public officials and the community. Such acceptance is less likely in an atmosphere in which Federal agencies are confined to taking drastic action which local officials and local public opinion are apt to regard as harsh and punitive. This is especially true in matters which deeply affect large numbers of individuals, such as education, public welfare, public health, employment, disaster relief, and so forth. Placing the emphasis on constructive measures—on adjustment of differences, on use of available local agencies or of the courts, on establishing working machinery to handle complaints of discrimination, and so forth—may avoid the headon clashes of Federal and State or local authority, the charges and countercharges, and the building up of intense popular feelings which a sudden and drastic cutoff of funds is apt to provoke. In a highly charged emotional atmosphere, it is desirable to give the officials administering a Federal assistance program the maximum flexibility as to the method by which to eliminate racial discrimination in that way which is least apt to arouse intense ill-feeling.

This is not to say that Federal departments and agencies may indefinitely tolerate racial discrimination, simply because its elimination would arouse dissent or hostility in some quarters in the locality or State. Title VI is a clear mandate to eliminate such discrimination, and each Federal department and agency is answerable to the President and the Congress for the way in which it carries out that mandate. But, in carrying out a difficult task, the departments and agencies should not be denied any available resources for constructive action.

EQUAL EMPLOYMENT OPPORTUNITY: TITLE VII

I would like to turn now to the problem of racial discrimination in employment. At the present time Negroes and members of other minority groups do not have an equal chance to be hired, to be promoted, and to be given the most desirable assignments. They are treated unequally in some labor unions and are discriminated against by many employment agencies.

No civil rights legislation would be complete unless it dealt with this problem. Fair treatment in employment is as important as any other area of civil rights. What good does it do a Negro to be able to eat in a fine restaurant if he cannot afford to pay the bill? What good does it do him to be accepted in a hotel that is too expensive for his modest income? How can a Negro child be motivated to take full advantage of integrated educational facilities if he has no hope of getting a job where he can use that education? We all know of cases where fine Negro men and women with distinguished records in our best universities have been unable to find any kind of job that will make use of their training and skills.

The Negro is the principal victim of discrimination in employment. According to Labor Department statistics, the unemployment rate among nonwhites is over twice as high as among whites. More significantly, among male family breadwinners, those with dependents to support, the unemployment rate is three times as high among nonwhites as among whites. And although nonwhites constitute only 11 percent of the total work force, they account for 25 percent of all workers unemployed for 6 months or more.

Discrimination also affects the kind of jobs Negroes can get. Generally, it is the lower paid and less desirable jobs which are filled by Negroes. For example, 17 percent of nonwhite workers have white collar jobs; among white workers the figure is 47 percent. On the other hand, only 4 percent of the whites who are employed work at unskilled jobs in nonagricultural industries; among nonwhites the figure is 14 percent.

It would be a great mistake to think that this situation is due solely to Negroes' lower educational attainments—although the educational factor undoubtedly has a good deal to do with this problem. The shameful fact is that educated Negroes often are denied the chance to get jobs for which they are trained and qualified. A recent study by the Department of Labor revealed that only 43 percent of all nonwhites with technical training held jobs on which they used that training, compared to 60 percent of all workers. Eighty percent of white college graduates have professional, technical, or managerial jobs, but only 70 percent of Negro college graduates have such positions commensurate with their education. At lower educational levels the situation is worse. Only 2 percent of white women who have graduated from high school but not completed college are domestic workers, but fully 20 percent of Negro women with this much education can find only domestic work.

Even within their professions nonwhites earn much less than white people. It is a depressing fact that a Negro with 4 years of college can expect to earn less in his lifetime than a white man who quit school after the eighth grade. In fact, Negro college graduates have only half the lifetime earnings of white college graduates.

Mr. President, I ask unanimous consent to print at this point in the RECORD the results of a Bureau of the Census study on the comparative lifetime earnings of whites and Negroes at various educational levels.

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

Estimated lifetime earnings of males, by color (earnings from 18 to 64)

Highest grade completed	White	Nonwhite	Nonwhite as percent of white
Total	$241,000	$122,000	51
Elementary school:			
Less than 8 years	157,000	95,000	61
8 years	191,000	123,000	64
High school:			
1 to 3 years	221,000	132,000	60
4 years	253,000	151,000	60
College:			
1 to 3 years	301,000	162,000	54
4 years	395,000	185,000	47
5 years or more	466,000	246,000	53

Source: U.S. Bureau of the Census.

Discrimination in employment is not confined to any region—it is widespread in every part of the country. It is harmful to Negroes and to members of other minority groups. It is also harmful to the Nation as a whole. The Council of Economic Advisers has recently estimated that full utilization of the present educational attainment of nonwhites in this country would add about $13 billion to our gross national product.

So, discrimination in employment is not only costly in terms of what it does to a human being, his general nature, his attitude toward his country and himself, but it is costing the American economy billions of dollars in loss of income.

THIS SITUATION IS GETTING WORSE

It is wishful thinking to believe that this situation is improving and will gradually correct itself. While progress can be shown in some areas, for example, employment in Federal, State, and local government, in other respects the relative position of the Negro worker is steadily worsening. In 1947 the nonwhite unemployment rate was only 64 percent higher than the white rate; in 1962 it was 124 percent higher.

These figures do not mean that prejudice is increasing. They simply reflect the fact that automation is gradually doing away with the unskilled and semiskilled jobs which have been traditionally open to Negroes, while the Negro is being excluded, both by lack of training and by discrimination, from the new jobs which are being created. For example, 1 in every 6 white workers is employed as a salesman, as compared to 1 in every 64 Negroes. It is expected that 1 million new sales jobs will exist by 1970. One in every three white women workers is employed in a clerical job; for Negro women the figure is one in nine. There are expected to be 3 million new clerical jobs by 1970.

On the other hand, production jobs, the area in which Negroes made the most impressive gains during and after World War II, are the very jobs which are declining in number and are likely to continue to decline in the future. Consequently, our technological advances are adding to the burdens of the Negro. He is very much in the position of a man running up a down escalator. He must run very hard simply to stay in the same place.

I cite these statistics to emphasize the plight of the Negro in our economy. I do not suggest that, if discriminatory practices by employers and labor unions could be abolished overnight as the result of the passage of this bill, the employment problems of the Negro would be completely solved. They would not be. It profits little to attempt to calculate how much the disparity in employment opportunities for whites and for nonwhites is ascribable to outright discrimination in employment, how much to discrimination in education, how much to discrimination in the present, and how much to the legacy of discrimination in the past. The problem is before us and its solution calls for action, not explanations.

The crux of the problem is to open employment opportunities for Negroes in occupations which have been traditionally closed to them. This requires both an end to the discrimination which now prevails and an upgrading of Negro occupational skills through education and training. Neither task can be given priority over the other. They are as interdependent as the chicken and the egg and must be attacked simultaneously. Negroes cannot be expected to train themselves for positions which they know will be denied to them because of their color. Nor can patterns of discrimination be effectively broken down until Negroes in sizable numbers are available for the jobs to be filled. The problem of education is dealt with in part in title IV of this bill, and in title VI, as it affects programs of Federal assistance to education.

Title VII is designed to give Negroes and other minority group members a fair chance to earn a livelihood and contribute their talents to the building of a more prosperous America. The policy of title VII is stated in section 701(a), which reads:

The Congress hereby declares that the opportunity for employment without discrimination of the types described in sections 704 and 705 is a right of all persons within the jurisdiction of the United States, and that it is the national policy to protect the right of the individual to be free from such discrimination.

Title VII deals with discrimination in employment on grounds of race, color, religion, sex, or national origin. It is the only title of the bill which touches discrimination on grounds of sex. This provision was added on the floor of the House. When it becomes fully effective, the title will make it an unlawful employment practice for employers of 25 or more persons in industries affecting interstate commerce, for labor organizations with 25 or more members in such industries, and for employment agencies to discriminate in hiring or other aspects of employment, union membership, or job referral. Exemptions are provided for religious organizations and religious educational institutions, and for situations in which religion, sex, or national origin is a bona fide occupational qualification.

The constitutional basis for title VII is, of course, the commerce clause. The courts have held time and again that the commerce clause authorizes Congress to enact legislation to regulate employment relations which affect interstate and foreign commerce. *Texas & N.O. R.R. Co. v. Brotherhood of Railway Clerks,* 281 U.S. 543 (1930); *NLRB v. Jones & Laughlin Steel Corp.,* 301 U.S. 1 (1937). I think there can be no question that if Congress can prevent discrimination in employment on the basis of membership or nonmembership in a labor union, as it does in the National Labor Relations Act, it can prevent discrimination on the basis of race, color, religion, sex, or national origin.

FEP LEGISLATION IN 25 STATES

There is no novelty in fair employment practices legislation. Some 25 States already have such laws and they have, on the whole, worked well and caused no meaningful disruption of business or private rights. The coverage of such laws is generally as broad or broader than the coverage of title VII. Except as regards discrimination in employment on grounds of sex, which is, I am informed, presently covered by the FEPC laws of only two States, title VII will not impose any substantial new obligations on employers or unions in those States which already have effective State fair employment practice laws. Mr. President, I ask unanimous consent that a list of the States which have enacted FEP legislation be printed at this point in the RECORD.

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

LIST OF STATES HAVING STATUTES PROHIBITING DISCRIMINATION IN EMPLOYMENT

Alaska: Alaska Compensation Laws Annotated, section 43-5-1 (Supplement 1958).

California: California Labor Code, section 1412.

Colorado: Colorado Revised Statutes Annotated, section 80-24-1 (1953).

Connecticut: Connecticut General Statutes Revised, section 31-122 (1958).

Delaware: Laws of Delaware, chapter 337, volume 52 (1960).

Hawaii: Act 180 (1963 session).

Idaho: Idaho Session Laws (1961, chapter 309).

Illinois: S.B. 609 (1961).

Indiana: Indiana Annotated Statutes, section 40-2307 (1956).

Iowa: House file 589 (1963 session).

Kansas: Kansas General Statutes Annotated, section 44-1001 (Supplement 1959).

Massachusetts: Massachusetts Annotated Laws, chapter 151B, sections 1-10 (1957).

Michigan: Michigan Statutes Annotated, section 17.458(1) (1960).

Minnesota: Minnesota Laws 1961, chapter 428.

Missouri: S.B. 257 (1961).

New Jersey: New Jersey Statutes Annotated, section 18: 25-4 (Supplement 1960).

New Mexico: New Mexico Statutes Annotated, section 59-4-1 (Supplement 1961).

New York: New York Executive Law, section 290.

Ohio: Ohio Revised Code Annotated, section 4112.01 (p. Supplement 1959).

Oregon: Oregon Revised Statutes, section 659.010 (1959).

Pennsylvania: Pennsylvania Human Relations Act, Pennsylvania Laws 1961, Act No. 19.

Rhode Island: Rhode Island General Laws Annotated, section 28-5-1 (1956).

Vermont: Act No. 196 (1963 session).

Washington: Washington Revised Code, section 49.60.030 (1959).

Wisconsin: Wisconsin Statutes Annotated, section 111.31 (1957).

Mr. HUMPHREY. Mr. President, title VII provides a very moderate and reasonable remedy for problems of racial discrimination in employment. Unlike most State fair employment laws it vests all enforcement powers in the courts, rather than in an administrative agency. This is an important difference. Ample time for adjustment is afforded by the provision that it will not become effective at all for 1 year, and will not become fully effective for 4 years. Again the doctrine of reasonableness has been applied to his bill. There is no effort suddenly to impose on the economy vast new legislation, in an effort to arrive at an immediate solution to a long-range problem.

Title VII would establish a five-member bipartisan Equal Employment Opportunities Commission, which would be responsible for receiving and investigating complaints of unlawful employment practices and for seeking to bring about voluntary compliance with the requirements of the title. However, the Commission will not have any responsibility for adjudicating complaints or any power to issue enforcement orders. In this respect the title is a departure from the usual statutory scheme for independent regulatory agencies.

DESCRIPTION OF PROCEDURE UNDER TITLE VII

The first step in any proceeding under title VII is the filing with the Commission of a charge of discrimination. The charge may be filed by the person allegedly discriminated against or by someone on his behalf. In either case the charge must be in writing and under oath. A written charge may also be filed by a member of the Commission where he has reasonable cause to believe that an unlawful act of discrimination has occurred. In any case where the alleged act of discrimination arises in a State which has an effective equal employment opportunity law, and the Commission has pursuant to section 708(b) en-

tered into an agreement with the State authorities providing for exclusive State jurisdiction of such cases, the charge would be turned over to the State agency to be handled under State procedures.

Assuming that an agreement applicable to the charge in question is not in effect, the Commission, upon receipt of the charge, shall furnish a copy of the charge to the respondent—that is, the employer, employment agency, or labor organization accused of discrimination; and the Commission shall investigate the charge. How thorough an investigation is made at this stage will depend on the facts of the case. Presumably the respondent will be questioned and perhaps his records examined. However, the Commission and its investigators must and do have discretionary power to cut short an investigation where preliminary inquiry indicates no basis to the charge.

When the charge has been investigated, presumably by the Commission staff, it will be referred to the Commission, or perhaps to a panel of the Commission. If, at this stage, at least two members of the Commission conclude that there is reasonable cause to believe the charge is true, the Commission shall endeavor to eliminate the discrimination by informal means of conciliation and persuasion. If, on the other hand, after an investigation which the Commission believes adequate, at least two members do not conclude that such reasonable cause exists, the matter will be dropped. The Commission is intended to have considerable flexibility in designing procedures to screen cases at this stage. For example, the requirement that at least two Commission members conclude that reasonable cause exists does not mean necessarily that all five Commission members must review the results of each investigation. A panel of three members might be set up. If none or only one of the panel concludes that reasonable cause exists the proceeding could be dropped, or the Commission might reasonably provide that where one member out of the three on the panel reaches this conclusion, the remaining two should also consider the matter. Inevitably, much will depend on the Commission's caseload.

Assuming that two members have found reasonable cause, the Commission will proceed to attempt to conciliate the dispute. This procedure is wholly voluntary. A respondent cannot be compelled to participate in these procedures; and if he does so, his statements and actions in the course of conciliation cannot be used as evidence in a subsequent proceeding. The experience in the States with fair employment practice laws indicates that such informal procedures are the most effective means of bringing about compliance with requirements for nondiscrimination.

If the Commission is unable through its conciliation procedures to obtain voluntary compliance, it must again consider whether on the basis of all the information available to it, reasonable cause exists to believe the respondent has engaged in an unlawful discriminatory practice and whether a suit should be brought to compel compliance. If the Commission, that is to say, a majority of the members, decides that reasonable cause does exist, ordinarily a suit for preventive relief would be brought in a Federal district court in the judicial district in which the unlawful employment practice allegedly occurred or in the judicial district in which the respondent has his principal office. However, the Commission members may, by an affirmative vote, decide not to bring suit in a given case.

So this is not a harsh section; instead, it is a moderate section. It profits from the experience with some 25 State statutes and with long hearings before committees of the House of Representatives and of the Senate during the 15 years that I have been a Member of the Senate.

If the Commission at this stage of the proceeding decides not to sue, or if at any earlier stage it decides to proceed no further because of absence of reasonable cause, the party allegedly discriminated against may bring his own suit in Federal court, provided he obtains the written permission of one member of the Commission. However, the party would have to bear his own costs in such litigation, just like any other private plaintiff in a civil action.

The suit against the respondent, whether brought by the Commission or by the complaining party, would proceed in the usual manner for litigation in the Federal courts. It would not be in any sense a suit for judicial review of Commission action, but would be a trial de novo. This, too, is very significant. The respondent, now the defendant, would have a full opportunity to make his defense and the plaintiff would have the burden of proving that discrimination had occurred. The suit would ordinarily be heard by the judge sitting without a jury in accordance with the customary practice for suits for preventive relief. However, the judge is authorized to refer the case to a master, to hear testimony and submit a report and recommended order, which then would be reviewed by the judge.

The relief sought in such a suit would be an injunction against future acts or practices of discrimination, but the court could order appropriate affirmative relief, such as hiring or reinstatement of employees and the payment of back pay. This relief is similar to that available under the National Labor Relations Act in connection with unfair labor practices, 29 United States Code 160(b). No court order can require hiring, reinstatement, admission to membership, or payment of back pay for anyone who was not fired, refused employment or advancement or admission to a union by an act of discrimination forbidden by this title. This is stated expressly in the last sentence of section 707(e), which makes clear what is implicit throughout the whole title; namely, that employers may hire and fire, promote and refuse to promote for any reason, good or bad, provided only that individuals may not be discriminated against because of race, religion, sex, or national origin.

I hope this presentation will set to rest the doubts about this bill which have been voiced by many union members across the country. This bill is not an instrument to abolish seniority or unions themselves, as some have charged. The only standard which the bill establishes for unions and management alike is that race will not be used as a basis for discriminatory treatment. The full rights and privileges of union membership, as protected by other Federal laws and court decisions, will in no way be impaired. As a longstanding friend of the American worker, I would not support this fair and reasonable equal employment opportunity provision if it would have any harmful effect on unions. The truth is that this title forbids discriminating against anyone on account of race. This is the simple and complete truth about title VII.

The able Senators in charge of title VII [Mr. CLARK and Mr. CASE] will comment at greater length on this matter.

Contrary to the allegations of some opponents of this title, there is nothing in it that will give any power to the Commission or to any court to require hiring, firing, or promotion of employees in order to meet a racial "quota" or to achieve a certain racial balance.

That bugaboo has been brought up a dozen times; but it is nonexistent. In fact, the very opposite is true. Title VII prohibits discrimination. In effect, it says that race, religion and national origin are not to be used as the basis for hiring and firing. Title VII is designed to encourage hiring on the basis of ability and qualifications, not race or religion.

In title VII we seek to prevent discriminatory hiring practices. We seek to give people an opportunity to be hired on the basis of merit, and to release the tremendous talents of the American people, rather than to keep their talents buried under prejudice or discrimination.

Racial prejudice in employment is one of the most wasteful practices for the economy. Senators and Members of the House of Representatives who are worried about waste would do well to see to it that this monstrous waste is eliminated. We seek to eliminate it by means of this title—and not merely by force of law, but also by the informal procedures of conference, conciliation, and mediation. We seek to use State statutes and local statutes and ordinances wherever they exist.

Every bit of evidence we have in connection with fair employment practice laws indicates that such a statute not only is good law, good morals, and good labor-management practice, but it also is good economics. When all of that can be put into one package, certainly it deserves our very serious consideration.

The present President, Lyndon B. Johnson, took great pride as Vice President in telling the American people and the Congress of the encouraging results which were obtained in hundreds of companies throughout the United States during his tenure as Chairman of the President's Committee on Equal Employment Opportunity. What was the result? Did it jeopardize security? Did it reduce income? Did it threaten the

production line with stability and work stoppages? Did it result in favoritism? Did it result in all the worries that some of the opponents of title VII have?

The answer is "No." The answer is that the program that was utilized by the then Vice President, and now the President of the United States, worked; and it worked for the national interest. It worked for business interests. It worked for domestic tranquility. It worked for individual well being.

No State which has passed a fair employment practices law has repealed it. No President since the time of Franklin Delano Roosevelt has recommended anything less than fair employment practice for Federal employees and Federal contracts. There is a compelling case for title VII. Full protections are written into the title. The Commission itself would have no enforcement power. The most it could do would be to investigate the complaints of an aggrieved party, and, if the person who brings the complaint has a justifiable case, to take that case to a Federal court and to seek some remedy through the processes of law.

COOPERATION WITH STATE AUTHORITIES

As I have stated, the title specifically provides for the continued effectiveness of State laws and procedures for dealing with discrimination in employment. Where State remedies are available, an aggrieved person would always be free to take advantage of them. Furthermore, the Commission is authorized to cooperate with State agencies, and where it concludes that such agencies are effectively handling any class of cases, the Commission is directed by section 708(b) to enter into agreements with these agencies whereby such cases would be handled exclusively by the State agencies.

It has been suggested that this direction to the Commission is not enough, that there should be some provision automatically providing for exclusive State jurisdiction where adequate State remedies for discrimination in employment exist. Such a proposal is unworkable. Congress cannot determine nor can we devise a formula for determining which State laws and procedures are adequate. The State fair employment practices laws differ in coverage. They differ in enforcement machinery. Several have been enacted within the past 2 or 3 years, and it would be impossible to judge their effectiveness. Other States may adopt such laws after this bill is passed, and it obviously would be impossible to predict what standards and procedures such future State laws would provide. An antidiscrimination law cannot be evaluated simply by an examination of its provisions, "for the letter killeth, but the spirit giveth life." The Commission must have authority to determine in which States and in which classes of cases it will refrain from exercising its jurisdiction. In point of fact, the task we are assigning to the Commission is so immense, I have little doubt that the Commission will from sheer necessity avail itself to the fullest of the provisions of section 708(b).

Objection has been raised to title VII on the ground that with nondiscrimination laws in effect in 25 States, including all the major industrial States, there is little need for a Federal law. This is not a valid objection.

First, as I have just stated, the State laws are of unequal coverage and effectiveness; second, the States have experienced difficulty in dealing with large, multiphased operations of business in interstate commerce; third, and most important, 25 States do not have general legislation in this area, among them States with large Negro populations. Indeed, roughly 60 percent of American Negroes live in States with no legislation against discrimination in employment, and these are precisely the people who need this protection the most.

In States having a large Negro population, in which State fair employment practice laws are in effect, they have helped to secure equal employment opportunities.

I might add that in the hearings that have been held by Senate and House committees on equal employment opportunity legislation, testimony was heard from representatives of several agencies administering State FEP laws, and all agreed that there was a definite need for Federal legislation.

COMMISSION'S INVESTIGATORY POWERS

The investigatory duties and power of the Equal Employment Opportunity Commission are set out in sections 709 and 710. Section 710, in turn, incorporates by reference the provisions of sections 9 and 10 of the Federal Trade Commission Act, 15 U.S.C. 49, 50, in support of the Commission's investigatory powers.

Section 709(a) provides that in connection with any investigation of a charge filed under section 707 the Commission or its representatives shall at all reasonable times have access, for the purposes of examination and copying, to any evidence in the possession of a person being investigated that relates to the subject of the investigation. The language of this subsection was amended in the House to bring it into line with the provisions of the Federal Trade Commission Act incorporated by reference. It is important to note that the Commission's power to conduct an investigation can be exercised only after a specific charge has been filed in writing. In this respect the Commission's investigatory power is significantly narrower than that of the Federal Trade Commission, 15 U.S.C. 43, 46, or of the Wage and Hour Administrator, 29 U.S.C. 211, who are authorized to conduct investigations, inspect records, and issue subpenas, whether or not there has been any complaint of wrongdoing. See *Oklahoma Press Publishing Co. v. Walling*, 327 U.S. 186 (1946); *Hunt Foods and Industries, Inc. v. Federal Trade Commission*, 286 F. 2d 803, 806–807 (C.A. 9, 1961) certiorari denied, 365 U.S. 877 (1961).

Section 709(c) authorizes the Commission to require employers, employment agencies, and labor organizations subject to the title to make and keep records to be prescribed by the Commission, to preserve these records, and to make reports therefrom to the Commission. Records are also to be required in connection with the administration of apprenticeship and other training programs. Fears have been expressed that these recordkeeping and reporting requirements may prove unreasonable and onerous.

Requirements for the keeping of records are a customary and necessary part of a regulatory statute. They are particularly essential in title VII because whether or not a certain action is discriminatory will turn on the motives of the respondent, which will usually be best evidenced by his pattern of conduct on similar occasions. The provisions of section 709(c) have been carefully drawn to prevent the imposition of unreasonable burdens on business, and there are more than the customary safeguards against arbitrary action by the Commission.

The requirements to be imposed by the Commission under section 709(c) must be "reasonable, necessary, or appropriate" for the enforcement of the title. Such requirements cannot be adopted without a public hearing at which the persons to be affected would have an opportunity to make their views known to the Commission. Most of the persons covered by the title are already required by law or by practical necessity to keep records similar to those which will be required under this title. The wage and hour administrator imposes recordkeeping requirements on employees subject to the Fair Labor Standards Act with respect to the persons employed and wages, hours, and other conditions and practices of employment (29 U.S.C. 211(c)). Other employment records must be kept for Federal tax purposes (26 U.S.C. 6001), and for normal business purposes. Labor organizations are required to maintain certain records under the Labor-Management Reporting and Disclosure Act (29 U.S.C. 431, 436). Any recordkeeping requirements imposed by the Commission could be worked into existing requirements and practices so as to result in a minimum additional burden.

The Senate did not have any hesitancy in requiring a trade union to keep elaborate records on every member. That was done when we found there were certain abuses in connection with health and welfare funds and in other areas of union activities. It is one thing to steal a man's purse, but it is another thing to steal his soul. When we deny a person employment because of his race, color, sex, or national origin, in a sense we steal his soul, his sense of identity. I have often wondered why the Congress is more interested in the stealing of a purse than in the stealing of the spirit.

Furthermore, the Federal Reports Act of 1942, 5 U.S.C. 139–139f, gives the Director of the Bureau of the Budget authority to coordinate the information-gathering activities of Federal agencies, and he can refuse to approve a general recordkeeping or reporting requirement which is too onerous or poorly coordinated with other requirements.

Finally, there is express provision in section 709(c) for an application either to the Commission or directly to the courts for appropriate relief from any recordkeeping or reporting requirement

which would impose an undue hardship. I know of no other statute which provides such comprehensive safeguards around an authorization to require the keeping of records. If such authority is necessary for the Commission to perform its responsibilities successfully, as I believe it is, this section seems to me the minimum of effective authority the Commission can have.

GRANTS OF IMMUNITY

Section 710, as I have stated, incorporates by reference in support of the investigatory powers of the Equal Employment Opportunity Commission the provisions of sections 9 and 10 of the Federal Trade Commission Act, as amended (15 U.S.C. 49, 50), except that the provisions of section 307 of the Federal Power Commission Act—more properly cited as the Federal Power Act, 16 U.S.C. 791a (16 U.S.C. 825f)—shall apply with respect to grants of immunity. A question has been raised as to the purpose of this exception.

Section 9 of the Federal Trade Commission Act provides, in part:

> No person shall be excused from attending and testifying * * * before the commission * * * for the reason that the testimony or evidence, documentary, or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no natural person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any * * * matter * * * concerning which he may testify, or produce evidence * * * before the commission in obedience to a subpena issued by it.

This language has been held to grant immunity to a witness testifying in obedience to a subpena even though the witness does not claim the benefit of the privilege against self-incrimination. See *United States* v. *Pardue*, 294 F. 543 (S.D. Texas, 1923); *United States* v. *Frontier Asthma Co.*, 69 F. Supp. 994, 997 (W.D. N.Y., 1947); see *United States* v. *Monia*, 317 U.S. 424 (1943). In such a situation an interrogator is not placed on notice that a given line of inquiry will result in a grant of immunity to the witness.

Consequently, since the enactment of the Securities Act of 1933, it has been the usual practice for Congress, in drafting an immunity provision, to require that a witness does not obtain immunity unless he is compelled to answer after having claimed his privilege against self-incrimination. The assertion of the privilege affords the interrogator an opportunity to decide whether or not to persist with his questioning and grant immunity thereby. Section 307 of the Federal Power Act is typical of such provisions. It states:

> No person shall be excused from attending and testifying or from producing * * * records and documents before the Commission * * * on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled to testify or produce evidence, documentary or otherwise, after having claimed his privilege against self-incrimination * * *.

Provisions substantially identical to section 307 may be found in the Securities Exchange Act of 1934, 15 U.S.C. 78u, the Public Utility Holding Company Act of 1935, 15 U.S.C. 79r, and the National Labor Relations Act, 29 U.S.C. 161.

In short, Mr. President, as with every other part of H.R. 7152, title VII is a moderate and constructive attempt to proceed toward the elimination of one aspect of racial discrimination in America. It is based on the premise that no man should be denied employment because of the color of his skin. The means it provides to accomplish this purpose emphasize voluntary compliance, conciliation, and the cooperation of State and local authorities. The passage of title VII will be a major step forward to the goal of eliminating discrimination in employment and promoting equal employment opportunity.

SURVEY OF REGISTRATION AND VOTING: TITLE VIII

Title VIII directs the Secretary of Commerce to conduct a survey to compile registration and voting statistics in such geographic areas as may be recommended by the Commission on Civil Rights. The survey, which would be conducted by the Bureau of the Census, would include figures indicating the relative voting participation by race, color, and national origin in Federal primaries and elections since January 1, 1960. Complete and reliable information on registration and voting in the United States is not now available. The data to be obtained by this survey will be most useful to the Congress in assessing the progress being made in removing unconstitutional discrimination in voting and the need for further legislation to make the 15th amendment effective; to the Civil Rights Commission, in performing its functions under title V of the bill; to the Justice Department, in preparing and trying cases under title I of the bill; and to all students of the electoral process.

In order to avoid unnecessary burden and cost, the survey required will be made only in those geographic areas specified by the Commission on Civil Rights. Similarly, the Commission will recommend the extent to which the survey and resulting statistics should be secured with respect to race, color, and national origin. In this way, it will be possible to focus on the areas and groups as to which there is reason to believe there has been discrimination. Obviously, race has not been a basis of disenfranchisement in all areas; similarly, national origin has operated as a factor in voting discrimination with regard only to certain groups. Thus, there is no reason to incur the added costs of a nationwide compilation when a more selective survey can provide the desired and needed information.

APPEAL OF REMANDS IN CIVIL RIGHTS CASES: TITLE IX

Title IX permits an appeal from a Federal court order remanding any civil rights case to the State court from which it was removed. Present law permits removal of certain cases involving equal rights to a Federal district court, but the scope of this right of removal is in doubt, and the present unappealability of an order of remand prevents the Federal appellate courts from passing on the question.

This title would provide an opportunity to reexamine, in the light of existing conditions, the scope of the right to remove in certain civil rights cases. A series of old cases, none decided less than 55 years ago, appears to hold that the right to removal is limited to situations in which a State statute or constitution on its face denies constitutional rights. However, the real problem at present is not a statute which is on its face unconstitutional; it is the unconstitutional application of a statute. When a State statute has been unconstitutionally applied, most Federal district judges presently believe themselves bound by these old decisions and remand attempted removals to the State courts. Under present law such a remand is unappealable. As a consequence, the right to remove civil rights cases is of very little use. Enactment of title IX will give the appellate courts an opportunity to reexamine this question.

This is essentially a technical title.

COMMUNITY RELATIONS SERVICE: TITLE X

Title X establishes a Community Relations Service to assist local communities and individuals in the voluntary adjustment of disputes and difficulties arising from discrimination based on race, color, or national origin. The Service would consist of a Director and a small staff. It would have no law-enforcement responsibilities and no powers of compulsion. It would preserve the confidentiality of information it receives, as such, in the course of its duties. It would cooperate wherever possible with State and local agencies.

Experience has shown the value of voluntary adjustment and negotiation as a means to solving racial problems. Many communities, by the use of such methods, have made remarkable progress in the elimination of discrimination and other grievances. In other communities, however, lack of adequate communication between white and Negro leaders precludes even a start toward adjustment of difficulties. In some instances Justice Department officials, acting informally and ad hoc, have been able to bring parties together to find agreed solutions to particular problems. However, no existing Federal agency is equipped to perform such mediation and conciliation as a regular and continuing function.

Mediation and conciliation of civil rights disputes should prove no less useful a tool than it has in the area of labor disputes. Titles VI and VII of the bill specifically provide for use of informal methods of conference, conciliation, and persuasion. Such methods are equally appropriate under other titles. In many cases, mediation and litigation work together effectively.

Individual restaurant or hotel owners may be reluctant to admit Negroes unless assured that their competitors will do likewise. Through the good offices of the Community Relations Service, or of comparable State or local organizations, it may be possible to achieve agreement among all or substantially all the owners. Failing that, it may be necessary

to sue a few holdouts—let us say, as an example, under title II—while relying on agreement of the rest to act voluntarily if the suit is successful.

TITLE XI

Title XI contains customary miscellaneous provisions—a savings clause, a provision against preemption of consistent State legislation, an authorization of appropriations, and a separability provision.

CONCLUDING REMARKS

Mr. President, this is a fair, moderate, and comprehensive bill. It deals with all the major areas of life in which Negroes and other minorities have been discriminated against: voting, education, access to public accommodations and facilities, equal protection of the laws, and employment.

As I have tried to show, all these areas are interrelated; each is bound with the others. A man who would be free must have the opportunity to develop his mind and talents through education, to earn a living with those talents, and to apply his education to public life through participation in the political process. Without opportunities for education, the Negro cannot get a job.

I would not want my remarks in support of this bill to be interpreted as indicating there was nothing left to be done in the fields of education, or health, or retraining, or many other areas of life. The bill merely provides a legal framework through which men of good will can work out some difficult, long-term problems. We need to expand educational opportunities. We need to expand housing in America. We need to expand health services. We need to expand employment opportunities. We need a growing and expanding economy. We need to eliminate areas of discrimination and prejudice in order to have the full participation of the American people in their society and in their community life.

All this needs to be done. When I hear the opponents of the legislation remind us again and again that what is needed is more deucation, I agree. But more education for a person who has been denied equal rights and full participation in community life is no answer to that man's problems. What is needed is an opportunity to participate fully in all aspects of American life, including opportunities for education, health, job opportunity, and political participation.

Without a job, one cannot afford public convenience and accommodations. Income from employment may be necessary to further a man's education, or that of his children. If his children have no hope of getting a good job, what will motivate them to take advantage of educational opportunities?

In short, the primary ingredients for a full and free life are inseparable from each other. Education cannot wait upon employment or political freedom. Employment opportunity cannot be postponed until the vote is won. The only way to break the vicious circle of minority oppression is to break it at every point where injustice, inequality, and denial of opportunity exist. It is for this reason that we propose enactment of comprehensive legislation that will touch on every major obstacle to civil rights.

This bill is long overdue. Moderate as it is, it insures a great departure from the misery and bitterness that is the lot of so many Americans. This misery has found remarkably quiet methods of expression up to the present. As I said earlier, I marvel at the patience and self-control of Negroes who have been excluded from the American dream for so long.

But the passive stage is ending in the history of the American Negro. Within the past few years a new spirit has arisen in those people who have been so long denied. How will we respond to this challenge? The snarling police dogs of Birmingham are one answer. The force of equality and justice is another. That second choice is embodied in the bill that we are starting to consider.

The same Negroes who win our Olympic games, the same Negroes who are the stars on the baseball fields, the same Negroes who in many areas of our country have been permitted to practice in hospitals without discrimination, are rising as one man and asking that their brethren be given the same opportunity.

Freedom requires full freedom. There cannot be half freedom. There cannot be full freedom for whites and little freedom for Negroes.

I say with regret that all over America prejudice exists. It is not confined to one section of the country. It is more visible in some sections of the country than it is in others; but it exists everywhere.

I do not proclaim that the proposed statute will eliminate all the evils which plague us in the area of racial prejudice. I merely say that it sets a standard around which decent men can rally. It lays down the legal framework within which men of good will, of reason, and judgment, can work together. It provides the means for a constructive social policy that is long overdue.

I advise Senators to read the great address of then Vice President Lyndon B. Johnson delivered last year at Gettysburg. It should be read every day. The then Vice President—now President of the United States—with courage and forthrightness and vision, told us that the American Negro is tired of waiting; that he wants his day of justice. He is going to get it by one means or another.

We cannot afford to have this growing tension in the American community. We need every American to work with full power for freedom and opportunity.

We would be foolish to deny ourselves the opportunity of enlisting in the common cause of freedom the millions of people who cry out to be a part of the great American dream. They are not asking to be left out. They are not asking to be put aside. They wish to be part of our national life. That is what this fight is all about. It is my earnest hope that Senators will recognize that the bill represents an investment of knowledge, energy, and dedication by the executive branch and the Congress, by Democrats and Republicans alike. Its moderation and careful language represent almost a year of patient deliberation, study, and discussion. We know that some Members of the other body wanted a bill that they felt was stronger; while others wanted a bill that made a more modest beginning. Still others wanted no bill at all. H.R. 7152 is a compromise between these points of view. The bill embodies the thinking of literally hundreds of men of good will.

It is my earnest hope that Senators will respect and appreciate this precious investment, that they will realize what a great achievement it is to have brought this bill to its present place on the legislative schedule, and that they will honor the importance of the issue and the good faith of the bill's architects by passing H.R. 7152 as it now stands.

MISREPRESENTING THE CIVIL RIGHTS BILL

The goals of this bill are simple ones: To extend to Negro citizens the same rights and the same opportunities that white Americans take for granted. These goals are so obviously desirable that the opponents of this bill have not dared to dispute them. No one has claimed that Negroes should not be allowed to vote. No one has said that they should be denied equal protection of the laws. No one has said that Negroes are inherently unacceptable is places of public accommodation. No one has said that they should be refused equal opportunity in employment.

This bill cannot be attacked on its merits. Instead, bogeymen and hobgoblins have been raised to frighten well-meaning Americans.

A bill endorsed by hundreds of prominent attorneys and professors of law is called by the opponents unconstitutional.

A bill endorsed by every major religious denomination in America is called Communist inspired.

A bill passed by an overwhelming majority of 290 Members of the House of Representatives to 130 for the opposition—Democrats and Republicans alike—is called socialistic.

Good Americans, like the Speaker of the House, Mr. McCORMACK, the majority leader of the House, Mr. ALBERT, the minority leader of the House, Mr. HALLECK, the chairman of the Judiciary Committee, Mr. CELLER, who deserves a special note of tribute, and the ranking Republican member of the Judiciary Committee, Mr. McCULLOCH, who also deserves a special note of tribute on the floor of the Senate, formulated the bill and carried it through in the other body. I know that 290 Members of the other body are not Socialists. I know they are not Communists. I reject that kind of smokescreen attack upon a sensible piece of legislation.

It is said that the bill would make the Attorney General a dictator, when in fact the only power he is given is the authority to introduce lawsuits to give some American citizens their constitutional rights and require other Americans to obey the law.

It is called a force bill, when in fact it places first reliance on conciliation and voluntary action, and authorizes legal action only as a last resort.

It is called an attack on State government, when in fact the bill specifically directs that State and local offi-

cials and agencies will be used wherever feasible, and appeals to the States to perform States' rights rather than States' wrongs.

It is claimed that the bill would produce a gigantic Federal bureauracy, when in fact it will result in creating about 400 permanent new Federal jobs.

It is claimed that it would impair a property owner's ability to sell or rent his home, when in fact there is nothing in the bill pertaining to housing.

It is claimed that the bill would require racial quotas for all hiring, when in fact it provides that race shall not be a basis for making personnel decisions.

As I have said, the bill has a simple purpose. That purpose is to give fellow citizens—Negroes—the same rights and opportunities that white people take for granted. This is no more than what was preached by the prophets, and by Christ Himself. It is no more than what our Constitution guarantees.

One hundred and ninety years have passed since the Declaration of Independence, and 100 years since the Emancipation Proclamation. Surely the goals of this bill are not too much to ask of the Senate of the United States.

Mr. KUCHEL. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield to the Senator from California.

Mr. KUCHEL. I congratulate my friend the Senator from Minnesota. Perhaps in the lifetime of every Senator no greater challenge will have been presented than that which has been presented today. The Senator from Minnesota has delivered an excellent, moving, lucid, logical presentation of why legislation in this field should now pass.

I congratulate him. I am glad to be associated with him in this fight.

The Senator is an able advocate of one great American political party. To the best of my ability, I shall speak on this side of the aisle as a representative of the other great American political party in our country.

This issue should not be a partisan fight. It should be and is an American fight. The record that is being made in the Senate today will go a long way, not merely to demonstrate that the Senate desires to pass legislation in the civil rights field, but also to provide the people of this country and all branches of government with the clear and unequivocal intention by which the bill will be fashioned in plain English.

Mr. HUMPHREY. I thank the Senator from California.

Mr. President, I consumed over 3 hours to make this presentation, which is longer than I intended, but in those hours I attempted to analyze the main titles of the bill, and to lay down the base of discussion.

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

Mr. HUMPHREY. I yield to the Senator from New York.

Mr. KEATING. I congratulate the Senator upon a very well fashioned presentation, which deals with all the titles of the bill, and reveals extremely diligent preparation. His presentation can serve as a guideline, as this debate ensues, for others of us who will take up and discuss the separate titles of the bill.

I reiterate in the strongest and most emphatic terms what the Senator from California [Mr. KUCHEL] has said; namely, that bipartisanship in the effort to pass the bill is a "must." The bill cannot be enacted into law without entirely putting aside political affiliations and remembering only that all of us are trying to do something for our country. We must remedy a situation which demands action, which has been too long delayed in the past, and which should have been acted upon as a moral imperative years ago, and not in answer to a situation which has reached crisis proportion. The fact is, however, that it has now reached such proportions.

We are endeavoring to solve one of the most pressing national problems we have ever faced, one which is a great moral problem as well. The Senator from Minnesota is one of the leaders in the fight, and he has set forth in excellent fashion the background upon which others of us will follow with more detailed arguments.

Mr. HUMPHREY. I thank the Senator from New York. Lest I failed to make it clear, I am proud to be associated in this important debate and, I hope, in the ultimate decision, with my good friends and colleagues on the other side of the aisle. If I have said it once, I have said it a hundred times, that the bill is not a Democratic bill. It is not a partisan issue. I have always maintained that this is a national issue and a moral issue. It is not only a bipartisan issue, but a nonpartisan issue.

This is as vital to American security as is our national defense and our foreign policy. We must deal with the subject above party politics, and face the issue as we see it.

I respect those who hold different points of view. It is my desire that after those points of view have been explained and refuted, and after the debate has progressed, the Senate will come to a decision. I am sure that no Senator will be criticized for taking some time in the discussion of the bill. But we do hope that a decision will be reached. The President of the United States asked for this legislation in the state of the Union address. He asked that ultimately we come to a decision, and vote on it yea or nay. That is our responsibility.

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

Mr. HUMPHREY. I yield.

Mr. DOUGLAS. I congratulate the Senator from Minnesota for his able, detailed, and inspiring address.

Some of our opponents have from time to time charged us with trying to force the bill through under a form of gag rule in the Senate. Already there have been 3 weeks of discussion, in which Senators who favor the bill took a very minor part.

Now the Senator from Minnesota has made a thorough analysis. It will be followed, I understand, by an address by the distinguished whip on the Republican side. He will be followed by a discussion of the bill in detail, title by title.

It cannot be said, therefore, that any attempt will be made to jam the bill through. Every effort will be made to inform the Senate and the country on the contents of the bill, to acquaint Senators and the public with the arguments in favor of the bill, and to consider the objections raised against the bill.

The Senator from Minnesota has made a magnificent beginning.

Coming from Chicago, following a visit to my home State over the weekend, I bought, at a bookstand, and received through the mail, copies of an excellent book which the Senator from Minnesota has edited. It is entitled "Integration Versus Segregation." It is really a collection of vital and essential documents, which I have found highly enlightening.

The Senator from Minnesota rightly begins the book with the text of the 14th amendment to the Constitution of the United States. We sometimes forget the 14th amendment. Attention is frequently concentrated upon the 10th amendment, which denies jurisdiction to the Federal Government of subjects not specifically allotted to the Federal Government. I believe it would be well to read aloud once more, on the floor of the Senate, the 1st and 5th sections of the 14th amendment to the Constitution:

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside.

In other words, there is no differentiation between citizens. There are no first-class citizens and no second-class citizens; all white or black, rich or poor, are citizens on equal terms. Citizenship, moreover, is not merely a matter of residence in a State; it also means that a person is a citizen of the United States.

The second sentence of the first section reads:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States.

This provides that no State action shall be taken to diminish the privileges or immunities of citizens.

The provision continues:

> Nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Finally, the fifth section of the 14th amendment reads:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The 14th amendment was proposed in 1866. It was adopted in 1868. It is now 1964, 96 years after the adoption of the amendment.

We are proposing in the pending bill a strengthening of the 14th amendment, to carry out the specific authorization granted in the 5th section of the amendment.

I particularly liked the way in which the Senator from Minnesota made no claim for sectional superiority of the North over the South. I have always said that we are more or less children of history. The South has suffered from slavery and the fact that the Civil War was fought on its ground. Only an accident of climate and geography spared the North from slavery.

I was pleased that in the Senator's collection of readings he included a number of articles stating the case for the so-called white supremacists of the South, and criticizing the North and West. I was pleased to read the article by Mr. Perry Morgan, which in particular took me to task. I am very glad that that article has now been spread before the public.

Mr. HUMPHREY. I regret that.

Mr. DOUGLAS. No; I am glad the Senator included it. I hope that by our actions we may be able to refute some of the charges which are made. We are not afraid of criticism.

The Senator has swept away a good many cobwebs which have attached themselves to the bill. I have just returned from a visit to my home State over the weekend. I found there certain elements of the real estate industry were saying that the bill would create so-called open occupancy. I believe the Senator from Minnesota has refuted that argument. It does not provide for open occupancy. All the bill does is to lay a legal basis so that the Attorney General and agencies of the Government may go to the courts to make the 14th amendment a living reality.

Mr. HUMPHREY. I thank the Senator from Illinois very much. It is a joy to be associated with the able and courageous Senator from Illinois in this battle for civil rights legislation. I am confident that victory will crown our efforts.

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

Mr. HUMPHREY. I yield to the Senator from Maine.

Mr. MUSKIE. In my judgment, the Senator from Minnesota has performed a real service for the Senate and for the country. I have been receiving mail pertaining to the bill, a great deal of it from my own State, and a great deal of it from other States also. Much of the mail reflects a real misunderstanding of what the bill is all about.

The Senator from Minnesota has given us in considerable detail this afternoon a comprehensive and lucid explanation of what the bill is, what it does, and what it would accomplish. I like particularly the fact that in the discussion of the bill, the Senator touched upon many of the constitutional points that have been raised in the last 3 weeks by opponents of the bill.

The Senator has placed these points in excellent perspective, for a nonlawyer, in beautiful fashion. There are arguments on both sides on many of these points. However, the Senator has presented clearly the points which I think ought to be reassuring in the extreme to many of our correspondents of the North who are laboring under serious misapprehension about the bill.

I commend the Senator from Minnesota for doing what I think the Senator has done so well, and that is to describe in one or two simple sentences the real purpose of the bill, which is to contribute to the elimination of discrimination.

In the very last sentence of the Senator's speech, he points out that 190 years have passed since the Declaration of Independence which set out certain inalienable rights.

The bill is a recognition of the fact that many of the rights which were declared by Thomas Jefferson to be inalienable are still being compromised and denied to millions upon millions of Americans, and that the fundamental purpose of the bill is to assure to those people the inalienable rights which the Declaration of Independence proclaimed in 1776.

I congratulate the Senator from Minnesota.

Mr. HUMPHREY. I am very grateful. I thank the Senator.

THE CIVIL RIGHTS ACT OF 1964: THE QUEST FOR JUSTICE

Mr. KUCHEL. Mr. President, after 16 days spent in considering the motion to take up H.R. 7152, the House-passed civil rights bill, the Senate now, at long last, has this legislation before it for what undoubtedly will prove to be long and extended debate. It should also be constructive and thoughtful. I deeply believe that when the final roll is called, and when all Senators—Democrats and Republicans alike—have had the opportunity to study this legislation, an overwhelming bipartisan majority will be found in favor of the House-passed bill at a minimum. I would hope also that this needed measure may be strengthened in some particulars.

A total of 70 days of public hearings, 275 witnesses, 152 additional statements, and 5,792 pages of printed record have been made in the last few months by committees of both the House and the Senate as they have studied various aspects of the legislation now before us.

When this bill came before the House of Representatives for a final vote, 59 percent of the Democrats in the House and 78 percent of the Republicans voted in favor of it. This is as it should be, for the most effective way to further the civil rights of all our citizens should not be the exclusive prerogative of either major American political party. It is the prerogative and responsibility of the American people. Each of us, whether we are from the East or the West, from the North or the South, from large cities or small towns, from urban America or rural America has, as perhaps never before in our history, a solemn obligation to act with wisdom and with courage on this long overdue and much needed legislation.

Mr. President, it is tragic to note that 188 years after our country's independence, and in the time of the Congress which began in the centennial year of the Emancipation Proclamation promulgated by the first Republican President, Abraham Lincoln, that some of our fellow Americans are not yet able to participate fully in our way of life solely because of discrimination based on their race. Such discrimination is not limited to one section of our land. It can and does occur in all parts of our country to a greater or lesser degree. Such discrimination is not limited to voting.

Discrimination has been demonstrated and documented in a long and sordid series of illegal and unconstitutional denial of equal treatment under law in almost every activity of many of our fellow men. Thus, such legislation as we now have before us cannot be ignored, nor can the issue be avoided, no matter from which State a Senator might come. It is the right to stand up and say: "Judge me for my ability, for my qualifications, for my talent. Do not judge me for the color of my skin." In brief, judge me as you would be judged. That is the basis on which this country was founded, and on which our Constitution and its amendments sought to prevent inequality, under law, because of race.

No American can read the thousands of pages of testimony which have been taken in field hearings all over our land, including my own State of California, by the U.S. Commission on Civil Rights, without being greatly impressed with the work of law and of the heart which still remains to be accomplished. The bill which is now before us is a partial response to that documented and sad record.

TITLE I

Title I of the House-passed bill concerns voting rights. In 1957 and 1960, President Eisenhower recommended, and Congress, in part, approved, legislation which took steps to guarantee to all citizens the right to vote without discrimination as to race or color. Experience under those acts has revealed several grave inadequacies in their operation.

The exercise of the right to vote is fundamental to a preservation of self-government, at the Federal, State, and local levels. For most Americans, the exercise of the franchise is the greatest extent of their personal participation in political self-government. Yet, for all too many Americans, this right, basic to our Republic and basic to freemen everywhere, has been denied on the wholly arbitrary and irrelevant ground of race.

The Civil Rights Act of 1957 was the first such legislation enacted since 1875. One provision authorized the Federal Government to bring civil suits to end discriminatory voting practices. In 1960, Congress strengthened the act by providing that States, as well as registrars, could be sued. Voting records were to be preserved for 22 months and Federal referees could be appointed to register voters. To implement the referee provisions, a judicial finding of a "pattern or practice" of discrimination by registration or election officials is required. Even where such a practice is found, the court has the discretion to leave the registration process in the hands of local officials who have been responsible for discriminatory practices in the past.

If the court does appoint a referee, under the 1960 act, the local registrar is not displaced. The referee can only register applicants who have applied to the local registrar and been rejected.

In 1961, in a study of 100 counties in 8 Southern States, the Commission on Civil Rights found that substantial numbers of Negro citizens had been denied the right to vote.

In 1956, a year prior to the first civil rights legislation in 82 years, it was estimated that 5 percent of the voting-age

Negroes in those 100 counties were registered to vote. Despite 2 subsequent civil rights measures designed to secure the right to vote and the institution of numerous voting rights suits by the Department of Justice, as well as 140 or more private registration drives, the Commission concluded, in its report filed at the end of 1963, that Negro registration in those 100 counties has risen to only 8.3 percent.

The techniques of voting discrimination are many and varied. One technique is that of the discriminatory and unequal application of legal qualifications such as literacy tests, constitutional interpretation tests, calculation of age to the exact day, and requirements of good moral character. Other techniques are more arbitrary, such as rejection of an applicant for insignificant errors he has made in filling out his forms. Of course, in areas where all white citizens are registered and no Negro citizen is registered, one novel technique is to apply rigid standards to all those who wish to register in the future. The result is that Negroes still remain unregistered and all the white citizens continue to be registered.

The incidents of voting discrimination fill volumes. The absurdities of refusing to register a Negro professor with a Ph. D. degree and letting the most ignorant voter, provided he is white, register, are well known.

How would title I of the House-passed bill correct some of these injustices?

In determining whether an individual is qualified to vote in an election where Federal officers are to be elected, title I prohibits persons acting under State or local authority from applying any discriminatory standard, utilizing an immaterial error of omission on the registration form, or employing any literacy test unless it is in writing—except where an individual requests and State law authorizes another type of test—in order to deny the right to vote.

In a voter discrimination suit, instituted by the Attorney General, where literacy becomes a relevant fact, there is created a rebuttable presumption that an individual who has not been judged an incompetent and who has completed the sixth grade of school possesses sufficient literacy to vote in an election in which Federal officials are to be elected. In the last presidential campaign, both of our political parties promised the enactment of legislation in that field. Title I also authorizes the Attorney General or any defendant in a voter discrimination suit to request a three-judge district court to hear the suit, if he so desires.

Mr. President, in my judgment, title I is a very modest approach toward doing what needs to be done in this vital area. I, for one, believe that the bill should not be limited solely to Federal elections for President, Senator, and Member of the House of Representatives, but, rather, that these provisions should also be applicable to State and local elections. It is in the State and local governments—not in the National Government—that discriminatory legislation and local administration in education, health, and police regulations have suffocated or destroyed equal treatment among all our people.

The future well-being of Americans who are now being discriminated against is largely dependent upon the quality of schools and health services which ought to be provided where they live. Once all our citizens are guaranteed full voting equality in State and local elections, all levels of government will be more responsive and more responsible in guaranteeing fair treatment regardless of one's race, color, or national origin.

This is simple justice. In 1960, in Chicago, the Republican national platform, which was unanimously agreed to by delegates from all over the United States, specifically pledged my party, which arose as a result of its rank-and-file's commitment to equal opportunity for all our people, to—and I quote:

> Continued vigorous enforcement of the civil rights laws to guarantee the right to vote to all citizens in all areas of the country.

And—

> Legislation to provide that the completion of six primary grades in a State-accredited school is conclusive evidence of literacy for voting purposes.

That is largely what title I of the House-passed bill and the proposals concerning State and local elections which some of us on the Republican side wish to offer, seek to do.

Yet, there is underway in America a vigorous and well-financed campaign by those who would perpetuate a system of segregation and discrimination, which should have been eradicated over a century ago, to confuse the people as to the content of the House-passed bill and title I, as well as the other titles of this bill. This campaign has been launched by a group known as the Coordinating Committee for Fundamental American Freedoms, Inc. Recently full-page advertisements were placed in papers throughout the country entitled "$100 Billion Blackjack: The Civil Rights Bill."

Mr. William Loeb, of Manchester, N.H., is chairman of the group. Mr. John C. Satterfield, of Yazoo City, Miss., is the secretary. I understand that Mr. Lloyd Wright, of California, has also participated in writing some of the committee's materials. Mr. Satterfield and Mr. Wright, as former presidents of the American Bar Association, supposedly add an aura of respectability to the ugly and evil activities of this committee. After reading the full-page advertisement and other materials distributed by this organization, it is difficult for me to see why the committee needed any legal talent at all, especially that of two former American Bar Association presidents, for their campaign is not based on the law or the bill as it passed the House of Representatives. Their campaign, as my colleague, the Senator from New York [Mr. KEATING], pointed out so eloquently 2 weeks ago, is strictly one of hysteria and misinformation. It is the campaign of the big lie, whose purpose is solely to mislead the average American who is too busy trying to earn a daily living to have an opportunity to study what really is in this bill.

Adolf Hitler, the master of the big-lie technique, stated on page 313 of volume 1 of "Mein Kampf":

> In the size of the lie there is always contained a certain factor of credibility, since the great masses of a people * * * will more easily fall victims to a great lie than to a small one.

I do not admit the validity of this claim, but it is obvious that there are those who do.

The absurdity of this committee's claim to be devoted to fundamental American freedoms becomes obvious to all when the principal source of its funds is revealed. The source of its funds is none other than the Mississippi State Sovereignty Commission. This commission is organized under the laws of, and financed by, the State of Mississippi. The Governor of Mississippi serves as chairman of the commission. Its funds are regularly appropriated by the Mississippi Legislature, and it is empowered to contribute funds and to provide other assistance to State and private organizations which have the same objectives and purposes as the commission. In carrying out its aims, this commission has contributed large sums of money to various white citizens councils, and has supported their activities in Mississippi and other States.

I suspect, based on the actions of the Mississippi State Senate on Thursday, March 26, that one of the objectives of this group will now be to eliminate the Republican Party. On that day, the Mississippi State Senate, composed of only Democratic senators, approved 18 bills, dealing with the election laws of Mississippi, whose sole aim was to stamp out the party of which I am proud to be a member. I am pleased to note that some Democratic State senators fought to preserve a two-party system, and I regret that their efforts were completely frustrated.

Mr. President, I ask consent that the Associated Press dispatch from Jackson, Miss., dated March 26, which appeared in the Washington Post on March 27, 1964, be printed in the RECORD at this point in my remarks.

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

MISSISSIPPI SENATE VOTES BILLS TO "STAMP OUT" GOP

JACKSON, MISS., March 26.—Election-law revisions to "stamp out Republicanism" in Mississippi were approved by the State senate today.

With Republicans watching grimly from the gallery, 18 bills in the election package were passed on to the house by the senators, all Democrats.

There were some revisions to soften requirements that would be imposed on a political party trying to get on the general election ballot.

However, it was plain that the package, backed by Gov. Paul Johnson, had more than enough support, despite a surprising number of opposition votes.

Republican leaders bitterly condemned the new election laws as "lifted directly from 'Mein Kampf,' the book written by Hitler."

Wirt Yerger, Jr., State GOP chairman, said the laws were formed to impose party "qualifications which the Democrats have

already met but which the growing Republican Party has yet to attain."

Johnson vowed to change the State's election procedures after sweating through two rugged Democratic primary elections to win nomination—only to run into the State's first serious GOP challenge since the Civil War in the general election.

One major bill would require extensive organizations in counties and precincts to give a party legal standing. It passed by a 38-to-13 vote.

Another would require that any party's candidate would have to draw at least 10 percent of the eligible vote in a primary election in order to get on the general election ballot.

This measure managed only a narrow margin 26 to 24.

"If this bill passes," Senator Bill Caraway cried during the debate, "Mississippi will have a one-party system. It will damage our industrial progress. It will destroy the Republican Party in this State because it can't operate under this."

Mr. KUCHEL. Mr. President, let us examine some of the charges made by the so-called coordinating committee with regard to title I. One charge is that the bill would "take from local and State officials their right, without Federal interference to handle local and State elections." In the first place, as I have noted previously, much to my displeasure, the House-passed bill is limited solely to Federal elections. In the second place, the plain fact is that while article I, section 4 of the Constitution clearly authorizes Congress to regulate Federal elections, Congress, under the 14th and 15th amendments, also has the clear power to extend the provisions of title I to State as as well as Federal elections.

This Mississippi-financed group also charges that the Attorney General would be made "a virtual dictator of America's manners and morals" and that in title I he would be given "the unprecedented power to shop around for a judge he prefers to hear a voting suit."

This charge is sheer nonsense. Under title I, either the Attorney General or any defendant in a voter discrimination suit could request a three-judge district court to hear the suit. This is not a new practice in Federal judicial procedure. Section 44 of title 49 and section 28 of title 15 of the United States Code provide that in certain transportation or antitrust suits in which the United States is the plaintiff, the Attorney General may file with the court a certificate seeking appointment of a three-judge court and expedition of the case.

Under title I, one of the judges on the three-judge court would be a district judge from the district in which the suit has been brought. At least one of the three would be a circuit judge. Whether the third judge was either another district judge or another circuit judge is strictly up to the judges who decide the internal judicial administration policies of the circuit. It is not up to the Attorney General.

Besides the precedent for such a procedure and the fact that it will expedite voting discrimination suits by permitting a direct appeal to the Supreme Court eliminating one usually time-consuming appellate step, a very sound reason for authorizing a three-judge court is to prevent the prejudices of one or two judges from interfering with the need for justice.

I was shocked, Mr. President, to read recently in the New York Times for March 9, 1964, a release from Jackson, Miss., dated March 8. It relates to the proceedings taking place in a Federal district court in Mississippi dealing with voter discrimination cases. I quote from part of that release:

> At yesterday's hearing Judge Cox [referring to Federal District Judge Harold Cox], the first judge appointed by President Kennedy under the 1961 expansion of the Federal judiciary, repeatedly referred to Negro applicants as a "bunch of niggers."

Mr. President, I ask consent that the complete article from the New York Times of March 9, 1964, be printed in the RECORD at this point in my remarks:

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

JUDGE DUE TO RULE ON SUIT TO SPEED UP NEGRO REGISTRATION

JACKSON, MISS., March 8.—Federal District Judge Harold Cox is expected to rule Wednesday on a Justice Department suit to speed up the processing of Negro voter applicants at Canton.

The judge has criticized the registration drive as "grandstanding." He took no action yesterday on a request by John Doar, Department attorney, that he immediately order L. F. Campbell, Madison County voter registrar, to handle at least six Negro applicants at a time.

At yesterday's hearing Judge Cox, the first judge appointed by President Kennedy under the 1961 expansion of the Federal judiciary, repeatedly referred to Negro applicants as "a bunch of niggers."

He said he was interested in eliminating discrimination in the registration of voters, "but I am not interested in whether the registrar is going to give a registration test to a bunch of niggers on a voter drive."

More than 200 Negroes tried to apply for registration at Canton in a "Freedom Day" February 28. Judge Cox said it "appeared that these people went to a church and were pepped up by a leather lung preacher, and they gathered in the streets like a massive dark cloud and descended on the clerk."

Mr. Doar asked the judge where he had received such information.

"From the newspapers," he replied.

Mr. Doar contended "there is nothing un-American about registering to vote," and "I think it is quite proper for people to assemble to do it."

Judge Cox agreed that "it is all right for them to get in line if they want to, I guess." He said, however, that it seemed "most of them were just grandstanding; they ought to be in the movies instead of being registered to vote."

"Who is telling these people they can get in line and push people around, acting like a bunch of chimpanzees?" he asked.

The Justice Department suit charged that Mr. Campbell had handled only 1 Negro at a time and processed only 6 of more than 200 Negro applicants who appeared February 28.

"There is an important Federal election coming up this year and, at this rate, it would take 10 years for them to be registered," Mr. Doar emphasized.

The Justice Department petition contended that only 152 of more than 10,000 Negroes of voting age were registered in Madison County, while 5,000 of 5,800 white adults were registered.

Judge Cox took the arguments under advisement and asked further information before ruling on a temporary injunction.

Mr. KUCHEL. Mr. President, the fact that Judge Cox was the first judicial appointment of the Democratic administration which took office in 1961 is not what motivates me, a Republican, to bring this incident before the Senate. What motivates me, an American Senator, is that I am certain that each of my colleagues, whether Republican or Democrat, must find such conduct by a Federal district judge as contemptible as I find it.

Had that language been used by him before his name came before the Senate for confirmation to the office which he holds, in my judgment the nomination would not have been confirmed.

TITLE II

Mr. President, there can be no question but that racial discrimination in places of public accommodation is one of the most irritating and humiliating forms of discrimination the Negro citizen encounters. A remedy for this is urgently required. Every American has read of Negro citizens and African diplomats being refused the opportunity to sit at a lunch counter and eat a noonday meal as they travel an interstate highway. Every American is aware that discrimination in public accommodations is what has motivated most of the 2,100 demonstrations which occurred in the last half of 1963.

Public accommodations legislation is certainly nothing new to the citizens of California or most other States in the Federal Union. Thirty of the fifty States and the District of Columbia have laws of this kind.

Even the South was free of much discrimination in the Reconstruction period following the Civil War. In fact, it was the Jim Crow laws enacted by various States after Reconstruction ended that truly interferred with the businessman's traditional right to offer his services to all the public, regardless of their race. Interestingly, in the Reconstruction period, Mississippi had a public accommodations law. An 1873 decision of the Mississippi Supreme Court—*Donnell* v. *State* (48 Miss. 661)—unanimously sustained the constitutionality of a Mississippi public accommodations law as applied in a criminal prosecution against a theater that sought to segregate a Negro.

California's public accommodations law dates from March 13, 1897. Mr. President, I ask consent that the text of the California statute be printed at this point in the RECORD:

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

CALIFORNIA STATUTE OF MARCH 13, 1897

SECTION 1. That all citizens within the jurisdiction of this State shall be entitled to the full and equal accommodation, advantage, facilities and privileges of inns, restaurants, hotels, eating houses, barbershops, bathhouses, theaters, skating rinks, and all other places of public accommodation or amusement, subject only to the conditions and limitations established by law and applicable alike to all citizens.

SEC. 2. Whoever shall violate any of the provisions of the foregoing section by denying to any citizen, except for reasons applicable alike to every race or color, and regardless of race or color, the full accommodation,

advantage, facilities and privileges in said section enumerated, or by aiding or inciting such denial, or whoever shall make any discrimination, distinction, or restriction on account of color or race, or except for good cause, applicable alike to all citizens of every color or race whatever, in respect to the admission of any citizen to, or his treatment in, any inn, restaurant, hotel, eating house, barbershop, bathhouse, theater, skating rink, or other public place of amusement or accommodation, whether such place be licensed or not, or whoever aids or incites such discrimination, distinction, or restriction, shall, for each and every such offense, be liable in damages in an amount not less than $50, which may be recovered in an action at law brought for that purpose.

SEC. 3. All laws or parts of laws in conflict with this law are hereby repealed.

Mr. KUCHEL. I shall not comment on that except to say that it is far more vigorous and stringent that what is written in title II of the bill now before the Senate.

While progress has been made in voluntary desegregation of public accommodations in larger cities of the South the fact is that voluntary desegregation is not adequate. It is estimated that of 98 cities of the South with populations of less than 10,000, where information is available, that in between 85 to 90 percent of these cities all or part of the eating places, hotels, motels, and places of amusement remain segregated.

The enactment of title II, however, will have a worthwhile effect in furthering voluntary desegregation. In many situations businessmen who would like to put an end to discriminatory practices are deterred by the fear of community pressure or the competitive disadvantage which might result from the failure of a rival to desegregate his facilities. There can be no question but that segregation in public accommodations obstructs and restricts interstate travel and the sale of related goods and services. The market for national entertainment such as community concerts, athletic competitions and motion pictures is surely restricted by such a local situation. National industries seeking new sources of manpower and availability to growing urban markets are inhibited from locating their offices and plants in areas where racial strife is likely to occur.

But discrimination in public accommodations is not simply a matter of economics, it is a matter of morality and of constitutional right. Until such indignities are eliminated, there can be no clear conscience for any of our citizens who seek to fulfill the spirit of America. Our spirit is not narrow bigotry. Our spirit is not to refuse service to a fellow human being because God provided him with a different skin pigmentation than our own. America—as the beacon-hand of the Statue of Liberty which glows its worldwide welcome so symbolically expresses—offers hope and the possibility to fulfill a dream:

Give me your tired, your poor, your huddled masses yearning to breathe free, the wretched refuse of your teeming shore. Send these, the homeless, tempest-tossed to me: I lift my lamp beside the golden door.

There is no sign on that golden door, America, which says: "Whites only are allowed here."

The House-passed bill does not in title II cover all places of public accommodation, but it does cover those establishments whose discriminatory practices, when they have occurred, have resulted in great distress and anguish. Specifically, the bill expressly provides that all persons shall have access to the following places of public accommodation without regard to race, color, religion, or national origin: places of lodging, such as hotels and motels except proprietor-operated dwelling having five rooms or less for rent; eating establishments; places of amusement such as theaters and sports arenas; gasoline stations; and any other establishment which first, is physically located within or houses one of the above-specified places of public accommodation, and second holds itself out as serving patrons of one of the above-specified places of public accommodation.

Under this latter provision a retail establishment which contains a public lunchroom or lunch counter would have all of its facilities covered. Similarily, all business facilities located within a covered hotel and intended for the use of its guests would be required to give nondiscriminatory service.

A bona fide private club or other establishment which is not open to the public is not covered under the House-passed bill.

The specified establishments such as hotels and motels and restaurants which have been enumerated would only be covered if their operations affect commerce or if the discrimination or segregation which they are practicing is supported by State action. If either test is met, an enumerated establishment would be covered.

The commerce clause test would apply if the enumerated establishment is related to the movement of persons or goods across State boundaries. Thus, if a hotel serves transient guests, if a restaurant or a lunch counter serves interstate travelers or if a substatial portion of the goods or other products which they sell have moved in interstate commerce, if the films, exhibitions, or athletic teams presented in a public place of amusement have moved in interstate commerce, then the establishment would be covered by title II.

The second test is, of course, derived from the 14th amendment which was proposed on June 13, 1866, by the first Republican Congress after the Civil War. The amendment took effect on July 28, 1868. It provides, in section 1, that:

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

This historic amendment prohibits discrimination or segregation which is supported by State action. Thus, if discrimination is carried on under color of any law, statute, ordinance, or regulation or carried on under color of any custom or usage required or enforced by State or local officials or fostered or required by action of a State or a subdivision of a State, then the place of public accommodation enumerated in title II is covered and is prohibited from engaging in such discrimination.

The remedy for discrimination under title II is an action for civil injunctive relief. This action may be instituted by either the aggrieved party or the Attorney General. However, before the Attorney General institutes such an action, the House-passed bill provides that he generally must refer a complaint to the agency responsible for enforcing an applicable State or local public accommodations law, if one exists. The Attorney General may also utilize the services of Federal, State, or local agencies to secure voluntary compliance.

I repeat: The prohibitions of title II would be enforced only by civil suits for an injunction. If a person violated the court injunction issued under this title, he would then be subject to contempt proceedings. However, any criminal contempt proceedings would be limited by the jury trial provisions adopted in the Civil Rights Act of 1957. Thus, while the accused in a criminal contempt proceeding could be tried initially with or without a jury, at the discretion of the judge, if he was tried without a jury and convicted and sentenced to a fine in excess of $300 or imprisonment in excess of 45 days, the accused would have a right to obtain a new trial before a jury.

I must observe parenthetically, once again, that the Statute in my State, which has been the law in my State now for three-quarters of a century, provides civil remedies to the aggrieved individual, which this bill does not.

Mr. President, I ask unanimous consent that a letter to me on the matter of jury trials, dated December 20, 1963, from the Honorable Burke Marshall, Assistant Attorney General in charge of the Civil Rights Division of the Department of Justice be printed at this point in the RECORD.

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

DEPARTMENT OF JUSTICE,
Washington, December 20, 1963.

Hon. THOMAS H. KUCHEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KUCHEL: This is in response to your letter of September 26, 1963, in which you request a reply to allegations which have been made that S. 1731, the proposed Civil Rights Act of 1963, would deny the right to jury trial.

The public accommodations title of S. 1731—at which the jury trial objections appear to be primarily aimed—does not contemplate the use of criminal penalties. Indeed, the only remedy authorized under the proposed statute for failure to comply with the nondiscrimination policy of the bill is the issuance of an injunction. Throughout American history, and before that in England, injunctions have been issued by courts of equity sitting without a jury. To provide for a jury in that kind of proceeding would be a complete break with legal precedent.

When an injunction has been issued the defendant is, of course, required to comply, and his failure to do so is, and always has been, punishable as contempt of court.

There are two types of contempt—civil and criminal. Civil contempt proceedings, in which a jury trial is never available, have as their purpose to coerce the defendant into complying with the orders of the court and to compensate the victims of his disobedience. Criminal contempt proceedings, on the other hand, are designed to punish for past misconduct.

While in some types of criminal contempt actions juries are provided for by statute, the courts have held time and again that there is no constitutional right to jury trial. The most recent holding to that effect is contained in an exhaustive opinion of the Supreme Court in *Green* v. *United States*, 356 U.S. 165 (1958), where the Court said, "the statements of this court in a long and unbroken line of decisions involving contempts ranging from misbehavior in court to disobedience of court orders established beyond peradventure that criminal contempts are not subject to jury trial as a matter of constitutional right."

The United States Code (18 U.S.C. 3691) provides for a jury trial in criminal contempts if the act which constitutes the contempt also constitutes a criminal offense. The public accommodations title of the proposed Civil Rights Act does not create any criminal offense, and thus, under generally applicable law, a jury trial would not be available for a criminal contempt committed in violation of an order issued under that title. Nevertheless, the civil rights bill makes a jury trial available in any case of criminal contempt under the public accommodations title where imprisonment in excess of 45 days or a fine in excess of $300 would be imposed. The Attorney General has stated that this amendment is acceptable to the administration.

It is not correct that no appeal lies from a conviction of contempt. Not only may the defendant appeal in such cases but in contempt cases, unlike criminal cases, the appellate courts review both the judgment and the sentence.

It cannot be emphasized too strongly that the only consequence of a court order under the public accommodations title of the civil rights bill is that the defendant must stop discriminating. No other burdens are placed upon him. Conversely, if he continues to discriminate notwithstanding a Federal court decree, it is not unreasonable that he should be subject to punishment in accordance with traditional and generally applicable procedures.

Sincerely,

BURKE MARSHALL,
Assistant Attorney General,
Civil Rights Division.

Mr. KUCHEL. Mr. President, some citizens, aroused by the advertising campaign of the Coordinating Committee, have written to me expressing a fear that title II invades the right of a businessman to control his private property.

Logically and unquestionably, any businessman should have the right to refuse to serve the drunk, the disorderly, and disreputable. He still will be free to refuse to serve the drunk, the disorderly, and the disreputable. He will still be free to set standards of dress and conduct for persons using his establishment. But, under the mandate of the Constitution, he would have to apply these same standards to all customers and thus could not deny service to anyone solely because of his race, religion, or national origin.

What is wrong with that? Should the shading of a man's skin determine whether or not he can eat a sandwich or secure a room for himself and his family after a drive of hundreds of miles?

I do not believe the Senate thinks it should. Recently, I learned of a group of Catholic nuns who, last autumn, were visiting some of the historic battlefields of Virginia, a very short distance from the Nation's Capital. About 3 o'clock in the afternoon these nuns thought they would eat a late lunch before returning to Washington. They entered a roadside restaurant and were refused service. Why? Because two of the five nuns happened to be Negro. That this could happen in 20th century America is outrageous.

Yet those with narrow mind and heart who seek to prevent the enactment of this legislation have spread stories far and wide that the enactment of title II would affect the sale or rental of private homes and apply to the selection of clientele by a doctor, a dentist, or a lawyer. There are no provisions in either title II or the bill as a whole which would affect private homes or professional relationships. Thus, merely because an office building contains a covered lunch counter on its premises does not mean that the provisions of title II would apply to all the tenants located in that building.

TITLE III

Mr. President, the equal protection clause of the 14th amendment clearly prohibits a State government or one of its subdivisions, such as a city, from denying equal access to all public facilities under its jurisdiction. Yet the fact remains that although the courts have held that segregated public facilities violate the Constitution, those decisions are not self-implementing. Thus, public beaches, public hospitals, public parks, public reading rooms, and other public facilities are still denied to some of our fellow citizens whose taxes help pay for them, but who are not Caucasians.

The Supreme Court has made it clear that the right to desegregation of public parks and recreational facilities is an immediate and present right. In *Watson* v. *City of Memphis* (373 U.S. 526), decided in 1963, the Supreme Court noted, in rejecting a plan submitted by the Memphis Park Commission calling for the gradual desegregation of Memphis' recreational facilities, including parks, swimming pools, and playgrounds over a 10-year period, that the "basic guarantees of our Constitution are warrants for the here and now and, unless there is an overwhelmingly compelling reason, they are to be promptly fulfilled."

Three days following this decision, Memphis ordered all recreational facilities immediately desegregated except its swimming and wading pools, which it closed.

The humiliation of Negro citizens still occurs in other communities in some parts of our land.

Title III of the House-passed bill is designed to deal with this problem. The Attorney General is authorized to institute a civil action to prohibit discrimination or segregation in public facilities other than public schools which are dealt with in title IV. While private suits may be, and have been, brought to vindicate these rights, the fact is that many citizens are precluded from bringing such actions and thus asserting their constitutional rights due to their economic inability to finance such suits or by a fear of reprisal if they do so.

Under this title, the Attorney General is also authorized to intervene in a civil action which is brought by an individual where the individual claims that he has been denied equal protection of the laws. I believe that a genuine effort must be made to strengthen the so-called title III provisions of this bill by permitting the Attorney General to initiate such suits in the first instance. The economic handicaps and fear of reprisal are no less in cases having to do with arrests which result from peaceful demonstrations in pursuit of one's constitutional rights and from police brutality.

The title III approach, Mr. President, you will recall, was written and recommended by the last Republican administration when, in 1957, it presented its civil rights proposals to Congress. We debated what we should do with it here on the Senate floor. Title III of the 1957 bill authorized the Attorney General to initiate suits in the Federal district courts to protect a person's civil rights. It was overwhelmingly approved by the House of Representatives. Unfortunately and regrettably, in the Senate the heart of the 1957 bill—title III—was eliminated by a vote of 52 to 38. I am glad, Mr. President, if you will permit me to say so, that 25 Republicans on this side and 13 members of the Democratic Party voted to retain title III.

During consideration of that title in 1957, President Eisenhower's Attorney General, Herbert Brownell, submitted to Congress a list of the rights he believed would be protected by the proposed legislation. These included: the right to be free of mob violence while in Federal custody; the right to be secure from unlawful searches and seizures; the right to assemble peaceably, free from unreasonable restraints by State or local officials; the right not to be discriminated against in public employment on account of race or color; the right not to be denied the use of governmentally owned facilities on account of race or color; the right not to be subjected to racial segregation under compulsion of State authority; the right not to be denied the due process of law or equal protection of the law "in other regards"; the right to a fair trial; and the right not to be held in peonage.

In testifying before the Subcommittee on Constitutional Rights of the Senate Committee on the Judiciary in 1957, Attorney General Brownell indicated that title III would also protect freedom of religion, of speech, and of the press.

Despite House approval of authority to protect these rights, regrettably, the view of the Senate prevailed, and this authority was eliminated. I believe that if the Attorney General had been empowered with such authority by Congress at that time, many of the tragic incidents of the last 7 years would have been avoided.

Once again, the issue of title III authority is before us, the issue of giving the Attorney General the tools I believe he needs to preserve the peace so that the Federal Government does not stand helpless in a tension-filled local disturb-

ance involving discrimination. All too often, in my judgment, in the last 3 years, the Department of Justice has stood helpless and powerless before lawlessness such as that which occurred at Albany, Ga., and Birmingham, Ala. Several of us have repeatedly urged the present Attorney General to ask for such authority. In a limited way, the House-passed bill has now accomplished this, but it is inadequate to do the job which needs to be done.

The House of Representatives has given the Attorney General the authority to initiate suits in cases of discrimination having to do with public accommodations, public facilities, and public educational facilities. But again, an overlooked area is protection for the citizen who is engaged in peaceful demonstrations in pursuit of his constitutional rights and protection for the citizen who is the victim of police brutality. In a strife-ridden local situation, it is expecting the near impossible to ask private individuals, usually of little financial means, who have been browbeaten by a system of segregation for a century, to initiate their own court action and to secure the necessary counsel to prosecute successfully their cause.

I believe that it should be the responsibility of the Attorney General—and the responsibility of Congress under the Constitution to authorize the Attorney General—to preserve constitutional guarantees and, on behalf of all the people of the United States, to be able to initiate such actions in the first instance, if we are truly to remove these cases from the streets and into the courts. It is the rule of law rather than the rule of men—which all too often and all too sadly has been the rule of the electric cattle prod, the billy club, the fire hose, and the police dog—which must prevail in our country.

I am equally concerned that, under the House-passed bill, when an officer of the State judiciary uses his powers to further a system of segregation, the Attorney General remains powerless to act under the equal protection clause of the 14th amendment until a private party has brought a suit.

On January 31, 1964, I wrote the Attorney General regarding the case of Rev. Ashton Bryant Jones, of San Gabriel, Calif. Reverend Jones was found guilty of a misdemeanor after being arrested and charged with disturbing divine service. His crime had been that he attempted to worship at a segregated church. That was, of course, a private matter.

However, it is no longer a private matter when, after being declared guilty, Reverend Jones was given by a State officer—a State judge—the maximum misdemeanor sentence of 12 months on public works, 6 months in jail, and a $1,000 fine. A motion for a new trial was immediately filed. Bail was set at $20,000. Since Reverend Jones was unable to raise the bail, even though it was later lowered by a unanimous vote of the Supreme Court of the State of Georgia, a recognition, I believe, that it was excessive—he languished for several months in the Atlanta jail. The local judge demanded that the bail be posted in unencumbered property.

I raised this matter in a letter of January 31, 1964, to the Attorney General. Assistant Attorney General Marshall, an able man, replied in a letter of February 26, 1964, that under the House-passed bill, the Attorney General would be able to intervene in a case such as this one, where a State has acted through one of its branches, in this case a member of the judicial branch of the State, even though the case originally arose as a dispute between private parties.

But it is settled—

Said the Assistant Attorney General—

that when the State acts through any one of its branches it is bound by the command of the 14th amendment, and it is immaterial for that purpose that the underlying dispute was not one involving State officials.

I have recently written to Assistant Attorney General Marshall, asking whether the Department of Justice would be willing to approve of an amendment to the House-passed bill—along the lines which Attorney General Brownell had recommended during the last Republican administration which would authorize the Attorney General to initiate and institute actions for appropriate relief when the equal protection of the laws has been denied under the 14th amendment, regardless of whether a private action had previously been brought.

Mr. President, I ask unanimous consent that the exchange of correspondence between the Justice Department and myself on this issue, consisting of a copy of my letter of last January 31 to the Attorney General, a copy of a letter from the Assistant Attorney General to me dated February 26, and a letter from me to him, dated March 23, may be printed in the RECORD at this point.

There being no objection, the letters were ordered to tbe printed in the RECORD, as follows:

JANUARY 31, 1964.

Hon. ROBERT KENNEDY,
The Attorney General,
Department of Justice,
Washington, D.C.

MY DEAR GENERAL: On October 23, 1963, I wrote you regarding the case of Rev. Ashton Bryant Jones, of San Gabriel, Calif. Reverend Jones was found guilty after being arrested and charged with attempting to worship with two teenage Negroes and a white teenager at the First Baptist Church in Atlanta, Ga., Sunday, June 30, 1963. My understanding is that they were refused admission to the church and that Reverend Jones and one of the teenagers who accompanied him were pushed about by members of the church.

On August 28, 1963, a Fulton County superior court jury found Reverend Jones guilty of disturbing divine service. A maximum misdemeanor sentence of 12 months on public works, 6 months in jail, and a $1,000 fine was imposed. A motion for a new trial was immediately filed. The court stayed the sentence and set bail for $20,000. Since Reverend Jones was unable to make bail in this amount, he was confined to the Fulton County jail. I am concerned at the amount, of what I regard as excessive bail, required in this misdemeanor case. Assistant Attorney General Marshall replied to me on November 4, 1963, with reference to this case that the Department of Justice has no authority over the judicial process of sentencing and setting appeal bonds in the State courts. This is a matter within the exclusive jurisdiction of those courts. My question to you is this: In light of the language—the so-called part 3 approach adopted by the House of Representatives Judiciary Committee in H.R. 7152—would you have power as Attorney General to intervene in a case such as that of Reverend Jones when one could presume that the State court system was being used through the setting of excessive bail to further policies of segregation, even though those segregation policies pertained to a private facility such as a church? I would very much appreciate having your comments on this problem and if you feel that H.R. 7152 would not cover cases of excessive bail levied by State courts, whether or not you are willing to recommend a suitable amendment to overcome the no man's land which obviously exists in this area. Like you, I recognize the great difficulties we face in the legislative branch, but I do think that the subject matter of this letter furnishes additional impetus for passing legislation which would clothe you with authority to prevent such flagrant examples of unequal treatment under law.

I hope to see you soon.

With kindest regards.

Sincerely yours,

THOMAS H. KUCHEL,
U.S. Senator.

DEPARTMENT OF JUSTICE,
Washington, February 26, 1964.

Hon. THOMAS H. KUCHEL,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KUCHEL: This is in response to your recent letter inquiring about the applicability of section 302 of the proposed Civil Rights Act to the case of the Reverend Ashton B. Jones.

Section 302 provides in pertinent part: "Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws 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."

This section, of course, presupposes that a private action is pending in Federal court to seek relief from denials of equal protection based on race, color, religion, or national origin. Unless and until such an action is filed, section 302 would not be applicable at all.

Your inquiry suggests that section 302 might not cover situations where the denial of equal protection arises out of a case involving private property and private parties. But it is settled that when the State acts through any one of its branches it is bound by the command of the 14th amendment, and it is immaterial for that purpose that the underlying dispute was not one involving State officials. Thus, for example, in a criminal trespass or assault prosecution the State must abide by all of the procedural rules required by the due process clause of the 14th amendment notwithstanding that the underlying dispute may be one between private parties.

It is, of course, impossible to state with authority whether a denial of equal protection occurred in any particular case unless all of the surrounding circumstances are known and can be carefully evaluated. On the broader question you pose, however, it is my opinion that section 302 would permit intervention by the Department of Justice where, in an action brought by a private party, it is claimed that excessive bail was set and that this setting of bail constituted a denial of equal protection on account of race, color, religion, or national origin.

Sincerely,

BURKE MARSHALL,
Assistant Attorney General.
Civil Rights Division.

MARCH 23, 1964.

HON. BURKE MARSHALL,
Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C.

DEAR MR. MARSHALL: I appreciate your letter of February 26, 1964, and I am glad to know that the Department of Justice does feel that it has the power to intervene under section 302 of the proposed Civil Rights Act in cases such as that of Reverend Jones. However, the essential point here is that the Attorney General should have the power to initiate suits when equal protection of the laws has been denied based on one's race, color, religion, or national origin.

As you correctly point out, when the State acts through one of its branches—in this case a member of the judicial branch who levied excessive bail on an individual who attempted to further desegregation—it is bound by the command of the 14th amendment and it is immaterial that the underlying dispute was not one involving State officials. I agree with you. What concerns me is that in a tension-filled local situation an individual will not be able to further his own claim by securing needed local counsel. Thus, I believe it is not adequate to merely provide the Attorney General with the authority to intervene once a private action is brought, since there are real obstacles, often of an economic nature, to bringing this private action. Therefore, I would like to know whether or not the Department of Justice would be willing to approve of an amendment to the House-passed bill which would authorize the Attorney General to initiate and institute actions for appropriate relief when the equal protection of the laws has been denied under the 14th amendment regardless of whether or not a private action had previously been brought.

With kindest regards,

Sincerely yours,

THOMAS N. KUCHEL,
U.S. Senator.

TITLE IV

Mr. KUCHEL. Mr. President, almost a decade ago, the Supreme Court of the United States ruled in Brown against Board of Education of Topeka that racially segregated public schools are unconstitutional. The determination of the following year that desegregation shall take place with "all deliberate speed" has largely gone unmet.

Title IV does not create any new rights for individuals or any new obligations for State and local officials. It merely provides an additional remedy for the assurance of existing constitutional rights.

The coordinating committee, of course, would have you believe that title IV did everything but what it does. For example, in the nationwide ad to which I previously referred, this so-called coordinating committee whose expenses are largely paid by the Mississippi State government, claims that "Federal inspectors would dictate to schools and colleges as to handling of pupils, employment of faculties, occupancy of dormitories, and the use of facilities." The bill does none of these things.

According to the 1963 report of the U.S. Commission on Civil Rights there are 6,196 school districts in the 17 Southern and border States. Of these, 3,052 have both Negro and white students. Yet only 8 percent of the Negro pupils in the South attend schools with white children. Most of the progress which has been made in desegregation has been made in the border States and the District of Columbia and in the border areas of the South. South Carolina, Alabama, and Mississippi have no Negroes attending school with white students below the college level. A statistical summary revised to August 1, 1963, by the Southern Education Reporting Service shows that of 13,970,307 students, both white and Negro, enrolled in the 17 Southern and border States and the District of Columbia, only 264,665 Negroes are enrolled in desegregated schools out of a total Negro school enrollment in the area of 3,326,468.

It is shocking that many of the Negro children who were about to enter segregated grade schools at the time of the historic Supreme Court decision in 1954 will enter segregated senior high schools this year. Many Negro citizens are handicapped in their ability to find suitable employment opportunities by the inadequacy of the public education which has been available to them.

To expedite desegregation in public educational facilities, title IV would authorize the Commissioner of Education to conduct a survey regarding the lack of educational opportunities in public educational institutions because of race, color, religion, or national origin. Upon request of a local school board or other State or local government unit, the Commissioner could render technical assistance in the form of information and personnel to assist in desegregation of the public schools.

The Commissioner could also arrange with institutions of higher learning for the establishment and financing of special training institutes to improve the ability of local school personnel in dealing effectively with educational problems occasioned by desegregation. School personnel could receive stipends to attend such institutes. In addition, again upon request, grants could be made by the Commissioner to local school boards to provide school personnel with in-service training and to permit the school boards to employ specialists in order to deal with desegregation problems.

Equally important in expediting the decade-old mandate of the Supreme Court that desegregation occur in the public schools with all deliberate speed is the authority which this title confers upon the Attorney General to institute civil suits in the Federal district courts in order to achieve desegregation in the public schools and colleges. The Attorney General could bring such a suit when he received a written complaint from parents that the school board in their district had failed to achieve desegregation, or from an individual that he had been denied admission to or continued attendance at a public college by reason of race, color, religion, or national origin.

As a prerequisite to bringing such a suit, the Attorney General would be required to certify that the signers of the complaint were "unable to initiate and maintain appropriate legal proceedings" for relief, and that the institution of an action would materially further the public policy favoring the orderly achievement of desegregation in public education.

The Commissioner of Education cannot render technical assistance under this title unless the local school board requests him to do so. He cannot compel the school board to do anything that it does not want to do; indeed, he has no powers of coercion under the bill and should have none. He may only cooperate with the board if they ask him to do so.

Other equally invalid scare charges have been made. For instance, some have erroneously implied that title IV would provide funds to secure racial balance in all schools throughout America and thus overcome racial imbalance. The House specifically provided in section 401(b) of the bill that "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance. Let this be thoroughly understood.

In general, title IV approximates much of S. 1209, of which I am an author along with six other Republican Senators, who introduced it on March 28, 1963. The House-passed bill, based on the administration's subsequent recommendations, does not include our provision for the filing by the local school district of a desegregation plan, within 180 days after the enactment of the legislation, with the Secretary of Health, Education, and Welfare. The reason we wished to require such plans was that it would promote, it seemed to us, the orderly process of desegregation and require the school boards to focus their attention on this important and vital matter.

The House-passed bill does not provide, as S. 1209 did, for the Commissioner to make loans to school boards which attempt to desegregate but which have had their funds cut off by their State government which seeks to perpetuate a system of segregation, and thus to defy the law of the land. Nor would the House-passed bill, as ours did, restrict Federal grants-in-aid to States which fail to implement desegregation plans in elementary and secondary schools.

Nevertheless, title IV is certainly a step in the right direction. It approximates—and I say this for the benefit of my Republican colleagues—the 1960 Republican platform's commitment that—

> We will propose legislation to authorize the Attorney General to bring actions for school desegregation in the name of the United States in appropriate cases, as when economic coercion or threat of physical harm is used to deter persons from going to court to establish their rights.

And—

> Our continued support of the President's proposal, to extend Federal aid and technical assistance to schools which in good faith attempted to desegregate.

TITLE V AND TITLE X

The U.S. Commission on Civil Rights is now nearing the end of its 7th year. These have been years of great and difficult work. In my judgment, it would not have been possible for Congress to consider the legislation which it has in the area of civil rights without the invaluable hearings, studies, reports, and

recommendations which have been submitted by this bipartisan agency.

When this independent agency was established by Congress in 1957, at Eisenhower's urging, its mission was to investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, or national origin; to study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; to appraise Federal laws and policies with respect to equal protection of the laws; and to submit interim reports and a final and comprehensive report of its activities, findings, and recommendations to the President and the Congress.

President Eisenhower appointed John A. Hannah, the president of Michigan State University, as Chairman. He still serves in that capacity. With him have served a group of equally dedicated Americans; from North and from South, lawyer, churchman, and public servant.

The Commission's work has been nationwide in scope. Hearings have been held in Los Angeles and San Francisco, Calif., as well as in other cities of the South and of the North. Concern has been expressed not only for the Negro citizen but for the Indian and the American of Latin American or Mexican descent as well.

The extensive recommendations which the Commission made in its 1961 report, recommendations related to voting, equal protection of the laws in education, employment, housing, and the administration of justice were the basis of the comprehensive package of civil rights legislation which seven of us on this side of the aisle introduced in the Senate on March 28, 1963. When the administration thereafter submitted its proposed Civil Rights Act for this Congress, which contained many, but not all, of our own proposals, we, along with other Republicans, were glad to join with Senators on the other side of the aisle in bipartisan sponsorship of that bill.

Our March 28 package included S. 1219 authored by the senior Senator from Massachusetts [Mr. SALTONSTALL] which would have made the Commission on Civil Rights a permanent agency of the Federal Government. The bill as reported by the Committee on the Judiciary of the House of Representatives contained a similar provision. On the House floor, however, a simple 4-year extension was agreed to.

As the measure passed the House, the Commission, in title V, is also authorized both to serve as a national clearinghouse for information in respect to equal protection of the laws and to investigate cases of vote fraud provided that it is a written allegation made under oath. The House also added a provision prohibiting the Commission, its advisory committees, or any personnel under its supervision or control from investigating membership practices or the internal operations of any fraternal organization such as a college or university fraternity for example, or a sorority, a private club, or a religious organization. This is in keeping with the expressed desire of this legislation not to intrude in areas of solely private relationships.

I believe the Commission should be made a permanent agency of the executive branch. All too often in the last several Congresses, we have been confronted with an extensive junior grade filibuster as to whether or not the Commission would be extended for 4, 2, or 1 additional year, or at all. The effect of the short 2-year terms which have been granted the Commission is that with the uncertainty of its life, many competent people have left the Commission for other agencies of the Federal Government, State or local government, or private life. Constant bickering and caustic debate over the work of an agency which has performed unparalleled and constructive and thoughtful service does not serve the public interest.

In addition, the House-passed bill in title X authorizes the establishment in the Department of Commerce of a Community Relations Service which would be headed by a Director, appointed by the President with the advice and consent of the Senate for a 4-year term. The function of this Service is to assist local communities to resolve disputes, disagreements, and difficulties relating to racial discrimination. It is specified that whenever possible the Service shall seek and utilize the cooperation of appropriate State or local agencies dealing with these matters. To implement this title, which was added on the House floor, the Director is authorized to appoint six additional personnel and to procure the services of additional experts and consultants on a per diem basis.

The theory of a community relations service is a good one, although the personnel authorized is totally inadequate. It parallels the functions of the Federal Mediation and Conciliation Service created by the Taft-Hartley Act. This Service possesses no law-enforcement authority. Its mediators, who are located in some of the major industrial cities of the Nation, rely on persuasive techniques of mediation and conciliation to perform their duties. Their purpose is to prevent or minimize interruptions of the free flow of commerce growing out of labor-management disputes. They have performed a useful service in a difficult area of human relations where tempers and emotions frequently flare.

In my judgment, Mr. President, careful consideration should be given by the Senate to incorporating this community relations service under the U.S. Commission on Civil Rights. It is the Civil Rights Commission which has the background and experience so necessary if one is to attempt an intelligent solution in the area of racial relations. Being outside a Cabinet department, in a bipartisan commission, it is less likely to be subject to any political pressures. In a case where the enforcement agencies of the Federal Government were also involved, it would be more likely to function in an objective manner.

TITLE VI

It is, of course, unconscionable that discrimination still exists in the implementation of some federally assisted programs. The taxes which support those programs are paid into the Treasury by all citizens, regardless of their race. It is simple justice that all citizens should derive equal benefits from these programs without regard to the color of their skin.

President Dwight D. Eisenhower correctly stated his views on this issue at a press conference on March 19, 1953, within 2 months after the last Republican administration took office:

> I will say this—I repeat it, I have said it again and again: Wherever Federal funds are expended for anything, I do not see how any American can justify—legally, or logically, or morally—a discrimination in the exependiture of those funds as among our citizens. All are taxed to provide those funds. If there is any benefit to be derived from them, I think they must all share, regardless of such inconsequential factors as race and religion.

In addition, I wish to recall what the 1960 Republican platform promised, and what we now have an opportunity to fulfill:

> Removal of any vestige of discrimination in the operation of Federal facilities or procedures which may at any time be found.
>
> Opposition to the use of Federal funds for the construction of segregated community facilities.
>
> Action to insure that public transportation and other Government authorized services shall be free from segregation.

Title VI seeks to get at the problem of discrimination in Federal programs. Some progress has been made in the area of Executive action. Much more could be accomplished now. In my judgment, the President has clear authority now under the Constitution to eliminate discrimination in federally assisted programs. Those statutes which did sanction "separate but equal" hospitals, schools, and colleges are patently unconstitutional and in the case of hospitals this has recently been affirmed by the Supreme Court. Title VI would override all such "separate but equal" provisions of existing law, without the necessity of further litigation, and would authorize and direct the Federal agencies administering such statutes to take appropriate action to end segregation or other discrimination in such programs of assistance.

Over the years, the Senators from New York [Mr. JAVITS and Mr. KEATING] have made valiant efforts to eradicate this type of program discrimination. I am proud to say that when these amendments have been offered, we over on this side almost unanimously supported them. However, time and again, the question has been put off until another day on the excuse that the addition of such an amendment would jeopardize the passage of a particular legislative authorization or appropriation by invoking a filibuster.

This issue is now clearly before us. Now is the time to act in showing that the Congress of the United States will no longer condone discriminatory practices in any programs financed by the hard-earned dollars of all Americans.

Title VI provides a positive, across-the-board, congressional mandate for Federal departments and agencies which

are empowered to extend financial assistance under the authority of any program or activity by way of grant, loan, or contract—excluded are a contract of insurance or guaranty—to terminate, refuse to grant, or refuse to continue financial assistance to a recipient of this assistance if any individual is discriminated against or refused the benefits of such a federally assisted program on the grounds of race, color, or national origin.

Rulemaking authority is granted to Federal departments and agencies so that they might carry out their duties under this title. But such rules must be approved by the President. Before assistance could be discontinued or refused, a hearing would have to be conducted and an attempt would have to be made to secure voluntary compliance. In addition, if the agency head determines that Federal assistance should be cut off, then he must file a written report detailing the circumstances and his grounds for discontinuing or withholding financial assistance with the appropriate legislative committees of the House and the Senate. No administrative action could then be taken by the agency until 30 days after that report was filed.

Moreover, the agency aggrieved, which would usually be a State or local governmental authority which had been the recipient of Federal assistance, could secure judicial review of the action taken by the Federal administrator in discontinuing or withholding financial assistance. That is what this bill provides. As can be clearly seen, title VI is, in reality, a series of restrictions on executive action which I believe could now be taken, and ought now to be taken. In fact, a good case could be made that a remedy is provided for the State or local official who is practicing discrimination, but none is provided for the victim of that discrimination.

And victims of discrimination there are. Over $1 billion a year is provided 11 Southern States in the form of Federal grants-in-aid; yet discrimination is condoned by many of these States in their operation. The National Guard secures over 95 percent of its operating expenses from the Federal Treasury; yet 11 States still require segregation in their Guard units. Mississippi still receives $2 million a year in Federal assistance for its public schools; yet a decade after the Supreme Court decision, every public elementary and secondary school in the State remains segregated. So, too, with grants from the National Institutes of Health which have gone to public universities and research centers in the South that do not admit Negro students.

Nothing in title VI would authorize withdrawal of all Federal assistance from a State that discriminates in a particular federally assisted program. Yet some who seek to mislead the public have said there was.

Nothing in title VI would authorize cancellation of Federal checks for social security or veterans' pensions or agricultural price supports because the State in which recipients live discriminates in the administration of federally supported programs. Yet some who seek to mislead the public have said there is.

The objective of title VI is not to deny Federal assistance but to end discrimination. Nothing in title VI precludes continued assistance to the American Indian who occupies a special status under our Constitution and the treaties which have been ratified pursuant to it. Nothing in title VI precludes special assistance to victims of a disaster or other events, such as particular classes of refugees, or specially underprivileged groups.

Title VI does not apply retroactively. It applies program by program. Thus, aid to one program would not be cut off because discrimination was found in another Federal program. This is not a punitive title. It is not intended to harm innocent individuals who need assistance. The purpose of title VI is to make sure that funds from the Treasury of the United States are not used to support racial discrimination.

This is not a regulatory measure. It is simply the exercise of the unquestioned power of the Federal Government to "fix the terms on which Federal funds shall be disbursed," as the Supreme Court held in 1947 in Oklahoma against Civil Service Commission. No recipient is required to accept Federal aid. If a State or municipality or other local governmental agency does so, it does so voluntarily. It ought not to receive it if it is dedicated to use it in an unconstitutional manner.

This is not, I repeat, any new extension of Federal authority. That authority now exists under the President's executive powers and under many of the statutes which Congress has enacted. Title VI merely prescribes the manner in which existing Federal programs will be administered with regard to furthering a policy of nondiscrimination, and thus eliminating defiance of the law of the land.

TITLE VII

To secure and maintain a job in our industrial economy places a premium on education and on skill. Job discrimination because of one's race is an evil which affects not only the individual, but also the future of a constantly expanding America, for if our economy is to continue to grow, so that we can produce the goods and services needed to provide a better life for our fellow citizens here at home, and to meet our international responsibilities as the leader of the free world, then our country must utilize to the fullest the talents and skills of each of our citizens, regardless of his race.

If a Negro or a Puerto Rican or an Indian or a Japanese-American or an American of Mexican descent cannot secure a job and the opportunity to advance on that job commensurate with his skill, then his right to be served in places of public accommodation is a meaningless one—a right which can seldom be exercised when there is a lack of money. And if a member of a so-called minority group believes that no matter how hard he studies, he will be confronted with a life of unskilled and menial labor, then a loss has occurred, not only for a human being, but also for our Nation.

America will suffer in this respect for a generation to come, because of the lack of opportunity available to some of its fellow citizens. At the most, the outlook for many has been dismal as they attempt to secure unskilled jobs in an economy which has a little less room for the unskilled as each day passes. At the most their outlook has been dismal as they try to overcome the last-hired, first-fired operational principle which seems to rule their daily life. What jobs they can secure are usually interwoven with periods of unemployment. Negro citizens have consistently fallen behind white citizens in terms of employment. The gap is increasing. In 1947, for example, the nonwhite unemployment rate was 64 percent higher than the rate for white workers. In 1962, it was 124 percent higher. Generally, in the last decade, unemployment has been twice as heavy among employable Negroes as it has been among whites. While nonwhites represent 11 percent of the total civilian labor force, they represent more than 25 percent of the long-term unemployed; those who have been out of work more than 26 weeks. Thus, it is especially important that the retraining and vocational education programs which are conducted by the Federal and State Governments, by private industry, and by labor unions be operated on a nondiscriminatory basis.

A bipartisan majority of the Senate Committee on Labor and Public Welfare, in reporting S. 1937, the Equal Employment Opportunity Act, on February 4, 1964, noted after a careful study of the job discrimination faced by the nonwhite American, these key facts:

1. The nonwhite college graduate on the average can expect to earn less than the white pre-high-school dropout.

2. Three-fourths of all nonwhites in their lifetime in the labor force, irrespective of talent, training, educational attainment, or skill, are compelled to accept jobs in the unskilled or semiskilled blue-collar area at low wages well under those paid to the white.

3. Developments in the advancing technology, including automation, are wiping out these jobs at an accelerating pace.

4. These conditions directly or indirectly have contributed in whole or in part to the current unemployment level of 900,000 nonwhites, comprising 22 percent of the unemployed labor force, and will, in the period ahead, with its promise of an ever-increasing reduction in the aggregate demand for unskilled or semiskilled labor, swell the ranks of the Negro unemployed enormously.

The Committee concluded that if the Negro labor force at its present level of educational attainment were fairly and fully utilized, then the gain in our gross national product would reach $13 billion. The Committee added that should the Negro labor force achieve educational parity with the white, this gain would total $17 billion. Think of the waste in human and economic terms which is daily taking place here.

Twenty-six States, covering 40 percent of the nonwhite population, now have to some extent fair employment practice programs or policies. Enforcement of these programs has varied, sometimes because of inadequate laws and sometimes because of inadequate budgets. Some of these State laws apply only to public contracts. Yet it is the 60 percent of the nonwhite population living in the 24 remaining States which also must be of concern to us.

Under the California Fair Employment Practice Act, employers of five or more persons—excluding agricultural and domestic workers and exempting social and religious nonprofit associations—are covered. Employment agencies, labor unions, and State and local governments also come under the California statute. Discrimination in employment on the basis of race, religious creed, color, national origin, or ancestry is prohibited.

The California act is enforced by a fair employment practices commission, consisting of seven members and a staff. The commission is empowered to receive complaints from aggrieved parties, or from the attorney general of California, and to investigate these complaints, or initiate its own investigations if an unlawful employment practice seems to have been committed. Once the investigation has been completed, the commission is required to attempt to eliminate by conference, conciliation, and persuasion, any unlawful employment practices.

Should this approach fail, the California commission may issue formal charges and, after holding hearings, may issue orders on the basis of those hearings. The orders are subject to judicial review. If the orders are violated, the commission may, in superior court, bring action requesting an injunction against the unlawful practice. Any person who willfully violates an order of the commission, or who interferes with the commission's performance of duty, shall be guilty of a misdemeanor, punishable by imprisonment in a county jail for not to exceed 6 months or by a fine not to exceed $500 or by both.

Title VII of the House-passed bill is far less stringent than the existing California statute or S. 1937 which was reported to the Senate by both a Democratic and Republican majority of the Senate Committee on Labor and Public Welfare. S. 1937 would apply to all business and labor organizations of eight or more members.

The House of Representatives amended title VII to make it an unlawful employment practice to discriminate on account of race, color, religion, sex, or national origin in connection with employment, referral for employment, membership in labor organizations, or participation in apprenticeship or other training programs. Exemptions are provided for governmental bodies, bona fide membership clubs, and religious organizations. Exemptions are also provided for situations in which religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to normal business operation and in cases, for example, in which a church-affiliated educational institution employs persons of a particular religion. With reference to employment discrimination based on age, the Secretary of Labor is directed to make a full and complete study of this question, which does affect so many workers 45 years of age or over.

To permit employers, employment agencies, and labor organizations to bring their policies into line with the intent of this law, if their policies have been at variance with that intent, the provisions of title VII would not take effect until 1 year after enactment. They would then only apply for the following year to employers of 100 or more employees and labor organizations of 100 or more members. Two years after enactment, coverage would be lowered to those organizations with 75 or more members, in the third year, to 50 or more and finally at the beginning of the fourth year after enactment, the coverage would be reduced to 25 or more members.

Besides discrimination in employment and union membership, title VII would prohibit discrimination in apprenticeship or other training or retraining programs, including on-the-job training. On the floor of the House, language was also added specifying that it would not be a discriminatory employment practice for an employer to refuse to employ any person who holds atheistic practices and beliefs. I think this provision is clearly unconstitutional in view of the first amendment and the strictures of the Supreme Court that government can neither promote nor hinder believers or disbelievers. The House also added a provision that it would not be a discriminatory employment practice for an employer, labor organization, employment agency or joint labor-management committee to refuse to hire a member of the Communist Party or other subversive organization.

An Equal Employment Opportunity Commission composed of five members, not more than three of whom shall be of the same political party, is authorized to carry out the objectives of title VII. The President shall appoint these members for staggered 5-year terms by and with the advice and consent of the Senate.

This Commission will have no power to issue enforcement orders. A charge, in writing and under oath, may be filed with the Commission by or on behalf of a person claiming to be aggrieved. A written charge may also be filed by a member of the Commission where he has reasonable cause to believe a violation of the act has occurred. Once the charge is filed, the Commission shall furnish a copy of it to either the employer, employment agency, or labor organization involved. An investigation will be made. After the investigation is completed, if two or more members of the Commission determine that there is reasonable cause to believe the charge is true, the Commission shall then endeavor to eliminate any such unlawful employment practice by informal methods of conference, conciliation, and persuasion. If appropriate, the Commission may obtain from the violator a written agreement describing particular practices which he agrees to refrain from committing. This statement could not be used as evidence, however, in a subsequent proceeding.

If voluntary compliance fails, the Commission, again if it determines there is reasonable cause to believe unfair employment practices have been engaged in, shall, within 90 days, bring a civil action to prevent such practices in the Federal district court. The Commission is relieved of an obligation to bring a civil action in any case where it has determined by affirmative vote that the bringing of such a civil action would not serve the public interest. If the latter course of action is followed, the person claiming to be aggrieved may, if one member of the Commission gives permission in writing, bring a civil action to obtain relief as provided in the act.

No civil action shall be based on an unlawful employment practice which occurred more than 6 months prior to the filing of the charge with the Commission, unless such a failure to file was caused by service in the Armed Forces. If the court finds that unlawful employment practices have indeed been committed as charged, then the court may enjoin the responsible party from engaging in such practices and shall order the party to take that affirmative action, such as the reinstatement or hiring of employees, with or without back pay, which may be appropriate.

Title VII would not supersede State nondiscrimination laws nor preempt any State authority in this area. Where the Commission determined that State or local agencies are effectively exercising power to prevent discrimination in this type of case, then a written agreement shall be sought with the State or local agency by the Federal Commission under which the latter will refrain from bringing a civil action in any cases or class of cases covered by title VII. The Commission can also utilize the services of State and local agencies, and reimburse them for such services, in aiding the Commission in carrying out its duties under title VII. The subpena power is granted the Commission as well as the authority to require that appropriate records be kept of the affected organizations.

Title VII might justly be described as a modest step forward. Yet it is pictured by its opponents and detractors as an intrusion of numerous Federal inspectors into our economic life. These inspectors would presumably dictate to labor unions and their members with regard to job seniority, seniority in apprenticeship programs, racial balance in job classifications, racial balance in membership, and preferential advancement for members of so-called minority groups. Nothing could be further from the truth. I have noted that the Equal Employment Opportunity Commission is empowered merely to investigate specific charges of discrimination and attempt to mediate or conciliate the dispute. It would have no authority to issue orders to anyone. Only a Federal court could do that, and only after it had been established in that court that discrimination because of race, religion, or national origin had in fact occurred. Any order issued by the Federal district court would, of course, be subject to appeal. But the important point, in response to the scare charges which have been widely circulated to local unions throughout America, is that the court cannot order preferential hiring or promotion consideration for any particular race, religion, or other group. Its power is solely limited to ordering an end to the discrimination which is in fact occurring.

Neither would seniority rights be affected by this act. Employers and labor organizations could not discriminate in favor of or against a person because of his race, his religion, or his national origin. In such matters, the Constitution, and the bill now before us drawn to conform to the Constitution, is colorblind. The labor movement in my State and nationally has led in its efforts to eradicate discrimination in employment opportunities. A resolution unanimously adopted at the 1963 convention of the AFL–CIO called upon every affiliate "to establish a vigorous civil rights program of its own, geared to the banishment of every form of discrimination based on race, creed, or color from its ranks," and to seek the inclusion of effective antidiscrimination clauses in all collective bargaining agreements.

Under the National Labor Relations Act and the Railway Labor Act, unions in interstate commerce are required to represent all employees fairly and impartially, without regard to race or color. Thus, an employee who believes he has been discriminated against may now bring a private civil suit in Federal district court against the offending union and any employer cooperating with the union in such discrimination.

Mr. President, as early as 1944, the Republican platform specifically endorsed the Fair Employment Practice Commission approach. We renewed our commitment in this area in the 1960 platform when we pledged continued support for legislation to establish a Commission on Equal Job Opportunity and to end the discriminatory membership practices of some labor union locals as well as a full-scale review of existing State laws and prior Federal proposals for guidance in the objective of developing a Federal-State program in the employment area.

MISCELLANEOUS PROVISIONS

Mr. President, title VIII directs the Secretary of Commerce to compile registration and voting statistics in such geographic areas as may be recommended by the U.S. Commission on Civil Rights. This study would include a count of persons of voting age by race, color, and national origin, and a determination of the extent to which such persons are registered to vote and have voted in any statewide general election for Members of the House of Representatives since January 1, 1960.

The geographical limitation will make it possible to focus on the areas and groups where there is reason to believe there has been discrimination. The result of this study will assist Congress in determining whether rights guaranteed by the 14th amendment are being infringed. For the first time, it might be possible to enforce the most unused section of the Constitution—section 2 of that amendment—and reduce the basis of a State's representation in the House of Representatives in relation to the infringements by the State and its subdivisions on the qualified voters in its jurisdiction.

Under title IX, the orders of Federal courts sending certain civil rights cases back to State courts are not now reviewable by a higher Federal court. Thus, under Federal law, where a case begun in a State court may be removed to a Federal district court because a constitutional or substantial Federal question relating to the equal civil rights of citizens of the United States is involved and the district judge then decides that the removal was improper, the case goes back to State court. No appeal is presently allowed from the district judge's decision. Some district judges in the South have referred civil rights cases back to unfriendly State courts.

The enactment of title IX would allow an appeal from the district judge's decision to higher Federal courts.

In addition, under title XI, besides authorizing appropriations to carry out the act, and providing the usual severability clause in case any provision of the act were held invalid, a nonpreemption clause was added by the House during floor consideration. Thus, where adequate State laws exist which are not inconsistent with the purposes of this act, they will remain in effect.

Mr. President, as I said in the beginning, the struggle for effective civil rights legislation is not a partisan fight. It is an American fight.

If it is won in the Senate Chamber, and I am confident that it will be, it will be won because men of good will want to make the American theory of equal treatment under law a reality rather than a mockery. It is a fight to keep faith with the hopes and aspirations of those who came before us and those who will come after us. To be true to them, Americans, all Americans, and to the dream we share, we must be true to ourselves and to man's deep desire for freedom and equality of opportunity. If we are true to these ideals, we will truly have kept faith.

I am glad in this debate to join with my fellow Senators, Democrats and Republicans, in what I feel sure will be a convincing and requisite majority of the membership here, to listen, to learn, and to decide that the provisions of this bill, at a minimum, ought speedily to be written into the law of this land.

Mr. President, I ask unanimous consent that the civil rights section of the 1960 Republican platform be printed in the RECORD; together with an extremely thoughtful memorandum to the Chicago Tribune prepared by the Republican membership of the House Committee on the Judiciary, together with an excellent report of the Committee on Civil Rights of the New York County Lawyers' Association.

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

CIVIL RIGHTS

This Nation was created to give expression, validity, and purposes to our spiritual heritage—the supreme worth of the individual.

In such a nation—a nation dedicated to the proposition that all men are created equal—racial discrimination has no place. It can hardly be reconciled with a Constitution that guarantees equal protection under law to all persons. In a deeper sense, too, it is immoral and unjust. As to those matters within reach of political action and leadership, we pledge ourselves unreservedly to its eradication.

Equality under law promises more than the equal right to vote and transcends mere relief from discrimination by government. It becomes a reality only when all persons have equal opportunity, without distinction of race, religion, color, and national origin, to acquire the essentials of life—housing, education, and employment. The Republican Party—the party of Abraham Lincoln—from its very beginning has striven to make this promise a reality. It is today, as it was then, unequivocally dedicated to making the greatest amount of progress toward that objective.

We recognize that discrimination is not a problem localized in one area of the country, but rather a problem that must be faced by North and South alike. Nor is discrimination confined to the discrimination against Negroes. Discrimination in many, if not all, areas of the country on the basis of creed or national origin is equally insidious. Further, we recognize that in many communities in which a century of custom and tradition must be overcome, heartening and commendable progress has been made.

The Republican Party is proud of the civil rights record of the Eisenhower administration. More progress has been made during the past 8 years than in the preceding 80 years. We acted promptly to end discrimination in our Nation's Capital.

Vigorous executive action was taken to complete swiftly the desegregation of the Armed Forces, veterans' hospitals, Navy yards, and other Federal establishments.

We supported the position of the Negro schoolchildren before the Supreme Court. We believe the Supreme Court school decision should be carried out in accordance with the mandate of the Court.

Although the Democratic-controlled Congress watered them down, the Republican administration's recommendations resulted in significant and effective civil rights legislation in both 1957 and 1960—the first civil rights statutes to be passed in more than 80 years.

Hundreds of Negroes have already been registered to vote as a result of Department of Justice action, some in counties where Negroes did not vote before. The new law will soon make it possible for thousands and thousands of Negroes previously disenfranchised to vote.

By Executive order, a committee for the elimination of discrimination in Government employment has been reestablished with broadened authority. Today, nearly one-fourth of all Federal employees are Negro.

The President's Committee on Government Contracts, under the chairmanship of Vice President Nixon, has become an impressive force for the elimination of discriminatory employment practices of private companies that do business with the Government.

Other important achievements include initial steps toward the elimination of segregation in federally aided housing; the establishment of the Civil Rights Division of the Department of Justice, which enforces Federal civil rights laws; and the appointment of the bipartisan Civil Rights Commission, which has prepared a significant report that lays the groundwork for further legislative action and progress.

The Republican record is a record of progress—not merely promises. Nevertheless, we recognize that much remains to be done.

Each of the following pledges is practical and within realistic reach of accomplishment. They are serious—not cynical—pledges made to result in maximum progress.

1. Voting. We pledge:

Continued vigorous enforcement of the civil rights laws to guarantee the right to vote to all citizens in all areas of the country.

Legislation to provide that the completion of six primary grades in a State accredited school is conclusive evidence of literacy for voting purposes.

2. Public schools. We pledge:

The Department of Justice will continue its vigorous support of court orders for school desegregation. Desegregation suits now pending involve at least 39 school districts. Those suits and others already concluded will affect most major cities in which school segregation is being practiced.

It will use the new authority provided by the Civil Rights Act of 1960 to prevent obstruction of court orders.

We will propose legislation to authorize the Attorney General to bring actions for school desegregation in the name of the United States in appropriate cases, as when economic coercion or threat of physical harm is used to deter persons from going to court to establish their rights.

Our continuing support of the President's proposal, to extend Federal aid and technical assistance to schools which in good faith attempted to desegregate.

We oppose the pretense of fixing a target date 3 years from now for the mere submission of plans for school desegregation. Slow-moving school districts would construe it as a 3-year moratorium during which progress would cease, postponing until 1963 the legal process to enforce compliance. We believe that each of the pending court actions should proceed as the Supreme Court has directed and that in no district should there be any such delay.

3. Employment. We pledge:

Continued support for legislation to establish a Commission on Equal Job Opportunity to make permanent and to expand with legislative backing the excellent work being performed by the President's Committee on Government Contracts.

Appropriate legislation to end the discriminatory membership practices of some labor union locals, unless such practices are eradicated promptly by the labor unions themselves.

Use of the full-scale review of existing State laws, and of prior proposals for Federal legislation, to eliminate discrimination in employment now being conducted by the Civil Rights Commission, for guidance in our objective of developing a Federal-State program in the employment area.

Special consideration of training programs aimed at developing the skills of those now working in marginal agricultural employment so that they can obtain employment in industry, notably in the new industries moving into the South.

4. Housing. We pledge: Action to prohibit discrimination in housing constructed with the aid of Federal subsidies.

5. Public facilities and services. We pledge:

Removal of any vestige of discrimination in the operation of Federal facilities or procedures which may at any time be found.

Opposition to the use of Federal funds for the construction of segregated community facilities.

Action to ensure that public transportation and other Government authorized services shall be free from segregation.

6. Legislative procedure. We pledge:

Our best efforts to change present rule 22 of the Senate and other appropriate congressional procedures that often make unattainable proper legislative implementation of constitutional guarantees.

We reaffirm the constitutional right to peaceable assembly to protest discrimination in private business establishments. We applaud the action of the businessmen who have abandoned discriminatory practices in retail establishments, and we urge others to follow their example.

Finally we recognize that civil rights is a responsibility not only of States and localities; it is a national problem and a national responsibility. The Federal Government should take the initiative in promoting inter-group conferences among those who, in their communities, are earnestly seeking solutions of the complex problems of desegregation—to the end that closed channels of communication may be opened, tensions eased, and a cooperative solution of local problems may be sought.

In summary, we pledge the full use of the power, resources and leadership of the Federal Government to eliminate discrimination based on race, color, religion, or national origin and to encourage understanding and good will among all races and creeds.

MARCH 19, 1964.

Mr. W. D. MAXWELL,
Chicago Tribune,
Chicago, Ill.

DEAR SIR: We are pleased to send you the attached memorandum setting forth the views of the minority (Republican) Members of the House Committee on the Judiciary who supported and voted for the civil rights bill, which passed the House of Representatives, and which is now under debate in the U.S. Senate.

This memorandum is submitted to you with the hope that you will find it worthy of publication in the Chicago Tribune as a further contribution to public understanding of what is involved in this complex legislation.

Sincerely yours,

WILLIAM M. MCCULLOCH, ARCH A. MOORE, JR., JOHN V. LINDSAY, WILLIAM T. CAHILL, GARNER E. SHRIVER, CLARK MACGREGOR, CHARLES MCC. MATHIAS, JR., JAMES E. BROMWELL, and CARLETON J. KING, Members of Congress.

AN ANALYSIS OF THE CIVIL RIGHTS BILL, H.R. 7152, AS PASSED BY THE U.S. HOUSE OF REPRESENTATIVES

The series of articles and editorials which the Chicago Tribune devoted to the civil rights bill, passed by the U.S. House of Representatives on February 10, has been called to our attention.

The Chicago Tribune, a newspaper with wide coverage, has devoted much space, time and effort to acquaint the public with the contents of the bill. We regret, therefore, that the series failed to explain clearly some of the most important provisions of the bill, in all likelihood because of an absence of detailed information on difficult technical legislation.

The Republicans on the House Judiciary Committee who voted for the bill believe it necessary to comment on the scope and effect of the bill.

The civil rights bill, as passed by the House, does not in any way require, reward, or encourage: (1) "open occupancy" in private housing, (2) the transfer of students away from their neighborhood schools to create "racial balance," or (3) the imposition of racial quotas or preferences in either private or public employment of individuals.

Contrary to many existing State laws, the bill passed in the House does not provide primary criminal penalties for the violation of any of its provisions. Federal courts would only be authorized to issue civil orders preventing acts of discrimination which violate provisions of the bill. In truth, only those who knowingly violate court orders issued pursuant to the legislation need fear any criminal penalties.

Title I provides certain procedural safeguards to assist Negroes in exercising their voting rights.

The Chicago Tribune correctly points out that the Constitution grants to the States the authority to establish voter qualifications. A sound legal argument can be made that the 14th and 15th amendments extend to Congress the authority to alter or amend qualifications so as to preclude the denial of the right to vote on racial grounds. This argument can be made particularly where, as in the case of title I, the provisions are limited in application to elections where Federal officials are to be elected. But, this argument need not to be made in regard to title I, because the title only prescribes certain procedural safeguards, as amendments to the 1957 and 1960 Voting Rights Acts.

These safeguards are:

1. A State may not apply different standards, practices, or procedures to citizens, seeking to vote;

2. A State may not reject a voter applicant who commits an error on a voter application form when such error is not material to the applicant's qualification to vote;

3. A State must employ a written literacy test, where such test is given, since in some States the use of oral tests has become a convenient subterfuge for promoting racial discrimination; and

4. A presumption is established, which a State may overcome, that where a literacy test is given, an individual is literate to vote if he has completed the sixth grade of school.

Title I also provides that in any voter discrimination case, instituted by the Attorney General pursuant to the 1957 and 1960 Voting Rights Acts, the Attorney General or the defendant (such as a State or political subdivision) may request that the chief judge of the circuit court of appeals shall appoint a three-judge Federal district court to hear the case.

Concern has been expressed that this is a "court packing" provision which could circumvent the local Federal district judge.

Actually three-judge courts have been authorized for over half a century. One member of the three-judge panel must be a local district court judge, while the two others are to be selected either from the district or circuit courts wherein the case arose. Three-judge courts are now used in antitrust, transportation and constitutional cases because of the complex nature of these cases and because of the need for rapid results. The same reasons are certainly applicable to determine the fundamental issue of a person's right to vote. Expedition is particularly a factor in voter cases when it is realized that some district courts have taken 2 to 3 years to decide a voter discrimination case. Justice delayed in a voting case until after election is justice denied.

Title II forbids discrimination in limited categories of public accommodations.

One article indicated that practically every form of business establishment is covered by the title. Basically, only four categories of establishments are covered: (1) places of lodging (except proprietor-occupied lodging houses having 5 rooms or less for rent); (2) eating establishments; (3) places of entertainment; and (4) gasoline stations. In addition, other establishments such as barbershops, would be covered if they are physically located within one of the above categories of businesses, as for example, hotels, if the barbershops hold themselves out as serving the customers of the hotels. But, lawyers' offices or banks would not be covered merely because they are located within a building also housing a covered establishment, such as a restaurant, since they cannot be said to be holding themselves out as serving the patrons of the restaurant.

The constitutional support for the public accommodation title rests upon the commerce clause and the 14th amendment.

It has been contended that the commerce clause of the Constitution is limited to "carriers moving goods, to the goods themselves, and the conditions under which the goods were manufactured," whereas the commerce clause has, for many years, been interpreted by the Supreme Court as covering many additional activities affecting commerce. Under the Taft-Hartley Act, antitrust laws, the Food-Drug-Cosmetic Act, and wage and hour laws, every form of business covered by title II has been held to be engaged in interstate commerce.

Restaurants, hotels, motels, and gasoline stations regularly serve travelers or utilize goods, in major part, that travel in interstate commerce. Theaters and other places of entertainment regularly present films or performers that move in interstate commerce. The widespread segregation of public accommodations in the South also has been found to curtail interstate travel and the normal expansion of interstate trade.

From the standpoint of the 14th amendment, Congress also has the authority to legislate as the House of Representatives has in this title.

Pursuant to this authority, a State or local government may not require or enforce segregation in the categories of public accommodations included in title II. The 14th amendment is not made applicable merely because a business is licensed by governmental authority as has been suggested. Where, however, elected or employed officials of a State or local government take positive action to force or maintain segregation, then the application of the Constitution comes into effect. The Congress, therefore, has clear authority to enact title II.

An impression has been created that title III grants the Attorney General power to take over the functions of local law enforcement authorities; to create a national police force; to file suits promiscuously; to shop for judges; and to select forums for trial. This impression is enforced by reference to quotations of committee members who opposed the bill and to a statement by the Attorney General before the House Judiciary Committee on an entirely different and a rejected version of title III.

Title III, as passed by the House, is limited to authorizing the Attorney General to institute civil actions to desegregate public facilities, such as parks and playgrounds. The Supreme Court has long held that the Constitution prohibits governmentally owned, operated, or managed facilities to be segregated, by reason of race or color.

Title III also permits the Attorney General to intervene in civil cases instituted by private citizens who claim that they are being denied the equal protection of the law, guaranteed by the Constitution.

Under normal circumstances, State or local government should accept the responsibility for and the obligation of guaranteeing an individual's equal protection of the law. But since in some localities they are the very entities charged with denial of civil rights, the Federal Government must undertake this duty. Even in such a case, however, the burden remains with the private citizen to initiate action to guard his own civil rights. And, where a State or local governmental authority wins the case, it is entitled to recoup reasonable attorney's fees and costs.

Title IV of the civil rights bill provides that the Attorney General may institute a civil action to desegregate public schools or colleges. In addition, the Commissioner of Education is authorized to grant technical and financial assistance to local governments or school boards, upon their request, to assist school personnel in dealing with desegregation problems. In creating this authority, however, the House specifically precluded the Attorney General or the Commissioner of Education from taking action under this title to compel the racial balancing of schools. It should also be stressed that technical or financial assistance may only be granted if a local school board or other local unit of government requests such assistance. And, this assistance may only be used to aid teachers and school administrators in coping with problems growing out of desegregation. Interference with local educational instruction is neither sanctioned or intended, in this connection.

Title V of the bill extends the life of the Civil Rights Commission 4 years and authorizes the Commission to look into practices of vote fraud, as well as the denial of voting rights because of race.

Title VI provides for the cutoff of Federal funds where such funds are used in a racially discriminatory manner. There is concern that this is a coercive feature which extends to the Federal Government the power to force the American people into submission.

Title VI, in effect, provides that the taxes paid to the Federal Government by all Americans shall be used to assist all Americans on an equal basis. There is no requirement that Federal assistance be accepted. But, if it is accepted by a State or political subdivision, then, it must do so with the understanding that it will distribute the assistance in a nondiscriminatory manner.

In enacting title VI, however, the House inserted many safeguards and limitations, including judicial review, in order to make certain that Federal power is not misused.

Beyond that, title VI specifically exempts from coverage contracts involving insurance or guarantee programs. This means that the title does not authorize the cutoff of Federal assistance involving housing programs such as FHA and VA, or the operations of banks or savings and loan associations.

In addition, the title provides steps for voluntary compliance, the conduct of formal hearings, and the right to judicial review by an aggrieved party. This is to insure that assistance will not be cut off without good cause and only when voluntary methods and effort fail.

In the past, administrative officers have refused to approve applications for such grants or have denied grants for Federal assistance in the absence of statutory law. In order, therefore, to provide for orderly procedures and to establish guidelines and safeguards, the House believed title VI was necessary.

Title VII provides the means for eliminating discrimination in employment by employers having 25 or more employees, by labor organizations having 25 or more members, and by employment agencies.

Constitutional authority for enacting this title has been questioned. Without a long legal argument, it can safely be said that there is no doubt that title VII is constitutional under the commerce clause. Coverage is limited to businesses and labor organizations affecting commerce. The Supreme Court, in interpreting existing laws, has already held similar coverage to be constitutional.

The point has been made that title VII injects the Federal Government into "partnership" with private business and grants the Government "the power to dictate hiring, firing, and promotion policies of business, and to cancel business decisions in these areas."

Title VII does create a commission to investigate alleged discriminatory employment practices and to attempt to work out voluntary settlement. But if no voluntary effort is reached, the Commission must either drop the matter or institute a civil action in a Federal district court. The Commission has no enforcement authority of its own. If suit is instituted, the Commission has the burden of proving that a violation of law exists and it must sustain such burden by a preponderance of the evidence.

Upon conclusion of the trial, the Federal court may enjoin an employer or labor organization from practicing further discrimination and may order the hiring or reinstatement of an employee or the acceptance or reinstatement of a union member. But, title VII does not permit the ordering of racial quotas in businesses or unions and does not permit interferences with seniority rights of employees or union members.

Title VIII commands the Bureau of the Census to compile registration and voting statistics by race, color, and national origin regarding the extent to which persons are eligible to vote and have voted.

Title IX provides that a defendant, who has sought removal of a State court suit to a Federal district court on the ground that he would be denied his civil rights in the State court, may appeal to the Federal court of appeals an order of the Federal district court sending the case back to the State court.

Title X creates a Community Relations Service composed of a Director and six additional employees. The Service is to assist local communities to resolve disputes and disagreements relating to racial discrimination.

Title XI authorizes Congress to appropriate the necessary funds to carry out the operating provisions of the act. The title also provides that the Federal Civil Rights Act shall not interfere with or nullify State or local civil rights laws.

Since many States have had broad and comprehensive civil rights laws for many years, there should be little need to apply the provisions of this bill in these States. Most of these States have liberal voting statutes. They also have public accommodation and equal employment laws which are about as broad or broader than the provisions provided in this bill. Schools are not forcibly segregated in these States. Under the specific language of this bill, where States conduct their operations in a manner consistent with the Constitution, there is little justifiable concern about Federal intervention.

The Chicago Tribune has provided broad coverage on the civil rights bill both before and during debate in the House of Representatives. Our only purpose in offering these comments is the hope that we might contribute in a constructive way to a further public understanding of this highly complex legislation.

REPORT OF COMMITTEE ON CIVIL RIGHTS ON H.R. 7152—CIVIL RIGHTS ACT OF 1964

The proposed Civil Rights Act of 1964 (H.R. 7152), was passed by the House of Representatives on February 10, 1963, and is now pending before the Senate. This act, dealing with a broad range of problems in the area of civil rights, was introduced in the House of Representatives by Representative CELLER on June 19, 1963, and parallel legislation was introduced at the same time in the Senate by Senator MANSFIELD and others as S. 1731. Both of these bills are based upon the recommendations of President Kennedy in his message of June 19, 1963, and endorsed by President Johnson in his 1964 state of the Union message. Numerous other bills have been introduced in both Houses, but this report will address itself principally to H.R. 7152 as passed by the House of Representatives. Two other bills on limited certain aspects of civil rights legislation have been reported in the U.S. Senate. They are S. 1937, the Equal Employment Opportunity Act, sponsored by Senator HUMPHREY and others and reported on February 4, 1964, by the Senate Committee on Labor and Public Welfare, and S. 1732, entitled the "Interstate Public Accommodations Act of 1963," sponsored by Senator MANSFIELD and reported by the Senate Committee on Commerce on February 10, 1964.

SCOPE OF THE REPORT

After reviewing H.R. 7152, as passed by the House of Representatives, it was the opinion of the committee that it wished to comment particularly with respect to three provisions of that act, which are particularly susceptible of legal analysis and as to which the Committee felt that it could make a further contribution to the able studies which have already been submitted by others.

These are:

1. The limitation of the voting provisions in title I to the election of Federal officials;

2. The utilization of the commerce clause to achieve so-called social purposes in title II, and the use of additional 14th amendment support for the provisions of that title; and

3. The inclusion of a provision in title VII permitting discrimination in employment on the grounds of an applicant's atheistic beliefs and practices.

LIMITATION OF TITLE I PROVISIONS TO THE ELECTION OF FEDERAL OFFICIALS

Title I of H.R. 7152, deals with voting rights and contains further amendments to section 2004 of the Revised Statutes (42 U.S.C. 1971) as amended by the Civil Rights Act of 1957 and the Civil Rights Act of 1960. According to the report of the House Committee on the Judiciary (H. Rept. 914, 88th Cong. 1st sess., p. 19) this title was designed to meet problems encountered in the operation and enforcement of the 1957 and 1960 acts, with respect to its guarantees to all citizens of the right to vote without discrimination as to race or color. Title I deals with the problems of lengthy delays in judicial proceedings under these prior acts which causes substantial denial of the right to vote. In addition, it is intended to bar the discriminatory use of literacy tests and other devices by registration officials, by requiring the use of uniform standards and forbidding voter disqualifications based upon immaterial errors. In addition, title I requires that literacy tests relating to Federal elections must be in writing and creates a rebuttable presumption that an individual who has completed the sixth grade in an accredited school teaching in the English language possesses sufficient literacy to vote in Federal elections.

This committee has previously expressed its views with respect to literacy tests, in a report dated April 3, 1962, which addressed itself specifically to S. 480, S. 2750, and H.R. 10034 of the 87th Congress. Those bills contained a number of the provisions now contained in title I of the 1964 act, and our conclusions with respect to that legislation apply equally to title I of the pending bill. These conclusions were, in part, that the committee supported the enactment of legislation to establish a prima facie presumption of literacy for purposes of voting from completion of the sixth grade of a public or accredited private school in any State, and that such legislation is both appropriate and constitutional. In addition, the committee recommended that such legislation should, to accomplish its purposes and to prevent distortion of the traditional election process, apply to both the election of Federal and State or local officials.

We are still particularly concerned with the limitation of title I to Federal elections, because we believe it is an unnecessarily narrow distinction and one which can give rise to serious problems in its application and enforcement. It was pointed out by the previous Attorney General, during Congressional consideration of the 1960 Civil Rights Act,[1] that elections in our country are not held separately for Federal and for State and local officials, and that voting registration normally covers both types of candidates. Both the 1957 and 1960 Civil Rights Acts, in their provisions relating to voting rights, extended to all elections, after specific consideration was given to this very problem.

The establishment of different standards and different enforcement procedures with respect to Federal as compared to State or local elections would give rise to a hybrid electoral system, threats of which are already heard in a number of States.[2] The language of title I is almost an open invitation to local officials and State legislators to establish separate elections, in which the State and local officials most closely affecting the day-by-day life of local citizens could be elected by a narrower and less representative electorate than are the Federal officials from the same area. For Negroes in the South today, the ability to exercise the franchise in local elections is in many ways more important than their right to vote in Federal elections. Many of the disabilities under which they suffer are inflicted by locally elected officials acting under color of law, and it is these very officials at whom the provisions of many other titles of H.R. 7152 are addressed.

There appears to be no logical distinction in constitutional law between applying prohibitions against discriminatory literacy tests and similar devices to elections for Federal officials and applying them to elections for State and local officials. In fact, the applicability of both the 14th and 15th amendments to all elections, not merely those for Federal elections, is too well established to deserve long discussion. The language of those amendments makes no such distinction, and the 15th amendment bars, on its face, State discrimination in elections generally. *United States* v. *Rains*, 362 U.S. 17 (1960). Also see, *Gray* v. *Sanders*, 372 U.S. 368 (1963); *Chapman* v. *King*, 154 F. 2d 460 (C.C.A. Ga. 1946), certiorari denied, 327 U.S. 800.

The committee concludes that Congress clearly has constitutional power under the 14th and 15th amendments to enact legislation finding a specified voting requirement to be excessive, unreasonable and discriminatory and to bar the use of such requirement in elections for Federal, State, and local officers.

The objectionable discrimination has taken place without distinction as to State or Federal elections, and the appropriate relief granted by Congress should be equally broad.

USE OF COMMERCE CLAUSE JURISDICTION FOR SOCIAL PURPOSES AND PARALLEL 14TH AMENDMENT SUPPORT IN TITLE II

Title II of H.R. 7152 prohibits discrimination on grounds of race, color, religion or national origin in specified places of public accommodations. S. 1732 provides for similar prohibitions except that the scope of the facilities covered differs between the two bills. Title II bans discrimination in hotels and motels, places of amusement and, gasoline stations and in restaurants and lunch counters; when such facilities are located on the premises of any retail establishment then the remainder of any such retail establishment is also covered. S. 1732 contains broader coverage, including any retail shop, department store, market, drugstore, gasoline station or any other facility where goods, services, facilities, and accommodations are held out to the public for sale, use, rent or hire, if a substantial portion of them have moved in interstate commerce or are held out to interstate travelers.[3] Both bills exempt smaller lodging establishments in which the proprietor actually occupies space as a home.

It has been suggested that Congress may not be empowered to enact legislation under the commerce clause in order to meet what it considers a social evil. This suggestion does not appear to have any basis in law. It is abundantly clear that Federal legislation to bar discrimination in public accommodations can be validly founded on the commerce clause, even if it is to be regarded as directed in large measure at a social evil which is also subject to State regulation under the police power. It is well established that the commerce power may be used to reach a variety of noneconomic activities deemed to violate public policy, and that its exercise "is attended by the same incidents which attend the exercise of the police power of the State." *United States* v. *Darby*, 312 U.S. 100 (1941). See also numerous cases cited in Darby, at pages 114–115. The use of the commerce power has been repeatedly upheld as the basis for barring racial discrimination by interstate carriers and related public facilities, as in *Georgia* v. *United States*, 371 U.S. 9 (1962), aff'g. 201 F. Supp. 813 (N.D. Ga. 1961); *Boynton* v. *Virginia*, 364 U.S. 454 (1960); *Henderson* v. *United States*, 339 U.S. 816 (1950); and *Mitchell* v. *United States*, 313 U.S. 80 (1941).

The Supreme Court has also consistently sustained various statutes having other major social objectives under the commerce clause. It has upheld legislation forbidding the interstate transportation of lottery tickets as an aid to local enforcement of gambling prohibitions, *Lottery Cases*, 188 U.S. 321 (1903). It has sustained regulations designed to protect the purity of food and drugs, *Hipolite Egg Co.* v. *United States*, 220 U.S. 45 (1911). A law banning the transportation of women in interstate commerce for purposes of prostitution was upheld in *Hoke* v. *United States*, 227 U.S. 308 (1913). And, the prohibition on interstate transportation of women for immoral purposes was upheld even where commercial prostitution was not involved, in *Caminetti* v. *United States*, 242 U.S. 470 (1917). Thus, it is apparent that there is no pertinent distinction under the commerce clause between "economic" and "social" legislation. In any event, the economic consequences of the discrimination dealt with in the public accommodations provisions are substantially heavier than that in some of the other statutes above cited. Among these are the restrictions on interstate travel, the disruption of the flow of interstate commerce, and similar factors.

A further question has been raised with respect to 14th amendment support for title II based upon the allegation that such support is barred by the Supreme Court's ruling in the *Civil Rights Cases*, 109 U.S. 3 (1883). But the principle of the Civil Rights cases does not prevent congressional action against those areas of discriminatory activity which are not purely "individual invasion of individual rights" [*Burton* v. *Wilmington Parking Authority*, 365 U.S. 715, 722 (1961)], but involve the State sufficiently to bring the 14th amendment into play.

The majority of the Court in the Civil Rights cases addressed itself only to the fact that the 1875 Civil Rights Act contained no requirement of State action as a condition of its being invoked. It therefore declared that act unconstitutional, and did not even consider how much State participation is required.[4] On the basis of Supreme Court decisions in recent years, the concept of "State action" encompasses a substantial portion of the activities prohibited by title II. Thus, in *Shelley* v. *Kraemer*, 334 U.S. 1 (1948), State judicial enforcement of racially

[1] Testimony of Attorney General William P. Rogers before the Senate Committee on Rules and Administration.

[2] See, proposals in Virginia to establish separate lists of eligible voters as a result of the adoption of the 24th amendment banning poll taxes in Federal elections.

[3] The distinction between certain of the establishments excluded from coverage in the House bill from those which are included is, to say the least, difficult to support. In fact, under the generally accepted interpretations of the 14th amendment requirements of equal application of laws and nondiscriminatory treatment might well be considered violated on moral and logical grounds, if not on legal grounds, by such distinctions as the coverage of retail stores and bowling alleys (in all their operations) if they serve sandwiches, but the exclusion of similar facilities which do not do so.

There may well be constitutional limitations on what activities can be covered by Federal legislation, but the categories covered and omitted by title II are clearly not based on constitutional limitations. They represent a political judgment of the Congress and must be considered as such.

[4] The dissenting opinion of the first Mr. Justice Harlan was based on his finding that there was sufficient State participation even under the 1875 act to justify its enactment.

restricted covenants among private persons was found to fall within the prohibitions of the 14th amendment. The enforcement of State trespass statutes against Negroes for refusing to leave a lunch counter was held to be a violation of the 14th amendment where there is a local segregation ordinance in *Peterson* v. *Greenville,* 373 U.S. 244 (1963). Beyond this, where local officials, in the absence of a segregation ordinance, publicly stated that Negroes would not be permitted to desegregate lunch counter service, the situation was considered the same with respect to the 14th amendment as if there were such an ordinance, *Lombard* v. *Louisiana,* 373 U.S. 267 (1963). The exercise by Congress of its 14th amendment power to provide relief against denials of constitutional rights "under color of any statute, ordinance, regulation, *custom, or usage* of any State or territory" (42 U.S.C. 1983, originally sec. 1 of the Ku Klux Klan Act of April 20, 1870) was upheld in *Monroe* v. *Pape,* 365 U.S. 167 (1961) and similar language is employed in the statute imposing criminal penalties for violation of constitutional rights (18 U.S.C. 242).

We support action under both the commerce clause and 14th amendment powers not because of any doubt as to the independent validity of each as the basis for provisions similar to title II; to the contrary, the committee concludes that the broadest and most secure constitutional support can be derived from reliance upon all pertinent sources of power. Many statutes, in the past, have expressly been founded upon more than one constitutional power of Congress. Similarly, the courts have relied on multiple constitutional support in upholding the validity of various statutes including the Tariff Act of 1922, upheld under the power to raise revenues and the power to regulate commerce in *Board of Trustees* v. *United States,* 289 U.S. 48 (1933); the Tennessee Valley Authority Act, upheld on the basis of the war, commerce, and navigation powers in *Ashwander* v. *T.V.A.,* 297 U.S. 288 (1936); and the voting registration provisions of the 1960 Civil Rights Act, upheld under both the 14th and 15th amendments in *United States* v. *Manning,* 215 F. Supp. 272 (W.D. La. 1963).

THE INCLUSION OF A PROVISION PERMITTING DISCRIMINATION IN EMPLOYMENT ON THE GROUNDS OF ATHEISTIC BELIEFS AND PRACTICES IN TITLE VIII

One of the House amendments to title VIII of the Civil Rights Act of 1964, the fair employment practices provisions of H.R. 7152, reads: "Notwithstanding any other provision of this title, it shall not be an unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs." This amendment was offered by Representative ASHBROOK, of Ohio, and was adopted by a vote of 137 to 98. It is now a provision in the act which is now awaiting action in the U.S. Senate.

Proponents of this proposal argued that it was incredible that Congress would seriously consider forcing an employer to hire an atheist. In the debate, supporters, of this proposal stated that the United States of America has progressed under God to the highest pinnacle of perfection of any nation on this earth. They noted that our country's dedication to God in the early years was inscribed upon all her basic documents, upon her constitutions, her declarations, and her tablets of stone. They also argued that this provision did not involve religious discrimination since it discriminated only against those who have no religion.

Those who opposed the proposal argued that it placed the Government in the position of supporting religious discrimination since it authorized employers to discriminate against those who did not subscribe to a belief in God. They argued also that it interfered with freedom of religion and that it placed the Federal Government in the position of sanctioning religious discrimination.

The elimination of this amendment would not, of course, affect the provisions elsewhere in this title permitting the limitation of employment to persons of a specific religion, where religion is a bona fide employment qualification, as in a religious school.

The inclusion of this provision in the fair employment practices section of the Civil Rights Act of 1964, we respectfully submit, would place the Government in the position of sanctioning religious discrimination. The Supreme Court has said in *Everson* v. *Board of Education,* 330 U.S. 1, at pages 15 and 16:

"The 'establishment of religion' clause of the first amendment means at least this: neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbeliefs, for church attendance or nonattendance."

The foregoing meaning of the establishment of religion clause was reaffirmed by the Supreme Court in *McCollum* v. *Board of Education,* 333 U.S. 203. In *Zorach* v. *Clauson,* 343 U.S. 306, where the Court departed from its ruling in McCollum, it carefully specified that, "We follow that the McCollum case," 343 U.S. at page 315.

In *Torcaso* v. *Watkins,* 367 U.S. 488, the Court dealt with a Maryland constitutional provision that no religious test whatever can be required as a qualification for any office of profit or trust in the State other than a declaration of a belief in the existence of God. The plaintiff, Torcaso, was appointed a notary public in Maryland but was refused a commission to serve because he would not declare his belief in God. The Maryland courts upheld the State constitutional ban on public office for those who would not declare a belief in the existence of God. The Supreme Court struck down the Maryland provision. It said at page 495:

"We repeat and again reaffirm that neither a State nor the Federal Government 'can profess a belief or disbelief in any religion.' Neither can constitutionally pass laws or impose requirements which aid all religions as against nonbelievers, and neither can aid those religions based on a belief in the existence of God as against those religions founded on different beliefs."

The provision now part of the Federal Civil Rights Act of 1964, which authorized employers to discriminate with impunity against atheists, clearly is a law which aids all religious as against nonbelievers, and which aids religions based on a belief in the existence of God as against those founded on different beliefs. We submit that the provision is plainly unconstitutional.

GENERAL CONSIDERATIONS

While this report has addressed itself only to portions of three of the titles in H.R. 7152, the committee wishes also to make known its support, both on legal and constitutional grounds, of the pending legislation generally. The course of recent events in our Nation makes it plain that, 100 years after the signing of the Emancipation Proclamation, vast areas of equal opportunity are denied to minority groups in the United States, particularly to racial minorities. The concept of America as the cradle of liberty can be maintained and furthered only when Congress meets its responsibilities under the Constitution to enforce the rights granted and guaranteed by it and intended by the Founding Fathers and those who followed them to be available to all citizens of the United States.

We strongly endorse the moral and social objectives of the proposed legislation, which recognizes the traditional function of the law to provide means for the peaceful and just resolution of disputes among men. It is the responsibility of the bar, perhaps more than of any other group in our society, to support the provision of adequate legal remedies, to encourage respect for legal processes, and to provide for the peaceful and just settlement of grievances and claims of injustice. The pending act, as did the Civil Rights Acts of 1957 and 1960, takes another long overdue step in this direction.

Respectfully submitted.

COMMITTEE ON CIVIL RIGHTS, NEW YORK COUNTY LAWYERS' ASSOCIATION.
WHITNEY NORTH SEYMOUR, JR.,
Chairman.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. NELSON in the chair). Does the Senator from California yield; and, if so, to whom?

Mr. KUCHEL. I yield first to the Senator from Minnesota [Mr. HUMPHREY].

Mr. HUMPHREY. I have asked the Senator to yield but for one purpose: First of all, to express my personal appreciation for the fine work he has already performed in the civil rights debate; secondly, to commend him upon his reasoned and sound address on the civil rights bill before the Senate.

The Senator from California was kind enough to permit me to go into more detail in the examination of some of the titles. The Senator from California has grasped the legislative purpose of this legislative endeavor, and has stated, in telling and moving words, what we seek to achieve, the limited goals of our search, and the fundamental goals of our endeavor.

The Senator from California is a tower of strength in this bipartisan effort to achieve a national purpose, a national goal. I am indebted to him. I consider it a privilege to work alongside him, not only in this endeavor, but in other endeavors.

I again thank the Senator for his cooperation in the effort the Senator from Minnesota has made today. I again compliment the Senator from California for the magnificent address he has delivered.

Mr. KUCHEL. I thank the Senator from Minnesota. I am honored to be participating with him on a historic occasion and dealing with a crucially important legislative problem. I am grateful for the kindness with which he has always treated my own labors in the Senate. I look forward to a victory in what we seek to accomplish.

Mr. BARTLETT obtained the floor.

Mr. DOUGLAS. Mr. President, will the Senator yield to me?

Mr. BARTLETT. I yield to the Senator from Illinois with the understanding that I do not lose my right to the floor.

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

Mr. DOUGLAS. Mr. President, I want to join the Senator from Minnesota in the very fine and proper statement he has made about the Senator from Cali-

fornia. In his long service in the Senate, the Senator from California has consistently placed country above party. While upon occasion we differ upon fundamental matters, no one could be in this body for any space of time with the senior Senator from California without forming a deep respect and affection for him.

His attitude on this bill is in thorough keeping with the position he has always taken. He is a tremendous source of strength and reinforcement to all of us.

If I may add one cautionary word, which I hope the Senator from California will permit me to utter, this is not, of course, a perfect bill. In my judgment, it can be improved in many respects. I notice the Senator from California indicated some of the ways in which he thought the bill could be improved. I agree with him in some of those changes.

If the Senator from California will permit me to say so, I should like to point out the tactical dangers which would be involved if the Senate amended the bill. Any changes made by the Senate in this bill would have to be approved by the House of Representatives. If any amendment to this bill were unacceptable to the House of Representatives, it would require a conference committee between the House and the Senate to work out the differences. A conference on this bill would be fraught with far greater difficulties and dangers than would be the case with the ordinary bill.

It would also be possible for the chairman of the House Rules Committee simply to take a vacation, go to his farm in Virginia, and keep the bill in his pocket, with no conference to be held.

Even if the conference committee were permitted to meet, it might be difficult, in view of the normal constituents of conference committees, for an agreement to be reached. If an agreement were reached and the measure came back to the Senate, the process of filibustering could begin all over again.

On the other hand, if we passed the bill in its present form, without any changes, however desirable they might be, the bill would go directly to the President of the United States for his signature.

Without impunging the motives of any Member of either body, this is a measure about which many Senators and Representatives feel intensely, and to which some Senators and Representatives are unalterably opposed. These Members feel justified in their own consciences, and with the support of their constituencies, in carrying out any delaying tactics.

I am inclined to believe, therefore—subject to examining the matter more fully—that any amendment would place the entire bill in danger and jeopardy.

I therefore urge my colleagues on both sides of the aisle to consider this matter very carefully.

It is said that the good is sometimes the worst enemy of the best. It is also true that the best is sometimes the worst enemy of the good.

I know that the Senator from California is completely constructive in his attitude with reference to this matter. I simply want to lay this thought before him.

I again congratulate the Senator from California for his magnificent statement, which all of us deeply appreciate.

Mr. KUCHEL. I am more honored than I can say. I thank the Senator from the bottom of my heart for the generosity with which I have been treated.

I do not want in the slightest to contribute to any additional difficulties which this piece of legislation would not otherwise encounter. I am inclined to think that the Senator from Illinois and I both would agree, however, basically on a number of improvements which could appropriately be made in this legislation and that we would draft the legislation differently from the form in which it left the House. For example, I am inclined to believe he and I would both agree that there should be no distinction between the types of election which merit the protections which can be given by Congress in title I of the House-passed bill. I believe the Constitution grants Congress clear authority to guarantee the right to vote, free of discrimination because of race, in State as well as Federal elections.

Before any amendment is offered, there will be, I am sure, a full discussion of its merits. I can think of some technical amendments which might be desirable. For example, I have no hesitation in saying—and I mentioned it in my speech—that any attempt by the Congress to deal with atheism in the fashion in which it is dealt with in the bill is, in my judgment, clearly unconstitutional. However, there is a separability clause, and if one feature of the bill were repugnant to our national charter, it would not vitiate the entire bill.

While the legislation needs strengthening in several of the particulars I have specified in my remarks, I can assure him that at the appropriate time, I and Members on this side of the aisle will be glad to explore with those on the other side of the aisle who support this legislation, as we do, the areas where we believe there would be great merit in offering strengthening and clarifying amendments.

Mr. DOUGLAS. I thank the Senator.

Mr. KEATING. Mr. President, will the Senator from Alaska yield?

Mr. BARTLETT. I am glad to yield, provided that in doing so I shall not lose my right to the floor.

Mr. KEATING. Of course. I am sorry. I thought the Senator had finished. I appreciate the Senator's yielding to me.

I commend the Senator from California on the excellent address he has just delivered, and for the leadership which he is giving all of us in the fight to put a meaningful civil rights bill on the statute books.

The Senator has shown by his address that a great deal of study has gone into the subject of the entire bill. It has been illuminating to all Senators to have this carefully delineated outline of the merits of the various titles.

I should like to comment for a moment on the remarks of the Senator from Illinois. No Member of this body has greater respect for him and for his views, as well as his stalwart position with regard to this legislation, than I do. I share the view that we should not do anything to impair final enactment of this legislation.

However, as a matter of interest, and to illustrate my point, the bill is known as the Civil Rights Act of 1963. By inadvertence or mistake in the other body, that is the title of the bill. It looks a little silly to me to have to accept a provision of that kind without entitling it properly, the "Civil Rights Act of 1964."

Using that as an illustration, it is my judgment that if the bill went back to the other side, it would not have to go to the Rules Committee. Such an amendment could be accepted on the House floor, and I believe it would be accepted.

To advance to other possible changes in the bill, I believe there should be close collaboration, particularly with the two Members of the other body—one from each party—who so skillfully carried the bill through the House, and that we should at all times consult with them. At this moment, I feel rather strongly that in some respects the bill can be improved, and that the Senate can improve it.

I apprehend that the distinguished Senator from Illinois would not find himself in disagreement on the merits with the particular provisions I have in mind, and that if he and I parted company on a vote on the subject—and hopefully, some time, we shall have such a vote—it would be because of a differing viewpoint on tactics, rather than the merits of any such proposal.

For example, in connection with the voting provisions, I have prepared an amendment to make the provisions of title I applicable to all elections. Senators are all aware of the fact that if title I is left the way it is, certain States will immediately enact State laws covering separate times for their own State elections, and we shall be back where we started, except as to Federal elections; but this can come in due time.

Those of us who feel so strongly on this issue should work carefully and in harmony with one another and, hopefully, in as close collaboration as the opponents of civil rights legislation have worked together in the past. All I would request of the distinguished Senator from Illinois would be to retain, as he normally does, an open mind on this entire problem until further along in the debate; and I know he takes that attitude.

I am grateful to the Senator from Alaska for yielding to me.

Mr. HILL. Mr. President, will the Senator from Alaska yield that I may suggest the absence of a quorum, with the understanding that the Senator will not lose his right to the floor?

Mr. BARTLETT. With that understanding, I gladly yield to the Senator from Alabama.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BARTLETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in recess until 11 a.m. tomorrow.

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

THE EARTHQUAKE IN ALASKA

Mr. BARTLETT. Mr. President, I desire to report to the Senate on the earthquake which occurred in Alaska last week. What happened there must be seen to be believed; and I wish to say from personal testimony, once having been seen, it cannot be believed.

I am not at all sure that what I have to say this afternoon will be delivered in a connected manner. However, things are not very orderly in Alaska now, either. The physical characteristics of Alaska were altered, and drastically, last Friday beginning at 5:36 p.m., when an earthquake of great intensity struck with a devastating force and effect, in a way that might be compared with gigantic hammer blows delivered with tremendous force.

Information which has been furnished me indicates that the Alaska earthquake was perhaps the fourth most intense in recorded history, having a rating on the Richter scale of 8.4. In terms of intensity rating, which is how scientists describe visible damage, no earthquake at any time, at any place, has been more disastrous. Apparently no earthquake in history inflicted more grievous hurt upon a land than that of Alaska's earthquake last Friday.

I suspect that it extended over a wider area than any earthquake which has occurred in the history of the world. While its main impact was felt in southwestern Alaska, its results were apparent from Kotzebue, north of the Arctic Circle, to Klawock, in southeastern Alaska.

I ask unanimous consent that at this point in my remarks there may be included a table showing the Richter scale ratings of the world's most severe earthquakes.

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

Major earthquakes

	Richter	Intensity rating (visible damage)
Alaska, Mar. 28, 1964, 3:36 Greenwich mean time	8.4	11
Kodiak, Mar. 30, 1964	Estimate 7+	(?)
San Francisco	8.2	11
Yakutat Bay, 1899	Not known but very high	11
Assam (China-India border), 1950	8.7	11
Ecuador, 1906	8.7 (approximate)	(?)
Honshu (Japan), 1933	8.9	(?)
Chile, 1960	8.25 to 8.50	(?)

Mr. BARTLETT. Mr. President, heavy damage was inflicted upon Alaska on that day.

It is impossible as yet to gain any reasonable estimate or assessment of what the cost in dollars may be. However, I shall not quarrel at all with the figure placed before the Senate earlier to day by my colleague, the Senator from Alaska [Mr. GRUENING], of half a billion dollars.

In view of the very heavy damage that was caused, it was hard to realize that, although the fatalities were numerous, they were not much more so. One life lost is a heavy loss. We grieve for those who are gone. We thank God there were not more.

When the party which had set out from Washington last Saturday afternoon took off from Anchorage last evening on the return flight, the number of deaths was reported at 81, with 38 described as missing; 20 persons died in Kodiak alone; 2 at Valdez; 8 at Seward; 12 at Anchorage; 1 at Whittier. However, 26 are missing at Valdez, which is a small community of about 1,000 people. There is every reason to believe that all of these, including some children, are dead—12 are missing in other parts of Alaska.

I fear that when all compilations have been completed, it will be discovered that many more have died, for communications are spotty, or interrupted. Many villages have not yet been heard from at all. Communications have been cut off entirely in many cases.

Speaking for myself, I never knew before how important communications are in a catastrophe of this kind. Without the ability to communicate, it is impossible to discover what has happened elsewhere, to make arrangements for relieving the situation, or to do all the things which need to be done in this kind of emergency.

So it was that 81 Alaskans were known to be dead as of last night. That is a heavy toll of life—although fortunately it is much smaller than the original reports indicated.

Transportation by sea and by railroad and by automobile in the affected area is virtually at a standstill. It is at a standstill because with few exceptions the port communities can no longer receive cargo. The docks are gone. Transportation has been interrupted with respect to the Alaska Railroad because of damage done at Seward. There was damage done from Seward north to Anchorage, including a heavy landslide at Potter, and other heavy damage north of Anchorage.

In the estimate of monetary losses, there must be calculated the money which it will be necessary to expend in order to repair the Alaska Railroad, which, as we all know, is the only railroad within the State, owned by the U.S. Government. It is operated by the Department of the Interior.

Mr. John Manley, General Manager of the Alaska Railroad, told us at Anchorage yesterday afternoon that a first, hasty estimate of the money which will be required to place the railroad in operating condition, including replacement of docks, is $20 million. He insisted, and properly, that he must not be bound by that estimate. His engineers are working night and day. They are making their assessments. At that time, barely 48 hours had elapsed since the first heavy shock.

There were three docks at Seward before 5:36 p.m. last Friday. At Seward, there are no docks now.

The Army had built some years ago, another port at Whittier, not too far from Seward, and, a bit closer to Anchorage, a terminal facility which was being used increasingly for sea-train service for the transportation of freight from the other States to Alaska. There is no sea-train service to Whittier now because there are no docks at Whittier.

Until that hour and minute on last Friday, the little community of Valdez received freight from oceangoing ships. That freight was trucked by highway from Valdez to interior Alaska. Valdez is not receiving any freight at all now. There is no dock left at Valdez.

Many roads are closed because of deep fissures, wrecked bridges, and snowslides caused by the earthquakes.

There is no shortage of food now in any community in Alaska. Soon there will be a shortage unless emergency arrangements can be made to land freight.

There is a dock remaining at Anchorage. I understand that the Navy dock at Kodiak is usable. This means that that island can be taken care of. However, this will not be helpful to the remainder of Alaska.

On last Saturday, less than 24 hours after the disaster, President Johnson ordered that his Director of the Office of Emergency Planning, Mr. Edward A. McDermott, go personally first to Anchorage and then to the other distressed areas in order to make an evaluation of the amount of damage on a tentative basis to determine what the Federal Government should do in order to help.

At the same time, President Johnson was kind enough to invite Senator GRUENING and me to accompany Mr. McDermott on this flight in one of the Presidential planes. So it was that we were able personally to look over the scene at Anchorage and the other communities which were hardest hit.

Yesterday, Senator GRUENING and others traveled to Kodiak.

Yesterday, I traveled to Seward, flew over Whittier, and thence to Valdez, where I landed.

In various places the damage was caused by different events. In Anchor-

age, it was chiefly because of the quake. In Seward, it was principally because of a huge tidal wave. In Valdez, it was because of earth shock. Whatever the reasons, the devastation in the communities of Valdez, Whittier, Seward, Kodiak, and Anchorage was appalling. I have thought of nothing else since I arrived at Anchorage. I have thought of nothing else this day than the horrible scenes which we witnessed there. I do not find the words to describe to the Senate what happened. At Turnagain, 75 upper-price-bracket homes disappeared. They are gone. They can be seen when one flies over the scene. They are perhaps 100 feet below where they formerly were, some lying on their sides, some upside down, and some right side up—jumbled masses of what so lately were beautiful and comfortable homes. Seventy-five houses disappeared there. We were told that at Anchorage, the largest city in Alaska, 200 homes, in all, were destroyed, and 1,500 were damaged. Every high-rise building in the community still stands, but none of them is usable. Two large apartment houses were evacuated; and, judging from what we were told, in all probability they will have to be demolished.

In Anchorage there is a hotel—the Westward. Its owners were just completing the expenditure of $3 million for 7 additional floors—making the hotel 14 stories high, as I recall. That hotel had to be evacuated. I do not know whether it is gone, or whether it can be repaired. In any event, very serious damage was done.

On Fourth Avenue, the principal business district of Anchorage, and particularly within a two-block area, little remains. Buildings dropped as much as 15 or 20 feet or more. There was a motion-picture theater there. Apparently it dropped in one piece, and at first glance it would now appear that it was built at its present lower level.

Last year there was opened in that thriving Alaska community the first J. C. Penny store in Alaska—an expensive five-story structure. Now what is left of it is being pulled down. Everywhere there is desolation.

In Seward, yesterday I was told by the mayor, Perry Stockton, by the city manager, James Harrison, and by the members of the city council that 95 percent of the productive capacity of that city has ceased to exist. It is gone, wiped out, eradicated. Seward lived by reason of transportation; ocean ships came there and unloaded freight which was destined for points to the north, to be transported there either by truck or, principally, by the Alaska Railroad. The community was dependent for a large share of its income upon the work of longshoremen. Those longshoremen will not be working for quite a long time, because today there are no docks at which to berth ships with freight destined for other points.

The other day—more precisely, at 5:36 p.m., last Friday—there were 75 boats of one kind or another in the Seward harbor. Principally, they were fishing vessels, because there was a fish-processing plant in Seward, and that thriving little fishing fleet was based at Seward. There were 75 boats in the fleet. Today, far up on the beach, only 4 boats are left which may be salvaged. Not only is the money loss significant, and even very heavy, but obviously the men who manned those boats will not have any work in the days, weeks, and months ahead.

The force of the tidal wave at Seward was such that house trailers and boats are now inland as far as 1 mile from the ocean. A big Alaska Railroad locomotive, weighing many tons, was moved 200 feet by that sea wave, and today it lies on its side at that spot.

Yesterday afternoon, I was driven around Seward by John Eads, a big man. He appears to be a strong man; and he must be a strong man, or else he would not be alive today. He told us that Friday afternoon he and his brother, Bob, were putting the finishing touches on a marine railway which they had been building for 6 years, at Lowell Point, not very far from Seward. They had invested 6 years of work and $100,000 in that business, which they thought was needed there, and which they believed would return them a profit. John Eads said:

> We looked up, after the quake, and saw a tremendous wave coming toward us. We calculated that it was 20 to 25 feet high. I ran for my pickup truck. My brother ran for his car. We started, hoping that we could outdistance the wave. But since we didn't have the ability to travel 100 miles an hour, we failed to reach our objective, because I am sure the wave was coming that fast. I was caught first, and the pickup truck was upended and turned over and over for a distance of at least 500 yards, and I was thrown out. I swam a hundred yards to safety. My brother, Bob, had the same lucky experience. When we reached dry land, we almost froze before we could find shelter and a fire where we could get dry and could change our clothes.

I commiserated with John Eads for his terrific financial loss and for the loss of those many years of work. But he laughed, and said:

> Well, I'm alive; that's all I ask for.

Mr. President, I think that expression fairly well exemplifies the attitude of so many Alaskans toward this catastrophic experience. They are bewildered, hurt financially, or wiped out financially, and they are dazed; but they are not beaten—not by any means; and they are ready to go. They propose—and they will do it—to rebuild and to start again.

When we flew over Whittier, yesterday afternoon, fierce fires which originated in two big fuel tanks were burning.

The smoke column was more than 3,000 feet in height. At Seward there was a fire in an Alaska Railroad tank car. In Seward there are no utilities. There is no power. Water from the municipal system is not obtainable. It must be had from another source and carefully treated before it may be drunk. There is no sewerage sytem. The outlets are all gone. The fear is that the fractured earth twisted water and sewer pipes to the point at which the system may need to be completely replaced.

There is no fuel in Seward. There is no fuel oil and no gasoline.

In Valdez some of the fuel oil and gasoline tanks escaped damage. From that standpoint the people are better off.

In Valdez, food is very short. At Seward, the city government closed all grocery stores. Food is allowed to be taken from the stores only on the basis of demonstrated need. There the city has also set up community kitchens and community shelters in a nearby building.

I wish to cite another example of what can happen to an individual in such a situation as this, in an effort to demonstrate, on a personal basis, what all this means. At 4 p.m., last Friday, a man in Anchorage felt light of heart. He had achieved an ambition which was long his. He had bought a home. At 4 o'clock he had signed a mortgage for $40,000. At 5:37 p.m.—that same day—he had the mortgage; his home had been destroyed. Hanging over him is a legal and moral obligation to pay $40,000 for nothing. Insurance against earthquakes and tidal waves, if obtainable, is prohibitively expensive.

The fishing industry has been very hard hit. My colleague, the Senator from Alaska [Mr. GRUENING], reported that only one cannery was left standing at Kodiak. Kodiak is one of the principal fishing centers of Alaska. Practically all the fishing boats there were destroyed, as they were elsewhere. It is questionable whether or not these boats can be replaced and the canneries can be rebuilt, even if the capital should be available, in time for this year's fishing season. Fishing is the No. 1 private industry in Alaska. We depend upon it heavily. Likewise it is an important contributor of tax revenue to the State government. In 1964 the income to the State treasury from fishing will be sadly and seriously diminished.

Fishing fleets must be berthed in small boat harbors for protection. Those harbors were destroyed at Valdez and Seward and Kodiak. I understand this is true also of Homer and perhaps at other ports which have not yet reported.

Land records are almost priceless in Alaska, dealing as they do with homesteads, small acre tracts, oil and gas leases, and the like. The Bureau of Land Management of the Department of the Interior had its offices in Anchorage.

The records are still there. They can be restored to proper order some day, but now I am told they exist in the form of a proper mess, having been thrown hither and yon by the force of the earthquake. It will take months to get them in order.

The Senator from Maryland [Mr. BEALL] came to me not long ago and offered his sympathy. He said:

> Anchorage, which I visited in 1945, is a town in which—I said then and have always said since—I could live in comfort and pleasure. I like Anchorage. It is too bad that this happened to it.

I thanked the Senator for that statement.

I mentioned a while ago the Turnagain residential section. It now appears as if some plowman with a giant plow had dug furrows 100 feet in depth and a quarter of a mile altogether in breadth for the length of a mile. It is difficult—impossible for me—to describe the changes in the physical characteristics of the land areas where people had settled, so radical have been the physical

alterations since the earthquake. Streets are fractured. Fissues appear almost everywhere.

Mr. President, yesterday we were driving by the Alaska Native Service Hospital in Anchorage, a large Federal institution, which escaped seemingly by a miracle. There it is in fine condition. But 100 feet behind it the bluff simply disappeared. Had the fracture zone been a little bit the other way, the hospital would have been lost, too.

A preliminary estimate of losses in the Anchorage city utility system totals $33,700,000. At a meeting late yesterday afternoon we were informed by Don Dafoe, superintendent of Anchorage schools, that damage done to school buildings there will amount to between $5 and $7 million.

Mr. President, this day, March 30, has been celebrated in Alaska for 97 years, because it was 97 years ago that the treaty by which Alaska was purchased from Russia by the United States was signed in Washington at 4 o'clock in the morning. This has always been a special festive day, a day of holiday and a day of rejoicing in what was first the Territory of Alaska, and now is the State of Alaska. There can be no festive mood there on this day. The people are addressing themselves to sterner tasks.

Seward was preparing for a great celebration next Saturday and Sunday. Seward had been chosen as one of the All-American cities for 1963. Preparations were being made for a big holiday there.

Mr. President, there will be no celebration at Seward on Saturday and Sunday of the forthcoming weekend. But the spirit of the people there now is a sure demonstration, if one were needed, that this is really and truly an all-American city and that the residents were all-American citizens.

As I recall, earlier this day, when my colleague, the Senator from Alaska [Mr. GRUENING], was speaking to the Senate concerning what we saw in Alaska, he mentioned what he considered to be the excellent work of Mr. McDermott, Director of the Office of Emergency Planning. I join in that praise. Mr. McDermott's services were outstanding. It was not only that he worked while he was there; he worked while he was in the air, planning, estimating, remaining in constant touch with the White House by telephone, and utilizing every moment most effectively while in Alaska.

He impressed us, and he impressed everyone else with whom he came in contact. He was a fine representative of the President.

I must not fail to mention the services which have been, and are being, provided by the Military Establishment in Alaska. Their cooperation has been magnificent, their contribution vital.

My last sight in Valdez, as we were driving to the airport yesterday afternoon, was that of a group of Army boys propping up with poles the exterior of a building that otherwise might have collapsed.

Troops were sent to Valdez, and likewise to Glennallen by Gen. Andy Lipscombe, commander of the Yukon, which consists of Army elements north of the Alaska Range.

Day before yesterday General Lipscombe himself was in Valdez to make sure that what needed to be done was being done. I can report to the Senate that those things that need to be done are being done.

Lt. Gen. Raymond J. Reeves, commander in chief of the Alaskan Command, is, of course, in charge of the military cooperative effort. I desire now to commend him. I was particularly impressed by the fact that in this crisis, in this emergency, General Reeves was always scrupulously careful to make sure that the civilian authorities wanted him and his officers and men; that he does not do that which is contrary to the desires of the civilian government.

We had an example of this when yesterday morning, at 7:15 o'clock, several cars started from Elmendorf Airbase to the city of Anchorage on an inspection tour. They were led by an air police automobile. General Reeves stopped the procession and said:

> We will go no further until we have called into town and make sure that we are led in by municipal police. That is the way it ought to be, and that is the way it is going to be.

And that is the way it was. I admire that attitude.

Great assistance has likewise been provided by the Army under Maj. Gen. Ned Moore in other places than Glennallen and Valdez. We were encouraged to be accompanied on the flight from Washington to Anchorage by Maj. Gen. James C. Jensen, commander of the Alaskan Air Command, whose planes are carrying foodstuffs, clothing, and other essentials to isolated communities.

I do not know how people would have gotten by, in many situations in Alaska, without the help of the military.

Just before coming to the Chamber, I was met by John Murdock, my friend and a former Representative in Congress from the State of Arizona, who came to me and expressed his concern and sorrow at what is happening in Alaska. He said:

> Could this be a final blow to an infant?

I have thought it over ever since he asked that question. Mr. President, if willingness of people to work means anything, and if a base upon which people can work is given them, this will not be a final blow.

When the earthquake occurred the Congressman from Alaska, Mr. RIVERS, was conducting hearings in California. He hurried north and joined us in Anchorage yesterday, and remained there, to assist.

The State government is acting promptly and effectively under the strong leadership of Alaska's Governor, William A. Egan. He is personally visiting each stricken area and community. He is giving counsel and making sure, himself, that State assistance is forthcoming when and where needed. When I last saw him, Governor Eagan had not slept for 36 hours.

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

Mr. BARTLETT. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. In the first place, I have every confidence that this will not be a final blow. As the Senator knows, I have felt that Alaska has become our last great frontier. The people there are pioneers of the finest possible stock, and I know they will rise superbly to this terrible emergency; but I feel the two Senators from Alaska well know they are going to have the help of the Senate, the House, and our country, and I feel that they know that their relatively small State in population, but great State in area, is going to have the assistance, in a very strong and powerful way, of this great Nation.

It may be that it requires an occasion of this kind, when the Nation is being torn somewhat by internal dissension, to make us realize that we are all one; to make us realize that the collective strength of this great Nation can mean much in helping to meet, as far as men's means can meet, a terrible emergency of this kind, which has been so vividly and movingly described by the Senator from Alaska.

I have seen how our Nation moved quickly to help meet a similar situation on the Columbia River a few years ago, a similar situation on the Missouri River some years ago, and a similar situation on the east coast only a couple of years ago. I have checked to see how the situation in my own State—worse than any of the three I have mentioned, but still not so bad as that which has stricken Alaska—was met, largely through the fact that our Nation stood back of our State when it was stricken by hurricanes and water damage, and the loss of 2,200 lives on one occasion.

I am speaking only for myself, but I know that the Senator is assured of the complete backing and approval of every other Senator, that the Nation will stand back of Alaska. We shall expect to hear from the two Senators from Alaska on what can be done to help alleviate the condition, so movingly described by the Senator from Alaska [Mr. BARTLETT]. All Senators thank him for his factual report on the situation, which will have the active help and sympathy of the whole Nation.

I thank the Senator and his colleague for their contribution to the sense of oneness, of the necessity of our standing together, and the appeal to the collective strength of the Nation, which perhaps was not so meant by the two Senators but cannot help but operate in that way.

Mr. BARTLETT. I am comforted, and all Alaskans will be comforted, by the words of the Senator from Florida.

Mr. GRUENING. Mr. President, will the Senator from Alaska yield to me?

Mr. BARTLETT. I am glad to yield to my colleague, the Senator from Alaska [Mr. GRUENING].

Mr. GRUENING. I merely wish to add to the very comforting and warm words of our friend, the distinguished Senator from Florida. The fact is, he was largely instrumental in bringing that infant to life and to the full equality of statehood. I know of no man whose assistance was more valuable, coming at the

early part of our efforts, when our cause did not seem too weak but when from his section of the country not so much help was forthcoming as there was from other sections, and when his voice rang out so clear and unmistakably in support of our efforts to achieve statehood. I know of no man among the many who helped us whose assistance was more valuable and meant so much in that crucial hour of our birth as a State.

Mr. MORSE. Mr. President, will the Senator from Alaska yield?

Mr. BARTLETT. I am glad to yield.

Mr. MORSE. Mr. President, I should like to say to the two Senators from Alaska that I have sat here for most of the last hour enthralled and entranced at the shocking and horrifying account of the tragedy visited by an act of God upon the State of Alaska. It proves, after all, how mortal we are, how much we live at the risk of the elements.

I spoke about this earlier today, when the junior Senator from Alaska commented upon the tragedy, and I pledged to him, as I now pledge to the senior Senator—in fact I covered both of them in my remarks—the complete support of the two Senators from Oregon in behalf of whatever legislation needs to be passed, if any.

I said then, and repeat now, that I believe probably the only thing that needs to be passed is the necessary appropriate legislation to turn over to the already existing emergency relief agencies, under Mr. McDermott, such funds as will be necessary to provide Alaska with whatever assistance money can provide.

I said then that although the body blow was felt by Alaska, great losses were also suffered from the tidal wave in my State and in California, that I have already asked the Governor of my State to supply me with any information he can supply me with, which may be of assistance to him in making his official request to the Federal Government for emergency assistance in my State; and that the congressional delegation will of course back him up. Some of our coastal towns, such as Florence, Depoe Bay, Waldport and others, have suffered great losses—nothing comparable, of course, to those in Anchorage and Seward, as related to us in the last hour by the senior Senator from Alaska, because our losses have been caused only by the tidal wave and not the earthquake; but to the people who have lost their all, it is just as important to them as individuals even though Alaska lost more.

This being a west coast catastrophe, I am sure the Government will do everything it can to provide as much assistance as Government can bring in such an hour of tragedy.

I wish to express, on behalf of the people of my State, our great thanks to President Johnson for the immediate assurance he has given to the country that everything within the power of the Government that can be done to bring relief to the stricken area will be provided.

I believe the two Senators from Alaska deserve our sincere thanks for giving us this on-the-scene account, because they saw the aftermath with their own eyes; and we appreciate it, although it deeply saddens us.

Mr. BARTLETT. I thank the Senator from Oregon. Even in our hour of agony, we keenly feel the plight of those in the more southerly Pacific coast areas who felt the effects of this upheaval of nature as we did.

Alaskans have the heart, the spirit, and the courage to rebuild. It will be almost a total rebuilding effort. But even imbued with all of these attributes, there is no determining whether they can succeed unless the oneness to which the Senator from Florida so eloquently referred manifests itself now, so that all Americans join together to help the people, in this instance, of my own State—as I feel sure Alaskans would wish to join were a similar catastrophe to afflict the people of any other State.

This is what makes us strong. This, in part, is what makes us great, that the American heart beats as one. We are willing to help every other American wherever he may be. There are some Americans desperately in need of help now. The Americans in Alaska declare that they can continue the big job which their country has assigned to them, to make the last frontier truly a great State of the Union. With your help, and with the help of the American people, this can be achieved in spite of that which happened last Friday.

Mr. KEATING. Mr. President, I wish to express my deep sympathy to the Senators from Alaska over the tragedy which occurred in their State this weekend. Both of them may be assured that the Senate in its deliberations will do everything within its power to assist the distressed people of Alaska, as it would for other States in such an hour of tragedy and danger. We are appreciative of the firsthand report which the distinguished Senator from Alaska [Mr. BARTLETT] has given us.

Mr. BARTLETT. It is my hope that the words of the Senator from New York, representing as he does, so many millions of Americans, may be carried swiftly to Alaska.

I yield the floor.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the bill (H.R. 7152) to enforce the constitutional right to vote, to confer jurisdiction upon the district courts of the United States to provide injunctive relief against discrimination in public accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Commission on Civil Rights, to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

Mr. MORSE. Mr. President, before I turn to a discussion of McNamara's war in South Vietnam, with the prayer that it will not become a U.S. war, although it is on its way to so becoming, I wish to express my compliments to the Senator from Minnesota [Mr. HUMPHREY] and to the Senator from California [Mr. KUCHEL] for the very able speeches they delivered today, laying down the affirmative position of those of us who support a strong civil rights bill. Both Senators rendered a magnificent service in presenting the overall case in chief for the affirmative side in this debate. Later, title by title, some of us will present detailed arguments in support of the various sections of the bill. However, I am very much pleased to serve under the leadership of the Senator from Minnesota [Mr. HUMPHREY], who will handle the substantive debate. I wish he had been as sound on the procedural aspects of the subject, last week, as he was today on the substantive aspect of it.

A finer leader than the Senator from Minnesota could not be made available to us as we battle away in support of the substantive, affirmative position we will take to pass the strongest possible civil rights bill.

I always find it a great pleasure to be in agreement with him. I am always unhappy when he does not see the light on a procedural question. Of course, I am speaking facetiously at the present time. I am glad that we are back shoulder to shoulder again, fighting together, on the substantive aspects of the civil rights issue.

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

Mr. MORSE. I yield.

Mr. HUMPHREY. Mr. President, while the Senator from Oregon may be happy when he finds the Senator from Minnesota with him, let me assure the Senator from Oregon that the Senator from Minnesota is exceedingly happy when he finds the Senator from Oregon with him. There is no greater or stronger or more effective supporter of a piece of legislation than the Senator from Oregon. May I say, with equal candor, that when he is opposed to a piece of legislation, his strength is legion, and he puts up a brilliant battle. He is great both in offense and in defense. I am glad to be on the side of the stalwart Senator from Oregon.

Mr. MORSE. I appreciate those flattering words very much, because they prove the close personal friendship which exists between the Senator from Minnesota and the Senator from Oregon. I wish I did not have to rebut the flattery, but I do. Kind as the words are, the fact remains that I never seem to have the votes when I am in opposition to the Senator from Minnesota. Of course, I have long since learned that having the votes does not necessarily prove one right, because other Senators may walk down a mistaken path.

However, all joshing aside, I believe it augurs well that the civil rights forces in the Senate have united and that they will be marching together for the next few weeks—how many I do not know, but as long as it takes—down the road, in a determined fight to pass the strongest possible civil rights bill.

As the Senator from Minnesota knows, I have consulted the leadership again today. The record should show that I have a pretty firm understanding with the leadership that during the course of

the civil rights debate no unanimous-consent agreement will be granted on the floor of the Senate for any committee to hold a meeting while the Senate is in session, while I am present, and that when I am absent from the Chamber an endeavor will be made at least to give me the courtesy of a quorum call to bring me to the floor of the Senate, or, knowing my position, that the leadership will object in my behalf, as a matter of courtesy, until I can reach the floor of the Senate, and reaffirm the objection.

I have thought this problem through at great length. I know all the difficulties that confront us. I said over TV today, when I was examined about this subject, that the only conditions under which I would relax my determination not to grant a committee the right to meet while the Senate were in session would be in the case of some national calamity, some great emergency, which might arise, such as the Alaskan tragedy, when it might be necessary for a committee to meet long enough to give consideration to the presentation of the case as to how much money was needed to be appropriated in order to meet the emergency.

However, I wish to make it very clear that that does not mean that I have opened the door, so to speak, for committee meetings. Only in the case of a serious national calamity would I give consent to any committee meeting being held while the Senate was in session, and then only with the understanding that it would be for the purpose of handling the national calamity.

I will not give consent to the Appropriations Committee to meet to report appropriation bills. I care not how much hardship might be caused by not having an appropriation bill reported. Let us face the fact, as I have said before, that the price of freedom comes high, but freedom is worth it. We are now in a great contest to deliver, for the first time since the Emancipation Proclamation, true freedom, full freedom, constitutional freedom to the Negroes of this country.

I believe the only way we shall ever deliver it is for the American people to pause long enough in their daily lives to take a look at the Senate, and to realize what is at stake here. If, as, and when the time ever comes when it is necessary to bring some urgings to bear upon Senators to vote for cloture, I want the Senate to be in the position where the American people will be prone to say, "Why do you not vote for cloture?"

I am satisfied, when the American people start asking Senators in certain States, who for some reason or other have not seen fit in years gone by to vote for cloture, "Why are you not voting for cloture?" we shall begin to get their votes for cloture.

In my judgment there is nothing more important facing this Republic, now that the issues have been drawn, than to get it behind us, after adequate debate has been guaranteed to the opposition. No one will be more determined to see to it that the opponents of civil rights have a fair opportunity for full and adequate debate.

That does not mean interminable debate. That does not mean debate that seeks to prevent a vote ever occurring on the issues. It means the time that is needed to present all the arguments on the substantive issues that are involved. I intend to see that they get that time for debate.

However, after that kind of debate has been had, I shall support cloture. That is why it is important that no other business of the Senate is transacted in the meantime, because we will not get cloture—and of this I am convinced—until the American people understand that they, too, will have to make sacrifices for the preservation of freedom in this country during this historic period.

I believe that this is the most historic period on the domestic front since 1862.

I think the issue is drawn as to whether this country will try to remain half free and half slave. There are various types of enslavement. The Negroes of America are enslaved in this Republic tonight. Let every white person face up to that ugly reality. So long as a Negro in this country does not have exactly the same rights of constitutional enjoyment that every white person has, there is no freedom for the Negro. He is enslaved. He is enslaved to the bigotry, the prejudice, and the bias under which he has suffered ever since the Great Emancipator uttered those historic words in the form of the Emancipation Proclamation a hundred years ago.

That is the issue that has been drawn. I was told on television this afternoon—and I am sure the President will not take offense:

> Mr. Senator, suppose you get a call from the President, from the White House, and he says, "It is extremely important that this committee be permitted to meet."

My reply was:

> The President knows me so well that he would not waste his time by making that call. He knows what the answer would be.

So far as the senior Senator from Oregon is concerned, the die has been cast on this issue. This is one matter on which I shall not need a majority vote. I represent the people of a sovereign State. I have my parliamentary rights in the Senate. I intend to exercise them.

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

Mr. MORSE. I yield.

Mr. HUMPHREY. I assure the Senator from Oregon that I not only feel he is right in what he states is his parliamentary right, that no committee meetings will be held during the sessions of the Senate, but I say to the Senator as majority whip that when I am on the floor, his right will be protected, his position will be honored. I say this not only in the name of the senior Senator from Oregon, but I join with him in the name of the senior Senator from Minnesota. I know of no more important business than the civil rights bill.

As the Senator has said, with the exception of a great emergency that really fundamentally affects the lives of thousands of our people in great sections of our Nation, there is no reason why the Senate should not attend to the business which is before it. If it does so, it can complete it in a reasonable time.

I say to the Senator from Oregon, as he has stated to the Senate tonight, let there be extended debate, full debate, debate on every section, subsection, and title. But the difference between extended debate and a filibuster is that debate is designed to give life to legislation, and is designed to arrive at a decision, either affirmative or negative, a decision of will, yea or nay. A filibuster is designed to kill legislation, to bury it, to paralyze it. It is designed to deny the Senate the right to express its will. We wish to make that distinction perfectly clear. The proponents of this legislation intend to lay their case before the public.

We do not intend to be mute, or silent. We do not intend to be accused of filibustering if we take the time necessary to discuss the bill. We are prepared at any hour of the day to vote on any section of the bill. We are prepared at the proper time to vote on the bill itself. I know that that is the position of the Senator from Oregon.

Mr. MORSE. Mr. President, I not only thank the Senator from Minnesota, but I wish to say that the announcement which the Senator from Minnesota has made in his capacity as majority whip and in his capacity as the selected floor leader on this bill, in my judgement is the most important announcement that has been made to date in connection with the civil rights bill.

It is one thing for the senior Senator from Oregon to make the announcement which he has made several times, that he will exercise his parliamentary right to block all committee meetings while the Senate is in session, subject only to a great calamity or national disaster which makes it of dire importance that a committee meet; but for the majority whip and the floor leader of the bill to make that statement is truly good news for the people of this country.

I wish to express my sincere and deep thanks to the Senator from Minnesota for the decision he has publicly announced. I happened to know that that was his position, but in my judgment, it took a great deal of courage for the Senator to stand up and serve this clear notice to the country as to what the procedure will be in the Senate with respect to committee meetings.

McNAMARA'S WAR IN SOUTH VIETNAM

Mr. MORSE. Mr. President, for a few minutes I shall turn my attention to McNamara's war in South Vietnam.

Last Thursday night, Defense Secretary McNamara repeated the reasons customarily given for American participation in the war in South Vietnam. He cited three principal American objectives there:

To help South Vietnam, as a member of the non-Communist world to stay that way. "The Vietnamese have asked our help," he said. "We have given it. We shall continue to give it."

Second, to prevent southeast Asia and the Indian Ocean from falling under Communist domination. He said the area has "great significance in the forward defense of the United States," and that in Communist hands, it would pose a serious threat to the security of the United States and the family of free nations to which we belong, including the subcontinent of Asia, Australia, New Zealand, and the Philippines.

Third, he said we are in South Vietnam to thwart Communist aims of aggression which are pursued by means of "wars of liberation," rather than by all-out, direct aggression by armies moving across national borders.

There is nothing in any one of these objectives that does not argue for use of international treaties to handle the situation instead of unilateral American action. Secretary McNamara pointed to the Geneva accords of 1954 which partitioned Indochina. Although the United States was not a signatory to them, we said we would consider them binding and would regard their violation as a threat to international peace and security.

Why, then, does not our claim that they have been violated require us to take up the issue in the United Nations? Not a whisper from the Secretary of Defense about that obligation. That is where threats to the international peace and security are supposed to be handled. They are not supposed to be handled through unilateral action on the part of the United States, Russia, or any other power in the world.

But the Secretary makes the best case of all for handling South Vietnam through the Southeast Asia Treaty Organization. He declares that Communist control of southeast Asia would be a threat to the area of the Indian Ocean, Australia, New Zealand, and the Philippines. If so, then that is exactly the situation that SEATO was created for.

If the Secretary's analysis of the danger is accurate, then why have not Australia, New Zealand, the Philippines, Pakistan, and Thailand worked out with us a joint policy for intervention in South Vietnam? Yes, and Great Britain, and France. They, too, signed SEATO.

I am at a complete loss to understand how the South Vietnamese war can be a threat to their security, and yet not one of them is interested in doing anything about it.

Oh, yes. As I pointed out last Thursday, the President of the Philippines made a great public announcement the other day about how important it is for the United States to stay in South Vietnam. So I asked him in the Senate on last Thursday, and I ask him again tonight, "Mr. President of the Philippines, what about you going into South Vietnam with some Philippine troops? What about the Philippines living up to their obligations under the SEATO treaty?"

The sad fact is that not a single signatory to the SEATO treaty except the United States is in South Vietnam.

Those signatories are perfectly willing for the United States to pick up the check. The Secretary of State admits we are picking up 97 percent of it, 3 percent from South Vietnam. Those signatories to SEATO are perfectly willing to let American boys die in South Vietnam—but no Australians, no New Zealanders, no Pakistanis, no Filipinos, no Thai, no Frenchmen, and no British boys.

We could not be more wrong than we are in connection with American unilateral action in South Vietnam. Mark my words, if we continue the McNamara war in South Vietnam, along with the proposals that he is making for stepping it up, including his keeping the door open for action into North Vietnam, we shall be branded an aggressor nation.

In my judgment we do not have an iota of international law or right on our side in escalating a war into North Vietnam. But read the Secretary of Defense's speech of last Friday night. It is clever, but it is a ducking speech. It is not a forthright speech. It is full of one escape hatch after another. It offers the launching site for one trial balloon after another.

Now is the time to speak up and to make clear to the Johnson administration that if it is going to support a McNamara war in South Vietnam, and if it is going to attempt to make it a U.S. war, and if it is also going to run the risk of having the United States condemned as an aggressor nation, because of that war, the Johnson administration must be repudiated; and I speak as a Democrat, but as a patriotic American first. I speak soberly, knowing the full import of the words I have just uttered. But I say that no administration, either Democratic or Republican, can excuse the unjustifiable killing of American boys in South Vietnam; and before I conclude this speech, I hope to impress on the Senate and on the administration the support I have. The senior Senator from Oregon, the junior Senator from Alaska, and other Members of Congress who have spoken out in opposition to the policies of the Johnson administration in regard to South Vietnam do not speak alone, for behind us is a public opinion represented by millions of Americans who take our position that this kind of unilateral action by the United States cannot be justified merely because it is being done by the United States. After all, the United States is not always right in regard to foreign policy; and when the United States is wrong, it should be big enough to recognize its mistake and to correct it. Certainly Secretary McNamara is dead wrong in his policies in regard to South Vietnam.

Mr. President, the historic debate in regard to South Vietnam will increase in tempo in the weeks and months immediately ahead, because we are not going to be silenced. In my nearly 20 years of service in the Senate, I have never been known to make a criticism of American foreign policy without offering an affirmative, constructive proposal to take its place. I have been making an affirmative, constructive proposal in regard to the McNamara war in South Vietnam; and I shall repeat it again tonight—although going into a little more detail; and I shall repeat it again and again across the country in the months ahead. The policy of the Johnson administration in regard to the unilateral war being conducted by the United States in South Vietnam must be stopped; and the only force that can stop it is American public opinion. I am satisfied that American public opinion will stop it, if the Johnson administration makes it necessary for American public opinion to stop it.

We had a little inkling of the latent public opinion in this country in regard to the McNamara war in South Vietnam in the Gallup poll which was released in the last day or two. We do not find an overwhelming majority of the American people waving the flag into tatters in support of the McNamara war in South Vietnam. As the American people come to learn more about the facts—and such facts have been presented to me by officers in South Vietnam, the testimony of some of whom I shall place in the RECORD tonight before I finish this speech—the American people by increasing millions will join with those of us who are saying to the administration, "Get out of South Vietnam. Let the processes and procedures of international law move in, and let the United States, on a unilateral basis, move out."

I point out that the SEATO signatories are not giving us support. The only reed of international law on which we can lean is the protocol agreement entered into by the signatories to SEATO when they signed the SEATO treaty. We have no other possible right in South Vietnam, and that is not much of a right to lean on. We joined all the other SEATO signatories in entering into a mutual agreement to the effect that the area of South Vietnam was an area, of mutual concern and interest to the signatories thereto. But let us remember that South Vietnam itself is not even a member of SEATO. Of course, Australia, New Zealand, Pakistan, Thailand, the Philippines, France, and Great Britain are willing to have the United States "go it alone"—they always are. We got a little inkling from De Gaulle, when he stated that he thinks perhaps there should be a new policy in that part of the world. But the present gross inactivity on the part of our alleged SEATO allies raises the question of whether their security is really at stake. If they believed their security to be at stake, surely they would be doing something to protect themselves. Why is it more to our advantage than to theirs to help South Vietnam?

They do not seem to be concerned about the fallacious John Foster Dulles "domino" theory, which he imposed upon American public policy some years ago, and against which I spoke out at the time. It was fallacious then; it has been fallacious ever since, and it is fallacious now—the theory that if one country in that part of the world went Communist, then, like a row of dominoes, all the rest of them would topple, one after another. However, Cambodia has already put the lie to that; and, as I said in my speech of last Thursday, other countries have done so, too—including North Vietnam, Laos, and Indonesia. Cambodia has thrown out the U.S. aid program. Cambodia has not gone Communist and its Government has stated that it does not intend to. The repudiation of the United

States by Cambodia also repudiates the Dulles false domino theory.

Although, of course, we do not like to face this fact, because it is embarrassing, the great United States has had its representatives thrown out of Cambodia; a little prince of Cambodia told our representatives to get out, or else he would put them out. If the United States had tried to answer him by insisting that its representatives remain there, the United States would have had to answer him with force; and then the United States would have been in a real fix, for then it would have been charged that the United States had committed aggression against the little country of Cambodia, whose Prince said, in effect, "I am fed up with the U.S. representatives. Take your aid and get out, and stay out."

Mr. President, the United States has been engaging in some very strange operations in South Vietnam. The other day, so-called U.S. military advisers—but they were dressed in battle regalia—were caught, together with South Vietnamese forces, making a raid on a city inside Cambodia, and using fire bombs. That is rather hard to reconcile with the professings of the United States that it is a humane country. We were caught flatfooted. I have said, and repeat today, that when we can find out the operations of the CIA—the police state agency that we maintain in our country, in a supposed democracy, against all attempts to find out how it operates in Asia and in other parts of the world, I am satisfied that that page of American history will be disgraceful.

In the past few hours we find the United States uttering its assurances that instructions have gone out against the use of the fire bomb. Why? Because they know very well that if we continue to be caught using it, we shall have fewer friends in the world than we have now because of our foreign policy.

Mr. President, we usually get into the kind of fix in which we now are when we follow a unilateral military course of action based upon resort to the jungle law of force instead of the rule of law, about which the American Government is so prone to prate and profess in the councils of the world.

The senior Senator from Oregon is asking for a squaring of our practices with our professions about a rule of law. We repudiate the rule of law every time we resort to unilateral military force, as we are doing in "McNamara's war" in South Vietnam.

What is my affirmative proposal? My affirmative proposal is to keep faith with and to practice the ideals professed by our Republic. We claim to be always willing to resort to the rule of law for the settlement of any dispute that threatens the peace of the world. But we stand convicted of not doing so in South Vietnam.

The Government of the United States has never asked for an extraordinary meeting of the foreign ministers of SEATO. I wonder why. Are we afraid that the foreign ministers of the countries signatory of SEATO would not go along with a plan to try to settle without military action the civil war in South Vietnam?

Are we afraid that we could not obtain support in such an extraordinary meeting of the foreign ministers of SEATO signatories for a continuation of America's support of its puppet government, which Vietnam is? The administration does not like to hear me say that, but it is true. The South Vietnamese Government is a puppet of the United States. It was brought into being primarily through the influence and power of the United States. We set up the Diem government—a tyrannical, Fascist type of government, in which human rights were nonexistent—which remained totalitarian throughout the existence of the Diem government. It was not a pretty chapter in American history.

Finally there was a coup. We became a little disillusioned with that puppet. So there was a coup, and Diem was overthrown. Now we have a new type of totalitarian government in South Vietnam, a military totalitarian government headed by a military leader, Nguren Khanh.

Does anyone believe there are any more human rights in South Vietnam? Does any Senator believe that South Vietnam is representative of freedom? Of course not. It is a straight military dictatorship, buttressed by 15,500 American troops and $1.5 million a day of American money. Counting the money that we poured in to help France in that area of the world when it was a part of the French colonial dynasty—Indochina—we have spent more than $5.5 billion of American taxpayers' money in a useless war in that part of Asia.

Mr. President, it should stop. Something tells me that the American people will stop it, Mr. McNamara to the contrary notwithstanding.

I did not see it, but several Senators have said today that they saw an hour-long television program yesterday showing a picture of the Secretary of Defense. Apparently he let his enthusiasm run away with him. In the picture he was shown promising the South Vietnamese not only support for a thousand years, if necessary, but also leaving the impression that we would give them support forever. By what right did the Secretary of Defense go over to South Vietnam to make any such pledge in behalf of the American people?

He had no such right. The American people should answer him in no uncertain terms.

Mr. President, if the Senator desires my affirmative program in greater detail, if the SEATO countries under the treaty do not want to try to reach some kind of settlement in South Vietnam that will bring to an end this costly war, I say that the signature of the Government of the United States on the United Nations Charter places upon us a clear obligation to lay before the United Nations for determination this threat to the peace of the world now arising in southeast Asia.

What is wrong with that procedure? Of course, that would be a resort to the rule of law. That would honor the charter and our signature thereto. That would give us an opportunity to call the attention of the world to those countries that are willing to support a rule of law for settling an issue that threatens the peace of the world and those countries that are not. It would take us immediately out of the latter class. It would cleanse us immediately of the great liability that is now ours. We are resorting to military action, and by resorting to military action, we are threatening the peace of a part of the world that can lead into a holocaust which could spread around the world. It would be keeping faith with our professions about believing in resort to international law rather than the jungle law of force.

There will be those, and particularly the military minded and politically minded, who believe that the way to pay respect to the American flag is to wave it into tatters. That is no way to respect the flag. There will be those who will say that the proposal is not practical. Of course it is practical, for it is always practical to try to practice one's country's ideals.

There is nothing practical about bending a political knee at the altar of political expediency, either domestic or international. We must face the fact that the United States is wrong in South Vietnam. We have followed a wrong policy. But it is never too late to substitute right for wrong.

We have decided that it is to our advantage not to call for such a resort to the rule of law because we have a vested interest in the pro-Western government there, and these other nations do not. It was, after all, a unilateral American decision to support the remnant of the Bao Dai regime, for it was Bao Dai who chose Diem to take over, after the French failure. We came in to support Diem, just as the French before us had supported Bao Dai.

I think the Secretary's first reason for U.S. intervention came closest to being the real reason, as he set it forth in his unsound speech Saturday night. He said: "The Vietnamese have asked our help. We have given it. We shall continue to give it." The Government there is our protege. We have convinced ourselves that it is important to us for prestige purposes. But we have not convinced South Vietnam's nearest neighbors that it is important for security reasons.

Mr. President, let us not make the mistake that Britain, France, Belgium, The Netherlands, and other great colonial powers made for centuries. They lost their colonial power. Great Britain went broke. France went into a great economic decline. Finally, the people of Great Britain and of France made it clear to their governments that they wanted an end to colonial powers and policies.

Why should we be picking up the mistakes of France in Indochina? For that matter, why should we be picking up the mistakes of past colonial powers anywhere in the world?

Secretary McNamara also gave us a picture of how hopeless our task is there. In a population of 14 million, about 20,000 to 25,000 are what he calls "hard-core" guerrillas. But the Vietcong can muster forces of 60,000 to 80,000 men.

These are the so-called Communist guerrilla forces; but they are South Vietnamese. We cannot show that there are in South Vietnam any foreign troops from China, or any foreign troops from Russia, or any foreign troops from North Vietnam. The only foreign troops in South Vietnam are U.S. troops.

Mr. President does anyone believe that the rest of the world will not take note of that fact? Do Senators think that is a great credit to the United States? Do they think the rest of the world is shouting "Hallelujah" over the rationalization and propaganda of officials of our Government who are trying to alibi McNamara's war in South Vietnam—and that we are doing it to save South Vietnam from communism?

Mr. President, the overwhelming majority of the people of South Vietnam would not know the difference between communism and democracy if we tried to explain it to them—and they could not care less.

They can understand what economic freedom is. They understand that if the seedbeds of the economic freedom are brought to them, the plant of political freedom will take root and grow.

I am not taking the position that we should do nothing to help the people of South Vietnam. The Senator from Oregon could probably be persuaded that there are sound economic projects we should spend more money on to help prepare the seedbeds of economic freedom than we are now spending on so-called military aid to South Vietnam. But that would be an entirely different situation. I believe that is the way we should beat communism in the underdeveloped areas of the world. Communism in Asia cannot be beaten with bullets.

The people of southeast Asia can be brought to the cause of freedom—not overnight, and it is desirable that we not try to do it overnight, but gradually, year by year, as we give assistance to the preparation of the economic seedbeds of economic freedom, out of which will flower political freedom in due course of time.

The reason why we need joint action of a peaceful nature in South Vietnam, either through SEATO or through the United Nations, is that only in such a climate can the seedbeds of economic freedom be developed. For want of a better descriptive term, so far as my affirmative proposal to this problem is concerned, I have a suggestion if SEATO should fail. But I would not give up hope in SEATO. I would have great hopes for SEATO, because a SEATO conference would give to De Gaulle an opportunity to come forward and offer a blueprint, if he has one, to suggest how South Vietnam can be managed and administered without killing, how South Vietnam can be managed and administered on the basis of a SEATO trusteeship, or something similar to a trusteeship.

But if that could not be worked out, Mr. President, then, for want of a better descriptive term, the senior Senator from Oregon believes we ought to make a grand attempt in the United Nations to set up some form of a United Nations trusteeship in South Vietnam—not a neutral state such as Laos. Laos is a failure, in my judgment. Laos is a failure because a mistake was made in assuming that, by bringing the Communists into roughly a third of the seats of government, we would obtain cooperation. At best, under such a situation, we might hope for coexistence. But coexistence is not cooperation. Coexistence provides only the channel and the medium for the Communists to seek to undercut, undermine, "termite," and take over. I believe it is generally agreed that the Laotian formula is not a very helpful one. But a United Nations trusteeship or quasitrusteeship would be something entirely different. If the SEATO proposal is not a success, we should make an attempt to persuade the United Nations to assume what I consider to be its clear responsibility under the charter. Whenever an area of the world is threatening the peace, the United Nations Charter calls upon the members thereof to intervene and seek to bring to an end the threat to the peace.

It is a sad thing to have to say it, but it is true, that U.S. unilateral action in South Vietnam has been standing in the way of a United Nations approach to the South Vietnam problem.

So, Mr. President (Mr. KENNEDY in the chair) in a population of 14 million, about 20,000 to 25,000 are what the Secretary of Defense calls "hardcore" guerrillas. But the Vietcong can muster forces of 60,000 to 80,000. Against them, the South Vietnamese have an army of 400,000, supported, guided, and directed by 15,500 American soldiers. Moreover, South Vietnam will soon, and for the first time, undertake military conscription to raise its forces to 450,000—the payment of which, the Secretary of Defense announces to the world, the American taxpayer will make.

By what authority?

Since when have we had a foreign policy determined by the Secretary of Defense, who announces, after a military dictator in South Vietnam says that he will institute conscription, that the United States will pay he bill?

The Secretary of Defense also needs a refresher course in the separation of powers doctrine provided for under the Constitution, which places a check in the hands of Congress upon the Executive when he proceeds to try to act unilaterally.

Despite American aid to this area, which has totaled approximately $5.5 billion since the French first began their war in Indochina, the position of pro-Western forces there has steadily deteriorated. By 1961, it required direct U.S. military participation. In the fall of 1963, it became worsened by the political upheaval. In March of 1964, Secretary McNamara reports that the situation has "unquestionably worsened."

What he is proposing is another Korean war effort, only this time shorn of United Nations backing. He is calling for a unilateral American Korean war, with the possibility constantly held out of expanding the fighting into North Vietnam and even into China itself.

The Secretary is quite mistaken in trying to ascribe this Asian policy to the last five Presidents. President Roosevelt did not, as the Secretary claimed, "oppose Japanese penetration in Indochina" for its own sake. Once the Pacific war was upon us in World War II, we opposed anything Japan did that aided its war effort against the United States.

President Roosevelt's position in World War II must be measured and evaluated in terms of preparation. We were out to beat Japan. That was the position of President Roosevelt.

The Secretary also omits the basic premise of President Truman's action in Korea: that action was a United Nations action. Its was not a unilateral war undertaken by the United States in support of Syngman Rhee.

It was President Eisenhower who undertook unilateral U.S. policies to try to shore up the remnants of the colonial interests in southeast Asia. Regrettably, Presidents Kennedy and Johnson have pursued that unfortunate and misguided effort.

Secretary McNamara is only presiding over the rotten fruits of that mistake of 1954. He is only trying to play a losing hand dealt the United States in 1954. The only question is how much he is going to bet on it, and how much the American people are going to lose before we recognize our mistake and rectify it.

We are holding a losing hand. I take the position that we should get out of that gambling game. We should return to a posture which puts us in keeping with our ideals. We should return to honoring our signature to the SEATO treaty, to honoring our signature to the United Nations Charter. That is the affirmative course of action which I present tonight on the floor of the Senate.

I wish to take a few moments to invite the attention of the Senate to a cross section account of American public opinion from coast to coast, from State to State, and from all segments of the American public, from American military officials in South Vietnam—colonels, majors, captains, and lieutenants.

Last Thursday's CONGRESSIONAL RECORD will show that I spoke of the position of a high Marine military officer who expressed great concern and criticism of the "McNamara war" in South Vietnam, pointing out that if we are going to conduct a war in South Vietnam, we should conduct it. This high Marine officer pointed out to me—as I reported last Thursday on the floor of the Senate, and which I report again tonight as a preface to certain quotations from communications which I have received from these officers and from many Americans in all stations of life—that the operation we are conducting is doing great damage to the morale of American military personnel in South Vietnam. There is no doubt about it. All we have to do is to read a cross section of American military points of view, and the letters I am about to place in the CONGRESSIONAL RECORD, pointing out that the kind of operation we are conducting does not give American military personnel in South Vietnam the ultimate in protection to which they are entitled.

Mr. President, it is one thing to send American boys in the uniform of the

American military into military danger zones to risk their lives and defend the United States on the basis of the orders of their superiors, but it is another thing to send them into those danger zones without the full protection to which they are entitled as American military men.

This Marine officer and other officers have told me that, under the kind of operation we are conducting in South Vietnam, we are needlessly risking the lives of American military men by sending them into battle zones without the protection the American military has the power to give them.

That practice should stop. No Secretary of Defense can justify it. When the American people get the facts, they will stop it too.

Mr. President, these letters are available to the White House for checking on the part of any official it may wish to designate. It is obvious, as I read some of these letters—and I shall put more in the RECORD—that it would be unfair for me to put the letters in with the signatures attached. I know how the military works, and so do other Senators. I know what would happen to these military men in many instances. Furthermore, I shall place in the RECORD letters from doctors, lawyers, bankers, corporation presidents and vice presidents, professors, teachers, farmers, and workers. I am going to place letters in the RECORD which represent a cross section of American public opinion.

I do not often do this, but I believe the American people must be guaranteed their right to petition their Government. Because so much of the press, whose representatives sit in the press gallery of the Senate, and who, of course, are subject to the rulings of their superiors—and because their superiors for weeks and weeks have concealed from the American people the facts that have been brought out on the floor of the Senate on the South Vietnam issue—I believe it all the more important that the views of those Americans be given the right to petition, as I am doing tonight by presenting a cross section of the letters for the CONGRESSIONAL RECORD. These are but small segments of the letters I have received. I am keeping them for other Senators to read, in a separate file in my office. Senators are welcome to come and read them.

I have no intention of doing an injustice to any person who writes to me, by disclosing his name without his approval.

I wish to have the attention of the official reporters of the Senate for a moment. I do not want the addresses of these writers to be shown. I do not want their names to be shown, except in those letters in which I have left intact the names and addresses. There are some letters in this group with respect to which it is proper for me to do that. I want the official reporters to know that I want each letter, however, to show the State—merely showing whether it is from Maryland, Georgia, California, Minnesota, or Wisconsin, for example.

I want the RECORD to show the broad scope of the petition.

From time to time I shall add more letters to the CONGRESSIONAL RECORD as the debate proceeds from week to week.

The first is a letter from a major who is located in South Vietnam. He writes:

Hon. WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SIR: The Stars and Stripes has given full coverage to your views relative to the situation here in Vietnam and also your attitude toward military personnel serving in this country. May I state that within the group I am in close professional association your viewpoint is well taken. We are enclosing a clip of Secretary McNamara's speech that appeared in the same issue of the Stars and Stripes wherein we underline with disfavor the forever aspect of troop service.

Sincerely,

———.

I ask unanimous consent that the article from Stars and Stripes discussing the speeches made by the Senator from Alaska [Mr. GRUENING] and myself on the floor of the Senate, and the article on the speech made by Secretary McNamara, to which the officers take exception, be printed in the RECORD at this point.

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

SENATOR MORSE RAPS VIETNAM POLICY, CALLS AMERICAN DEATHS MURDER

WASHINGTON.—Senator WAYNE MORSE, Democrat, of Oregon, told the Senate Tuesday that "all of South Vietnam isn't worth the life of a single American boy" and called the mounting list of U.S. troop fatalities there an issue of "murder."

MORSE made this statement in his second speech of the day on South Vietnam. His speech was interrupted once by Senator ERNEST GRUENING, Democrat, of Alaska, who called for the immediate return of U.S. troops from Vietnam, as MORSE himself has done in a number of recent speeches.

GRUENING agreed with MORSE that Secretary of Defense Robert S. McNamara had no authority to commit the United States to stay on in Vietnam.

GRUENING declared: "The time has come to reverse our policy of undertaking to defend areas such as South Vietnam whose people are so reluctant to defend themselves. Let us keep on, by all means, supplying them arms. Let us continue to give them the means if they wish to use them. But not our men.

"All troops should immediately be relieved of combat assignments. All military dependents should be returned at once. A return of the troops to our shores should begin."

In his earlier speech Tuesday, MORSE said McNamara and the administration "should be brought to an accounting for the waste of American blood and American money in South Vietnam."

"There is no justification for killing a single American boy," in the military action in Vietnam, MORSE said. "We have no justification for murdering a single American boy. This issue has become one of murder."

"Where are our allies while we pay 97 percent of the bill and spill American blood?" MORSE demanded. He also asked why the United States is using conventional forces in Vietnam when, if war should come, "it will be a nuclear war."

Under Secretary of State W. Averell Harriman earlier said the United States remains "utterly opposed" to the neutralization of Vietnam at present.

Harriman talked to reporters after a closed-door meeting on Eastern European affairs with the House Foreign Affairs Committee.

Asked about Vietnam, he said he had not come to the Capitol to discuss that subject, and said it would not be proper to discuss it until after McNamara had returned from his on-the-spot survey of the situation there.

But he added: "It is obvious that neutralization now would simply mean a Communist takeover of Vietnam and we remain utterly opposed to it."

———

SUPPORT "NOW AND FOREVER"—MCNAMARA ASSURES VIETS

HUE, REPUBLIC OF VIETNAM.—Defense Secretary Robert S. McNamara, in a speech punctuated by applause, Wednesday promised South Vietnam full American support "now and forever" to fight Communist insurgency.

In his firmest public commitment made to Vietnam in his current tour, McNamara declared "we will supply now and in the future whatever economic aid, military training and military equipment you need to defeat your enemy, now and forever."

McNamara's remarks, which were translated to a crowd of 30,000 persons who stood in a heavy drizzle to hear him, brought loud cheering.

McNamara had flown to this ancient capital of Vietnam earlier in the day with U.S. Ambassador Henry Cabot Lodge, Vietnamese military strongman Maj. Gen. Nguyen Khanh and other officials.

Meanwhile, the people mostly responsible for McNamara's frequent trips to Vietnam—the Communist Vietcong guerrillas—were in action earlier in the week, American military sources reported.

In an attack on a Mekong Delta outpost Tuesday, the guerrillas killed 21 defenders, wounded 6 and captured 25 weapons. A total of 15 defenders were missing after action was over. No guerrilla casualties were reported.

In Washington, the Air Force identified Col. Thomas M. Hergert as the missing pilot of a plane which crashed in South Vietnam on Sunday. The colonel's wife lives in Saigon.

Mr. MORSE. Mr. President, I received a telegram from the vice president of Armour & Co., which reads:

MONTCLAIR, N.J., *March 29, 1964.*

Senator WAYNE C. MORSE,
Senate Office Building,
Washington, D.C.:

You are the only man making any sense out of the Vietnam situation. Keep talking and maybe someone will listen.

WILLIAM C. GRAHAM,
Vice President.

I have before me a letter which I received from Saigon, South Vietnam, which reads:

Hon. WAYNE MORSE,
Senator From Oregon,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am writing to you in regard to the waste here in Vietnam and what should be done about it. In my estimation the biggest waste here is that of dependents living in what is supposed to be a war area. These dependents live here at not only great expense to the Government but also at my personal expense.

Previously, I have been detailed to guard duty on the dependent's school on my off-duty time. I have been informed that from now on I will be having this guard duty during my on-duty time.

The point that I am trying to bring out here is that these people are not only living here at great expense to the taxpayer but now their safeguarding is putting an extra burden on the low ranking enlisted man and interrupting his normal duties which I am told are very essential.

I was trained for 8 months and given a top-secret security clearance at the Army Security Agency Training Center and School. The cost of this training and clearance, I

was told, ran into several thousands of dollars. Now it seems that our mission here is actually one of minimum importance.

It is my desire to find out if we as Americans are here doing an important and useful job or are we here to give our officers and their dependents a luxurious life and at the same time train people like myself to be their domestic help.

It was my desire upon entering the Army to do a needed job for my country, not to babysit for my so-called superiors' children. It appalls me to look around and see this waste.

I would appreciate your correspondence on this matter.

——— ———.

I have letters not only from colonels, majors, and captains, but I have had a most interesting one—and I do not seem to be able to put my finger on it—from a sergeant. I may find it before I finish my speech. It is highly critical of McNamara's war in South Vietnam.

I have a letter here from Little Rock, which reads:

DEAR SENATOR: I agree with you 100 percent about our boys being murdered in Vietnam. I do not think the U.S. Government has a moral right to send my grandson into such a situation or any other one's boys. The whole deal will end up like Korea, so let's get out now. I hope you pour it on the ones responsible until you get the United States out.

Thanks.

——— ———.

This is a letter from New York, which reads:

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: We commend you highly on your statements concerning foreign aid, addressed to the Senate on March 4, 1964.

We loudly applaud your position concerning withdrawal of troops from Vietnam and your appeal for a new appraisal of our southeast Asian policy. May your influence grow and affect other leaders in our Nation in changing our sterile policy involving continuous military aid. It is our hope that our Government might soon come to consider reasonable negotiation, perhaps neutralization in Vietnam and begin with the withdrawal of our forces.

Our best wishes to you and congratulations on your courage and fresh views.

Yours very truly,

——— ———.

This is a letter which I received from California. It reads:

Hon. WAYNE MORSE.

DEAR SENATOR: I have just read with interest the enclosed article relative to your viewpoint on South Vietnam. More power to you.

In the same paper I saw the enclosed picture and article covering the return of the body of this young—20 years—soldier. It's heartbreaking to say the least. Yet, he's only one of hundreds already killed and many thousands more in the future if we continue such a futile solution.

Show this picture to Mr. McNamara and any others who think as he does and ask him to take the place of this youngster's parents—for just a moment of reflection.

Thanks for your continued good efforts.

Sincerely,

——— ———.

"MCNAMARA 'ALIBIS' ON VIETNAM NOT JUSTIFIED"—MORSE

WASHINGTON, March 26.—Senator WAYNE MORSE, Democrat, of Oregon, accused Defense Secretary Robert S. McNamara today of making "unjustified alibis" about the need for continued U.S. military intervention in South Vietnam.

MORSE made the charge on the Senate floor while McNamara was briefing the Senate Foreign Relations Committee on America's military commitment in South Vietnam. MORSE is a member of the committee, but boycotted the briefing.

McNamara stirred a storm yesterday in the House Foreign Affairs Committee while testifying on the need for President Johnson's proposed $3.4 billion foreign aid bill.

Sources said he told the closed session that the $1 billion military aid request in the bill is $400 million short of what military leaders feel is really needed.

MORSE, who favors withdrawal of U.S. troops from South Vietnam, said he would reply on Monday to a major speech McNamara is scheduled to give tonight on Vietnam.

ONE BILLION DOLLAR LIMIT

The administration asked $2.4 billion for economic aid and McNamara said legislative leaders had made it "crystal clear" that $1 billion was the limit for arms aid.

Members of the Foreign Affairs Committee, headed by Representative THOMAS E. MORGAN, Democrat, of Pennsylvania, couldn't believe their ears. Many said they were shocked and worried—even "appalled."

They urged McNamara to come up with a new figure that would do the full job. Later, at the closed hearing, he said the "optimum" or best amount would be $1.4 billion. But he said the administration still was requesting only $1 billion and was studying ways to meet the deficiencies.

NARROW MARGIN

Representative WILLIAM S. BROOMFIELD, Republican, of Michigan, said: "Certainly, the Congress is not going to be working on a narrow margin with 16,000 American boys in Vietnam."

Representative WILLIAM S. MAILLIARD, Republican, of California, commented angrily, "What do we have to do—wait until after the election?"

Representative PETER FRELINGHUYSEN, Republican, of New Jersey, said McNamara had a duty to report to Congress what was really needed "even if we don't listen."

McNamara said he had warned Congress last year about the adverse effects of cuts in military aid but it didn't do any good. The lawmakers slashed his request last year by $405 million to a final total of $1 billion.

McNamara said the slash last year caused "absolute chaos" in arms assistance planning and millions of war items had to be canceled.

To avoid that happening, he said, the administration decided to ask this year for only what it thought Congress would vote.

LOS ANGELES SOLDIER HERO HOME TO LAST REST

(By Harry Tessel)

Pfc. Frank J. Holguin, 20, came home from Vietnam today—to rest forever in a soldier's grave.

Secretary of the Army Stephen Ailes wrote his family: "Your son served his Nation with courage and honor."

Frank's grieving mother, Mrs. Anita Holguin, said: "Today, my son. Tomorrow, someone else's. My heart goes out to all the other mothers."

Her son was born in West Los Angeles and was raised at the family home, 11747 Darlington Avenue.

He was a tailgunner in an Army helicopter shot down by enemy gunfire on March 15.

Frank's sister, Mrs. Norma Arujo, 31, told the Herald-Examiner:

"It was especially heartbreaking because we got a letter from Frank the day after receiving word he was killed.

"The letter was to my mother and father.

"We were so looking forward to Frank's coming home on leave. He was halfway around the world—and this had to happen.

"Now, he is coming home to rest."

Rosary for Frank Holguin, son of Modesto and Anita Holguin, will be recited at 7 p.m., Monday, at the Pierce Brothers Mortuary in Santa Monica, 1307 Seventh Street.

Requiem mass will be celebrated at 10:30 a.m., Tuesday, at St. Sebastian Church in West Los Angeles. Interment with full military honors will be at Holy Cross Cemetery.

That letter was from Huntington Park, Calif. This one is from Los Angeles:

MARCH 26, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Permit a resident of another State to congratulate you on your forthright statements regarding our position in South Vietnam.

I certainly agree with you that we should get out—and completely—of that unhappy country.

This war is not in our national interest and our involvement only threatens a larger world conflict.

I hope you are able to win backing for your position. Opposition voices to our military adventures seem lost in the Government these days—and you are indeed to be commended for your courage and foresight.

Sincerely yours,

——— ———.

This is a letter which I received from Oregon:

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: I just want to let you know I fully agree with your stand on South Vietnam, and on the entire foreign-aid program.

I have suspicions that many higher ups in the present administration, possibly even the President, are now preparing the public for our actual participation in the fighting in South Vietnam soon after the election. As far as I am concerned, South Vietnam is not worth the life of a single American. It is foolish to think that China can possibly offer a military threat to the United States within the foreseeable future.

Our entire foreign-aid program is the greatest fiasco the world has ever seen—possibly a little real help to a few deserving, but for the most part an encouragement of dictators, bribery, despotism, and discouragement of real progress. We have not gained a single friend and have turned many against us.

With best wishes.

Sincerely,

——— ———.

I have been advised today by one of the leading correspondents to be on the lookout for a subtle move at the Pentagon directed toward getting into South Vietnam, by the use of American guerrilla fighters, by one pretext or another. The Pentagon denies it.

I serve notice on the Pentagon through this speech that I have received this information from sources that I think are sufficiently reliable so that I intend to watchdog the Pentagon day by day for a constant check on its maneuvers. I warn the Pentagon that I would not advise it to engage in any secret maneuvers which would send American guerrilla fighters into South Vietnam.

The next letter is from Portland, Oreg.:

MARCH 25, 1964.

Senator WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: I agree with you re your views on Rusk. He is worse than McCarthy ever was.

There's already been too many American boys killed in Vietnam; and for what?

Keep up your good work on trying to get foreign aid reduced.

I can't see where foreign aid has made, or kept us any allies; the one thing it has done is to tax the American people for more than they should be taxed.

Very truly yours,

———.

The next letter is from Washington, D.C.:

Mrs. MIRIAM LEVIN,
March 28, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you, thank you, thank you, for the speech you gave in the Senate on March 25, calling for the withdrawal of our troops from Vietnam. You made me proud to be an American.

Enclosed is a letter I sent to my Senators, Congressman, the President, and newspapers.

Good luck and keep up the good work.

With sincere good wishes,

MIRIAM LEVIN.

———

Mrs. MIRIAM LEVIN,
March 28, 1964.

President LYNDON BAINES JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: I am writing to ask you to use all your influence to see to it that there is an immediate withdrawal of our military forces from South Vietnam.

I have seen on the television screen pictures of napalm bombs which come from our country, being used to burn out any village in which they suspect guerrillas may be hiding. In addition to napalm, we supply a phosphorous explosive, fired from artillery and also from fighter bombers which erupts in a white cloud, burning through everything it touches. I protest this brutality and killing because it is wrong and this kind of horror has never solved any problems and does not win a war.

Just why are we there? Does Vietnam belong to us? It is not possible that there is a legitimate revolution of the people going on there. The Government now in South Vietnam was not elected by the people and does not represent them. South Vietnam has known nothing but tyranny for the last 10 years, yet we insist on a policy of noninterference in everything but fighting.

Are we killing women and children to contain China? Is this the reason we are being so immoral? Rotten means never justified any ends and we will lose moral leadership in the eyes of the world if we continue a senseless war.

A negotiated settlement by all countries concerned is the best solution, and this negotiation cannot be settled without mainland China.

The American people will support you, President Johnson, if you go to them and ask for support for reconvening the Geneva powers—the countries, including the People's Republic of China, which settled the French Indochina war in 1954, to plan the demilitarization and neutralization of the whole southeast Asia area.

With sincere good wishes,

MIRIAM LEVIN.

The next letter is from New Milford, N.J.:

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: Congratulations for your continuing criticism of our involvement in the war in South Vietnam.

Your words "close to aggression" seemed particularly appropriate because I feel that many people (American and otherwise) feel that we are continuing where the French left off.

In my opinion our actions in Vietnam represent anticommunism at its most hysterical extreme. If there were clear-cut issues of right and wrong there might be some justifications for our tremendous expenditures in money, materials and blood.

I, for one, object to American participation in the bombing of villaegs and jungles because they are labeled "Communist controlled."

The people of Vietnam have suffered war too long.

Our efforts should be exerted toward ceasing the conflict and not attempting to accomplish total victory.

Keep up your good work on this subject, sir. You have the support of many people.

Thank you.

Very truly yours,

———.

P.S.—I have submitted a letter which will be published in our local Bergen County newspaper advocating support for your position.

Thank you.

The next letter is from San Antonio, Tex.:

MARCH 23, 1964.

DEAR SENATOR MORSE: Thank you very much for your stand on the matter of Secretary McNamara telling the world what the United States will do in Vietnam or any other place.

We think it is time the U.S. Senate starts running the country again and not give over all their authority to the President, the Supreme Court, and the State Department.

Thank you for the consideration. I hope you see it my way.

———.

The next letter is from Los Angeles, Calif.:

MARCH 24, 1964.

DEAR SENATOR WAYNE MORSE: I congratulate you for your urging to withdraw our boys from Vietnam, and I hope you'll keep on working until they come home.

———.

The next letter is from California:

MARCH 25, 1964.

Hon. J. WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SIR: The sanity and realism in your today's foreign policy speech, pertaining to Cuba, Panama, and Vietnam will inevitably touch off a flood of hateful repercussions against you from the war hawks' quarters. Because of it, as my own "rebuttal" to those almost certain attacks on you, I am herewith registering my own reaction to what you said, and telling you of my almost complete agreement with the views you so eloquently and forcefully expressed.

The point on which we differ is that of Vietnam, situated on another continent than ours and on the other side of the world. Everyone conversant with what is going on in the world, is fully aware that we are not there for defense of the United States, but to protect the selfish interests of greedy corporations and individuals who seem to think that they have a natural right to spread themselves, like a gigantic octopus, over the entire earth.

In my opinion, all American troops and their equipment should be promptly removed from Asia, and its people henceforth be left to fight to a finish their own internal affairs, without our unsolicited and unappreciated so-called assistance.

I expressed this opinion in a letter to President Johnson just the other day, a copy of which is herewith being enclosed to yourself.

Sincerely yours,

———.

The next letter is from Minnesota:

Senator WILLIAM FULBRIGHT,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: My heartiest congratulations on your stand on Cuba and Panama. We need more men like you in the Senate and House to stand up and be counted for what is clearly right and which has been a shame in our foreign relations for too many years. Your numbers are growing and I have been pleased when I wrote to other representatives in Congress, such as Senator MCGOVERN, of South Dakota, to find that their favorable mail far outweighed the unfavorable.

The only thing wrong with your stand is that you did not go far enough, and I mean in regard to our policy on Vietnam. There is a general opinion that to withdraw from Vietnam would occasion a great outcry among the American people. Nothing could be farther from the truth. The only people who are interested in maintaining the war in Vietnam are the industrialists and munition makers who are reaping a rich harvest and a few politicians who are keeping themselves in office by fooling the public into believing that we are wanted and are necessary there. The American people generally are sick and tired of our being in one perpetual war some place or other and maintaining a huge army that is expensive, completely unnecessary and a disgrace to the world. The only outcry you are going to hear is from the boys in service who, if this outrage of compulsory military trainining is not soon stopped, are going to rise up in wrath and make the present Negro uprising look like a Sunday school picnic. I have a son who was drafted last May and he tells me that resentment among draftees is a hundred percent and that the young men of this country are sick and tired of being told they must suffer and die for a freedom that they themselves have been denied. The reason why you fellows in Congress do not hear more about this is because the public has been arm twisted into believing that any report against it just leads to further harassment of the fellow who has been drafted by threats of fines and imprisonment. All right, if we live in a free country and if we cannot appeal to our elected representatives without being called malingerers, Communists, fellow travelers, and dupes of the Communist conspiracy, then it's about time some of us got up on our own two feet and told the world we have become exactly what we are supposed to be fighting against. I, personally, do not see much difference between being dictated to from Washington or Moscow. And this, by the way, is exactly what the Communists have always predicted for us.

If there is anything to the rumor that you may be a future Secretary of State it would be a move in the right direction. What we have there now and what we have had for the past three administrations is what has led us into the present mess we are in. If the President could be assured by the American people that a change there and in the Department of Defense would be to the happiness of the voting public I am sure he

would make that change. As a former Republican I can speak for myself and many others who have left the party of the far right. As matters stand now, President Johnson is very popular. The shoutings of the Goldwaters, Rockefellers, and Nixons will avail them nothing. It's a lot of noise and that's all. The voices of the men like Senator MORSE, Senator MCGOVERN, and Senator MANSFIELD, and now your own, are the voices the voters will be listening to between now and November. This town I live in is an old Republican stronghold, it went Republican along with Maine and Vermont in 1936, yet today I hear much praise of President Johnson. I heard a man who has voted Republican all his life say last week that what we needed in Congress right now is a few like Senator MORSE. Johnson is far more popular here than Kennedy ever was. His speeches on peace have been very well received. The American people long for peace and it is the American people who are going to elect a President next fall, not the munition makers.

I am sending a copy of this letter to Senators MORSE and MANSFIELD. MCGOVERN already knows what I think, so do the two U.S. Senators from Minnesota, who are fine men and could be in far higher posts in the Government than they are now. I honestly believe that all you fellows need down there in Washington is a few letters like this to assure you that the American people in the vast majority are with you in speeches like you made yesterday. The Government in Washington has lost touch with the people. When I tell my neighbors and friends to write to their Senators and Representatives they shrink away and say that it won't do any good anyway, that you will do just as you please. I know that that is not true. How can you represent us if you do not know what we think? Why, if we really live in a free country, have we no right to make our wishes known? If we have come to this, then I, for one, am ready to leave. My ancestors pioneered and fought and died for this country. If I cannot now make my voice heard, if I am to be called names because I do not go along with the deadly conformity of the average citizen, then I will pack up and go to Canada or some other place where a citizen has not only a right, but a duty to speak out.

As for you, and the men like you in Congress, keep on with your views and your speeches; if the people must be led, let them be led right. And you are right. You are right on Panama and on Cuba. You could be even more right on Vietnam. Why put off the inevitable—as we have done in Cuba and Panama? Let's face it now and by the time November rolls around there will be so many other things to think about that Vietnam will be forgotten.

Sincerely yours,

——— ———.

The next letter is from Illinois:

MARCH 26, 1964.

Senator WAYNE MORSE:

DEAR MR. MORSE: I want to commend you for your courageous stand on Vietnam. I just heard Edward P. Morgan comment on your speech to the effect that it amounts to aggression what our Government is doing in South Vietnam, and that we should get out of there.

I wholeheartedly agree with you.

Most respectively,

——— ———.

P.S.—Please send me a copy of your speech.

The next letter is from Florida:

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I wish to take this occasion to thank you and congratulate you for your statements of March 11 in re South Vietnam and our foreign relations situation in general.

In my opinion you are and have been correct in all of your opinions and the American people can be glad there are a few at least in our Congress who think correctly.

Keep up the good work.

Wishing you continued good health and success in your efforts.

Sincerely,

——— ———.

The next letter is from Michigan:

MARCH 25, 1964.

MY DEAR SENATOR MORSE: Just another, I'm sure, expression of appreciation for your fine speech of March 4 on foreign aid and its relation to South Vietnam. Congratulations and more power to you.

Respectfully yours,

——— ———.

The next letter is from New York:

Hon. WAYNE MORSE,
The Senate,
Washington, D.C.

DEAR SIR: Let me commend you on your forthright and realistic stand with regards to American foreign policy in Vietnam. It goes without saying that yours is a voice in a wilderness of impractical, costly and dangerous solutions to a thankless situation in southeast Asia.

I am writing also to Senator ERNEST GRUENING, of Alaska, who, like you, supports the withdrawal of troops from Vietnam, and to my Senators from New York State urging them to support any debate, discussion or legislative proposal that would cease the bloody and meaningless loss of innocent civilians and Americans lives in Vietnam. What price is any American victory if it means a possibility of greater military commitment, support of unpopular regimes, greater financial burdens and the spreading of war?

As President Johnson so appropriately stated yesterday in his speech to the AFL-CIO, general war is impossible and our objective must be the "quest for peace." The United States should strive for solutions to world problems by action which befits the greatest power in the world. These problems cannot be solved by brute force as some people so glibly and unthinkingly suggest. Our approach must be based on reason and restraint.

Your continued support of a realistic policy toward Vietnam is most important in our great deliberative assembly where the marine callers and superpatriots so often upset a sober and reasoned approach to our country's problems.

Sincerely yours,

——— ———.

The next is a letter from Pennsylvania:

MARCH 16, 1964.

DEAR SENATOR MORSE: We receive the Eugene Register-Guard here, and were very pleased to read your forthright statements on the need for the United States to get out of Vietnam. I checked back through the New York Times of about the same period, and am disappointed that they make no mention of your brave statements.

I am enclosing a second, stronger letter to President Johnson based on political arguments. Thought it might interest you.

Sincerely,

——— ———.

———

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: As in the Korean war, we again stand "on the brink" in Vietnam.

This was a policy promulgated by John Foster Dulles and it cost us heavily in American lives and American funds. It stands as one of the bloodiest wars in history. Poor Mr. Truman was stuck with that war and could not figure out any honorable solution short of pouring more American boys and more American arms into the caldron.

The weight of public protest during the Korean war encouraged General Eisenhower, then a presidential candidate, to promise thorough reevaluation of our policy. This resulted in the end of that conflict.

Now it seems to me, Mr. President, that you face a somewhat parallel situation in history. By not taking a bold and dramatic step to stop the war through negotiation right now, you run the considerable risk of having a Republican candidate ride into the Office of the Presidency, just as Mr. Eisenhower did. (And let me add that stopping the war in Korea stands as the greatest contribution of the Eisenhower administration.)

I know that you are fully aware of this possibility, and for that reason you would like to hold the status quo in Vietnam. Keeping Cabot Lodge in Saigon is certainly a good way to operate in a bipartisan foreign policy. However, there is no guarantee that we can keep this issue "on ice" for 6 months and get you safely elected before you can do a real job of reappraisal.

As a Democrat who works at the precinct level, it simply does not make sense to me to let the Republicans have Vietnam as an issue in November, while we fool around with an outmoded foreign policy invented by John Foster Dulles. Aside from that, a decade has passed since "brinkmanship" was invented, and we may have to face the facts of life, as Walter Lippmann has stated, that the whole world simply will not necessarily conform to what we would like it to be. With nuclear arms about, escalation of any war is a dangerous game. We may be called upon to agree that there is room for diversity in the world as Mr. Kennedy pointed out.

As reports from the State Department have often appeared to be conflicting and contrary to the facts as presented by the press, I urge you to take into consideration the views of Senator MORSE, Senator MANSFIELD, Senator GRUENING, Senator BARTLETT, and others who oppose escalation of the war in Vietnam and favor an honorable and peaceful negotiation by all countries concerned.

Sincerely,

——— ———.

The next letter is from New York:

Hon. Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: Once again I take the time to commend you for your remarks on the American press which is concealing from the American people the true facts as to why American boys are being sent to their death in South Vietnam.

Please send me copies of Senator GRUENING's two speeches which you mentioned in your remarks in CONGRESSIONAL RECORD of March 13. Thank you.

Sincerely,

——— ———.

The next letter is from Oregon:

MARCH 13, 1963.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: Glad to hear of your remarks in the Senate re Vietnam last Wednesday. I would appreciate it if someone on your staff could send me speeches you have made, and any other proposals by BARTLETT, GRUENING, or MANSFIELD which pertain to Vietnam. We are considering running an ad here, and need more background information.

I'm wondering if anyone of stature has made some concrete proposals on alternatives in Vietnam—the kind of neutralization we

might seek. While I tend to agree with you in an earlier statement you made that it is hard to see how the populace could suffer much more under communism than they did under the Diem regime, I also believe that we should look for a solution that will not mean surrender, but that will allow us some opportunity for nonmilitary aid and contact. We can't force any people into freedom—but we may encourage growth in that direction if we're willing to work with them, as equals, side by side. I'm afraid I have more faith in the Peace Corps at this point in history, than in the Air Corps.

Enclosed is marred copy of letter to White House commending your position. Maybe they'll tabulate it or something.

My cheers and support for all your many efforts in a wide variety of directions.

Sincerely,

———— ————.

MARCH 11, 1964.

President LYNDON B. JOHNSON,
White House,
Washington, D.C.

DEAR SIR: I see my Senator, Wayne Morse (I think he's the greatest, of course) called today for withdrawal of American forces in Vietnam. I haven't seen his speech, and don't know what alternatives he proposed—but surely we can be actively exploring possibilities for neutralization of the area. Perhaps, after our experience over Laos, we can find our way to a better solution under firmer international controls.

Surely such a settlement would be in our best interests. Continued spending of American lives in support of a dictatorship utterly distasteful to most of us, seems a tragic waste. We, who are interested in building peace in the world, and putting an end to war, should surely be interested in taking new steps toward the building of international law and peacekeeping machinery in this ugly situation.

Then, too, it is in peace that the institutions of democracy can best grow. I doubt even the most loyal South Vietnamese are learning much about the real virtues of our system from either our guns or our professional military men. Teachers, doctors, technicians and Peace Corpsmen with some basic understanding of our civilian institutions could do far more to help the villagers find a viable alternative to communism, than any number of napalm bombs.

I have found most of your policies and proposals to date, sir, sound and exciting, and I am quickly becoming an enthusiastic supporter. Our present policy in Vietnam—and the utterly repugnant talk about invasion of the north—however, seems completely out of character. Our posture there surely is winning none of the "noncommitted" peoples to our support. Here we are cast in the role of tyrants, shoring up a reactionary regime, and apparently seeking to hinder social change rather than to direct it in positive channels.

We need surrender nothing in the area. We need only look for positive and peaceful solutions in keeping with great aims and heritage of our own society.

Sincerely,

———— ————.

The next letter is from Oregon:

MARCH 19, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR WAYNE: I congratulate you on your speech of March 4 urging the United States to get out of Vietnam and your overall appraisal of China's position.

Since I was in the District of Columbia at that time I did not hear of any publicity on your speech in the Oregon press and do not know whether there was any.

If you could send me a copy of your full statement as it appeared in the CONGRESSIONAL RECORD, I would thank you. I have seen only an abridgment from I. F. Stone's weekly which justifies itself at times, despite its own brand of bias.

With best wishes,

———— ————.

The next letter is from Oregon:

MARCH 14, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

SIR: Your newsletters reach me regularly, a service I greatly appreciate.

Your stand on the issues confronting the Congress usually is endorsed by me and I was especially pleased with your stand in regard to our policy in South Vietnam, and with the speech you made in the Senate on this vital issue. We are using men and arms and huge sums of money in a situation which is, in my view, a hopeless one and I endorse the policy of withdrawal as stated both by yourself and by Senator GRUENING.

In regard to the medicare bill which will be financed through social security and which is now pending in the Congress, I respectfully urge that it be passed. Even in its greatly amended form it will be at least a step forward.

Yours truly,

———— ————.

The next letter is from Oregon:

MARCH 19, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

Keep fighting to bring American invasion in South Vietnam to a quick end. Good luck.

———— ————.

The next letters are from Oregon:

Hon. Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: There certainly must be something wrong in our State Department's foreign policy. The U.S. prestige around the world was never at such a low ebb, as at the present time.

We read where our flag has been torn down and trampled on, our Embassy's private property damaged and destroyed in numerous countries around the world—where we have been insulted and told "Yankee go home" after all the aid we have given them and still continue to do so.

For example Panama—we still continue giving them aid after all the insults and armed assaults on our citizens and after breaking off diplomatic relations. A person sure begins to wonder about Communist infiltration in our State Department when we look at the record.

And about Vietnam—we never can win the war there under present conditions—we have our men over there with instructions not to shoot at the enemy unless they are shot at first. How silly. We should either be willing to go all out, or give them the "works" or else get out and leave them alone—the French couldn't win over there and neither can we under our present setup—we are just pouring our money down a rathole.

Enclosed clippings describe my sentiments about our present administration on our foreign aid and diplomacy, and I am sure there are millions of Americans with the same opinion.

Imagine giving aid to such a worthless scoundrel as Sukarno of Indonesia and helping him to take over Dutch West New Guinea. How can anyone understand such a foreign policy or diplomacy? I wouldn't be surprised we end up by giving Panama the canal. Nothing our State Department does would surprise me any more. It's disgusting.

Yours truly,

———— ————.

JANUARY 27, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am deeply concerned with our policy of supporting any country whose leader says they are against communism, but who is really a dictator, and does not believe in democracy. An example I have in mind is Gen. Francisco Franco, who has been a dictator in Spain since 1936. We give him $350 million per year. I believe this is a pure waste of money.

I appreciate your strong comments in Congress on this subject. Thank you.

Sincerely yours,

———— ————.

Mr. President, I submit for printing in the RECORD sundry additional letters and telegrams, with notations as to the States of origin.

From Washington, D.C.:

DEAR SENATOR MORSE: It is good to see you putting the facts about the Vietnam war into the RECORD and trying to get a change in our policy in that area. There is no excuse for this interference by the United States in the affairs of southeast Asia, or for the deaths, torture, napalm, etc., that accompany our arrogant partisanship.

Do you have your speeches in form for distribution? If so, I should like to get copies for myself and several friends.

Sincerely,

———— ————.

From Maryland:

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I have today read a few excerpts of a speech you delivered to the Senate the other day on our foreign policy in Vietnam.

I wish to commend you for your upright condemnation of our actions in Vietnam. One of my sons was in Korea during our war there and I certainly do not want my other two sons sent to Vietnam.

I am opposed to the killing of our manhood and the draining of our resources in the quest of an incomprehensible, so-called democracy, which starts out by supporting and backing dictators all over Europe, Asia, Africa, and South America. We need a little more democracy (especially economic) at home, before volunteering to force it on the Asians.

I would appreciate your sending me Senator GRUENING'S as well as your speech regarding Vietnam.

Sincerely yours,

———— ————.

From Kansas:

DEAR SIR: I have just read an article concerning your feelings about having our men in South Vietnam. God bless you.

My husband is stationed in Da Nang—and I know he is doing a good job—but it sure does seem hopeless. That whole affair over there seems like a waste of men and money. We are only doing half a job. So why start? We need more decision. Hope is fine, but inspection tours and news conferences never won a war. If we are going to win, let's fight. My husband is a man with 17 years' experience in the Air Force and I am proud of this, but he is on a wild goose chase right now I think. Ulcers aren't healed by hope alone—and the whole of southeast Asia is an ulcer on the face of the earth.

Another subject that I think is worth your consideration is social security for widows. A woman who looses her husband has to wait 'til she is 62 before receiving any benefits—even if her husband had been receiving social security benefits before his death. This can be a considerable hardship on the widow and I believe this area of social security could benefit from study.

With every good wish for your health I am
Yours very respectfully,

———— ————.

From Georgia:

Senator MORSE AND MEMBERS OF THE SENATE.

Dear SIRS: A few days ago I read in the news of your and others opposition to our boys being kept in Vietnam.

I, like hundreds of others agree that there is no justification in having them placed as a target, for the Communists. Please let them fight their own war. So much money is being spent, and our American boys are losing their lives in a country that is so far away, where we can't win if we tried.

My son is there flying a helicopter in the delta, and only under God's care has he escaped.

My family knows what war means, my father, an uncle in World War I, my husband in World War II, and now my son in constant danger every time he flies. Can't you do something please? My son's wife and little son need him as so many others need their father, but they are doing a job for their country. Can't we do something for them?

If this war paid off, I guess it would be different, but the struggle in Vietnam is an old one, and will be, for a long time I am afraid.

He has a little son, 8 months old, and she (his wife) doesn't know how bad he is wounded, he was struck in the head.

Thanking you for your time, I am just an anxious mother.

Respectfully yours,

———— ————.

From Florida:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I have read a report of your speech to the Senate as printed in St. Petersburg Independent, March 11. I want to say that there are thousands of Americans who will heartily support your stand on this Vietnam mess. I hope you will continue to keep this position before the people.

Respectfully yours,

———— ————.

From Washington, D.C.:

MY DEAR AND BELOVED SENATOR MORSE: Your continued assertions on the withdrawal of military in Vietnam is welcomed by peace movement throughout the country. We have much to do before this view will be accepted by the administration. First of all many of your colleagues, such as Senators HUMPHREY, FULBRIGHT, SYMINGTON, JAVITS, KEATING, PELL, MCGOVERN must also speak up for international negotiations now at the U.N. and at Geneva. We have waited long enough before sitting down to the conference table. What chance is there for peace or for the U.N. if we do not use it when war comes? Negotiate or perish.

There are really many alternatives to the present situation. But the Senate will have to speak loud and clear to all papers, to the White House, and State and Defense Departments. Once again a foreign government is going to run our policy like Nationalist China, Germany, Cuban exiles, etc. Please do not allow them to get away with this again. It is not in our interest, in Vietnamese interest to continue the war. I fully agree with you. Only ask that you not let up your assault and gain other supporters—MANSFIELD should again speak, BARTLETT, KEATING, GRUENING and should call at White House to protest present plans to carry on guerrilla actions against North. This would have reverse effect—it would give Ho a chance to really invade.

Writing many others around Capitol.

We will have peace soon.

Keep it up.

With love, respect, confidence, then we have to get to Chinese representation which is essential for developing a world community and then question of NATO—good or bad?

———— ————.

From Wisconsin:

PROVOST RESIDENCE,
Milwaukee, Wis.

DEAR SENATOR MORSE: Thank you for taking the fine stand in regard to Vietnam. We don't want to sacrifice American boys there anymore. What can we do to stop it?

Sincerely,

———— ————.

P.S.—I have a son in the Marine Corps.

From New York:

HONORABLE SIR: We agree wholeheartedly with your views of South Vietnam: That our boys have no right to die on foreign soil for an unjust cause and an undeclared war. Let the United Nations take over.

Please continue to fight for justice and against involvement.

————.————.

From Kansas:

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: I see by the newspaper that you are and have been opposed to having American troops in Vietnam and I want to congratulate you on this matter. I, too, am opposed to it and have been ever since this business started. All of Vietnam is not worth the life of one American boy.

Keep up the good work in this connection and maybe our boys can all come home soon.

One other subject: I would like to ask your consideration—it is social security for all widows, regardless of their age.

My husband passed away very suddenly 2½ years ago (heart attack). At the time of his death he was 75. I am 20 years his junior—now being in my 58th year. I must wait until I am 62 at least before I can collect on his social security. He had paid from the day social security began. This does not seem fair to me; just because I am younger than he.

When this bill comes up again for consideration I wish you would consider all widows who are left alone. Maybe we cannot all go to work and if we can, it would be almost impossible to earn enough to bring our social security up to the amount we would be entitled to from our husband's earnings.

And also what we pay into social security from our lower earnings goes by the board and is lost when we choose the greater amount from our husbands' earnings.

I hope I have made myself clear and you can see your way to trying to remedy this situation.

In the meantime, keep up the good fight on Vietnam.

Thanking you most sincerely for reading this letter and with very kind regards, I am,

Respectfully,

———— ————.

From California:

Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for your speech of March 5 to the Senate regarding Vietnam. It was very important and urgent. We are all very much concerned about the turn of events in South Vietnam.

I have written to the President urging him to find better ways of adjudicating the conflict.

It is my feeling that you and other serious minded Senators should do a study on ways and means of settling the conflict.

Isn't it naive to think that we can win a war (which as you say) in a far-off land and which will mean no victory—it will be intervention. Better let us be the "peacemakers." I think we are already too dangerously deep already.

Thank you for all you efforts to save our country from infamy and our children from death.

Most respectfully,

———— ————.

From California:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Just heard over the radio that you demanded in the Senate that the United States get out of South Vietnam, stop slaughtering American boys.

Bravo, I say. We have no business there, and can't win this unpopular war—97 percent of the Vietnam people are against the United States and the Saigon military junta.

We who are informed know that the "Vietcong" are the millions of little people they—who hate the United States and the Saigon government.

Anyone with brains knows that a U.S. attack on North Vietnam will involve China, and anyone who thinks the United States can attack China without the U.S.S.R. getting in is crazy.

The United States has a sad penchant for always getting into wars against the masses of the people. Can't we say goodby to Syngman Rhees, Chiang Kai-sheks, Batistas, Francos, and such scum?

Sincerely,

———— ————.

From New York:

Senator WAYNE MORSE,
Washington, D.C.

MY DEAR SENATOR MORSE: When, several days ago, I read in the papers that you were demanding the withdrawal of our troops from Vietnam, I addressed a letter to the New York Times, copy of which I enclose herewith.

Needless to say, I have today received a rejection notice from the Times.

I am one of the signatories of the "Open Letter to President Kennedy on Ending the War and Making Peace in Vietnam" which was run as a paid advertisement last spring. You might be interested that we received requests from over 600 individuals and organizations, asking for reprints of this open letter and through these, we distributed more than 20,000.

I believe you will be interested in this evidence of a strong opposition, throughout the United States, to our Government's policy in Vietnam. From correspondence with many of these people who distributed our open letter, I know that this opposition has grown and is continuing to grow since last spring. I continually receive letters asking us when we are going to repeat this expression of the opinion of the people of the United States against the war in Vietnam.

With respect and admiration,

———— ————.

From New York:

Hon. WAYNE MORSE,
Senator of Oregon,
Senate Office Building,
Washington, D.C.

DEAR SIR: I heartily congratulate you on your courageous stand on the issue of American involvement in Vietnam. I agree that we should have never gone in—and now that we are involved, we should leave. I am sure that there are many Americans who applaud your actions and who will support you and others who will fight for freedom and justice even if you are alone, or are few.

Again, keep up the good work. We don't want more American boys dying in southeast Asia—we want them home.

Sincerely yours,

———— ————.

From New York:

MARCH 12, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: You are so right about our position regarding Vietnam.

That whole damned stinking southeast Asia is not worth the life of one American boy.

Also we should give more aid to the people in Kentucky (coal miners) and one hell of a lot less to other countries around the world.

Yours,

——— ———.

From Minnesota:

WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Congratulations and support for your courageous action in denouncing our dirty war in South Vietnam thus striving to restore peace and our country's humanity.

——— ———.

From New York:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

I applaud your sensible position on Vietnam.

Bravo.

——— ———.

MARCH 14, 1964.

DEAR SIR: I applaud wholeheartedly your recent speech on Vietnam. Yours is the voice of sanity and commonsense and brings a ray of light to an otherwise hopeless situation. Let us hope more and more people will listen and take heed before the deeply dangerous game turns us all to ashes.

Yours faithfully,

——— ———.

MY DEAR SENATOR MORSE: Wife and I were very happy to read about your efforts to stop this Vietnam madness. Why haven't we got more Senators like you?

The McNamaras, Taylors, and others advocating atomic war should read past and recent history.

They are heading for disaster not only to themselves and all the things we hold dear, but to the whole world and human race.

In 1905 when I landed from Turkey, the United States of America was the most democratic, nonmilitaristic country on earth. Now I can't recognize it.

It beats even the red sultan's doings. Of course, the sultan never claimed to be a Democrat. He was an absolute monarch, and his word was law. He had millions of Christian rebellious subjects bent on revolution and insurrection, and to some extent he was justified in his oppressive methods.

But we are invading and fighting peoples thousands of miles from our shore that never did us any harm; that want to be friendly and trade on equal terms as we asked old King George to permit us to do in 1776.

When he sent the redcoats and German mercenaries, we rebelled. Why should we be surprised if now those oppressed people do what we did? The British called us rebels and hung us. We call them Communists and are shooting them down by the thousands. Now is the time to stop this madness, before we are engulfed in a global atomic war, wanted only by big monopolies and moneybags, and sadists, and merchants of death. Do the American people want that? No. I challenge them to put to the vote of the people. They don't dare. You are a Senator and can fight. I can only write letters. When in Turkey I joined the guerrillas, fought the Turks, and we chased them out of the Balkans in 1912. Here we have the ballot and constitutional democratic government. But it is failing us in this crisis that may decide our fate and the fate of the human race.

Respectfully,

——— ———.

From California:

Senator WAYNE MORSE,
Senate Building,
Washington.

DEAR SENATOR: It was with much pleasure that I read in the Oakland Tribune a résumé of what you told the Foreign Relations Committee recently regarding South Vietnam.

You are right, we should never have gone there; those people were entitled to an election within 2 years after the French removal but our Government moved right in disregarding their rights and all promises.

It has cost us millions of dollars and what are we getting in return? We are getting nowhere fast.

Please keep up your good work. The people of our country will be with you strong. Your voice will be a mighty force which put a halt to this terrible business.

Very sincerely,

——— ———.

From Florida:

MARCH 11, 1964.

Hon. Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: As constituents of yours for many years it is inconceivable to us, just as to what this administration is doing in Vietnam (South). You are to be congratulated on your upright and fearless statement on this vital subject and the shocking waste of American blood and money in South Vietnam has been a mystery to millions in this country of ours. Just what else but murder and how true your statement that "All of South Vietnam is not worth the blood of one American boy."

We most certainly need more good men like Senator WAYNE MORSE to awake this country to some of our foreign policy, that does not make sense.

With kind regards and best wishes we are,

Sincerely,

——— ———.

From Wisconsin:

MARCH 11, 1964.

DEAR SENATOR: In Vietnam we are fighting a war which we have practically no chance of winning in the foreseeable future, due to the fact that those who are supposed to be fighting the Communist are concerned mostly with military coups and local politics. The result will be neutralism. In Cambodia we are insulted and even our money aid is refused, and we are asked to guarantee their neutrality—this we cannot do constitutionally—might we do it anyway?

The British tell us to our teeth that regardless of our former help and friendship, that they will take care of themselves first in trade relations with Cuba, and will sell buses or any other merchandise as they wish. In other words, regardless of friendship or the danger of Communist penetration that they regard the money (from trade) as more important. Without our aid, the British would have been defeated in both World Wars. They also are actively trading with Red Russia and Communist China.

The French also tell us to go hang, and are actively promoting neutralism in southeast Asia, where they collapsed after the Second World War. They are now recognizing China (Red) which is trying to take over all of Asia—and also trying to influence much of Africa. De Gaulle also now intends to enter into Latin American affairs with a lot of talk but probably will not furnish any cash assistance worth mentioning. He also fancies himself as arbiter of much of Africa although his country did not have much success there. He is apparently trying to make up for four military defeats since the Napoleonic era. In two of these wars, the United States, with bloody sacrifices, rescued France from under the German heel.

Pakistan has turned from friendship with the United States to cooperation with Red China, and has established air communication with China from new airfields for the building of which we provided the funds. This was mostly because we assisted India to resist invasion from Red China, and Pakistan resented the buildup of India's military forces.

It is about time we reassessed the situation and started on a course of action that will be of some benefit to this country for a change. The only answer is to scrap all our former ideas on military and economic aid and begin all over again with a program that will be effective and accomplish our aims. So far, our well intentioned efforts have missed fire and engendered more ill will than thanks. When Cuba and Panama can successfully defy us and make us look bad in the eyes of the world, it is time to pause and take another look.

Some of the former foreign aid could well be turned into needed domestic aid to eliminate excessive unemployment, to assist in general and adult or vocational education, and to fight unnecessary poverty.

Sincerely,

——— ———.

From New York:

MARCH 24, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Although not one of your constituents, I am writing to express my admiration of your courageous and wholly accurate statements concerning our policy in Vietnam. I read the report of your statements in March 21 New York Times, almost side-by-side with the news of the Vietnamese (with U.S. military participation) attack on a Cambodian village just as negotiations between Cambodia and South Vietnam were to commence. Are we determined to precipitate a major conflict? There would seem to be no security, military or moral purposes to be served by our continued participation in the Vietnamese situation, and the vast sums of money spent for that purpose could be more effectively employed in a meaningful attack upon poverty here at home.

A convening of the Geneva Powers for the purpose of negotiating peace and a workable situation within Vietnam would be a real contribution to the cause of world peace.

Respectfully yours,

——— ———.

From New Jersey:

MARCH 23, 1964.

Hon. Senator WAYNE MORSE:

I applaud your fight for our withdrawal from South Vietnam.

Yours is a timely and courageous position and is in the best interests of our Nation.

Respectfully yours,

——— ———.

From the State of Texas:

MARCH 21, 1964.

Hon. WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR: Yesterday, I was shocked to read, in a Salt Lake Newspaper, that Secretary of State Dean Rusk considered anyone who did not agree with our country's foreign policy a "quitter." I thought this was a free country. One in which it was possible to express an honest opinion.

To my mind the State Department is the "quitter." Every time Russia or any other country (no matter how small) takes an aggressive action against us, we back up and think of ways of appeasing them. If we took a firm stand, other countries would respect us.

Your remarks with reference to Secretary Rusk's statements pleased me. A clipping from a Salt Lake paper is enclosed.

You cannot buy friends either as a country or an individual. It is now time for other countries to support themselves.

Sincerely,

——— ———.

From Florida:

MARCH 21, 1964.

Hon. WAYNE T. MORSE,
Washington, D.C.

MY DEAR SIR: The writer listened with interest and appreciation to your television comment this week on the subject of our foreign aid program. You stated your position on this matter forthrightly and with simplicity.

Because of your concern over the economics and expenditures of our Nation, I am taking the liberty to enclose an article which I clipped from a Baptist weekly bulletin. I am sure you will find it interesting.

Very truly yours,

———— ————.

From New York State:

MARCH 22, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR: Please accept our expression of appreciation for your comments on South Vietnam made in the Senate March 4.

Humanity, commonsense, and political intelligence all make our immediate withdrawal an imperative. It is frightening to consider that up to now so few voices have been raised against a bloody and self-defeating policy; frightening in that the American public seems to accept passively whatever rosy pictures are painted for it by our leaders and the mass media.

May we request that you continue your notable efforts toward effecting a speedy withdrawal of American troops from South Vietnam?

Yours very truly,

———— ————.

MARCH 21, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MORSE: I am enclosing a copy of a letter to President Johnson on the subject of our policy in Vietnam.

Please accept my support in your search for alternatives to the present impasse in that country.

The decision of Secretary Rusk to label critics of his policy "quitters" does not seem to me to serve the interests of our Nation, the Democratic Party, or working democracy in this country.

Your courage is appreciated.

Respectfully yours,

———— ————.

MARCH 21, 1964.

The PRESIDENT OF THE UNITED STATES,
The White House,
Washington, D.C.

MY DEAR MR. PRESIDENT: At a moment when it appears that our policy in Vietnam is to become a matter of public debate, may I add my voice to those who oppose an escalation of the war, and seek a satisfactory termination to our involvement in that country.

According to reporter John D. Morris in the New York Times this morning, we have now spent nearly $3 billion in military and economic aid in South Vietnam, after nearly 9 years of involvement. The prospects for a termination of guerrilla war in that country seem poor, given the terrain, the apparent unwillingness of the Vietnamese to commit themselves to their own defense, and the direct interest of Communist China in fomenting the guerrilla war.

I know that you are interested in widespread public support for the program of your administration, and I have wholeheartedly supported your domestic policy in the area of civil rights and the war against poverty. Eventually, it seems to me that public support will have to be developed for the policy of a negotiated peace in Vietnam, if the Democratic Party is to avoid the stigma of appeasement. I do not understand why Secretary of State Rusk should label critics of our present policy "quitters," since this pins the interests of our country and the fortunes of the Democratic Party to the maintenance of our present stance in Vietnam.

As a concerned citizen, I voice to you my misgivings about the escalation of the war through military strikes closer to the frontier of China. Under the circumstances, the neutralization of North and South Vietnam, supported by international guarantees, seems the more reasonable policy to pursue.

Respectfully yours,

———— ————.

From the State of California:

MARCH 21, 1964.

DEAR PRESIDENT JOHNSON: We hope that you will give more weight to the sound opinions of Senators ERNEST GRUENING and WAYNE MORSE than to the rash commitments of Secretary of Defense McNamara for unlimited aid to the present Vietnamese rulers, who do not represent the people.

We believe that you should recall our troops from Vietnam in favor of neutralization and demilitarization of the whole southeast Asia area. The United States is losing moral leadership in the world by continuing this brutal and futile war.

As lifelong Democrats, we favor letting the Republicans campaign as war-whoopers while we demonstrate in this crucial preelection period that we are for peace.

Cordially yours,

———— ————.

DEAR SENATOR MORSE: Above is a copy of the letter we sent to the President after reading about your fine statements regarding the situation in Vietnam.

Gratefully,

———— ————.

From Nebraska:

MARCH 23, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: Just a wish to congratulate you on your stand, in disagreeing with our Secretary of State, Dean Rusk, on the foreign aid program, and on South Vietnam.

Personally, I feel that we kicked China, as well as Cuba, into Russia's lap; that there would be no Communist China today, were it not for our State Department trying to save some of our vested interests there. Before World War I we had a like rumpus with Mexico over the oilfield at Tampico. However, this one fizzled, and Mexico went ahead with their nationalization.

The smartest move President Eisenhower ever made was when campaigning over in Iowa, he stated, "If I am elected President, I'll bring the boys home from Korea." This one statement did more to elect him than any other move in his election. Somewhat the same thing could happen in the coming election in regard to South Vietnam.

When our vested interests leave our shores to accumulate their fortunes in a foreign country, they should become citizens of that country, and not expect Uncle Sam to send the marines down to pull their marbles from the fire.

Russia today is offering more incentives than this country in many lines—they are digressing from some of their originals in their thinking. While in our country, our free enterprise system is falling on their faces if it were not for the constant help from the Government Treasury. We just cannot stand on our own individual feet.

I think you are aware of this, and Senator, more power to you.

Yours truly,

———— ————.

From the State of Ohio:

DEAR CONGRESSMAN MORSE: Three cheers for you that we should stay out of South Vietnam. How right you are that the white man has never conquered that area. I as a mother am weary of stewing about our boys going in service. In fact, I am very much for abolishing it or at least cutting the length of time down. I can well remember when we had no such thing and so why not again? War brings nothing but debts and heartaches, and having a fiance that was killed in service how well I know. I am also happy that you feel as you do about this parochial aid to schools, again why? It is the church that wants it so let them kick in.

Sincerely,

———— ————.

From the State of New York:

MARCH 23, 1964.

Senator WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SIR: The reports from South Vietnam have been contradictory and misleading, both from Mr. Lodge and Mr. McNamara. It is shameful that American soldiers are in South Vietnam supporting one rotten dictatorial regime after another. Without our support these regimes could not have survived.

If we wish to prevent the South Vietnamese from becoming Communists, burning their villages, poisoning their food crops, and putting the peasants into concentration camps will not incline them toward American democracy. We are doing everything we can to make them hate and fear us.

I hope our Government is not misguided enough to attempt to carry the war into North Vietnam, and to use nuclear weapons. This brinkmanship is a dangerous and criminal policy.

Your speech on March 4, of which I read excerpts was a gleam of hope and sanity in a mad situation. I hope your efforts to restore us to sanity will continue and will be effective.

Sincerely,

———— ————.

An Anxious and Ashamed American Citizen.

From California:

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: I just want to thank you for your magnificent speech in the Senate. Stop the killing in South Vietnam. Bring the boys home.

I just wrote the President urging him to end the bloodshed.

Keep up the good work. Small wars can easily become big ones and from them nobody is going to survive.

Again my thanks.

Sincerely,

———— ————.

From Wisconsin:

March 24, 1964.

DEAR SENATOR: Let me commend you for the courageous stand your are taking on the Vietnam situation. Also for calling it just what it is: Murder.

I would like to know the names of other Senators and legislators who are supporting you on your stand.

Respectfully yours,

———— ————.

From California:

Senator WAYNE MORSE.

DEAR SIR: I fully endorse your thoughts on South Vietnam.

Please keep up fighting until you succeed to get our Government agencies to stop this dirty war and the honor of our country.

Respectfully yours,

———— ————.

From Minnesota:

MARCH 23, 1964.

Senator WAYNE MORRIS,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I agree heartily with your statement before the Senate on March 4, that the U.S. unilateral participation in the South Vietnam war cannot be justified. I feel that we have no moral right to be engaged in that civil conflict and that the practical reasons our Government gives for our involvement seem absurd.

Please send me a copy of your March 4 address.

Very truly yours,

———— ————.

From Florida:

MARCH 21, 1964.

Hon. Senator WAYNE MORSE.

DEAR SENATOR: I wish to express my support of your position concerning Vietnam. I am shocked at Secretary of State Rusk. Up to a month ago I believed he was an excellent Secretary of State, never giving vent to invection like Acheson or to preaching like Dulles. This calm seemingly reasoning person suffering frustration now indulges in accusation which raises questions as to his abilities.

Senator MORSE, I admire your guts. I wish you long residence on Capitol Hill. I wish you would join more strongly in support of Senator CLARK in his attempt to democratize the Senate.

Can you send me copies of your speech on Vietnam or Panama and on disarmament? Neutralization is an answer to our problem. De Gaulle has worthwhile ideas. I used to dislike the old boy. But he has been successful.

Sincerely,

———— ————.

From California:

MARCH 22, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I support your contention that we must withdraw our forces from South Vietnam.

Yours truly,

———— ————.

P.S.—I've also written the President and Secretaries of State and Defense.

The following letters from Oregon:

DEAR SENATOR MORSE: I wish to express some views on some subjects and present a question or two.

I think the foreign aid program should be continued to the most deserving countries but under very close supervision by Americans on the spot. It seems that at present some of these countries are holding an ax over our head; and if we don't give them money, they will go Communist. I say, if they don't want to take our money under our supervision, let them go elsewhere.

As an old retired Navy man, who had several tours in the Panama Canal Zone, I think it would be a gross mistake to give up control of the zone to anyone; least of all the Panamanians. The equipment, etc., would be out of commission and the shops looted within 6 months. What they had left, Castro agents would take care of after that. There are just too many fanatics in this little country to handle so vital a channel.

I think the Communists should be allowed to buy all of our wheat and any other nonstrategic items, but they should pay cash on the line for them. If they have to spend cash for food, maybe they won't have quite so much left for rockets and Castro-type ventures.

If the U.S. gold outflow is our big worry, why aren't some brakes applied to the large movie companies who spend millions in every country of the world for labor and materials when we have the old unemployment problem etc., here at home? Wouldn't some high import duties on these films help solve this?

How many Russians have been killed in Vietnam getting those people there who are Communists to fight for their cause as compared to the Americans who have been killed getting them to fight for the American-sponsored cause?

It has been said that we have a hard time getting those people to fight for their cause, and it is costly in American lives, but why haven't we heard of the cost in Russian lives or whoever is supposedly forcing the other side to fight. Or, are we sponsoring Vietnamese against the other Vietnamese who disagree with us. If this question is confusing, believe me, it's clear compared to the situation as I see it in Vietnam.

What's more confusing is why we have all that modern equipment and thousands of men plus a million dollars a day expended there and the Vietcong has bushmen and old outdated equipment, and we seem to be getting nowhere. If an outfit like the Cong will fight that vigorously against those kind of odds, they must be fighting for a better cause than what we are saddled with there. How and who can inspire the Cong to fight against these odds, when we are supposed to have so much to offer the other side? Are we supporting a small minority group that really doesn't agree with us at heart?

Currently I'm for:

1. Civil rights, slowly in the South.
2. A tax cut, of course.
3. Old-age medicare.
4. For our State, a sales tax, excluding food.

I want to congratulate you on the job you are doing for Oregon and the country alike. Your judgment on subjects in the past has been interesting and sound. I like your sound thinking before action, and action when the need is urgent.

Very sincerely,

———— ————.

———

MARCH 7, 1963.

Senator MORSE: You have taken some very principled stands on a lot of things. Please take one more and support Senator MANSFIELD on a change of our policies in Vietnam. I am very fearful of what may happen if the war is extended north.

Sincerely yours,

———— ————.

From Pennsylvania:

DEAR SIR: May God bless you, Senator MORSE, for laying the facts on the line concerning our rather dubious involvement in South Vietnam.

The saber rattlers here and in South Vietnam may "have their day" but in waging a callous, inhuman nuclear war, the moral fiber of this entire Nation will be rendered void.

On the other hand, anything short of nuclear or atomic involvement would spell catastrophe, also.

Dr. Bernard B. Fall, in his book "The Street Without Joy," claims that our military advisers are beset with the same vices that befell French union forces in this area. Granted this is true, how can this great Nation expect to come out any better than the French?

Senator MORSE, you, along with Senators CLARK, CASE, and one or two others are facing the grave issues of the day foursquare.

———— ————.

The following from Oregon:

DEAR SENATOR MORSE: Your stand on Vietnam is the only positive voice I have heard for preventing an undeclared war and the loss of more lives. What has happened to our other Senator?

———— ————.

DEAR SENATOR MORSE: When you were here in Oregon last week I had Erna Hains, of Berkeley, here at our house. She is a member of the National Board of Women's International League for Peace and Freedom and was here to give our local chapter some information about the seminar in Washington on February 7–9. I believe you know her. She was lavish in her praise of Oregon's congressional delegation. (We are truly proud of you all.)

When I was free to call you it was too late and I had so many questions to ask about a lot of things, too. But for this time I will say that we here in Oregon are deeply disturbed over the terrible situation we are in in Vietnam. I know you have been very critical of our military aid in many places, now others are becoming alarmed and maybe something can be done about it.

Senator BARTLETT, of Alaska, and Senator MANSFIELD are alarmed. It seems to me that most of the nations are opposed to our course of action there, too. Is there anything an ordinary citizen can do about it?

I am writing to the President and to Secretary Rusk asking that a negotiated settlement be undertaken. I hope you will support the position that WILPF takes on this issue.

Congratulations on your talk to the Portland Chamber of Commerce.

Thank you and sincerely yours,

———— ————.

From North Carolina:

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I am an old resident of Eugene, and you may remember that I met you several times in Washington at Oregon meetings and at the alumni luncheon of the Industrial College of the Armed Forces where you made such an outstanding speech. Some of the alumni who came to scoff remained to pray.

The most refreshing thing I have read for a long time is Allen and Scott's column which appeared in the local Asheville morning paper yesterday with an account of your remarks on South Vietnam in a private conference between Secretary Rusk and the Foreign Relations Committee. What we are doing now may be all right, but it has the look of a creeping involvement which may drag us into disaster. As the Chinese grow stronger we may be practically certain that they will expand their efforts throughout southeast Asia.

Enclosed find a copy of a short article recently published by me. The latter part, dealing with southeast Asia, is much in harmony with your ideas.

With warmest regards, I am,

Cordially yours,

———— ————.

The following from Oregon:

Hon. WAYNE MORSE,
U.S. Senator from Oregon,
Washington, D.C.

DEAR SIR: This Sunday evening we have seen the films on television of the overthrow of the Diem government in South Vietnam.

I believe this is good evidence of the hypocrisy of the United States trying to save countries like this from communism. For the life of me, I cannot see how we can continue to support messes like this all over the world. The new Government in South Vietnam will be just as corrupt and tyrannical as the Diem regime.

Those were American guns, American-made uniforms, American trucks, American-made helmets, and other equipment furnished by us on the men that we saw shooting at each other. I can see no honor in this revolution for us Americans, and we are going to start shelling out for these people just like we did for Diem.

You have proclaimed that you are going to see that more effective use is made of

money going for foreign aid. You have my permission to stop it all. American soldiers have no business being in Vietnam at all. Let's try letting these other people fight their own battles.

Yours very truly,

———— ————.

MARCH 12, 1964.

Senator WAYNE MORSE,
Senate Offices,
Washington, D.C.

DEAR SENATOR MORSE: It was heartening to have you speak out against the remarks of Secretary McNamara. Why should these men be committing us to such a futile war and assuming foreign policy direction?

Now the French lived and ruled among these people for years and with good soldiers and knowledge of the language they were forced to get out. Do we think we are more adept in dealing with these inscrutable orientals?

After careful reading of Pearson's and Anderson's book as well as Lederer's "Nation of Sheep," I am convinced we seem to act like babies in the woods. Evidently these natives resent our throwing our weight around and our dollar diplomacy. This communism bogy may help some politicians get elected but they might better delegate their efforts to our own grave problems which are mounting.

Thank you for speaking out against this action as well as much of foreign aid.

Very sincerely,

———— ————.

From Missouri:

Hon. WAYNE MORSE,
Washington, D.C.

SIR: Your statement relative to the proposed foreign aid request this morning was telecast on television in which you made known your opposition and your reasons why, including our "mess" in Southeast Asia.

As an ordinary citizen, who desires to keep the United States a country to be proud of, I wish to express my congratulations to you for having the courage to speak out against such nonsense and impracticable programs and also being just as courageous for fighting for the proper ones. The people in this section agree with your views overwhelmingly.

Please do not take the time to reply to this letter as I know you are busy.

Respectfully,

———— ————.

From Oregon:

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I am a native Oregonian, born in Marshfield 69 years ago, a World War I veteran, also a retired locomotive engineer, was on the Portland division for nearly 45 years, worked out of Eugene a lot of the time, Southern Pacific Railroad.

I am not in the habit of writing letters to city, county, State, or Federal politicians, in fact this is my first attempt, now that I am a pensioner I get time to read a lot, and there are some things I cannot understand and would like to get your opinion.

I have been reading about South Vietnam and I cannot understand why they have our boys fighting and getting killed over there, in my opinion that dirty, stinking country and the people in it are not worth one good American boy. Let the Commies have it, it would be a good thing for this country, they cannot feed or govern themselves and if China took over they would have just that many more people to care for and the cost would be so great that China would crumble from the extra burden.

After all the aid the United States has given to Vietnam, they are in a worse mess today than when we started, let us stop.

Look at the money that has been sent out of this country as foreign aid and what do we get for it, a kick in the pants and a stab in the back whenever they get a chance to do it, if we had kept the money at home we would have no need to start a war on poverty, there would be none.

The tax cut bill has passed and it is written as it shoud be, those that need it the least got the biggest cut, those who need it most got the least, and increased prices will get it all and maybe more, but one good thing about the bill is, the big oil operators get to keep their depletion allowance, and that will keep them from being poverty stricken so the President will not have as many poverty cases to war on.

I am a registered Democrat and have been for years, but in general election I vote for who I think is the best man, I even voted for you when you were a Republican candidate and have voted for you ever since, because you are one of the too few good men in Washington. I think you are honest and vote as you think will do the most good for our country and you are not afraid to speak out on any legislation on any person that the Senate has to act on. Senator I think we should keep our missionaries at home, from what I have read about Washington, D.C., they could use a lot of them there, officials advise women not to go out alone after dark, they could be robbed, raped, or murdered, and that in the Capital of our country and we the most enlightened country in the world. Have we?

Hope I can vote for you for many years to come.

Sincerely,

———— ————.

From New York State:

MARCH 15, 1964.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I want to thank you for your statement to Secretary of State Rusk in regard to Vietnam. We should get out and now and I hope there will be many more as sane voices as yours.

I am writing President Johnson to this effect.

Yours truly,

———— ————.

From Pennsylvania:

MARCH 16, 1964.

DEAR SENATOR MORSE: I wish to commend you for your speech in Senate on March 4 re Vietnam—at least the excerpts I have just read in I. F. Stone's Weekly.

Thank goodness someone is talking some sense on this problem.

Respectfully,

———— ————.

From Massachusetts:

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MORSE: The American people owe you an unspeakable debt for your farsighted and forthright statement in the Senate on March 4, calling for the withdrawal of our troops from Vietnam and especially warning against our extending the war into North Vietnam. Our utterly unjustifiable meddling in Vietnam, in dishonorable violation of our pledge to respect the 1954 Geneva agreement, has brought our country to the brink of catastrophe and horror, which could well escalate into nuclear cataclysm if we permit an attack on North Vietnam.

You may be interested to see a copy of the letter which I recently wrote to the President.

I beg you to continue this fight unremittingly, and all the American people except the small proportion of maniacal right, will back you up.

With profound gratitude for your courage and statesmanship.

Sincerely yours,

———— ————.

P.S.—I should be very happy to receive a copy of the CONGRESSIONAL RECORD containing your full speech, or any other copy of the speech, if it is available.

MARCH 5, 1964.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: I am aghast at recent suggestions that your administration is contemplating enlarging the Vietnam war by extending it to North Vietnam through raids, bombardments, or blockade.

The charge that the guerrillas get their arms from North Vietnam is, on its face, preposterous, since the main fighting is in the Mekong Delta 600 miles to the south, with government forces in the intervening area. Actually, the guerrillas are now fighting chiefly with American arms captured by them in raids or brought over by the tens of thousands of defectors from the government troops.

To use this arms excuse for an attack on North Vietnam would be sheer madness. China is pledged to come to the support of North Vietnam if attacked (remember Korea?), which would insure a bloodier and longer drawn-out war, with U.S. troops becoming more and more involved and thousands upon thousands of American boys dying, even as the French Army of 200,000 (plus 200,000 Vietnamese) died for 7 long years and met utter defeat at the end. Is this a policy any sane government would adopt?

An attack on North Vietnam and Chinese involvement could even escalate into the final nuclear holocaust, for the U.S.S.R. has recently clearly warned us (New York Times, Mar. 1) that they "might not stand idly by if the United States took direct military action against North Vietnam or Communist China."

Surely in the face of these realities no one but the most insane militarist clique of the Pentagon could contemplate attacking, directly or indirectly, North Vietnam, especially since we have open to us an immediate, honorable, and peaceful solution of the Vietnam situation; namely, to put into operation the Geneva agreement of 1954—which we officially pledged to respect—to stop the fighting, withdraw our Armed Forces, and arrange for the holding of nationwide elections for a democratic, neutral, unified Vietnam. I beg you to adopt this policy of sanity and peace.

Sincerely yours,

———— ————.

From California:

FEBRUARY 18, 1964.

Hon. WAYNE B. MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MORSE: I am writing you not to ask for anything for myself, on the contrary, I am writing to pass some information and views on so you can evaluate and consider them for whatever they are worth. Sitting here on duty in South Vietnam as I am, I sometimes wonder if the people in the States are getting a complete and unabridged version of the news. From past experience I know that news is somewhat toned down by the time it is released for public information in the States. To one extent I appreciate this fact as I would not want my wife and children as well as my family and friends to know the full truth about the situation in this area. I believe it best that they be spared all of the worry which would be aroused by full and complete knowledge in detail of what is happening in this area. I do believe though that our lawmakers should have this knowledge made available to them. From some of the news received here in the past from the States it seems that they are either, somewhat in the dark about affairs in this part of the world, or that they simply do not care. I prefer to believe that the news is not made available to them. I

believe that all available information should be evaluated before any decisions on any matter should be made.

There is an excellent English speaking newspaper published in Saigon. I feel that this paper publishes as close to an unabridged sampling of the feelings of the Vietnamese people and the current news of southeast Asia as is obtainable. This newspaper will express a pat on the back when it is due, at the same time expressing a firm reprimand when it is deserving. This paper prints articles which attack as well as praise the policies of the United States, as well as Vietnam and many other countries. With your permission, periodically I will send you articles as well as editions of this paper along with my feelings on the matters concerned.

Enclosed you will find clippings from the February 17 edition concerning the Pershing Field blast and the Kinh-do-Capitol theater bombing. The eyewitness report of the Pershing Field blast clearly notes that the Vietnamese people knew that the bombing was to take place. The article on the Kinh-do-Capitol theater bombing was truly a dastardly act, taking out vengeance on defenseless women and children as well as the American troops (commonly referred to as advisers). The article on the Kinh-do-Capitol bombing in the February 18 edition clearly shows by the way that the Vietnamese policeman left prior to the blast that a bombing was either suspected or known to be following.

Reference February 18 edition: "Sihanouk Threatens to Seek Alliance with North Vietnamese." You will note the picture of Cambodian Chief of State Prince Norodom Sihanouk inspecting Russian MIG–17 jet fighters. The article quotes Prince Sihanouk as saying, "We will not help North Vietnam in its struggle against South Vietnam and will not favor the Vietcong but in case North Vietnam is attacked, Cambodia will war at her (North Vietnam's) side and vice versa." Another alleged incident such as happened when a Cambodian village was bombed by the Vietnamese Air Force could touch off another incident such as Korea.

On page 2 you will notice that some 12,000 persons are being treated for starvation in hospitals overflowing with patients, and emergency camps set up by the Indonesian Government. At the same time you will note on page 5 an article about the AFL–CIO dockworkers boycotting the shipment of grain to Russia. There seems to be a strange contrast between a famine in Indonesia and the sale by the U.S. Government of wheat to Russia. I had previoulsy considered the Indonesians to be friendly to the United States. I wonder if this action won't leave a bad taste in the mouths of the peoples of other southeast Asian countries. Also on page 5 I note the Russians are borrowing a half billion dollars from Great Britain. Do you think that in the complexity of international economics that we may in the long run be paying for the wheat which we sold to the Russians?

The 76 or more American casualties in an 8-day period plus a compounding of the aforementioned incidents plus many other questionable acts of late cause grave concern in the minds of many of us serving in this area. I might well imagine this concern is shared by many others in the United States as well as abroad.

Had this been even 1 year ago I would have written to the Honorable CLAIR ENGLE, of California. I have always had the utmost respect and admiration for him. I do not know the status of Mr. ENGLE as news is rather limited from the States. Just before I left the States in August he had just been operated on for a brain tumor and the press releases at that time indicated that he would never be able to fill his office again. I was indeed sorry to hear this.

I consider home to be Red Bluff, Calif. Currently my wife and three children are living in Maxwell, Calif. I have been in the U.S. Air Force for about 12 years, and am planning to continue my service, making this my career.

I do not make a habit of writing Senators, sir. In fact I probably hate letter writing more than most people, but, I feel so strongly about these matters that I felt it my duty to write and express my opinion. I decided upon you to write as I have requested assignment in the State of Oregon upon termination of my tour of duty here in South Vietnam. I have requested duty at Kingsley Field at Klamath Falls, Oreg.

Sir, I appreciate your indulgence in these matters and sincerely hope that you do not take offense to these opinions and observations which I have stated. I personally feel much better having written you and, so to speak, getting these matters off my chest.

Yours truly,

——— ———.

From Oregon:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

As longtime admirer and new constituent applaud your Vietnam speech. Keep it up.

——— ———.

———

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Support your courageous statement regarding U.S. withdrawal from South Vietnam war.

Thank you.

——— ———.

From Maryland:

MARCH 15, 1964.

Senator WAYNE MORSE:

DEAR SIR: Congratulations on your stand on the Vietnam situation. This fiasco may yet develop into another Korea unless more voices like yours are heard on the subject. If we continue to send military personnel to murder Viet Cong how long will it be before the Chinese send in their military personnel to murder Vietnamese? I say murder because that is exactly what it is where there is no question of direct national defense.

Besides the millions spent in this utterly futile, negative and purposeless enterprise, we have lost 121 American lives to date. My personal opinion is that if this is typical of our foreign policy, it stinks. We should stay out of Asia entirely unless we wish to take over and be completely responsible for it or any fraction thereof. Anything short of this is a losing game and it were far better then to let the commies have the onus of these pathetic and apathetic little countries—and that includes Formosa.

Sincerely yours,

——— ———.

From Oregon:

MARCH 12, 1964

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: You are to be congratulated for your forthright stand in calling for the withdrawal of our troops from South Vietnam.

This is to advise you that I have today written to President Johnson informing him of my support of your position, and urging him to use his office to withdraw our troops from that beleaguered area. Unfortunately, my typewriter does not make sufficiently clear carbons to permit me to send you a carbon of my letter, but I trust that this note of support will suffice.

Thank you for voicing such sorely needed sentiments. Let me know if I can support you in this in any other way.

Sincerely yours,

——— ———.

MARCH 12, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: A few months ago I remember you stated your opinion of the war we are carrying on in Vietnam, which was, we should get out. Since then the administration has expressed itself as being for engaging in war there on even a greater scale.

I was happy to note that Senator MIKE MANSFIELD came out against the dangerous and inhuman policy we are carrying on in Vietnam. I hope you are still of the opinion you were a few months ago and give Senator MANSFIELD support, for I fear he will need support in this war-mad era.

This is, I am sure, the most important matter in the Nation or, should I say, the world right now.

Respectfully yours,

——— ———.

From New Jersey:

MARCH 21, 1964.

Hon. WAYNE L. MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: Thank you for your speech against any deeper entanglement in South Vietnam, a country where we have already wasted money and (what is far worse) sacrificed American lives for no rational purpose. It is obvious that we can no more hold it permanently than the Communists can hold Cuba.

You are also right in your criticisms of Mr. Rusk and Mr. McNamara. Robert McNamara is the best Secretary of Defense in our history, but, as you said, even he has not the right to commit the Nation to war without consulting its representatives.

I would have written earlier, but did not know anything about your speech until reading about it in this morning's New York Times. For a long time it seemed as if everyone in Washington was resigned to our sliding helplessly into a deeper and deeper commitment to war.

It is good to know that there will be a powerful voice raised in the Senate against this inexcusable waste of lives. You deserve the gratitude of all the thousands of men whose lives may be lost in Vietnam, and of their families.

I wish there were more men with your courage in Washington.

Sincerely yours,

——— ———.

From Rhode Island:

MARCH 21, 1964.

DEAR SENATOR MORSE: Today in the Times I saw that you are for getting us out of fighting in Vietnam. I am sure that there are millions who agree with you. Some might not have the time or energy to write; some might hesitate to go on record against official policy. But the best hope for those suffering people is to have peace, neutrality, and a chance to vote for what they want. Trying to force water to run uphill is no part of the duty of a truly free world.

Thank you for your courage and your keen analysis. I hope you can persuade more Senators to speak up for a change in policy.

Sincerely yours,

——— ———.

From California:

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: As representative of a small community group I wish to express our appreciation to you on behalf of the many Americans who share your views and criticisms of the U.S. foreign aid program.

Without exception, the expressions and views of our group condemn this controversial waste of the taxpayers' and Government funds. We recommend immediate

withdrawal of all foreign aid and a more practicable approach toward our foreign policies.

This is not an attempt to advise how best to initiate our foreign policies; however it is quite evident among the grassroot citizens that our present policies are antiquated, inadequate and extravagant to cope with the fast changing world political situation.

We are most happy and grateful that we have elected representatives in Washington who recognize these facts and have the courage to criticize the administration's efforts to force these issues on the American public.

In the event you may wish to offer suggestions how to further our views on this subject we shall be pleased to hear from you.

Sincerely,

——— ———.

From Montana:

MARCH 17, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: We want to thank you for the stand you have taken against continuing the war in South Vietnam. The United States will never win in that tortured country nor in any other country as long as we send guns, ammunition, and chemicals for destruction which is used to cause killing and suffering and division of the people.

The only way that the United States or any country can win anywhere in the world today is with understanding of the people and their problems and by giving a helping hand to bring about social and economic reforms that would benefit the people.

We have copied and continued where France left off—and are obtaining the same conclusions. We think we are an intelligent people but when we can't learn from the mistakes of others, we wonder. We could do far better if our Government would employ psychiatrists. Force and violence are becoming outdated in the atomic age.

The U.S. Government and Congress must learn to take its grievances to the United Nations instead of trying to solve problems with other nations unilaterally just because we are a powerful nation. It is not power alone which counts. The respect and love of the people of the world count far more. This is a lesson we must learn and soon.

Our hats are off to you, Senator MORSE, and to Senators MIKE MANSFIELD, ERNEST GRUENING, and others who have taken a stand on this serious and dangerous situation.

Should you be able to find time to make speeches in Montana concerning this subject we would be delighted and would want to help in any way we can. Best wishes.

Sincerely,

——— ———.

From New Jersey:

MARCH 20, 1964.

Hon. WAYNE L. MORSE,
U.S. Senator from Oregon,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Saw and heard what you had to say on TV this morning regarding South Vietnam and I want you to know that I completely and wholeheartedly subscribe to what you said.

Very truly yours,

——— ———.

———

MARCH 20, 1964.

Hon. WAYNE MORSE,
Senator from Oregon,
U.S. Senate,
Washington, D.C.

DEAR SIR: I take this opportunity to express my sincere admiration for the courageous and sensible attitude you have taken regarding the ending of our "commitment" in South Vietnam. The sooner this absolute, senseless, bloody, and extremely expensive effort on our part is halted, the better I shall like it. I must state at this time that I had the same misgivings regarding our "police action" in Korea, but I also realize that this time we are treading on much more dangerous ground in South Vietnam than we did some 12 years ago in Korea.

I hope that this small token of interest which I am taking in your laudable effort and in the welfare of our country will be echoed many times by communications from other citizens also.

Very truly yours,

——— ———.

From Minnesota:

MARCH 19, 1964

Senator WAYNE MORSE: I heartily agree with your stand on the withdrawal of American troops from South Vietnam. I can't understand why we are there, and our American boys being killed: for what?

Respectfully.

——— ———.

From Florida:

MARCH 20, 1964.

Hon. Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I heard your statements in regard to Vietnam this morning on the Today program, and I want you to know that I support your position in this miserable adventure wholeheartedly.

We have been spending millions of our hard-earned dollars and sacrificing our young men, giving our full support to military dictatorships and corrupt regimes, and it is about time we put a stop to this. I know there must be hundreds of persons who agree with your thinking, not only on Vietnam but on other issues as well, who are too lazy to sit down and write you.

Our one big job in our country is to convince the people living under totalitarian regimes that our system provides a better life for them, and this must be done with deeds, not with words. Supporting unpopular governments with money and military force is definitely not the answer.

I consider you one of the very few intelligent Senators we have in Washington, and my hope is that you will continue to fearlessly fight for what is right.

Cordially yours,

——— ———.

From Michigan:

MARCH 20, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

Accept my thanks for your courageous statement today on opposing war in Vietnam.

——— ———.

From Illinois:

MARCH 20, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: This morning I saw a newscast on the Today show on TV and you gave a report on foreign aid and gave your reasons for a cut in this program.

I am a Republican, but haven't always voted so but I must admit I have yet to hear a Republican come out and give their reasons as well as you have against foreign aid. Believe me, if I were living in Oregon you would get my vote. In all of my years, I can't remember when such a program of my country has caused me such anger, especially our aid to Cambodia. I do think there are some countries where this has been used to good advantage but 9 out of 10 countries turn around and spit in our eye and I get fighting mad. Since we have to go to such extremes on this program, why not foreign aid to Russia? It makes just as much sense.

Keep up the good work Senator—I'm all for you.

Very truly yours,

——— ———.

From Philadelphia:

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: My wife and I approve and applaud your stand on Vietnam. We agree with you that it is a mess which the United States has no business interfering with. A good policy for America would be to leave the internal affairs of other countries strictly alone.

Yours truly,

——— ———.

From Montana:

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.:

Heard excerpts on radio this morning on your address on Vietnam. You laid it on the line. I hope some of those vote hunters at any price will follow your courageous and logical analysis.

——— ———.

From Chicago:

MARCH 18, 1964.

Hon. Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Congratulations on your statements regarding South Vietnam.

We sure got ourselves in a mess there, 12,000 miles away from home, by involving ourselves in their civil war.

Let us pull our so-called advisers out and send them home.

Yours truly,

——— ———.

From Ohio:

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: This is to let you know that I am in complete agreement with your policy with regard to South Vietnam.

You should be congratulated on your courageous stand advocating withdrawal of all 15,000 U.S. troops. Your opposition to any expansion of our commitments there merits nationwide support. There cannot be reached a sensible solution unless negotiations are started at once permitting the people of Vietnam, north and south, to work out their own destiny.

Respectfully yours,

——— ———.

From Wisconsin:

MARCH 16, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I want to register my support for your forthright stand on U.S. policy in South Vietnam and in southeast Asia in general. You pointed out that the South Vietnamese Government we support is more the U.S. State Department's government than the Government of the South Vietnamese. It really upsets me to see American boys getting killed fighting a movement that seems to have the sympathy of most of the Vietnamese.

But perhaps more disastrous is the possibility that our continued efforts at influence in southeast Asia may lead to direct confrontation with China and nuclear war. Our toying with invasion of North Vietnam shows that this is a possibility even if China acts with complete propriety.

I hope your clear thinking will have an impact on your colleagues in the Senate and will cause the State Department to reconsider its apparent all-out commitment to the defense of Kahn.

Yours truly,

——— ———.

From Washington:

MARCH 14, 1964.

Senator MORSE.

DEAR SIR: My morning paper says you are opposed to supporting the "murder of American boys in South Vietnam and that we should get out."

I agree with you 100 percent. A lot of the world's troubles could be resolved if the United States would only mind their own business.

Yours truly,

———— ————.

From Georgia:

MARCH 11, 1964.

DEAR SENATOR MORSE: I would like to thank you for your remarks regarding the Vietnam situation. It seems unbelievable to me that so few people in our Government can make decisions for a free people that are not in keeping with the principles of our free and democratic society.

According to Lederer in "A Nation of Sheep" and Wm. O. Douglas in "Democracy's Manifesto" we have been guilty of behavior not befitting our character as a great nation. It seems to me our young men are not given a chance or choice to make decisions for themselves or our Nation. If we are free and if we are great, it seems to me that we should inspire and allow our youth to serve either in the armed services, the Peace Corps, the Domestic Peace Corps, as teachers in our schools, in a congressional institute, a U.N. institute, WHO, WMO, UNICEF, IDA or many other places where they are sorely needed. I feel we shall crumble morally if we do not make some drastic changes and quickly. We cannot depend on the military to dominate our policies or for only a few to formulate our policies for if we do we shall fail as a people and as a nation.

Sincerely,

———— ————.

From California:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.:

We members of the Bellevue Democratic Club at our regular membership meeting unanimously applaud and support your stand against intervention and further bloodletting in South Vietnam. You have added honor to our country and security to the world.

———— ————.

From Massachusetts:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I understand that on March 4, you spoke out in the Senate against U.S. participation in the war in Vietnam. Good for you. We had no business there in the first place. Our continued support of a nondemocratic government in that country on the basis of "protecting Vietnam from communism" is but simple hypocrisy. If we continue our present program the loss of American lives will increase and the suffering of the Vietnamese people will be prolonged. Your attitude on this situation seems to me to be the correct one: we should get out.

A resident of Oregon for several years, I especially appreciate the forthright position you have taken on this matter. I hope you will be able to send me a copy of your Senate speech on Vietnam.

Sincerely yours,

———— ————.

From California:

Senator WAYNE MORSE.

DEAR SIR: I must take time out from writing to many, many Senators about the civil rights bill, urging them to filibuster and to vote "No" on this bill; to enclose an article from the Oakland Tribune which quotes you in regards to Vietnam. From the bottom of my heart, thank you—over and over. We are parents of two teenagers (both of whom are better typists than I), a girl 16 of years and a boy of nearly 18 years. Your comments and opinions on the mess in Vietnam are refreshing and encouraging—this is exactly what the people are saying. How long will our boys continue to act as advisers there? Will this be another Korea, with no way out? Why can we pour troops and millions of dollars into Vietnam, but we are led to believe that the cancer that Cuba is, will disappear if we shut our eyes? How can we win over communism, in Vietnam, when we can't and won't do anything about it in Cuba? What is the State Department's policy—containment in Vietnam for the next 20–30 years?

Again, many, many thanks. It is a great worry to us to think that our boy and countless others, in the future and now, will be sent to Vietnam, and for what? We haven't even come up with a slogan for the war, have we? Is this to be another "police action" that another Democratic administration has plunged us into, with no end in sight? Won't we ever learn from past mistakes? Are you the only Senator who has this sensible approach on Vietnam? Surely there are others who agree, if so, why are they silent? The American people are sick and tried of "containing" communism, when they can see that the octopus is spreading. Will we "contain" it in Vietnam and ignore Cuba and South America's Red activities? I am not a warmonger, my husband lost his right leg (Marine Corps, on Guam) in World War II; but if the French couldn't stop the Red tide, what makes us think our advisers can do it? What is the solution? I agree with you—pull out. That is a start toward some solution, anyway. Thank you for listening, and thank you for your attempt to send the civil rights bill to committee. This is still a Government of the people, by the people, and for the people, isn't it?

Sincerely,

———— ————.

From the Bronx, N. Y.:

MARCH 13, 1964.

Hon. WAYNE MORSE,
Senator from Oregon.

DEAR SENATOR MORSE: I want to endorse with great enthusiasm your unequivocal call in Congress for U.S. withdrawal from South Vietnam made on March 4.

As a long student in that area, having been a missionary in India, I think it was General MacArthur who warned us 10 years ago not to engage in the conflict there. His warning proved right, for he knew that the French with huge forces had to withdraw, as we will eventually have to withdraw. To sacrifice hundreds of thousands of American boys for a nebulous victory in that area is unthinkable, and would bring a vast outcry against any administration that would sanction it, as you indicated.

To save our face let the United Nations take over responsibility for a settlement along the lines of neutralization of that entire area with guarantees by the same United Nations. The U.N. saved the face of the British and French in the Suez matter and the United States in the Lebanon affair.

I trust that you will seek to win other Senators to your views on this matter. May God give you strength and wisdom and courage to carry on this fight for peace in that suffering area of God's earth.

Respectfully yours,

———— ————.

From Pennsylvania:

MARCH 11, 1964.

DEAR SENATOR MORSE: I was pleased to see that you spoke out in opposition to escalating the war in Vietnam. There is a growing feeling in the country that we need to reexamine what we have been doing in Vietnam. As a sample of this sentiment, I am sending you the enclosed editorial page from the local newspaper in this Pennsylvania town where we are located for the year.

For over 10 years, we have been supporting a war in Vietnam, and there is no evidence (1) that the people of Vietnam want us there; (2) that our enormous aid is effective; and (3) that this does anything but damage our reputation in Asia and the rest of the world.

It is my hope that you will support Senator MANSFIELD and press for an honorable and peaceful solution.

Sincerely,

———— ————.

From Washington, D.C.:

Senator WAYNE MORSE,
State of Oregon,
Senate Office Building,
Washington, D.C.

HONORABLE SIR: This letter is being written with simple directness. I wish to show my appreciation for your astute remarks made in the CONGRESSIONAL RECORD of March 10, on South Vietnam. I am in complete accord with everything you so aptly said on this important subject.

And at this time I also wish to show my appreciation for your being a proponent of having the civil rights bill reviewed by committee.

You are the kind of a Senator I so greatly admire. You swim upstream when necessary. You have a great deal of courage, lots of backbone. I am sorry you ever left the Republican Party.

Sincerely,

———— ————.

From Wisconsin:

MARCH 24, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: The enclosed clipping is good news, because it is high time that someone take that one down to size. Now if you and enough others who have served their country so well for so long would start working on the rest of those rats in the State Department that have a tendency of selling us down the river, we might have a chance to survive.

Thanks to you and the many others who are trying to save our wonderful country. The best of luck to you all because we are going to need it.

Sincerely yours,

———— ————.

From New York State:

MARCH 23, 1964.

MR. SENATOR: In 1918, when I was in the Italian Army, the Germans attacked us with poison gas many times. Now, 46 years later, I read in this article the killing of children and innocent people all over again. From the press, I learn your brilliant fight to stop this war.

Please let me congratulate you in your humanism.

———— ————.

———

[From Rochester (N.Y.) Democrat and Chronicle, Mar. 22, 1964]

WAR OF BRUTALITY—BUTCHERY OF COMMUNISTS IN VIETCONG MATCHED ONLY BY SAIGON RETRIBUTION

(By Peter Arnett and Horst Faas)

SAIGON, VIETNAM.—South Vietnam's war against Communist insurgency has entered a phase of violence and brutality unmatched at any previous stage.

"The hate is building up on both sides. There are many more scores to settle now," one longtime observer noted as reports flowed by civilians of Government air attacks.

Violence has been part of Vietnamese life for 20 years. It is being compounded now

as both the Vietcong and Saigon Government build up their arms and equipment.

The Vietcong are supplementing their supplies, clandestinely brought in across the Cambodian and Laotian borders, by raids on lonely Government outposts and small convoys.

The U.S. aid commitment to Vietnam is more than replacing the weapons and ammunition lost to the Vietcong.

Included in American military aid is napalm, liquid petroleum jelly that explodes across villages in a rush of fiery death.

A newer weapon here is a phosphorous explosive fired from artillery and also from fighter bombers. This erupts in a white cloud, burning through everything it touches.

With explosives such as these, civilians are bound to be hurt. Both Americans and Vietnamese argue that they have no choice but to use them.

The spectacle of children lying half alive with napalm burns across their bodies was revolting to both Vietnamese and Americans entering a village on the Cambodian border after it had been under air attack by Government planes Thursday.

The Vietcong guerrillas retreating into this village had made it a target for Government planes. Several Vietcong were killed.

That innocent children died in this raid, and the prospect that many more may be killed as the tempo of actions continues to rise are sobering facts to the Americans here.

"The moral dilemma we face here is not what we faced in Korea and every other war we fought in," one American officer said. "We don't want to see the civilians killed and yet they are killed because that is a horrible byproduct of war."

Such a byproduct came after 300 Vietcong entered the village complex of Ben Cau in Tay Ninh Province several weeks ago and held the population hostage. The military decided to direct artillery fire on the village, virtually razing it and taking scores of civilian casualties.

But the Vietcong force was decimated and this was the object of attack.

In Government operations the civilian casualties are byproducts, but the Communist guerrillas terrorize civilians as a * * * of fighting war. They will burn a village to the ground rather than let people side with the Government, as they did in Cao Dai Province village of Phu My—the birthplace of the Vietnamese chief of state, Maj. Gen. Duong Van Minh.

In the delta Province of Kien Hoa, the Vietcong in December beheaded scores of farmers who refused to pay a heavy special tax on Vietcong-controlled areas to pay for the increasing cost of war.

Five days ago in Nhi Binh outpost 20 miles south of Saigon women and children were bayoneted to death by the Vietcong after a part of the post had been overrun.

Similar instances are legion in Mekong Delta. Early in January American advisers were taken to southern Ca Mau Peninsula to see the bodies of a score of women who had been disemboweled by the Vietcong and placed in front of an outpost which had been overrun.

Communist terrorism appears aimed at terrorizing the population into obedience. Or it can be aimed spitefully, as bombing of the American movie theater and softball stadium in Saigon indicates. Many of the casualties in these two bombings were women and children.

The Vietcong are believed to have perfected a primitive napalm of their own, launched from a rifle-like weapon. Some government troops have suffered serious burns from "balls of fire" flying at them from Vietcong positions.

Harshness of the present stage of war is seen in treatment meted out to prisoners. Paramilitary corpsmen taken prisoner by the Vietcong a few weeks ago were found slaughtered a few days later.

In several cases wounded Americans taken prisoners have been executed. On the other hand American advisers report that in some cases it is difficult to restrain the Government troops from killing or torturing their prisoners in retribution.

From Kansas:

MARCH 22, 1964.

Hon. WAYNE MORSE,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: May I commend and encourage you in your valiant battle against our Government's mad venture in South Vietnam. There are few instances in history where a big bully nation tried to impose on a small nation, a government the people do not want and are determined not to have as the United States is trying to do in this impoverished country.

I feel sure that a goodly percent of the people of this country are opposed to what we are doing in South Vietnam but in this day of demanded conformity to the warped news media version of patriotism, of character assassination by "witch hunting" congressional committees, of employer blacklists, etc., most people are afraid to speak out.

To me it is unthinkable that American boys are dying in this abominable situation.

I beg to remain very truly yours in the hope that sanity will prevail.

——— ———.

From New York:

MARCH 23, 1964.

DEAR SENATOR MORSE: I was gratified to read of your forthright remarks re our policy in Vietnam. We do not have any right to be there, nor do we have any moral right to impose a puppet government on an unwilling people.

With all our efforts it is doubtful that we will have any more success than the French before us.

We should get out of Vietnam.

Sincerely,

——— ———.

From Illinois:

MARCH 22, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SIR: I strongly support your stand calling for withdrawal of U.S. forces from Vietnam. I do not believe the United States should support a government which is obviously not wanted by the majority of the people of Vietnam. It is unfair to expect mothers and wives to send their sons and husbands to fight or act as "observers" in such a situation.

North and South Vietnam should be neutralized and demilitarized so that the people there can finally live in peace.

Very truly yours,

——— ———.

From Massachusetts:

MARCH 22, 1964.

DEAR SENATOR MORSE: I want you to know how completely I agree with your views on our policy in South Vietnam, as reported yesterday in the New York Times, and in fact I almost always agree with your views, especially on international relations.

The sooner we get out of there the better. People say that then all southeast Asia will go Communist. Suppose it does. The Communists are fighting among themselves, and in any case I cannot believe that such a result would have any serious effect on the United States.

Sincerely yours,

——— ———.

From New York:

MARCH 20, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I have long been waiting to hear the leaders of our country to have the sense, the patriotism, and the guts to say in public what I heard you say this morning on the "Today" TV show; namely, that we should get out of Vietnam now instead of allowing our increased participation which would thus increase the number of U.S. deaths (and possibly triggering a nuclear war).

Please excuse this sloppy looking letter, as I am getting ready to go to work—I just wanted to tell you I support your attitude in this Vietnam war. I will write tonight to President Johnson and my own Senators and Representatives and tell them what I tell you.

Thank you—I wish you were my Senator, we could use a lot more like you.

Sincerely,

——— ———.

TODAY IN WASHINGTON: MORSE WILL FIGHT "MURDER OF AMERICANS" IN VIETNAM

WASHINGTON.—In the news from Washington:

MORSE—Vietnam: Senator WAYNE MORSE, Democrat, of Oregon, blasting U.S. policy in South Vietnam for the third time in as many days, says he will not "support the murder of American boys" in the embattled southeast Asian country.

"We should get out," MORSE said in a Senate speech Friday. He received permission to interrupt debate on the civil rights bill for his speech.

From Ohio:

Senator WAYNE MORSE.

HONORABLE DEAR SIR: Let's keep this planet from becoming a bare ball rolling in space.

Please use all your might, main, and speech on the floor to stop the dirty war in Vietnam, why kill our young men in fact to no purpose and can lead into the final war on this planet? After any world war now, this planet would be just about worthless to anyone. It seems warmongering is a form of insanity. Please stop it if you possibly can. I am a veteran of World War I. Let's save America. Do all you possibly can and I would like to help you.

All power to you.

——— ———.

From Michigan:

Senator WAYNE L. MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR: I cannot resist thanking you from the depths of my heart for your courageous stand about South Vietnam. May God bless you and may your stand make other Senators and Representatives at last see the light.

Most sincerely,

——— ———.

From Ohio:

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: I support wholeheartedly your efforts toward the removal of U.S. troops from action in Vietnam.

——— ———.

From Pennsylvania:

Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I want to thank you for your call for a withdrawal of our forces in Vietnam. As a mother very much preoccupied right now with the dangers to world peace of the Vietnam war, I am so happy to hear someone finally challenging the position

we have taken there and bringing the question of "whether or not," and not just "how" into the matter.

If we emphasize the humanitarian aspects of our withdrawal, ending the bloodshed, etc., I believe we can save our prestige and retain our influence and pressure for democratic institutions by no-strings economic help, not military.

Sincerely,

———— ————.

From New York State:

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: This letter is in support of the effort to get our troops and murderous equipment out of Vietnam and to establish a neutral zone there in line with President de Gaulle's suggestions.

Every effort to liberate nations to their own fuller resources of matter and spirit. Not one dime or ounce of energy invested in murder as a means of liberation.

Defeating communism is a mere mania. But advancing a meaningful society in which human beings exercise dignity and democracy and adequate means of subsistence—now there is a task worthy of nations and individuals.

Are we too weak for that?

Sincerely,

———— ————.

DEAR SENATOR MORSE: Just a line to congratulate you on your stand against further involvement in Vietnam.

This is like a light shining in a wilderness of violence and hate.

Sincerely,

———— ————.

From Pennsylvania:

Hon. WAYNE MORSE,
U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: Bravo for your Senate remarks of March 20, on Vietnam and on Secretary Rusk above all. For too long the truth about Vietnam has been kept hidden from the Nation. What is even worse, it seems to me, is that the 1954 origins of the present U.S. involvement are virtually unknown and/or buried. In fact, there is indication that Secretary Rusk himself does not even know that it was U.S. refusal to accept the accords of 1954 (Geneva) and to hold the promised elections that started the warfare—warfare that hardly began only in 1960–61.

Please keep up the good work.

———— ————.

From New York State:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you very much for the stand you have taken on South Vietnam. This is to let you know that we wholeheartedly support your view that our country should not be militarily involved in Vietnam and southeast Asia.

We strongly favor a program designed to terminate our military involvement and to negotiate a political settlement in southeast Asia. How this can be done without involving and recognizing China is beyond us, and we favor efforts to establish negotiations with China on these matters.

With many thanks and best wishes.

Sincerely yours,

———— ————.

From California:

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: Congratulations for your courageous statements concerning Vietnam. It is high time men in government make it plain to our foreign department and our President that many people are changing their views about our cause. To me, "our fighting for their freedom" is a wornout phrase which no longer has much meaning. These southeastern Asians need a government that can provide a leadership to allow them to pull themselves up by their own bootstraps. I think there is no better example of this process in the world today than that of Red China. Outward results of China's progress and the reading of Mr. Edgar Snows' documentary book on Red China plus his prophetic book, "Red Sea Over China," has no doubt changed my opinions a great deal in the past few months.

It is not hard to reason that our way of life is not a model form for ignorant and backward nations.

In spite of national pride, I doubt that we can or will do as much for the billions of miserable creatures on this earth as can the Communist regimes. This is quite an about-face idea for one who claims rugged individualism.

Senator MORSE, I was a naval aviator for 9 years, prior to and during World War II period. I had some duty aboard ship at Guantanamo Bay, and I had an eye view of real poverty in the villages just off base limits. I shall never forget my shock of such conditions 90 miles from our shores. We deserve Castro, and it seems as though the rest of the world agrees.

I hope to God, Senator, that there are enough men like you in government that will eventually change our Nation into a shining example of good will toward all men instead of the laughing stock it appears to be.

Sincerely,

———— ————.

The following from Massachusetts:

DEAR SENATOR MORSE: For a long time I have admired and appreciated your courage and ability as a Senator especially when you speak out on the controversial issues which, though most important to us, are ofttimes alas, least debated because they are so controversial.

Your position now as concerns the Vietnamese situation seems to me especially admirable. Knowing as you do, that what you say is not popular, either with the establishment or the populace, yet you speak out with truth and clarity.

On such men as you, sir, our democracy depends, hangs by a slender thread.

On this Vietnamese business, the futility of it, the contradictions of it, I've tried to get through to other Senators and the President and the result as you know as the "form letter brush off" which on the face of it achieves nothing.

Time grows short for this country, I am afraid, on the basis of the policies it has for some time been pursuing.

The obsessive pursuit of the White Whale with Ahabs in command—America 1964.

Most respectfully,

———— ————.

From Massachusetts:

DEAR SENATOR MORSE: Although I'm far removed geographically from your voting district, I write this letter in praise of your March 4 Senate speech against further U.S. involvement in Vietnam.

I wish that others of your constituents had the courage and wisdom to stand up and talk on this subject that will involve us all if allowed to go unchecked.

Please try to get your message through as the northeast pape s in general did not give it too good coverage.

God bless you for your courage. As an American citizen I hope we're not just pawns in a gigantic game of power politics but could be given the truth about Vietnam and southeast Asia.

Yours truly,

———— ————.

From California:

DEAR SENATOR MORSE: I heartily approve your March 4 call for U.S. withdrawal from South Vietnam, and have said so in my lette-s to President Johnson and Senators ENGLE and KUCHEL. I hope fervently that you will raise your voice in this cause again and again; I can think of no way in which you could better serve your country in these too-disturbing days.

Your honesty and courage in this matter give me hope. More power to you.

Gratefully,

———— ————.

From Washington State:

Hon. Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I agree with you wholeheartedly, the situation in Vietnam is sickening beyond description. Both politically and strategically we are in a dilemma and the only way out would be to admit it and pull our troops out. In light of what you have said and information I have from I. F. Stone's Weekly, I felt compelled to wire to President Johnson.

You may be interested to know that the local American Friends Service Committee is holding an Easter Peace Witness, March 28, and the theme is Vietnam. Other groups such as Women's International for Peace and Freedom, Women for Peace (Seattle) also carry on an educational and protest campaign.

We hope to reach our two Senators with this message, but so far have been quite unsuccessful.

Respectfully yours,

———— ————.

From Maine:

Hon. WAYNE MORSE,
Washington, D.C.

DEAR SIR: This is just to let you know that others besides your Oregonian constituents are applauding your stand on Vietnam and Asia generally. I only wish we in Maine had as good representation in Washington. In Red Book magazine last October an article by one Norman Lofsenz spoke up for women whose husbands have died in this "war not a war" and I think that the people, more and more, are condemning our actions over in Asia. Thank you for your frank and courageous stand.

Sincerely yours,

———— ————.

From New York State:

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you, thank you for your forthright stand against the extension of the war in Vietnam, and for calling for the return of our troops.

I have just written to the President and the New York State senators urging that they work for these objectives.

It is terrifying to think of the possible consequences of carrying the war to the North. Apart from the many thousands of casualties that would result, both ours and Vietnamese, it could easily lead to a nuclear holocaust.

I congratulate you on your stand and know that you will keep on working for peace and peaceful solutions to all world problems.

Respectfully,

———— ————.

MORSE OBJECTS

WASHINGTON.—Senator WAYNE MORSE, Democrat, of Oregon, blasting U.S. policy in South Vietnam for the third time in as many days, says he will not "support the murder of American boys" in the embattled southeast Asian country.

"We should get out," MORSE said in a Senate speech Friday. He received permission to interrupt debate on the civil rights bill for his speech.

From New York:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am very happy to read of your speech in the Senate Friday, advocating that the United States get out of South Vietnam. I hope you have enough supporters, as well as in the House, to make an impression on the State Department and the administration to see the folly of this Nation's continuing to dissipate its material and financial resources in such a vain effort to contain communism in that area. More power to you and your colleagues.

Here is how I feel, Senator MORSE:

1. That in spite of the free world's efforts (largely the United States) that the Communists will eventually take over all of southeast Asia anyway, and that includes all of former Indochina. And in such a takeover, all the millions of installations and institutions we have laid there will fall to the Communists. Billions down the rathole.

2. The State Department holds its hand up in horror apparently at the thought of more Communist penetration in Indochina. So what? This does not endanger the territorial United States in any way that I can see. And if it is argued that such penetration would endanger the Philippines and Japan, I believe that the presence of our mighty 7th Fleet and its accompanying Air Force squadrons, as well as the land-based air forces in Japan would be sufficient deterrent to hold off the Chinese Nationalists. And surely our Polaris subs could deliver a mighty barrage of missiles. I do not believe that land forces are the answer, certainly not in those steaming, stinking jungles.

3. I hold that this Nation might better devote some of the billions now being wasted in South Vietnam, Laos, and Cambodia to a further buildup of our military, air, and naval forces in this hemisphere; make this Nation impregnable from attack. Frankly, Senator MORSE, I am just a bit more afraid of general deterioration and crumbling within this Nation as a result of nefarious, underground, tricky work (unsuspected by most people), than I am from an all-out attack from without our borders. Witness the wave of terrorism seeping the country: the dynamiting of the freight trains on the Florida East Coast Railroad; the many derailments of freight trains on the Erie-Lackawanna and New York Central Railroads in New York State during the last 4 months; the unrest and violence of the civil rights demonstrations, which I believe have been largely Communist agitated; and right in our own Finger Lakes section of central New York State there has been a wave of dairy barn fires by arsonists, which could be the result of Communist youth underground activities trying to undermine and weaken our economy by destroying our agricultural potential. You will recall that the New York State College of Agriculture is located at Cornell University in Ithaca; this area has many of the State's richest dairy farms. The area's best detective and police forces are hard at work on trying to solve this wave of incendiarism; farmers are patrolling the roads at night.

4. And finally, Senator MORSE, it seems that the obstinate and stubborn State Department seems to forget that in pouring out billions to southeast Asia for economic and military aid (and so-called foreign aid) as well, that they are but weakening the ability and potential of this Nation to exist and to carry on as a nation to uphold the cause of freedom in our own country; to insure the continuance of our American way of life; to maintain financial integrity and the value of the dollar. Economists are forecasting that inflation is a near possibility; even the United States could bleed itself poor, as we are rapidly becoming, it seems, if useless expenditures are not checked.

Best of luck to you, Senator MORSE, in your worthy efforts to make the administration and the State Department to see the light of reason and saneness in foreign affairs. I hope I have not bored you with all this. If it, perhaps, has given you any ammunition in your battle, I will be happy; also, to hear from you, if you have the opportunity.

Thanking you, I am, sir.

Sincerely,

———— ————.

From California:

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR MR. MORSE: I am a physician, a captain in the U.S. Army Reserve, presently on active duty in Korea. I am moved to write to you in reference to your statement on Vietnam, made in the Senate on Tuesday, March 10, 1964. I want to communicate to you my sense of grateful relief that there is someone in Washington who has both the insight and the integrity necessary to say what you did. Thank you.

I imagine that there are few people who would not be willing to risk their lives when necessary to preserve what they consider to be their inalienable rights. Too loose a definition of such rights, however, implies too great a risk involved in their defense. The tragedy is that there are so many people who would fight and die—or worse, who would commit others to fight and die—for unjustifiable causes.

I wish to propose that the members of the executive, legislative, and judicial branches, and every one of the people from whose consent the Government derives its just power, consider our foreign policy, when lives are at stake, not in terms of our prestige, or our fortunes, but in terms of the necessity to preserve for ourselves and our posterity these three inalienable rights: life, liberty, and the pursuit of happiness.

Very respectfully yours,

———— ————.

From Colorado:

DEAR SENATOR MORSE: I have just finished reading a quote of yours to the effect that, "millions of Americans are beginning to realize that it is time for us to get out of South Vietnam." Would you please tell me whether you agree with this line of thinking and why?

In case your answer is yes, and you do go along with this line of thinking, I would like to know if you think that the end of the road for South Vietnam is the end of the Communist road of conquest? If you think this is so, then do you think that Communist aggression in South America, Latin America, Africa, and the Near and Far East are diversionaries for the overthrow of this single country?

Being as humble as is required of a mere ignorant high school student, I would like to point out that in a good many, too many of the great contests in history, that we have let down our allies in an attempt to remain neutral, or for whatever reasons. This is no longer possible. A wrong step in this contest for global domination, a wrong move, can be the move that destroys us.

Surely, Vietnam is not this move, but the fall of Vietnam would certainly weaken the United States and strengthen the Communists for their next move.

Withdrawal from Vietnam would surely echo down the halls of history as loudly as if we had withdrawn from Italy in 1943. They would both be stupid mistakes.

And so, in closing sir, I would like to most eagerly suggest that you reexamine the facts involved, and keep in mind that it is easier crushing the ants and termites across the street than on your doorstep or in your own house.

With regards and suggestions for contemplation,

———— ————.

From California:

Hon. WAYNE MORSE,
Washington, D.C.

DEAR SIR: Although I have not written to you for a long time I am still an ardent supporter of yours, for the issues you stand for are always for the general welfare instead of for a privileged few.

This time let me say a hearty thank you and thank God for your recent protest of our dirty war in Vietnam. It was, I believe, the former administration that got us into this stupid mess, and I feel the Democrats ought to be smart enough to get us out.

Also let me ask you to support the reparation bill to the Seneca Indians of Pennsylvania. Our past record of dealings with the Indians is shameful.

Sincerely and respectfully,

———— ————.

From Wisconsin:

The Honorable WAYNE MORSE,
Senate Office Building
Washington, D.C.

DEAR SIR: We would like to thank you for the prompt and courteous attention that our request for material on foreign aid received.

Our team proposed that all economic foreign aid be discontinued. We turned out to be the victors in the debate and we are sure that the success of the debate is due largely to the help you gave us in the material that you sent to us.

Thank you very much for your kind service.

———— ————.

From California:

SANTA BARBARA, CALIF.

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I was more than delighted to read in the Allen-Scott column of your stand regarding Vietnam. I consider that every American life lost in such projects is murder, as you so aptly expressed it. Although I am not one of your constituents I have long admired your commonsense, determination, and courage in expressing your convictions. In the present case I am sure that you would have an overwhelming following of Americans if you would continue to oppose our present policy in Vietnam and other obscure areas of the world, in many of which we have no business being in the first place, and where we are much resented for all our efforts.

I enclose the copy of a letter to President Johnson sent over a month ago, to which I have not yet received a reply. I am pursuing the matter further with the help of several influential Santa Barbara friends. I am particularly interested in knowing how you feel regarding the use of draftees in areas like Vietnam and whether it is possible to initiate legislation prohibiting their use except on a volunteer basis which would be more like our pre-World War II professional army.

Respectfully submitted,

———— ————.

———

LYNDON B. JOHNSON,
President, United States,
White House,
Washington, D.C.

DEAR MR. PRESIDENT: Though our present foreign policy, stemming from previous administrations, particularly that of Eisenhower (and Dulles) has committed us to odd and obscure corners of the world, it must be

evident to our leaders that such policy may be very unpopular with many people in the country. I happen to be among them.

I directed a note to Mr. Sorenson, as adviser to President Kennedy, expressing this viewpoint and specifically asking about our policy as far as selecting men to serve in our Armed Forces in these areas. He acknowledged the letter but did not answer the question. Since I have a boy who will serve his country within a few years, I am vitally interested. It is my sincere conviction that our young men should not be required to serve and have their lives jeopardized in questionable and unpopular causes espoused by our State Department. This is not the same thing at all in my opinion as serving in wartime in the defense of our country. Specifically I believe that men sent to places like Laos, Vietnam, and heaven knows what other such a place in Asia and Africa should be either selected from Regular Army or should be on a volunteer basis with the approval of the parents. I cannot but imagine the bitterness of parents whose son may be inducted into the service only to lose his life in one of these obscure corners of the Far East. It is hard to argue that this is in defense of his country. I hope to learn in answer to this letter what our policy is and hope to find that men are selected to serve on the basis mentioned above or one similar to it. If not, I am going to try and start something by appealing to Members of the Congress to effect a change.

Respectfully submitted,

——— ———.

From Washington, D.C.:

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: The gratitude of the people of America goes out to you for your valiant effort to reduce the cost of foreign aid. We wish you success in your fight to reduce the present AID request for three billion, four hundred million dollars. Fight on.

Good luck.

Yours sincerely,

——— ———.

From New York:

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: We are greatly disturbed by the statement of March 17 in which the White House declared its intention to continue and increase U.S. military aid to South Vietnam.

Senator MIKE MANSFIELD on February 19 spoke out against such a policy and urged serious consideration of the case for the neutralization of Vietnam.

On March 4, you registered your opposition to our increasing the scale of U.S. participation in the Vietnamese war and urged our withdrawal from it. We want to congratulate you for taking this firm and courageous position in the Senate.

Mr. Senator, our leaders have involved us in a costly, futile, and dangerous war; a war the consent for which has not been asked of the American people or of the U.S. Senate. The American people do not have their hearts on this war anymore than the South Vietnamese people do. We cannot win this war unless we increase our participation in it to the point where we will have another Korea (or worse) on our hands. We don't want another Korea. We must negotiate. Sir, we must bring our troops home now.

We urge you again to do everything within your power as U.S. Senator to encourage and bring about a U.S. policy in Vietnam which will permit negotiation and our prompt and complete withdrawal from that war.

Very truly yours,

——— ———.

From California:

MARCH 17, 1964.

DEAR SENATOR WAYNE MORSE: I have this day written to the President, to Senator KUCHEL, and to Congressman ALPHONZO BELL—telling them that I agree with you 100 percent in your recent statement that we should get the United States out of South Vietnam. I told them that 98 percent of the people there were against the United States and against the Saigon government. I said I didn't want this McNamara getting the United States involved in a world atomic war by invading North Vietnam—and bringing China and U.S.S.R. into the mess—which would surely happen if we invaded in any manner.

I hope you will continue your efforts to get the United States out of this South Vietnam mess—before we are dragged into a bigger mess.

I also urge you, sir, to help the southern bloc defeat the civil rights bill. You probably won't, but if you could see what the Negroes are doing down here in California you would realize—that Negroes and white people just won't ever mix—read Lincoln's real opinion of Negroes.

Best wishes for now,

——— ———.

From California:

BALDWIN PARK, CALIF.

DEAR SENATOR: I, too, am yelling evacuate Vietnam. I advocate and support your stand. The sooner we pull out of southeast Asia, the better off we will be.

"EVACUATE VIETNAM," MORSE YELLS

WASHINGTON.—Senator WAYNE MORSE, Democrat, of Oregon, told the Senate on Friday he will not "support the murder of American boys in South Vietnam."

MORSE said it was "presumptuous" for Secretary of Defense Robert S. McNamara to try to say what this Government should do there.

"We should get out," MORSE shouted, adding that fighting between the Communist and anti-Communist factions in South Vietnam would end in a neutralization "if we were not egging them on."

MORSE obtained permission to interrupt debate on the civil rights bill to deliver his third speech in as many days against U.S. foreign policy in South Vietnam.

——— ———.

From California:

Hon. Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: From my heart, I thank you for your stand against our intervention in Vietnam.

There has been enough bloodshed—continuing may lead to a world war. Bring our boys home.

Yours gratefully,

——— ———.

From California:

The Honorable WAYNE MORSE,
Senate Office Building
Washington, D.C.

MY DEAR MR. MORSE: I commend you for speaking out so courageously to the State Department on getting out of Vietnam.

I have been following this situation since 1961 and have written to our late President Kennedy, Mr. Rusk, my Senators, Representatives, etc., but only received printed material. Once in a while I'd get a personal reply that we must keep South Vietnam free from communism.

I have just written to President Johnson, Harriman, Senator KUCHEL, Representative ROYBAL. I am also commending Senator GRUENING, of Alaska. I commended Senator MANSFIELD a few weeks ago.

Why can't we get more Senators and Congressmen to speak up? After all, they do represent the people.

We need more men like you. Best wishes.

Sincerely yours,

——— ———.

From New York:

BRONX, N.Y., MARCH 2, 1964.

Hon. Senator MORSE,
The Senate, Washington, D.C.

HONORABLE SIR: The all too brief press reports of your efforts to end the senseless waste of lives and money in South Vietnam, should earn the gratitude of all Americans. I hope you will continue your efforts to bring this undeclared war to an end and allow the people of Vietnam to form a neutral government.

I would like a copy of your speech if it is available.

Thank you,

——— ———.

From Connecticut:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I am writing you to congratulate you on your statement that we should pull U.S. troops out of South Vietnam. It takes courage to take such a strong position against the militarist and the brainwashed American public.

Using commonsense I cannot figure out why we have a 15,000 Army in Vietnam. Why should we interfere into the affairs of other nations? The world would think better of us if we would quit trying to force our so-called democracy down the throats of other nations and start at home and give democracy to our own Negroes, Indians, and other minority groups. Even here in Connecticut the reactionaries are fighting the Supreme Court reapportionment order giving one man one vote.

I might add Senator that I admire your stand on what you think is right regardless of so-called popular opinion. Popular opinion seems to be what the big newspapers, radio, TV, and big industrialists want it to be. I do not say I agree with you on everything but your views fit mine better than any other big public man. Only wish it was you that I could vote for for President which I fully understand that cannot be with the political setup as it is.

Respectfully,

——— ———.

P.S.—Copy to Congressman WILLIAM L. ST. ONGE, of Connecticut.

From Florida:

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

Heartily approve your stand regarding foreign aid bill.

Respectfully,

——— ———.

From New York:

Brooklyn, N.Y.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR MR. SENATOR: Congratulations and thanks for your stand on ending the war in Vietnam. This is such a dangerous situation that we must see an end of the killing as well the danger of escalation.

I hope you can get a group of national representatives and nationally important people to join with you to raise such a protest that something must be done to get us out of other countries—especially Vietnam.

Sincerely,

——— ———.

From New York:

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I wish to express my admiration and my gratitude to you for your realistic and honest attitude toward the frightening, undeclared war now going on in Vietnam. I hope that you will be able to

arouse our lawmakers to the sinister threat posed by our efforts to step up the bloodshed further involve our forces. Can we learn nothing from past disasters? Let us turn to the use of negotiations, cease to consider ourselves the sole arbiters, and recognize that military force cannot solve the problems any more than it did for Indochina.

More power to you. Thousands now look to you for leadership, with hope.

Sincerely yours,

——— ———.

From New York:

DEAR MR. MORSE: I am so glad you are leading in a movement to stop the fighting in Vietnam. It has seemed to me for some time now both immoral and impractical for the United States to be shoring up governments over there that are of at least doubtful value. It seems to me we cannot spread democracy with arms, as war promotes communism. Moreover, it is not our duty any more than it was Britain's—up until recently—to police the whole earth, to the end that only governments friendly to the United States shall prosper. This is no way to "win friends and influence people."

So we wish you much strength and express our wholehearted support of your strength to get our military people out of North Vietnam. It would be good to get them out of a lot of other places, too, like Spain and Portugal, but we can't hope for everything at once.

Sincerely,

——— ———.

From New York:

HON. SENATOR WAYNE MORSE: We are in full agreement with your stand on the situation in Vietnam. We hope our President will act in accordance with this.

Sincerely yours,

——— ———.

———

Senator WAYNE MORSE,
The Senate,
Washington, D.C.

DEAR SIR: I have just written to Senator GRUENING, and I wish to inform you as well, that I fully support your statements calling for the withdrawal of all American troops from the South Vietnam war.

That war was never ours to win. We never should have gotten ourselves involved in attempting to crush a movement which is basically a social revolution and possesses a raison d'etre independent of the will of various U.S. administrations, including the most recent.

All of the above is really beside the point. We should get out and not waste more time, men, or moneys in defense of the indefensible. This takes courage to say and resay at this time, particularly in view of the opposition of the administration and most conditioners of public opinion.

Please do not lose heart. The McNamaras and the Rusks and similar "Yes" men, pollute the histories of all nations with their doings. They need no emulation.

I give you all my support and wish I could be in the future more helpful in raising the utmost concern over this issue.

Sincerely yours,

——— ———.

From Pennsylvania:

Senator WAYNE MORSE,
Washington, D.C.

MY DEAR SENATOR MORSE: The situation in Vietnam seems to me quite intolerable. I commend you for your efforts to try to change our policy.

Sincerely yours,

——— ———.

From New York:

DEAR SENATOR MORSE: On the issue of Vietnam and the extension of the war into North Vietnam, as proposed by some circles—I'd like to congratulate you on your position. It's good to know (as is so often characteristic of our country) that there are representatives like you who have the guts and moral fortitude to cry out against insanity and possibly world war III.

My wife and children bless you.

Sincerely,

——— ———.

From Connecticut:

MARCH 22, 1964.

Hon. Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: I am taking the liberty to express my congratulations for the courageous speech that your honor made before the Senate. And at the same time I stretch my hand to your honorable colleague, ERNEST GRUENING. You are two heroes, and you have defended the interest of our great Nation. The people that libel your honest and patriotic criticism of communism are people who carry this country to a wrong destiny. We have enough in our own house to attend to. It is not right to stretch our nose further away.

For what we have spent in foreign lands we could help our railroads which are of a vital interest to the Nation. We could fight the deficit in our house. For defense? We have two great fortresses—two great seas. Then we have more nerve than all the Old World put together. We try the best way to be in good relation with all nations of the world.

Very truly yours,

——— ———.

From California:

MARCH 22, 1964.

Senator WAYNE MORSE,
U.S. Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Please find inclosed copy of a letter which I have sent to President Johnson. I hope you will find the letter of interest.

I wish to commend you for your leadership in telling the State Department to withdraw the U.S. troops from South Vietnam and to seek a peaceful settlement of the Vietnam crisis.

I would like to ask that you will support Senator MANSFIELD in his attempt to find a sensible solution to the problems we face in Vietnam—to approve the French President de Gaulle's proposals for neutralization of all Vietnam.

Sincerely and gratefully yours,

——— ———.

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MARCH 8, 1964.

President LYNDON B. JOHNSON,
The White House,
Washington, D.C.

DEAR PRESIDENT JOHNSON: As a Vietnamese-American I am very much concerned about the war now waging in the land of my birth. Being familiar with the situation in that unhappy country, I would like to bring the following facts to your attention.

1. The so-called guerrillas are not invaders from the north but simple South Vietnamese people who feel they are only continuing the many years of struggle for independence and freedom from foreign domination.

2. Since France with armies numbering almost a half million was unable to overcome the stubborn resistance of the much smaller Vietnamese people's forces of liberation there seems no better chance of our winning the present struggle. Rather a disaster similar to that suffered by France at Dienbienphu seems much more likely.

3. The people of South Vietnam, exhausted from more than 20 years of unceasing struggle do not have any reason for continuing the war. They want only to be left alone to organize their own government and restore their shattered economy.

4. The present Saigon government is no more popular with the people than was the cruel dictatorship of Diem and his family. Innocent people are still being tortured and young men forced into military service. American personnel in the country as "advisers" are unsafe as they are regarded as foreign oppressors backing up the hated ruling groups.

5. The South Vietnamese people do not consider their brothers in the north as enemies to be fought, but favor reunification with them under conditions set forth in the 1954 Geneva agreement for neutralization of both parts of the country.

6. President de Gaulle's proposals for neutralization of what was formerly French Indochina under the supervision of the powers which ratified the 1954 Geneva Agreement have been met with hope and enthusiasm. Ho-Chi-Minh, President of North Vietnam, has also expressed interest in this plan. Senate Majority Leader MIKE MANSFIELD'S speech calling on the Senate to study the French President's proposals has given great encouragement to all those vitally concerned with the peaceful solution of the differences in Vietnam.

7. The Vietnamese people do not share the fear frequently expressed in this country that China will attack if the U.S. Army advisers and officers are withdrawn. The history of Vietnam reveals that many invaders have attacked the country throughout the centuries. But so determined has been the will to resist any foreign domination that the intruder has always been turned back. The Chinese who have had experience with this stubborn Vietnamese resistance, are certainly aware of this fact.

8. The proposal of some Americans to carry the war to North Vietnam would prove, in my opinion, an extremely dangerous venture. Such action might very well lead to World War III. The problems existing in South Vietnam can never be settled through military action.

I ask you, Mr. President, to use your influence to bring about a peaceful settlement through neutralization of all Vietnam. You will be acting in the best interests not only of the Vietnamese and American people but of all mankind.

Respectfully yours,

——— ———.

———

MARCH 22, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I wish to commend you on your plea to withdraw our forces in the undeclared war in Vietnam. We are supporting men in power there who do not have the support of the people. If we extend the war to the north, it would equally add to the elements to defeat. And then our prestige would fall with our allies and would add to the escallating of a third war.

Let us withdraw and negotiate a peace through the United Nations.

I wish to express my appreciation of your stand as well as that of Senators MANSFIELD and HUMPHREY.

Sincerely yours,

——— ———.

From the State of Washington:

MARCH 20, 1964.

DEAR CROTCHETY OLD WAYNE MORSE: I salute you on the only paper in the house. I salute you with a title connoting—in these times—honor beyond and way above the correct one.

Yippee for you, sir. You have made the only sensible statement on the U.S. future in the southeast Asia area. I heard your remarks quoted on radio KIRO newscast yesterday. Keep talking. Keep reminding people of history's lessons to the French and British. It makes plain good sense, doesn't it? And costs somewhat less to get out than to continue or expand our present efforts.

I'm a wild-eyed liberal, so you can see conservatives have no corner on horsesense. Talk more.

Kudos,

——— ———.

From Florida:

"A critic of the U.S. foreign aid program and an advocate of the withdrawal of U.S. forces from South Vietnam, MORSE called Rusk's speech 'disgraceful and disruptable' and 'one of the most unfortunate by a responsible government official in many years.'" Yes.

Re Vietnam.

DEAR SENATOR: Thanks for your opinion on Vietnam I am 100 percent for you.

——— ———.

MARCH 22, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I congratulate you on your courage in calling for the withdrawal of U.S. troops from South Vietnam. Our sons should never have been there shedding their blood for a cause which is not ours.

American fathers and mothers will be grateful to you forever for trying to save the lives of their strong young sons. Yours is a lonely voice now, but it will be joined by the voices of millions of peace-loving Americans.

Keep up your magnificient efforts for peace, freedom and abundance for all the people of the earth.

Gratefully yours,

——— ———.

From New York:

MARCH 22, 1964.

Senator WAYNE MORSE,
Washington, D.C.:

Honor and glory to you for your courageous stand regarding South Vietnam.

There is still hope for mankind when people like you are in the Senate.

The voice of Senator DODD and his ilk is the voice of evil. What they stand for can lead only to nuclear war and man's destruction.

Keep up your good work. Decent men in the United States of America and the rest of the world are with you.

Respectfully,

——— ———.

From New York State:

MARCH 21, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

MY DEAR SENATOR MORSE: It is with heartfelt support that I hasten to urge your continued fight for the withdrawal of U.S. forces from Vietnam.

Our policy is a failure and can only ignite a world conflagration. We must not permit this to happen.

Yours must be a lonely battle but be assured that while few citizens write, many are strong in support of your efforts.

I am also writing to the President urging him to consider a reversal of our policy thereby proving to the world that we are willing to negotiate.

This is indeed an age of deep apprehension. But we must learn to survive it.

Respectfully yours,

——— ———.

From Pennsylvania:

MARCH 21, 1964.

DEAR SENATOR MORSE: A second letter of appreciation for the speech made by you regarding Rusk and his McCarthyite type of accusation.

It may interest you to know that while heretofore I have had to rely on publications such as I. F. Stone's Weekly to learn of opposition to our genocidal policy in Vietnam, your most recent speech was published in our Philadelphia Evening Bulletin, and so I believe that for the first time thousands of Philadelphians will become aware that there is congressional opposition to administration activity in Vietnam.

In behalf of peace-loving Americans, thank you.

I have written to CLARK asking him to support you.

I hope you will support CLARK in his contention that it is unconstitutional for Congressmen to retain their commissions in the Reserve Forces. As a member of the American Civil Liberties Union I have today written to them, asking them if there is not some way of testing the constitutionality of the 1930 statute.

Please note that Cambodia has appealed to the United Nations against United States-South Vietnam violations of her border, in which her people are being killed. I have written to U Thant asking him to call for a conference, and I have also thanked De Gaulle for his proposals. Thank heavens I can call on four or five American Congressmen to put an end to our shameful actions in Asia.

Sincerely,

——— ———.

From Massachusetts:

DEAR SENATOR MORSE: I just wanted to send you a fan letter saying how pleased I am with the courageous position you have taken on the issue of American intervention in South Vietnam. The world is not a huge piece of American real estate and the sooner our Government realizes that, the better off it will be. Don't back down to the Dean Rusks and your role as one of the few free-thinking American politicians will be secure.

Yours,

——— ———.

From New York State:

Hon. WAYNE MORSE,
U.S. Senator.

DEAR SIR: I wish to express my admiration and appreciation of your forthright and eloquent criticism of Secretary of State Dean Rusk in his smear tactics (Saturday New York Times) against you and others that oppose his policy in South Vietnam.

We need more such voices as yours and Mr. GRUENING's (and others) not afraid to be dissidents when so much in our country and the world's affairs are at stake.

Yours truly,

——— ———.

DEAR SENATOR MORSE: Please be informed that I have written to President Johnson condemning Secretary of State Rusk's remarks about you and Senator GRUENING in which he indicated that you and Senator GRUENING were guilty of unpatriotic statements concerning South Vietnam.

May I commend you for your position relating to the United States involvement in South Vietnam. I believe with you that we are guilty of more than folly. We will be charged by history. (if we are sensible enough to avoid a nuclear holocaust) of being responsible for the death of tens of thousands of Vietnamese as well as many U.S. servicemen.

Keep up the good fight.

Sincerely,

——— ———.

DEAR SENATOR MORSE: In regard to your recent taking Mr. Dean Rusk to task (see the enclosed news clipping from the Schenectady Gazette): good, good. And a bigger cheer for your speech (in regard to South Vietnam) of March 4 in the Senate. It's my guess that you've got a hell of a lot of support around the country for your position on South Vietnam. Keep hammering away, Senator—don't back down an inch. Ours is an immoral, provocative, extremely danger laden position in Vietnam—and we need voices of courage in high places to apprise the American public of this fact.

Again, Senator, bravo (and the same to Senators GRUENING, BARTLETT, MANSFIELD, and ELLENDER—may your tribe increase). As an American, I am ashamed that the two dirtiest words in Asia, today, are Hiroshima and napalm.

Sincerely,

——— ———.

From Pennsylvania:

Hon. Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.:

We are in complete agreement with you concerning wisdom of withdrawal from Vietnam of hundreds with whom Vietnam was discussed. Everyone spoke in most disapproving terms over our 10-year involvement. A nonmilitary solution should be sought. Am sending copies to my Senators and Representative as well as President Johnson.

——— ———.

From Michigan:

Hon. WAYNE MORSE,
U.S. Senator,
Washington, D.C.:

DEAR MR. MORSE: It is very gratifying to hear the best brains west of the Mississippi speak out about the fracas in Vietnam.

My sincere thanks to you.

Very sincerely,

——— ———.

P.S.—I watch the "Today" show almost daily.

From New York State:

Senator WAYNE MORSE,
Senate Chamber,
Washington, D.C.

DEAR SENATOR MORSE: I am not one of your constituents, but I wish I were. It would be nice to have a real live Senator representing me. But as a responsible Senator, you do represent all of us. I approve heartily of your stand on Vietnam, and am with you 100 percent, when you state, "Let's get out of Vietnam." The latest incident on the Cambodian border has left me physically sick. What has happened to our ideals and standards if we can bomb, strafe, and spray with napalm gasoline (which we used to deny using), innocent villagers who don't even know what it's all about? And American planes were used on both sides. Let's get out before more such ugly incidents occur, and they must, as this dirty war drags on.

Respectfully yours,

——— ———.

From Maryland:

Senator WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR MORSE: I, as well as most of my friends, completely support your sensible, realistic stand on withdrawing our military forces from South Vietnam.

We would like to form a delegation to call upon the Senators of our State to urge them to support your intelligent position. Do you have any material that you could send me that would assist us in our purpose?

We are interested in doing anything that will help achieve success in your courageous efforts so please advise me of any other ways that we can be helpful.

Very sincerely,

——— ———.

From Illinois:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

SIR: Last night after reading an article in the Chicago American titled, "Two Dems Attack Rusk Talk as 'McCarthyism,'" byline, one Ernest B. Vaccaro, and reading remarks ascribed to you therein it was my unpleasant necessity to get outside and retch.

Within my memory this is the second occasion you have besmirched yourself as an

individual and as a Senator, and thereby besmirched that body by wallowing in the gutter and using a foul phrase coined by that paragon of journalism, the Daily Worker in a futile effort to make a point versus an opponent.

While I agree with you in your opposition to the so-called foreign aid bill this makes us strange bedfellows and your opposition to this bill and to remarks alleged to Secretary of State Dean Rusk certainly does not begin to justify your calumny against the memory of a dedicated American who served his country in war and peace, in the Armed Forces and in civilian life, as an outstanding public servant.

In this article you are quoted as stating Rusk's alleged remarks "one of the most unfortunate by a responsible Government official in many years." The above being true (debatable) in what position are you placed by your calumny against the late Senator Joseph McCarthy, assuming, of course, that you are a "responsible Government official."

You and others with views not undestandable continue to spout the venom which the enemies of Senator McCarthy brought to a head with the ill-advised and later repudiated Senate censure. Over the years Senator McCarthy has been proven right "again and again and again" and it is apparent that this vindication is as a "bone in your throat."

To apologize you should stand in front of a mirror and first render an apology to your image so reflected, then stand on the Senate floor, as a man would, and apologize to that body and the Nation.

——— ———.

From California:

SENATOR MORSE: The March 13 edition of the Stars and Stripes carried the report of your speech to the Senate that you delivered March 10 on the Vietnam policy. I respect your right to your opinions as I hope you do mine. This letter will undoubtedly mean little as you already have your own ideas but it will have served its purpose in the fact that it has allowed me to blow off a little steam, and maybe, just maybe, you'll take a closer look and come out with a different understanding of our country's stand in Vietnam.

The article begins with the bold headline: "Senator MORSE Raps Vietnam Policy, Calls American Deaths 'Murder'." The headline wasn't very much in comparison to the first sentence which stated, "Senator WAYNE MORSE, Democrat, of Oregon, told the Senate Tuesday that 'all of South Vietnam isn't worth the life of one American boy' and called the mounting list of U.S. troop fatalities there an issue of 'murder'."

I'm in the service and stationed at an airbase in Japan; quite a ways from Vietnam and the fighting that goes on there. I live in comparative safety and comfort to the people that are stationed in Vietnam. I don't really know how they feel or how I would feel if I was there. I should probably thank God that I am not there. The greater share of servicemen stationed in Vietnam probably know that they are there for a good cause. That has probably drawn a big smirk to your lips knowing what you believe. To be able to do the job they have so far done they must have been able to say to themselves "It is important to my country that I am here," and know and believe in this. It is just as important for me to believe that my being here in Japan has some purpose, it would be nicer to be back in the States helping to protect the continental United States from aggression. Japan, Vietnam, Korea, Guam, Wake, France, Germany, and many other countries are buffers between us and the Big Bear. We need them just as much as they need us. Communism is a lot like a cancer. The cancer must be held in tow and not allowed to grow in any area or it will eventually consume the whole body. Tarawa and other Pacific islands too numerous to mention were worthless pieces of land as land goes. None of them were worth the life of an American but nobody argued the fact that it had a purpose for which some Americans had to die. That purpose was to stop a growing cancer and it was achieved. A new cancer formed when the other had been destroyed. As long as there is such a country as America there will be reforming cancers, I have no wish to die but if it takes my life or my son's life or his son's or maybe some kids across the country to keep the U.S.S.R. from sailing into New York harbor, isn't it worth the price?

I appreciate any time and consideration you have given this letter.

Yours truly,

——— ———.

MARCH 16, 1964.

DEAR SENATOR MORSE: We commend you wholeheartedly for your protest against our policy in Vietnam. It was shocking to us to hear Secretary of Defense McNamara say that the U.S. Government and the people are with you. What right has he to speak for all the American people? Have you read "The Furtive War" by Mildred Burkett, also the article by Edgar Snow "The War in Vietnam"? We feel so deeply that the time has come when we must rethink this entire policy of war and find the way out. If we don't, the only alternative is nuclear disaster. Is this the best our so-called civilization can offer? Thanks again. Could you send us copy of remarks?

We also commend you for statements made in protest against Adolph Heusinger's appointment as actual head of NATO. We have read "Heusinger of the Third Reich" by Chucks Allen, Jr., with foreword by Hugh B. Hrater, brigadier general U.S. Army retired. The latter has made it very clear how dangerous he considers this appointment.

——— ———.

From Ohio:

MARCH 19, 1964.

DEAR MORSE: Stone's Weekly, March 16, 1964, carries abridgement of your March 4 speech on war in Asia. For whatever it is worth, I agree fully with quoted remarks. For me, we have long been far too busy trying to run the affairs of too many peoples. To assist them to help themselves is a worthy objective. But we've done too much more than this under the "umbrella" of anticommunism which can be made to mean anything we want it to mean. We need to cut out so-called military aid.

Sincerely,

——— ———.

From Washington:

MARCH 19, 1964.

DEAR SENATOR MORSE: Your stand against deeper involvement in Vietnam is in keeping with other wise policies you have advocated—more power to you.

I have sent editorials from the local paper and petitions bearing signatures expressing the same judgment to President Johnson. He should know that many people are doubtful of this thing.

Yours with great appreciation,

——— ———.

From New York:

MARCH 21, 1964.

MY DEAR SENATOR MORSE: Bless you for your courageous stand against the war in Vietnam.

Sincerely yours,

——— ———.

P.S.—I have written to President Johnson to ask him to appoint you Secretary of State.

From California:

MARCH 18, 1964.

DEAR SENATOR MORSE: I agree with you that we have no business in South Vietnam and the sooner we withdraw our military aid, the better for us all. We lost too many Americans already without extending the war. We lost so many Americans in Korea where we did not belong, either. The people in South Korea threw out the one we placed in power and the same will happen in Vietnam.

Yours truly,

——— ———.

MARCH 16, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I wish to congratulate and thank you for your speech in Congress with reference to the Vietnam situation. It is the most refreshing and sensible view, I have heard since we got involved in this senseless struggle, in contrast to some jingoistic proclamation that we carry the war to North Vietnam.

We have tried a similar phony war in Korea to great suffering of many American families. (My sister lost her only boy, of 18. There were other losses of near and dear ones, and to what end?) Did those youngsters fight for the honor and freedom of America? They had no idea what they were fighting for. They only knew, they had to kill or be killed.

Now, we are again involved in a useless, irrational struggle, which at best after the loss of many American lives, we can reach a deadlock, while at worst bring about a nuclear war.

I wrote to the President and a number of Senators, urging them to seriously consider the advice and efforts of General de Gaulle to bring about a settlement between North and South Vietnam, neutralize the entire area.

I do hope many American parents and people in general will begin to realize the real danger in the policy we are pursuing and demand that the Government bring their loved ones back home.

Thank you again.

Very sincerely,

——— ———.

MARCH 18, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Your one-man fight against our Government's ill-advised assistance in Vietnam is most commendable. There are many people here in my community who endorse your stand and hope that you continue your efforts on our behalf.

Very sincerely,

——— ———.

From New York:

MARCH 20, 1964.

Hon. WAYNE MORSE,
Senate Office Building
Washington, D.C.

DEAR SENATOR MORSE: Cheers. Your sensible, courageous and necessary speech on Vietnam was the most cheering voice from Washington I've encountered in some time. How can our Government be so shortsighted and self-defeating? Unhappily I've seen only excerpts from your speech—would it be possible for me to have a copy of it all?

I'm venturing to enclose a letter I wrote to the Times. I've had an astonishing[1] response to it—phone calls and letters and requests to join discussion gatherings. I'm convinced that there is deep disquiet about the situation, as there well might be, since as long ago as March 1962 the Wall Street Journal reported what it said was the Pentagon's plan for "escalation" against "Red territory."

[1] Not in volume of course—but all favorable.

Although I'm a long way from Oregon would it be possible for me to receive your Newsletter? I'd appreciate it.

Sincerely,

VIETNAM WITHDRAWAL URGED; EVENTS BELIEVED TO INDICATE NEITHER LEADERS NOR PEOPLE WANT OUR HELP

To the EDITOR OF THE NEW YORK TIMES:

Reporting to the House Armed Services Committee on January 27, Secretary of Defense McNamara said:

"In the case of South Vietnam our help is clearly wanted, and we are deeply engaged in supporting the Vietnamese Government and people in their war against the Communist Vietcong. * * *"

Surely Secretary McNamara meant to say "our help is clearly not wanted," for almost as he was speaking the government which presumably wanted our help to keep fighting was overthrown by another military coup, and the Times reported this event in headlines which read: "Vietnam Junta Ousted by Military Dissidents Who Fear Neutralism."

In other words, the generals whom our Government supported in their coup to replace the Diem government which was beginning to "flirt with neutralism" began in turn to incline toward the same policy. If anything seems clear in this grim situation it is that our Government is finding it increasingly difficult to find even military leaders who "clearly want our help" to continue their fratricidal strife.

As for the Vietnamese people, it has never been their war. If reports in the Times (and our news weeklies) have made anything clear, it is that the Vietnamese people have supported the war so little that a ruthless policy of forcing them into fortified villages was introduced to prevent them from helping the guerrilla fighters. And the so-called Vietcong may or may not be Communists, or pro-Communist, but they are unquestionably Vietnamese.

LACK OF OUTCRY

The situation in Vietnam is so unworthy of us that the apparent lack of popular outcry against it suggests a condition of indifference and moral callousness few of us would have believed possible only a few years ago. It is this growing apathy and callousness that is the true enemy of the values we hold dear.

The U.S. Government should at once present the problem of Vietnam to the U.N. Security Council and should withdraw our military advisers and stop providing millions of dollars a day to keep a war going.

If our leadership means only destruction and death for the people who live in distant areas our commentators call "strategic real estate" our Nation will go down in history as just another rampaging great power, self-convinced that our might makes right. And it will not be the Communists who will have betrayed us. It will have been ourselves.

From Pennsylvania:

MARCH 21, 1964.

Senator WAYNE MORSE,
Washington, D.C.

DEAR SIR: I approve of your stand to withdraw our men from Vietnam. I wish there were more men like you in Congress and Senate. Out of about 15 neighbors not one approves of our meddling and sending troops all over world. What business have we in Korea?

I would like to see a man like you as President of our country.

I am opposed to the conscription law called selective service except when country is at war.

Only Congress has the right to declare war; to hell with police actions like Korea.

Where one writes you as I am doing, thousands intend to, but put it off and neglect to do so.

This from a combat veteran that has seen many men killed and to hell with foreign aid.

From Ohio:

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: I recently wrote a large article about withdrawing our armies from all over the world and set this program out and the revolutionary people overthrow their government and not until they go down in defeat. The sooner we learn to do as our first President warned the Nation to do, the better off we will be. No tangling alliances are necessary. I am glad you and Senator GRUENING stand for this type of thing. Stay by the program that is outgrowth of Christ's sayings. All I can think of there ruling people is they are tools of Satan and getting the country into deeper debt all the time. Wish you would let Mr. GRUENING read the enclosed also.

Just thought I ought to let you know something perhaps that no one ever has told you before and something which I never yet have run across—a person able to say this same thing and twice have I traveled through the near east—14 countries the first time and 15 countries the second time. It is this: In October of 1915 one night at 11 p.m. and our Lord Jesus Christ came into my home. I was so dumb struck that I could not talk or open my mouth. He stayed 1 minute and never said one word and turned and went out the same way he came in.

I have been talking about His coming ever since and the only way to escape this next war which will be "Hell" is by being a baptized believer in Him and loving and looking forward to His coming. You will be caught up to meet Him at the marriage feast otherwise you stay behind. I wish you would pass this information around so that many people will be saved.

I would like to describe His appearance and if you are interested I will write you and tell about His looks and again three pictures I got in a dream of April 1917—which showed me the breakdown of this civilization and His coming and that I was to live to see it. Could tell you a lot more but maybe you are disinterested from this standpoint. Anyway it is true.

Best wishes,

From Washington, D.C.:

MARCH 21, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Your realistic approach on the Vietnam situation and your efforts to insist that the facts in this tragic situation be brought to the American people are greatly appreciated.

We do not want to kill, or to be killed; nor do we feel justified in being involved in this Asian war. U.S. troops do not belong in Vietnam.

In this, the nuclear age, negotiation is the only solution to international problems. Obviously our way is not a good way; obviously, your suggestions that we cease fighting a senseless civil war and use the available facilities for a negotiated settlement will prevail if the true facts are more generally known and understood.

To you, and to your supporting colleagues, thanks.

From Massachusetts:

MARCH 20, 1964.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

HONORABLE SIR: The "falling domino" theory would have it that, relinquishing South Vietnam, we would soon lose southeast Asia.

And as I see it in time Malaysia would be lethally embraced by the Indonesian expansionists from the south, while the Chinese—including the Vietcong—would absorb the mainland, even to Singapore.

Perhaps we should write it off and let them do what they will, for otherwise, we'll be bogged down for years; an endless drain of both men and money.

Leaving them to stew in their own rice paddies we would gain this benefit: A big mobile battle wise force which might conceivably be aimed at Cuba (although I think we are too late for that there).

I have unorthodox opinions regarding colonialism: It would have been better had we not repealed the Platt amendment, instead we should have so Americanized the island that we would have almost owned it. "Realpolitik" is oftentimes best. I have lived in Cuba and know a lot about northern Camagüey Province, and was surprised that the unfortunate Bay of Pigs invasion took place; surprised that paratroopers were not used, for, as you know, Cuba averages a little over a hundred miles across its 750-mile length.

We should take the long look at invasions and land grabbing from reading history, and observing the (generally) beneficial results that are imposed by Western nations on the less civilized. Algeria is on a subsistence level now. Under the French, railroads were built, sewer lines installed, magnificent buildings, boulevards, and measures taken against the creeping Sahara. The heritage of the Dutch in Indonesia is roughly similar; the British left India a viable country despite the almost inevitable oppressions of a colonial power.

I think this country, too, has gained immeasurably by the colonial process since the 1600's. The export money from Amsterdam and London certainly was a potent factor in early development; and, in the 19th century a lot of money came from abroad—along with the immigrants—to make possible the transcontinental railroads, the big ranches of Texas, and development of cities.

I believe we should retrench in foreign aid (and use some of that money in, say, "Appalachia" instead). Let each payment be scrutinized to each country. What would the cut be to the oligarchy? How much would filter down to those who need it? We should get a quid pro quo. Perhaps the Peace Corps should handle more of these funds, and have some of their members be auditors for fiscal work. Selectivity in foreign aid: "What do we get out of it?" should be at the top of our mind.

Sincerely and respectfully yours,

From New York State:

DEAR SENATOR MORSE: Your forthright attack on the appalling Vietnam policy of our Government deserves the support and commendation of every American.

It is appalling to think that the brave old jingos in our Senate and in the Pentagon are willing to let countless young men die and rot in that miserable war simply to prove a reckless anticommunism.

I hope you will continue to try to lead us into some sort of sanity.

Cordially.

DEAR SENATOR MORSE: Although I am not from your State, I would like to thank you for your stand on Vietnam, and ask you to continue your efforts for withdrawing our troops.

Our position is unjust and the methods (backed by the United States) are loathsome. I have written to Senator JAVITS to register my opposition to our involvement in Vietnam's affairs, but I doubt that he paid any attention to my letter. Senator KEATING

has never represented me or my views and I didn't even bother to let him know how I feel about this.

Please do not let Secretary Rusk's smear techniques deter you, but continue to make your points loud and clear. Perhaps the American public will listen to you.

Thank you.

——— ———.

From Connecticut:

DEAR SENATOR MORSE: Thank you. Thank you. Thank you. I have written to President Johnson to tell him I agree with your position on Vietnam. Your courage and wisdom in this matter has been an inspiration.

On Thursday I saw an AP photo of a Vietnamese father holding his badly burned baby in his arms. The baby was burned by American bombs, dropped by American planes, used in a war financed by Americans. The planes were strafing the village in an attempt to flush out guerrillas who "sought to hide among innocent civilians." No picture could better display the total moral bankruptcy of our policy in Vietnam.

I pray President Johnson will realize the enormity of our crime against the people of Vietnam and seek peace through negotiation.

Gratefully.

——— ———.

From Ohio:

Senator MORSE: The absolute need to pare down foreign aid is very much with us in this session of Congress.

Your fight for this need draws much basic sympathy from the American public. The needs in Vietnam and related areas of Asia must be looked into in the light of domestic needs. New views and more vigorous anti-Communist policies must be talked about fully.

Is it really true that our worldwide position vis-a-vis to communism and to our allies will be compromised by spending less money here?

I doubt that very much.

There is such a thing as exaggerating dangers in order to justify outlays. The foreign program in many cases has been a near failure. In other areas it has proved valuable.

The point you must take up in Congress is the golden road of minimum expenditure with maximum international security. Realistically speaking. Not with the eternally pessimistic view of our military spenders.

We have poured much treasure and some blood in these areas of the world. It is time to look honestly at the fruits. I dare say what we have here is simply a compromise. Is this the best policy in the long-term sense?

Is it enough to close the door to Communist infiltration and self-styled wars of liberation? Are we to pour aid ad infintum into a delaying or holding action here? Is this the best our planners can present us with? Is this the limit of their resourcefulness?

Are we the prisoners of our own fears of a nuclear war? Every time a vigorous step is advocated the cry goes up of such steps escalating into world wars.

Apparently the Reds have no such inhibitions. They start all sorts of local bonfires and we are forced to do their bidding by fighting their kind of scrap.

Anyone who believes that Russian or Chinese long-term policies call for a nuclear showdown with a superior United States over Cambodia or North Vietnam or in any other peripheral area of the Red Empire is to me a fool of the nuclear jitters or irresponsible. These are hard times and hard times require stern and hard tasks. We must go on and on. We must decide if the interest of historical democracy and democratic causes can be served by piecemeal efforts such as we have in Vietnam. I trust you will bring these questions to the fore of the Congress.

Sincerely yours,

——— ———.

From California:

Senator WAYNE MORSE.

DEAR SENATOR: How can we, the people, thank you that you have had the guts to address the so-called sacred persons and departments of the administration (March 3 and 4) by telling them the unminced, blunt truth about Vietnam, that we should get out of there, that in first place we never should have gotten in, that it would be disastrous to escalate that war to the north of South Vietnam. Also then we should not "get back" China.

Why does nobody in the administration listen to this reasonable argument? Why do they think that the world is still in the year 1900 and nothing has changed since then?

Please, Senator MORSE, we common people urge you to insist upon your right opinion and repeat it, repeat it, repeat it, very loudly until even the dead would hear it—the dead and the miserably tortured in that unhappy country, where the Americans are not without guilt, rather.

Then I wish fervently to urge you to concentrate your strength and courage on hindering the event of conveying nuclear weapons and control over them to Germany (Bonn) via NATO. Then the world would really be near the brink and soon over the brink. I think you know that.

So we are proud to have once in a while a reasonable and just thinking Senator or Congressman who speaks out what is what. Plain language is fine; louder and more often, please.

Wishing you success, I am,

Very sincerely,

——— ———.

From New Jersey:

The Honorable WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I stayed out of the controversy over Vietnam until I read the New York Times this morning. Now I take pen in hand.

I want you to know that I am writing President Johnson and my own Senators (CASE and WILLIAMS) urging the modification of our policy to the point of seeking a multination settlement agreement, and that there be no expansion of the sanguine conflict.

The governing regime in Saigon, like its predecessors, lacks majority popular support; and no essential American interests are at stake there. The frightful logic of our remaining there leads either to defeat or willful expansion of the war—which means ultimate final defeat for mankind.

For the true notes you sound, my heartfelt thanks.

Respectfully yours,

——— ———.

From Nebraska:

"Man longs for a moral order, logically supported."—Hugo Black.

Re "The U.S. decision to pull out most of the 15,000 troops in Vietnam by 1965 had official Washington split down the middle. State Department and White House advisers were against it (they thought it would have a bad effect on the Saigon Government). Defense Secretary McNamara argued it would spur the Vietnamese into becoming self-reliant. L.B.J. backed McNamara."—Newsweek, March 2, page 10, Periscope.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Bravo N times:

When I read the above, I was delighted and thought L.B.J. should invite McNamara to the vice presidency position on the ticket.

The White House advisers had better think in terms of the United States of America before either bad or good effects on Saigon—where we have absolutely no business as you have declared. L.B.J.'s advisers are going to maneuver him into a defeat as they are war minded. The people have always been peace minded. Truman knew he couldn't be reelected because of Korea. Stevenson will never believe that Eisenhower was elected because his speechwriter, John Emmet Hughes cleverly inserted "if elected, I will go to Korea * * *" implying a cease-fire. The ladies thronged to the polls, 3 million who'd never voted before, marked only Eisenhower's name. Idiot Stevenson insists it was his military glamour that elected him. Bunk. It was the implied cease-fire. You have access to L.B.J.; please explain the parallel. Saigon can easily be turned into another Korea, and if it is, L.B.J. will be voted out. Even if McNamara has now changed his mind, and is going to push the war, it doesn't change the fact that he was right the first time. Our boys must be removed from Saigon, from Vietnam at the earliest possible moment. L.B.J. will assure his reelection if he does; he will assure his defeat if he does not. Let him learn to spit in the warmongers' eyes—and to discharge any adviser who is not peace minded.

If McNamara comes out again for returning our boys to the United States of America, home, where they belong, he will be best Republican candidate, and he will be elected. L.B.J. better understand this. Where U.S. troops are needed; in the South. It is horrifying to read the Student Voice reporting one murder of our colored relatives after another and the late President's scared brother running about doing nothing. U.S. racists killed his brother and we hear nothing of the Justice Department investigating this barbarity. We have so much to do at home, it ill behooves us to be meddling abroad anywhere. The United States of America needs political leadership that does not think about votes but about justice—economic justice—for the people. If President Johnson forgets the election, and proceeds to serve justice, his White House occupancy will be extended by a landslide.

Enclosed copy of letter to unspeakable DIRKSEN.

Sincerely,

——— ———.

Senator EVERETT DIRKSEN,
Washington, D.C.

SIR: At a "Meet the Press" type broadcast, you indicated the United States of America could not get out of Vietnam.

United States of America can and should get out of Vietnam because it has no business in Vietnam in the first place and but for the likes of demented Spellman determined to make Catholics out of Buddhists would not be there.

Nearby China has kicked out Vatican adherents—Spellman's outfit is after China, too; and, of course, the Rockefeller thieves miss their big take from the Orient.

The sooner U.S. boys are removed from Vietnam the better. Why don't you get into uniform and go there yourself? You and the likes of you whooping it up for death in Vietnam should be put right on the firing line.

A recent broadcast told about a Virginia couple who would not accept the body of their son the Army had sent back from Vietnam. Townsfolks who viewed the corpse said it was the boy. The parents finally brought themselves to face the tragic reality which they could not at first, and accepted their precious son's body. From here on these bereaved parents will know a living death. They will smile at people but in the privacy of their home they are stricken.

You and idiots like you are murderers. I hope you are defeated in the next election.

With unlimited repugnance,

——— ———.

From New York:

DEAR SENATOR MORSE: Your views on our policy in Vietnam seem obvious enough to be self-evident. I hope they made it obvious that this policy has been conducted without consulting the public who pay for it.

Senator GOLDWATER'S experience in the New Hampshire primaries might be a clue as to what the public thinks of a hard line in Vietnam. If this is criticism then Secretary Rusk will have to make the most of it—most of the population then being traitors.

Respectfully,

———— ————.

From Wisconsin:

DEAR SENATOR MORSE: I was very pleased to see on TV and in the press your vigorous stand on Vietnam.

I hope that you and your coworkers can put a stop to the sacrifice of the lives of American boys and the wasting of billions of the taxpayers money.

Sincerely,

———— ————.

From Illinois:

Senator WAYNE MORSE,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I congratulate you on your major speech on Vietnam 2 or 3 weeks ago and for your determination to bring up the matter periodically from now on. I note that a small but growing number of Senators are joining you in speaking frankly about questions which are too often left under the rug.

Because you have been outstanding in your devotion to debate on foreign policy free of partisanship, I have enclosed an article which I wrote 2 weeks ago on the danger of partisanship over Vietnam. It largely ignores the possibility that the administration's policy is already rigidly set simply for fear of any domestic outcry—the fact that the threat of partisanship is as good as partisanship itself in limiting foreign policy to the line of least resistance.

It was also too early to take note of the fact that Senator GOLDWATER has indulged in exactly what was feared: the demand that the war be won and labeling, in so many words, the Johnson administration, "appeasers" for not doing so.

The prospects, in other words, are grim. I wish you well in your series of foreign policy speeches.

Sincerely yours,

———— ————.

The newspaper article follows:

[From the Daily Illini, Mar. 11, 1964]

PARTISAN DANGER

(By Gary Porter)

The startling victory of Ambassador Lodge in the New Hampshire primary should make the Republican Party think deeply about its strategy for this election year.

It makes the use of the Vietnamese war in the campaign a dubious proposition at best, for if Lodge is indeed a serious contender for the party's nomination—as the rejection of the hard campaigners indicates—then it would seem a foolish thing for Republicans to stress too strongly an issue with which he is so closely identified.

In their campaigns thus far, neither GOLDWATER nor Rockefeller have said much about Vietnam; in fact, GOLDWATER has apparently been totally silent on the subject. Rockefeller has asked Ambassador Lodge to come home and "tell us what is wrong." Minority Leader EVERETT M. DIRKSEN avoided any direct mention of Vietnam in issuing a statement for the Republican leadership which referred to "President Johnson's continuing the late Mr. Kennedy's highly questionable policy of coexistence with the Communist world."

There is not enough in what has happened so far within the Republican Party to conclude that Republican candidates are going to use Vietnam as a campaign issue, but the possibility cannot be discounted. If it does happen, the partisan attack will take the form of demanding that the United States win the war in southeast Asia and threatening implicitly to raise hell if there is any withdrawal from that frustrating exercise.

Such a campaign could be successful; it would blame the whole mess on the Democratic administration and, while not taking any concrete position on policy alternatives, would stand for "victory." The obvious effect of such a strategy would be unusual pressure on President Johnson to either extend the war into North Vietnam or inform the American people that no drastic measures are necessary in order to win.

This partisan danger will remain until or unless Lodge makes public his intention of being a candidate. Partisanship in foreign policy always involves the possibility of mischief in our foreign policy because of two facts.

The first fact is that the American people as a whole do not themselves have the means to grasp the complexities of foreign affairs; they too often judge issues only on the basis of what they would like to happen rather than what is actually possible. They are accordingly susceptible to deception at the hands of men whose immediate motives are the interests of a party rather than of a nation.

The second fact is that American foreign policy cannot in the long run rise above the level of the American people. Except in an emergency and where the need for a particular action is unambiguous to the Executive, foreign policy will be limited by the moods and perceptions of the people.

Taken together, these two facts make for the "extraordinary power of domestic politics—to subvert foreign policy," of which Prof. Norman Graebner has written. And the partisan danger was never so clear as today, when a campaign based on the loss of Vietnam seems to offer such political gains.

It should not be necessary to demonstrate that neither course is wise in order to show that no President should have to contend with domestic agitation which excludes a third possibility. Such public pressure would be purely political in origin, for it would not develop out of mature discussion of the issue.

This is partisanship in the most pejorative sense of the word, for it violates the spirit of bipartisanship which has stood as the standard for American politics since the end of the war. I say "the spirit," because I do not mean to indict even the deepest differences between parties over foreign policy and criticism based on those differences.

What is condemnable is the charge of weakness and incompetence against an administration when a particular policy is clearly failing. Pointing out that the policy was misguided to begin with, or why and how it must be changed—these are all legitimate functions of political parties. But the kind of approach which we may see over Vietnam neither takes responsibility for a party stand nor wishes to see the issue fairly analyzed; it is based on the notion that when an American project abroad goes wrong—even though it may involve vast social and political forces over which we have little or no influence—the fault lies in the State Department or the White House.

We saw the ugly and disrupting effects of this kind of partisanship after the fall of China; it seriously impaired our ability to deal in any objective way with the Chinese problem for many years. But the partisanship over China came well after the 1948 election. We might ask ourselves what might have been the impact of an outraged Republican Party crying "appeasement" during the campaign of that year.

As I said before, it would be premature to accuse Republicans of plotting partisan campaigns over Vietnam, but there is ample precedent for it. It is a damaging commentary on the state of our politics if it takes a major act of statesmanship or Henry Cabot Lodge to keep them from it. I am not suggesting for a moment that President Johnson's opposition stop their "bellyaching" and be kind to him on foreign affairs. I am simply saying that there is no justification for the absurdity of a campaign which would substitute accusation for debate.

From Ohio:

MARCH 20, 1964.

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

HONORABLE SIR: My salute to you, sir, for your courageous and forthright stand on more aid to Vietnam.

I hold with you that the conflict there cannot be won, and further, if it could what would we have that would prove advantageous?

We cannot hope to win without the active and eager aid of the South Vietnamese peasant and from what I've read and seen on television that aid is now firmly pledged to the Vietcong. Ho beat the best France could afford and those foreign legionnaires are real good fighting men.

Seems to me that our aid adds up to soft living for several thousand U.S. civilians, hardship and death to many of our military people, and keeps a bunch of South Vietnamese politicians in fancy uniforms, palaces, women, and booze.

I am for trying to turn loose of this tar baby.

Sincerely yours,

———— ————.

From Pennsylvania:

DEAR SENATOR MORSE: A heartfelt word of appreciation from a family of three for all you have said on Vietnam. This comes from a family who are better informed than the average, and who read extensively comments of the world's press, and the material of the major peace groups.

We wish you would add one thing, the next time you speak on Vietnam. When we see the photographs of refugees, of Vietnamese in the concentration camps—strategic hamlets—of the wounded and dead, we cringe, and know ourselves to be morally guilty. We think you should say that those who are pressing the war in Vietnam, and this includes Johnson and McNamara, are guilty of genocide, and one day they will be tried by a world court, just as the Nazis are today tried for genocide. It may take a little longer—simply because the Vietnamese are "yellow," but tried they will be one day.

And at least the Alloys and MORSE will be able to say "Not guilty."

We cannot understand Senator CLARK'S silence, and we have written to him, urging him to speak up, and to prop up Senator MANSFIELD, who collapses every time the administration scolds him. Perhaps you can persuade CLARK and MANSFIELD to join you.

Sincerely,

———— ————.

From Kansas:

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I wish to commend you for your recent honest and realistic evaluation of the situation in South Vietnam. May I urge you to expend every effort to get some sanity into our foreign policy relative to Asia.

Truly yours,

———— ————.

From Minnesota:

Hon. WAYNE MORSE,
U.S. Senator,
Senate Office Building,
Washington, D.C.

DEAR SIR: Well, I don't always agree with you, but thanks for telling the truth about Vietnam.

Respectfully,

——— ———.

From New York:

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR: May I write you how proud I was to read in our local newspaper, The Schenectady Gazette that you had the courage to express your opinions about our present foreign policy in South Vietnam and the stand that Secretary Rusk takes that any citizens who disagree with our foreign policy are quitters and helpers of communism. I have written to our Senators and the President that I am much opposed to the continuation of the war in South Vietnam.

Very truly yours,

——— ———.

From Ohio:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I want to express my support for a negotiated settlement in Vietnam as called for by Senators Mansfield and Bartlett, and I believe favored by you too. Neutralization of Vietnam would be sought all the more if momentarily our position seems satisfactory, with more cooperative local leadership. The long history of guerrilla tactics with wide popular support and our expensive, potentially explosive stalemate make a major policy change imperative without crisis or new adverse pressures.

Strong nationalistic feelings are said to persist in this long divided country, abetted no doubt by the past presence of the French. North Vietnamese leaders have been seeking a path not solely committed to either Peiping or Moscow. Such possibilities should be explored while they still persist. Ultimately, and basic to problems in all of southeast Asia is the need to open communication with Communist leadership and admission of Communist China to the U.N.

We need forthright public enlightment on the realities involved in Vietnam instead of relying too long on the idealistic hopes of the Department of Defense and the State Department.

Very sincerely yours,

——— ———.

P.S.—I have also expressed these views to Senators MANSFIELD and BARTLETT and my State senators.

From New York:

MARCH 20, 1964.

DEAR SENATOR MORSE: On this morning's newscast of the "Today" program, I heard you express your views with respect to our policy in Asia, and the foreign-aid program. I hope that many citizens heard you, and write you as I am, to support you. Keep it up, we need more like you in Washington.

Sincerely,

——— ———.

From Idaho:

Senator WAYNE MORSE,
Senate of the United States,
Washington, D.C.

DEAR SENATOR MORSE: Congratulations on your stand on the war in Vietnam—why, oh why, do we get in messes like that in the first place.

I wonder, as you are part of this administration, if you can tell me just who is this "common man" the administration wants to help.

If it means folks like my family, who have worked a lot, saved a little and generally tried to be a paying member in good standing in the community; I suggest that a way of getting a "better deal" for us would be to get the burden of foreign aid off our backs, particularly in areas where we are being insulted daily. I'd suggest that we not jeopardize the future of our industries and farmers by allowing foreign products into the country at less than we can produce, in the name of "good foreign relations."

If the "common man" is the person the program on poverty is to appeal to, then I suggest that we, who up until now have considered ourselves the "middle class" will soon be brought down to a level of mediocrity and will bring children into the world who will not strive to better themselves, as the children of those who were on relief in the 1930's continue to breed children who see no point in working for salaries approximating their relief checks. In this connection, do you think the raising of the minimum wage rate might get some of these folks out of the house and to the employment office, to attempt to get the sort of jobs which appear to be plentiful (judging by ads in the city newspapers I see) laborers, dishwashers, et cetera.

I would appreciate your comments.

Very truly yours,

——— ———.

From New York:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: Thank you for having the courage and honesty to stand up and say that we ought to get out of Vietnam. Please keep up the good fight. The whole country needs you.

Cordially,

——— ———.

From California:

Hon. WAYNE MORSE,
Senate,
Washington, D.C.

DEAR SENATOR: We saw and heard you on TV and certainly agree with you, "We can't win the war in Vietnam," unless it is an all-out war and is it worth it? Here we have Cuba on our doorstep. What is being done? Castro, telling us off. Little Panama telling us off. It seems all any country wants is our money. We are sick of foreign aid. It does appear to only help the Communists to gain.

Our stand on some of the bills. Bill S. 1975. We would like to see this one pass.

We think all people should have civil rights. However, the civil rights bill we oppose—because we feel it does give too much power to the Federal Government.

We hear the Civil Liberties Union wants to do away with chaplains in the Armed Forces. We do indeed object to this. If they can't even have a chaplain to counsel with them, what are our boys fighting to save? Our only son is in the service of our country.

I think we are all weary with appeasement. What is being done about our men shot down in East Germany? What's going to be done? I get clippings and hear facts from Alaska, how the Communist fishing boats are about to put the fisherman out of business—our daughter teaches in a village of fishermen's homes.

May God help us all.

Thank you.

Sincerely,

——— ———.

From Maryland:

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I have so often admired your independent stand that I am sorry to disagree with you heartily about foreign aid. You have probably seen for yourself the need for it in Asia. I was there in 1959 and felt that the terrible poverty there would live longer than our generation. The same thing is probably true in Latin America, which I have not seen. Today I read in Carl Rowan's book "The Pitiful and Proud" "I realized that logic and a sense of decency told me that * * * it would be a costly mistake for the United States to lessen economic aid." I wish you could see that.

Yours truly,

——— ———.

From Florida:

DEAR SENATOR MORSE: I write to thank you for your speech of March 4. You said what needed to be said.

The war in Vietnam is a wicked war. Our whole foreign policy is wrong—because it is based on a wrong assumption—i.e., that we have a duty to keep the world in line with our policies, and our interests.

Sincerely,

——— ———.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

HONORABLE SIR: You have the support of all Americans in your remarks about Secretary Rusk. Just what policy is he talking about? We do not have a foreign policy and are in retreat everywhere in the world. The defeats are so regular it looks very much that, they might be planned that way. Is it un-American to ask, why we are always appeasing the Kremlin? Now, we are pleading for the release of the men shot down in East Germany and are ready to give away some advantage on travel permits to get them back.

The same appeasement policy now has Russia pointing their rockets at us from Cuba and setting up a powerful seismatic complex capable of detecting nuclear tests in Nevada. Their ultimate goal: Annul American defensive and offensive missile power. The caves in Cuba are full of missile tracking stations according to an article by Dr. Fernado Penabaz published in the Fort Lauderdale News of this date.

The billions we have spent to stop communism has now turned into help the Communists. The money that went into Poland and Yugoslavia has supported the Russian economy for the past 17 years. All foreign aid must stop.

Most respectfully,

——— ———.

Senator MORSE: I wish to compliment you on the talk you gave on television "Today" as to your thoughts on our spending of money and young American men in southeast Asia.

First man in the Government to talk like a down-to-earth man.

How in the world do we as a Nation expect to save everyone? Maybe they have a right to solve their own problems? Who are we to tell everyone how to live?

Let us get our own house in order. All Russia wants us to do is spend ourselves into bankruptcy and we sure are doing a good job.

Stay in there and fight for solid business ideas and keep United States safe.

Your truly,

——— ———.

From New York State:

Hon. WAYNE MORSE,
Hon. ERNEST GRUENING,
Washington, D.C.

MY DEAR SENATORS: As one of the signers of the open letter to President Kennedy on ending the war and bringing peace in Vietnam which was run in a number of newspapers last summer, I am in a position to report to you the continuing and growing support, throughout the country, of the proposal to withdraw our forces and submit the problem to negotiation along the lines of the Geneva Convention.

I enclose a copy of that open letter (which you probably saw). More than 20,000 reprints of it were requested by various groups throughout the country and evidence of support has continued to pour in, even today. I can assure you that there is even stronger sentiment for our withdrawal from Vietnam, as proposed in your speech in the Senate, reported in the New York Times today, then there was last summer. People are becoming more informed as to the real issues, I think, thanks to your untiring efforts to maintain some semblance of reason in this confused situation.

With my full endorsement of your position (and that of eight registered voters in Connecticut with whom I have talked today) I send you my best wishes.

Sincerely,

——— ———.

From Illinois:

DEAR SENATOR MORSE: Thank you. Thank you for your forthright brave words refusing to endorse the dangerous involvement of this Nation in the military operation in South Vietnam. Many of the American people do not wish to see this Nation so involved, but we have been fed the usual half-truths with the inference being that if we do not support this stupid intervention we are not patriotic Americans.

May I encourage you to raise your voice again and again. I am sure there are no political advantages to be gained by being a dissenter, but there is the satisfaction of knowing that you have given your support to what is right and good. Please take every opportunity to lead us away from this disaster toward which we are hurrying.

Respectfully,

——— ———.

From California:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: On behalf of quite a few members in my community, I (we) wish to commend you on your admirable stand against the current Government policy of support in Vietnam, a very unwise policy to say the least.

Respectfully,

——— ———.

From Illinois:

Hon. WAYNE L. MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Thank you from the bottom of my heart for your courageous statement against the continuation of the war in South Vietnam.

Please spare a moment to read the enclosed copy of my letter to the Eugene Register-Guard.

No reply to me is necessary. Time is too valuable and you are one who uses every minute well.

Sincerely yours,

——— ———.

———

EDITOR, LETTERS COLUMN, REGISTER GUARD,
Eugene, Oreg.

SIR: I am so grateful for the wisdom, courage and commonsense of the Honorable Senator WAYNE MORSE, I cannot refrain from trying to reach as many citizens of Oregon as possible to say "Congratulations and thank you for electing Senator MORSE."

For almost 3 years his has been one of the few voices speaking out against the pointless, brutal and futile war in South Vietnam. Only recently have many other Senators and Congressmen joined him in the demand for a reevaluation of our policy in south Asia. Surely these voices of reason should be heeded by the administration. Negotiations for a peaceful settlement should be begun at once either by the nations concerned in the area or by the United Nations.

You Oregonians are also to be congratulated for your choice of Senator MAURINE NEUBERGER. She, too, can be relied upon to speak out on vital issues with independence, sound reasoning, and concern for the health and welfare of people no matter where they live.

Very sincerely yours,

——— ———.

From Wyoming:

Hon. WAYNE MORSE,
Senator from Oregon,
Washington, D.C.

DEAR SENATOR: On this morning's TV news, I saw and heard you make an excellent statement regarding Vietnam, and I want to express my agreement with what you said.

In strong and vigorous terms you said it was your belief that we might as well face up to the fact that what we are trying to do there cannot be done, and we should withdraw from there before more American lives are lost, and more U.S. dollars spent and wasted. You pointed out that Great Britain tried and failed; France tried and failed, and we will fail. To this, I add hearty agreement.

If we are going to fight the Communists, let's reserve our strength to do it in our own hemisphere, and it looks like we will have to do this in Cuba eventually.

And further, I want to take this opportunity to express myself on the matter of foreign aid. The newest request from the White House should be defeated. If we can't cut out foreign aid entirely, then pare this $3 billion down at least 50 percent, and do that every year henceforward until it is gone entirely. We can use that money better right at home, in preparation against the Communist push, or even in that election year gimmick of the Democrats' war on poverty.

Respectfully,

——— ———.

(Carbon copies to Senator SIMPSON, of Wyoming; Senator MCGEE, of Wyoming; Representative HARRISON, of Wyoming.)

From Florida:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: I heartily endorse your stand on U.S. policy in southeast Asia and am in sharp disagreement with what appears to be the official policy.

Yours truly,

——— ———.

From California:

DEAR SENATOR MORSE: I didn't hear you but friends have spoken of the very excellent speeches you have made on Vietnam. I agree with your position and want to thank you.

Sincerely,

——— ———.

From Minnesota:

DEAR SENATOR MORSE: Thank you. Thank you. I've just heard you on the "Today" show. My sentiments are like yours on the Vietnam situation. Such a waste of American money and men. Please continue to speak up. I'm sure there are thousands of us who feel this way. Let us hope and pray that something positive is done about this deplorable situation.

——— ———.

From South Carolina:

Senator WAYNE MORSE,
Washington, D.C.

DEAR SENATOR MORSE: I listened to your remarks about the participation of the United States in the Asian mess. I want to thank you for this forthright expression of views. It is rare among our lawmakers.

I am 83 years old and almost blind. It is refreshing to think we still have some old-fashioned ideas of the place of this country in the world.

Very sincerely,

——— ———.

From New York:

March 21, 1964.

Hon. WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR MORSE: Congratulations on your courageous and desperately needed stand on our suicidal intervention in South Vietnam. At last.

Let us not be marched like sheep to the pasture (or like Jews to the concentration camps) without dialog and debate.

Please continue your fight vigorously. The American people do not wish to be involved in a war which can continue to kill hundreds (maybe thousands if the war is enlarged) in behalf of corrupt, self-seeking politicians with massive passive resistance to the war by the South Vietnamese people themselves.

I agree with your stand that we withdraw and allow the Vietnamese themselves to decide their fate.

Respectfully,

——— ———.

From Colorado:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

DEAR SENATOR: I am writing to congratulate you on your position regarding U.S. policy in Vietnam.

It is time that this country got out of Vietnam and stayed out.

Our support of the series of rotten governments in Vietnam on the claimed basis that they really represent the people is sheer hyprocisy.

The only immediate solution is an agreement similar to that reached in the Laos situation.

Yours sincerely,

——— ———.

From California:

Senator WAYNE MORSE,
U.S. Capitol, Washington, D.C.

DEAR SENATOR: I saw in the Christian Science Monitor of March 16 that you and Senator GRUENING, Democrat, of Alaska, want to stop the war with China over Vietnam.

I agree. Thank you for your stand.

Yours truly,

——— ———.

From Illinois:

Hon. WAYNE MORSE,
Senator from Oregon,
Washington, D.C.

DEAR SENATOR: Two or three days ago I chanced to hear you briefly on TV and note your remarks regarding foreign aid.

I wish to congratulate you upon the position you are taking concerning this great folly. Truly, as you said, may we take a long hard look before we pour more American funds abroad under the guise of helping other nations only to see it wasted upon foolish projects or go into the coffers of a few.

I am a Republican. This foolishness is not a partisan affair. I condemned the previous administration in this respect the same as the one now in power. To say 80 percent of our aid, so-called, will be spent in this country, providing more jobs, is lacking in truth and is dubious.

Thanks, Mr. Senator.

——— ———.

From Idaho:

U.S. Senator WAYNE MORSE,
Senate Building,
Washington, D.C.

DEAR MR. SENATOR: It gives me a great pleasure to know the stand you have taken for years on the question of Vietnam.

I have traveled in Idaho about 6,000 miles in the last few months and I find very few people who support the war in southeast Asia. They all say we should get out of there.

Never has high politics gambled so irresponsibly before with the very existence of mankind.

I think we are on a false track. Our main question is not how we got on it, but how can we get off, and make a fresh start.

I think we are getting in a trap, and we will find it very hard to get out if we wage war in North Vietnam. There is China with 750 million people, and happy to put 100–150 million men to fight that war, say nothing of Laos, Cambodia, Burma; yes even Soviet Union. Also, we have to reckon with French, too, she may not forget so easily why she left southeast Asia.

I don't think we are there to teach how to fight guerrilla war—but to learn it from the people who been fighting it for the last 25 years.

I value very much the stand you are taking in southeast Asia.

Very sincerely yours,

——— ———.

From Connecticut:

Hon. WAYNE MORSE,
U.S. Senate,
Washington, D.C.

DEAR SIR: I wish to congratulate you on your intelligent stand concerning our terrible foreign policy in South Vietnam.

I urge you to continue your efforts in this regard and hope that you may influence your fellow Senators and other members of the U.S. Government.

Very sincerely,

——— ———.

From Florida:

DEAR SIR: I hope you stick to your guns about reducing the amount of our foreign aid. We have given millions away and still we haven't kept them from going Communist. Even our allies go against us when it comes to trade with Cuba and other Communist countries. The American taxpayer is getting fed up with the whole program. How much longer can Uncle Sam be Santa Claus, especially when we are running our country into debt all the time.

Yours truly,

——— ———.

(Read attached article:)

[From U.S. News & World Report, Mar. 16, 1964]

IS U.S. AID TO GREECE PAYING OFF?

ATHENS.—In Greece, long considered a firm friend of the United States, an old question was being raised again:

Can the United States really count on, as an ally, a country made strong and independent with U.S. foreign aid?

This doubt grew as mobs of screaming Greeks rioted before the U.S. Embassy and broke windows in an office of the U.S. Information Agency.

Since World War II, Greece has received $3,051 million in U.S. economic and military aid. Only France, Britain, Italy, West Germany and Turkey have been helped more.

And, with only 8.4 million people, Greece has collected far more U.S. aid per capita than any other country—some $360 per person.

In 1947, President Truman asked Congress for a new aid program for Greece. The billions given under the Truman doctrine are credited with saving the country from communism.

On March 4, students in Athens, some of them shouting Communist slogans, daubed a bronze statue of Mr. Truman with whitewash. Then they scrawled across it, "Yankee, go home."

In the rioting, two pictures of President Johnson were set afire.

Newspapers called sailors of the U.S. 6th Fleet in the Mediterranean the floating policemen of American imperialism.

A scheduled 6-day visit of the fleet to the Greek port of Piraeus was quickly postponed.

In Salonica, 30,000 Greeks gathered to hear speakers denounce the United States.

Behind all this was the Greek belief that the United States was favoring Turkey in the dispute between the two countries over the island of Cyprus.

Most of the rioters were students. Many of their signs and slogans were pro-Communist. Greek police protected U.S. property but—under orders—did nothing to disperse the mobs.

———

FEBRUARY 18, 1964.

Hon. WAYNE B. MORSE,
U.S. Senate,
Washington, D.C.

MY DEAR SENATOR MORSE: I am writing you not to ask for anything for myself, on the contrary, I am writing to pass some information and views on to you so you can evaluate and consider them for whatever they are worth. Sitting here as I am on duty in South Vietnam as I am, I sometime wonder if the people in the States are getting a complete and unabridged version of the news. From past experience I know that news is somewhat toned down by the time it is released for public information in the States. To one extent I appreciate this fact as I would not want my wife and children as well as my family and friends to know the full truth about the situation in this area. I believe it best that they be spared all of the worry which would be aroused by full and complete knowledge in detail of what is happening in this area. I do believe though that our lawmakers should have this knowledge made available to them. From some of the news received here in the past from the States it seems that they are either somewhat in the dark about affairs in this part of the world, or that they simply do not care. I prefer to believe that the news is not made available to them. I believe that all available information should be evaluated before any decisions on any matter should be made.

I digress from reading the letter, Mr. President, to say that this sergeant has with a keen insight, been presenting an evaluation of the practices of the American news media. His views are similar to the ones I have been presenting on this floor for a long time now. The American people are living in the dark, insofar as what is happening in South Vietnam is concerned—and not only insofar as what is happening in South Vietnam, but also insofar as what is happening in a good many other trouble spots in the world. If the American people only knew what is happening, it would not take them long to insist that there be a change in American foreign policy.

I return to the reading of the letter from this American sergeant:

There is an excellent English-speaking newspaper published in Saigon. I feel that this paper publishes as close to an unabridged sampling of the feelings of the Vietnamese people and the curernt news of southeast Asia as is obtainable. This newspaper will express a pat on the back when it is due, at the same time expressing a firm reprimand when it is deserving. This paper prints articles which attack as well as praise the policies of the United States, as well as Vietnam and many other countries. With your permission, periodically I will send you articles as well as editions of this paper along with my feelings on the matters concerned.

Inclosed you will find clippings from the February 17 edition concerning the Pershing Field blast and the Kinh-do-Capitol Theater bombing. The eyewitness report of the Pershing Field Blast clearly notes that the Vietnamese people knew that the bombing was to take place. The article on the Kinh-do-Capitol Theater bombing was truly a dastardly act, taking out vengeance on defenseless women and children as well as the American troops (commonly referred to as advisers).

I digress from reading the letter, to state that my good friend, the Senator from Arkansas [Mr. FULBRIGHT], had much to say, the other day, about myths. I was sorry that his speech did not offer a blueprint plan in connection with the various points he discussed. As I said in my immediate reply to his speech, it was a good speech as far as it went, but it really left us in a state of semantic confusion, because the Senator from Arkansas did not really offer constructive proposals as substitutes for the policies he was criticizing. However, it was well that he pointed out that a good deal in our thinking on foreign policy is characterized by myths. For some years, here in the Senate, I have pointed out that the American people, by and large, have become victimized by dogmas—which is another term which describes the state the Senator from Arkansas obviously had in mind when he talked about myths that have come to prevail in respect to a great deal of American thinking on foreign policy. "Dogmas" or "myths"—I care not which term is used; but the fact is that we should choose a better program as a substitute for the myths or the dogmas.

One of the great myths, of course, is that the American troops in South Vietnam are "advisers." That is a lot of hogwash. In fact, it is worse than that, Mr. President; it is a lot of deception. These American boys in American military uniform, who are allegedly "military advisers" in South Vietnam are standing shoulder to shoulder in place after place in mortal danger with South Vietnames soldiers; and they are getting killed, too.

So the sergeant was quite correct when he made the very subtle comment about the so-called "advisers."

I read further from his letter:

The article on the Kinh-do-Capitol bombing in the 18 February edition clearly shows by the way that the Vietnamese policeman left prior to the blast that a bombing was either suspected or known to be following.

Reference 18 February edition; Sahanouk Threatens to Seek Alliance with North Vietnamese. You will note the picture of Cambodian Chief of State Prince Norodom Sihanouk inspecting Russian Mig–17 jet fighters. The article quotes Prince Sihanouk as saying "We will not help North Vietnam in its struggle against South Vietnam and will not favor the Vietcong but in case North Vietnam is attacked, Cambodia will war at her (North Vietnam's) side and vice versa." Another a alleged incident such as happened when a Cambodian village was bombed by the Vietnamese Air Force could touch off another incident such as Korea.

On page 2 you will notice that some 12,000 persons are being treated for starvation in hospitals overflowing with patients, and emergency camps set up by the Indonesian Government. At the same time you will note on page 5 an article about the AFL–CIO dockworkers boycotting the shipment of grain to Russia. There seems to be a strange contrast between a famine in Indonesia and the sale by the U.S. Government of wheat to Russia. I had previously considered the Indonesians to be friendly to the United States.

I wonder if this action won't leave a bad taste in the mouths of the peoples of other southeast Asian countries. Also on page 5 I note the Russians are borrowing a half billion dollars from Great Britain. Do you think that in the complexity of international economics that we may in the long run be paying for the wheat which we sold to the Russians?

The 76 or more American casualties in an 8-day period plus a compounding of the aforementioned incidents, plus many other questionable acts of late, cause grave concern in the minds of many of us serving in this area. I might well imagine this concern is shared by many others in the United States as well as abroad.

Had this been even 1 year ago, I would have written the Honorable CLAIR ENGLE, of California. I have always had the utmost respect and admiration for him. I do not know the status of Mr. ENGLE, as news is rather limited from the States. Just before I left the States in August he had just been operated on for a brain tumor, and the press releases at that time indicated that he would never be able to fill his office again. I was indeed sorry to hear this.

I consider home to be Red Bluff, Calif. Currently my wife and three children are living in Maxwell, Calif. I have been in the U.S. Air Force for about 12 years and am planning to continue my service, making this my career.

I do not make a habit of writing Senators, sir. In fact, I probably hate letter writing more than most people, but I feel so strongly about these matters that I felt it my duty to write and express my opinion. I decided upon you to write to, as I have requested assignment in the State of Oregon upon termination of my tour of duty here in South Vietnam. I have requested duty at Kingsley Field at Klamath Falls, Oreg.

Sir, I appreciate your indulgence in these matters and sincerely hope that you do not take offense to these opinions and observations which I have stated. I personally feel much better having written you, and, so to speak, getting these matters off my chest.

Yours truly,

Mr. President, that letter is an interesting sampling of mail dealing with the South Vietnam problem. As I have said, it is only a small portion of my mail. From time to time, in the exercise of the right to petition, I shall make known the views of these free American citizens, at least for history, by putting them into the CONGRESSIONAL RECORD. I could think of no better use of the CONGRESSIONAL RECORD than to carry out the right of free Americans to petition their Government. From time to time this week I shall have a few other things to say on the South Vietnam problem, because I wish to make perfectly clear that the senior Senator from Oregon does not intend to let the McNamara war in South Vietnam be conducted without strong dissent in the Senate.

I have merely a sampling of the mail from Oregon. There have been Senators who have wondered what reception the people in Oregon would take to the position I have taken on foreign policy. I will stand ready and willing to submit my position on any major issue to a referendum in my State. There is no doubt in my mind what the overwhelming majority of the people in my State think of this unfortunate McNamara war in South Vietnam. So, for the benefit of some Senators who have expressed concern about the matter, I have placed a few of the Oregon letters in the RECORD. The letters are typical.

I am satisfied that as more and more of the ugly facts about the McNamara war in South Vietnam become known to the American people, they will make perfectly clear, as I said at the beginning of my speech, that this administration had better bring an end to the McNamara war in South Vietnam by proceeding to carry out our obligations under existing treaties, including the SEATO treaty and the United Nations Charter, and to recognize that there is no justification whatsoever for unilateral U.S. action in South Vietnam. If there is to be any action in South Vietnam from any source or forces outside of South Vietnam itself, it ought to be by way of joint action carried on under existing rules of international law and procedure as provided for in existing treaties, pacts and charters, such as the United Nations.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

ADDITIONAL BILL INTRODUCED

Mr. HART, by unanimous consent, introduced a bill (S. 2703) to amend the Merchant Marine Act, 1936, in order to provide for the equitable treatment of Great Lakes ports, which was read twice by its title, and referred to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Hart when he introduced the above bill, which appear under a separate heading.)

ADDITION OF GREAT LAKES PORTS TO PROGRAM OF SUBSIDIES UNDER MERCHANT MARINE ACT OF 1936

Mr. HART. Mr. President, the Merchant Marine Act of 1936 provides for the program of operating and construction subsidies which permit American-flag steamship operators and domestic shipyards to compete with the low-cost foreign-flag competitors. This act has been of significant value in helping to build, and maintain our American merchant marine.

The 1936 act spelled out the Atlantic, gulf, and Pacific coastal areas for particular consideration. That was 1936. Today we find the physical facts somewhat changed. The Great Lakes are open to ocean fleets of the world; it is our fourth seacoast. With the opening of the St. Lawrence Seaway in 1959, the merchant fleets of the world have complete access to our great midcontinent area.

Last month I had the privilege of presiding at field hearings in Michigan, held by the Special Senate Subcommittee on Seaway Problems, chaired by the senior Senator from Ohio.

It became evident in testimony that American merchant ships are not using the seaway in sufficient numbers, and there may be several reasons why that is so.

The Merchant Marine Act—because it predates the seaway—inadvertently discriminates against American-flag ships in the Great Lakes ports. Meanwhile, foreign-flag lines are moving in and monopolizing the various trades.

This is a serious detriment to our foreign trade in general, and to the trade of the Great Lakes ports in particular.

We are not talking about an isolated area; this North American midcontinent area is the heartland of the entire North American Hemisphere. It comprises only 18 percent of the United States-Canada area, but 30 percent of the population, over 36 percent of the value added by manufacturer and over 42 percent of the income from all farm products.

In manufacturing, this area produces 53 percent of the transportation equipment, 51 percent of nonelectrical machinery, 45 percent of fabricated metal products, and 44 percent of the rubber and plastic products, and primary metal industry products. In agriculture, this area produces 85 percent of the flaxseed, 81 percent of the corn, 75 percent of the oats, 74 percent of the soybeans, 73 percent of the wheat and rye, 72 percent of the hogs, and over 40 percent of the poultry, milk cows, and sorghums.

This midcontinent area is a region unique in the history of man, unique in continental development, because the interior has surpassed the coastal periphery. This heartland that the Seaway opened to the world has surpassed the east coast, the East, the Mid-Atlantic, New England, Quebec and the Maritime Provinces of Canada—totaled—not only in agriculture and in population, but also in industrial production and employment.

The valid objectives of the 1936 Merchant Marine Act in assisting American-flag steamship operators and domestic shipyards to compete with the low-cost foreign-flag operators must not be limited to the three historical coastal areas. Our new seacoast must be recognized. We must include the Great Lakes not only in our thinking about coastal areas, but in our laws affecting coastal areas.

Where the 1936 Merchant Marine Act specifically mentions the Atlantic, gulf, and Pacific coasts for consideration of these subsidies we must now include the Great Lakes. It is the compelling claim and principle of equality that I want recognized and applied. It is not the intention of the legislation which I am introducing to limit any privileges now enjoyed at the historic seaboards, but merely to extend these privileges to the Great Lakes, a seaboard in fact and entitled to equal treatment.

At a time when the United States is in the midst of a major export drive, and when our national defense requires a strong American merchant marine, advantage must be taken of all our resources and economic facts of life should be acknowledged. The export origin studies of 1960 established that 34 percent of all exports of U.S.-manufactured

goods originated in this seaway hinterland. If we are to place these goods in foreign markets at a cost that will allow American business to compete, we must develop American-flag steamship companies orientated to the Great Lakes.

There must be developed a segment of the American Merchant Marine that is directed and dedicated to the development of Great Lakes commerce. It is to pave the way for such development that I today introduce legislation that will amend the 1936 Merchant Marine Act so that the Great Lakes will receive equal consideration with the Atlantic, gulf, and Pacific coasts.

We must not remain wedded to ancient history. We must take advantage of the present so that we might progress in the future. In essence, the United States is now engaged in a make-or-break struggle to maintain our international competitive position. We must take every advantage of our industrial-agricultural potential, and our most productive ground is where the production is.

Not to grant the Great Lakes area equal consideration with our historical seaboard areas would be a foolhardy rejection of the economic facts of life.

I ask unanimous consent that the bill be printed at the conclusion of my remarks, and be appropriately referred. I also ask unanimous consent that there be printed in the RECORD at this point a letter dated March 24, 1964, from Otto C. Krohn, divisional manager of Wickes Marine Terminal Co., of Bay City, Mich. The letter gives sharp meaning to the problems which I ask the Senate to resolve by prompt consideration of the proposed legislation I now introduce.

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

WICKES MARINE TERMINAL CO.,
Bay City, Mich., March 24, 1964.

Senator PHIL HART,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HART: On March 19 the USDA issued announcement Gr-407 supplement No. 15 calling for bids for dry edible peas and/or pinto beans.

You recently conducted hearings in Michigan concerning problems of seaway shipping. Here is a case in point.

The USDA is requesting offers for 1,000 tons of beans f.a.s., vessel for Puerto Rico to be shipped approximately the 8th of May. Only American-flag vessels are permitted traffic between U.S. ports and Puerto Rico. There are no American-flag vessels plying this trade from the lakes. We are confident that a foreign-flag vessel could be induced to carry this tonnage from the lakes to Puerto Rico.

These beans will no doubt be shipped to Puerto Rico rail from Michigan to Baltimore then on American-flag vessels from Baltimore to Puerto Rico. The excess rail freight to Baltimore compared with Michigan ports would probably exceed $11,000.

We thought this information would be of interest to you.

Very truly yours,
OTTO C. KROHN,
Divisional Manager.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 2703) to amend the Merchant Marine Act, 1936, in order to provide for the equitable treatment of Great Lakes ports, introduced by Mr. HART, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 211(a) of the Merchant Marine Act, 1936 (46 U.S.C. 1121(a)) is amended by inserting before the semicolon at the end thereof a comma and the following: "and with the further added consideration of the benefits to the foreign commerce of the United States of each domestic seacoast, Atlantic, gulf, Pacific, and Great Lakes, being provided services primarily interested in and devoted to the development and fostering of the commerce of that seacoast".

SEC. 2. The first sentence of section 809 of the Merchant Marine Act, 1936 (46 U.S.C. 1213) is amended by striking out "and Pacific" and inserting in lieu thereof "Pacific, and Great Lakes".

RECESS UNTIL 11 A.M. TOMORROW

Mr. MORSE. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and (at 9 o'clock and 13 minutes p.m.) the Senate, under the order previously entered, took a recess until tomorrow, Tuesday, March 31, 1964, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 30, 1964:

DIPLOMATIC AND FOREIGN SERVICE

William McCormick Blair, Jr., of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Philippines.

Mrs. Katharine Elkus White, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

Dorothy H. Jacobson, of Minnesota, to be a members of the Board of Directors of the Commodity Credit Corporation.

IN THE NAVY

Having designated, under the provisions of title 10, United States Code, section 5231, Rear Adm. Kleber S. Masterson, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of said section, I nominate him for appointment to the grade of vice admiral while so serving.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 30, 1964:

U.S. COAST GUARD

Carl W. Selin, to be a member of the permanent commissioned teaching staff of the U.S. Coast Guard Academy as an instructor with the grade of lieutenant commander.

INTERSTATE COMMERCE COMMISSION

Laurence Walrath, of Florida, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1970.

SENATE

TUESDAY, MARCH 31, 1964

(Legislative day of Monday, March 30, 1964)

The Senate met at 11 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore [Mr. METCALF].

The Reverend Woodrow Wilson Hayzlett, minister, Central Methodist Church, Arlington, Va., offered the following prayer:

God and Father of us all, in whom we live and move and have our being, we come stumbling into Thy presence, not because we are worthy, but with a sense of our own unworthiness and utter dependence on Thee.

We thank Thee for the privilege of living in this land of freedom. As we stand in this sacred and historical place, we are reminded of the great price paid for that freedom, with white crosses marking every mile of the way from Bunker Hill to Mekong Delta in Vietnam.

We humbly pray that You would make us mindful of our own responsibilities for the continuation of this freedom that it may be part of the glorious heritage of our children's children.

We need Your presence here this morning, that tension and frustration may fall as broken shackles about our feet. As King Solomon prayed to Thee for wisdom, so we would ask of Thee wisdom and guidance for these, Thy servants, who are duly elected Members of the Senate of the United States of America. They confront grave and important issues sacred to the hearts of every citizen, such as the sanctity of one's home and possessions.

May each one here present this morning know that in a very real way You are interested in what they say and do.

May Thy holy will be done on this earth, and, yes, even in this Senate Chamber, as it is in heaven, "that a government of the people, by the people, and for the people shall not perish from the earth."

All of which we ask in the name of Jesus, the Son of the Living God. Amen.

THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, March 30, 1964, was dispensed with.

TRANSACTION OF ROUTINE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a morning hour, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection——

Mr. RUSSELL. Mr. President, reserving the right to object, let me ask whether the senior Senator from Montana intends to have a live quorum call today.

Mr. MANSFIELD. I would assume that that would be the prerogative of any Senator at any time.

Mr. RUSSELL. Yes; if he could be recognized. But yesterday the proponents of the bill spoke, and would not yield for debate or for questions or for any other purpose.

Therefore, I should like to know whether it is proposed that today there be a live quorum call.

Mr. MANSFIELD. Yes.

Mr. RUSSELL. Very well; then I have no objection.

Mr. ELLENDER. Mr. President, let me ask whether the proponents of the bill plan today to continue to present to the public their version of the bill. I understood from the press that they would be so engaged all this week.

An article in the Washington Post stated that the long speeches of yesterday by the bill's floor managers were "setting a pattern of alternate Democratic and Republican speakers taking the floor to extoll the bill's merits." Now we find that such is not the case. Can the Senator from Montana inform us as to the situation?

Mr. MANSFIELD. I cannot give the Senator from Louisiana definite information. It would be our hope that both sides would be heard. I understood that one of the Senators in opposition to the bill was waiting to speak; but I understand that now he has postponed his remarks until next week.

So I hope Senators will present their views.

Mr. ELLENDER. But yesterday the press carried headlines to the effect that Members on the side of the proponents would present their views to the people all this week. The Senator from Minnesota intimated as much at the beginning of his long speech of yesterday.

Mr. MANSFIELD. Yes. But we are now only in the morning hour.

Mr. ELLENDER. Yes. Therefore, I shall not object.

Mr. HOLLAND. Mr. President, reserving the right to object——

The ACTING PRESIDENT pro tempore. The Senate is proceeding in the morning hour.

Mr. HOLLAND. But I understood the Senator from Montana to ask unanimous consent for a morning hour with a 3-minute limitation; and there were reservations of the right to object. I wish to speak under a reservation of the right to object.

Is it not correct that the Senator from Montana did ask unanimous consent for a morning hour with a 3-minute limitation?

Mr. MANSFIELD. That is correct.

Mr. HOLLAND. I am glad the majority leader understood the situation in the way that I did.

So, Mr. President, reserving the right to object—although I shall not object—let me say that I was the one who was ready to speak yesterday. I returned all the way from Florida, in order to speak. I had been told by my two leaders, the Senator from Georgia [Mr. RUSSELL] and the Senator from Alabama [Mr. HILL], that I would be heard first, yesterday. Over the weekend, I saw in the press, statements to the effect that the advocates of the bill were going to be heard at length yesterday and throughout this week. Nevertheless, I returned here from Florida; but I found that the advocates of the bill, who would not agree to be questioned at all, occupied the floor for the entire day, yesterday, until well after 7 p.m.

I thought that under those conditions I would allow them to proceed to prove their lung capacity; and I am not prepared to speak today, because I am not on the team which is to be on the floor today.

I wish to say to the distinguished Senator from Montana that, as he well knows, I telephoned him from Florida, and asked whether I could be heard yesterday; but yesterday there developed in the Senate such a long-winded couple of speeches by the acting majority leader [Mr. HUMPHREY] and by the acting minority leader [Mr. KUCHEL], that no Senator on our side had an opportunity to say anything at all.

I was particularly distressed when both of them announced that they did not want to be questioned and that they did not want to have any debate, but that they merely wanted to proceed at great length to make long-winded statements in connection with their advocacy of the pending measure.

I hope the distinguished majority leader will not put himself in the position of maintaining that no announcement was made to the press, and to the radio and television representatives that the advocates were to occupy most of the time this week, because the majority leader himself made that statement to me over the long-distance telephone, when I telephoned from Florida. We all know perfectly well that that was the plan.

If the advocacy of the bill has broken down temporarily, I think the RECORD should show it. I believe that to be the case.

I thank the majority leader for yielding.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

Mr. STENNIS. Mr. President, reserving the right to object——

The ACTING PRESIDENT pro tempore. The Senator from Mississippi reserves the right to object.

Mr. STENNIS. Let me again ask the majority leader—for I shall be on the floor today—in regard to the schedule for the debate. I had understood that an announcement was made that the proponents proposed to present their views on this measure during this week. Then I heard by radio last night, that the Senator from Minnesota [Mr. HUMPHREY] proposed that the proponents of the bill not speak today, but that, instead, they be answered by the opponents.

To have the Senator from Minnesota stake out a pattern under which he plans to operate, and also at the close of the session yesterday to stake out a pattern of procedure for his adversaries to operate under the next day is a new wrinkle in the Senate, although it is better than the anonymous memorandum in which an attempt was made to answer the speech made on the preceding day by the Senator from Mississippi. So at least we are making headway.

However, I take it that the majority leader is not adopting the pattern which was suggested yesterday by the acting majority leader [Mr. HUMPHREY].

Mr. MANSFIELD. There is an old saying that "John should speak for himself." I am not referring to the Senator from Mississippi; I think HUBERT, the manager of the bill, can speak for himself. So I yield now to the Senator from Minnesota.

Mr. HUMPHREY. I thank the Senator from Montana.

I am sorry that the efforts of those of us who favor the bill have confused the opposition. But on that basis, we are ready to have the Senate vote immediately on the bill.

I did not feel that it was my obligation to help determine the tactics for the opposition.

Yesterday, the Senator from California [Mr. KUCHEL] and I spoke in advocacy of the bill, and tried to explain what the bill would do and why its enactment is needed.

I deeply regret that Senators who are in opposition to the bill feel that, somehow or other, it is our manifest duty today to explain the bill. We hope they will either let the Senate vote on the bill or will proceed to demonstrate why they are in opposition to it.

We are prepared to debate the bill. The case has been made, at least as we see it, for the overall explanation of the bill. It is our hope that at the proper time we shall take up title I of the bill, which we are prepared to debate at any time. It is our hope to take up each of the titles. But I wish Senators to know that we do not have in mind an arrangement as such that states that during one week some Senator can be gone and the next week another Senator can be gone.

Yes; we are prepared to take a vote immediately on any title of the bill that any Senator would like to discuss, or even to have the third reading of the bill, so far as the Senator from Minnesota is concerned. I believe that the bill needs more discussion. It is my view that the bill needs very full debate. I differentiate between full debate and a filibuster. Full debate gives life to a bill; a filibuster seeks to kill it.

At the present hour we are prepared to enter into further discussion on the bill. Those of us who are its proponents have studied it very carefully. We like it. We are prepared to vote on it. But if the friends of the opposition feel that we have some duty to continue to debate when we are not disposed to do so, I regret to inform them that we cannot follow their wishes or dictates.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Georgia has reserved the right to object.

Mr. RUSSELL. Mr. President, I am very much interested in the remarks of the Senator from Minnesota. For some reason or other he appears to think that he not only calls the tune but also does all the dancing.

Yesterday the Senator from Minnesota took the floor of the Senate and announced that he would not yield to any Senator for any purpose during the course of his remarks. He spoke for approximately 4 or 5 hours, and now he is ready to vote.

Mr. HUMPHREY. Three hours.

Mr. RUSSELL. Three hours. The speech was longer than that because I entered the Chamber at about 4 o'clock and the Senator was still speaking.

Mr. HOLLAND. It merely seemed like a longer time, so little was actually said.

Mr. RUSSELL. I did not remain in the Chamber.

We intend to handle the debate against the bill according to our own plans, and not in accordance with any plans made by the Senator from Minnesota. He has not caught anyone off base. We are present. We are prepared to discuss the bill.

I was somewhat surprised yesterday when the Senator from Minnesota took the position that he would not yield, because he previously had interrupted almost every speaker against the bill from time to time. He had broken the speakers' train of thought, as only the Senator can do, by queries that only slightly related to what the Senators were talking about, so as to take them away from the main train of their thought.

When the Senator entered the Chamber yesterday he was fortified with a book. I momentarily thought he had made a mistake and brought in an encyclopedia. Then I saw the depth of the Senator's speech that was before him. He announced at the outset of his address that he would not grant the same privilege to those who were opposed to the bill that he had requested for himself. In the course of his remarks he made statements that I do not believe were justified altogether by the facts. If we should undertake to answer the arguments that he made, we would have to go back to the RECORD and say, "The Senator from Minnesota on such and such a day, in the course of his statement, when he had declined to yield, made the following statement."

I read in the Washington Star, which ordinarily is about as accurate a newspaper as is available in the city of Washington, a long article that purported to outline the plans of the proponents of the bill. According to the article, Senators have been selected to discuss each title of the bill. To the team of KUCHEL and HUMPHREY had been reserved the priceless privilege of discussing all of the titles. The Senator from Minnesota did so yesterday at great length. His address was well organized and well prepared.

I likewise appreciate the fact that the Senator from Minnesota has written a book on the subject. I have not read it yet.

Mr. HUMPHREY. Edited only.

Mr. RUSSELL. I intend to read it. I do not know that I would be particularly enlightened as to many phases of the bill. But I would at least get the views of the Department of Justice and the Civil Rights Commission, which have been printed and distributed many times, and which have now been somewhat revised in the compendium of the Senator from Minnesota, and sent around as his priceless contribution to the subject.

Mr. President, it does not matter who speaks today, who speaks for the next 2 hours, or who speaks tomorrow. The Senator from Minnesota, having made his speech and thinking he now has the votes, is ready to vote. I expect to hear him say every day, "Let us vote. Let us proceed to vote."

I might as well tell him now that while he may get headlines every day, the statement will not bring about a vote immediately. We, who are opposed to this bill, are at a great disadvantage in combating all of the monumental power of the greatest bureaucracy that the world has ever seen in the Federal Government, which is at the beck and call of the Senator from Minnesota anywhere, and anytime. With that disadvantage and with all of the other odds that are arrayed against us, including the emotional hysteria which has been generated and which pervades the land, we shall not be ready to vote at any time soon. It may take some time for us to discuss the bill adequately.

Some Senators have been importuned by various groups of traveling advocates of the bill who have been sent down in relays. I congratulate the Senator. There has not been as well organized and monumental a lobby in Washington since the prohibition amendment and the Volstead Act were enacted.

Since that time Senators have not been tempted from the standpoint of their political lives as they are now. Many men of the cloth today, even as in those days to which I have referred, occupy the gallery and look down upon Senators. Sometimes Senators frown; sometimes they tremble; sometimes they smile. Other Senators jump with delight.

But we shall not vote right away. The Senator may issue his little challenge every day. However, I hope that Senators who are opposed to the bill will be more generous to the Senator from Minnesota than he was to them, and will yield for discussion and debate on the floor of the Senate when questions are asked.

I hope that when the other chief of command of the bipartisan coalition, the Senator from California [Mr. KUCHEL], rises, the opponents of the bill will yield also to him. In that way I believe we shall make better progress. It will be difficult to come to a complete understanding even under the elaborate plans laid down by the Senator from Minnesota whereby he will confine the debate to title I until debate on that title is exhausted. Then he will debate title II, and proceed in that manner until all the bills that have been collected under one cover have been debated.

Along with his colleague, the Senator from California [Mr. KUCHEL], as I have read in the press, the Senator from Minnesota has installed an iron discipline among proponents of the bill. He brings a quorum to the Chamber almost at the batting of an eye. The proponents have an organization which is without precedent in the history of the Senate. But I assure the Senator that there will be two or three Senators who will not adhere completely to his program. While we mean no offense to the Senator, he may expect that some of us may speak on title VI at a time when the Senator thinks that the discussion ought to be on title III or title VII. But we hope that in the final analysis we shall be able to get the real contents of the bill across to the people of the United States by the process of debate on the floor of the Senate.

Mr. MANSFIELD. Mr. President, reserving the right to object—and I must do so in order to obtain the floor—may I propound a parliamentary inquiry?

The ACTING PRESIDENT pro tempore. The Senator from Montana has the floor.

Mr. MANSFIELD. As far as recognition is concerned, is not the question of which Senator is on his feet first a question which the Chair must decide?

The ACTING PRESIDENT pro tempore. The Senator is correct.

The Senator who is on his feet and addresses the Chair first will be recognized. As the present occupant of the chair understands the procedure, protocol and courtesy suggest that the Chair should first recognize the majority leader and the minority leader.

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. RUSSELL. Does the statement of the Chair extend to the second in command when he is the generalissimo in charge of some particular title of the proposed legislation?

The ACTING PRESIDENT pro tempore. The Chair will try to recognize the Senator who has first addressed the Chair. The majority leader of the Senate, the Senator from Montana [Mr. MANSFIELD], and the minority leader, the Senator from Illinois [Mr. DIRKSEN], will be recognized in order that the business of the Senate may be expedited. After that the present occupant of the chair will recognize the Senator who he believes has first addressed the Chair, as the Chair recognized the Senator from Georgia [Mr. RUSSELL] a moment ago.

Mr. RUSSELL. I thank the Chair. I thank him for responding to the parliamentary inquiry. I have one further parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Georgia will state it.

Mr. RUSSELL. When the distinguished majority leader happens to be absent from the Chamber and the Senator from Minnesota or some other Senator is seated in the chair of the majority leader, does that right carry over to the Senator who sits in the chair of the majority leader? Does that right carry over to whoever is in the chair of the majority leader?

The ACTING PRESIDENT pro tempore. It is the understanding of the present occupant of the chair that during the routine morning business of the

Senate the majority leader or anyone designated by him as acting majority leader will be recognized.

Mr. RUSSELL. That is the response I expected, I may say.

The ACTING PRESIDENT pro tempore. In the ordinary course of debate if any Senator is occupying the majority leader's seat he is not, in the opinion of the present occupant of the chair, the acting majority leader and he will have to take his chances on recognition, the same as any other Senator.

Mr. RUSSELL. In other words, if the assistant majority leader is sitting in the chair of the majority leader, he will be given precedence, but if the Senator from Georgia should attempt to usurp that prerogative and slide into that chair, that right would not carry over to him?

The ACTING PRESIDENT pro tempore. The distinguished Senator from Georgia has put words in the mouth of the Presiding Officer.

Mr. RUSSELL. The Senator from Georgia did not intend to do so; but when the majority leader is absent, it has been the custom for the assistant majority leader to occupy his position on the floor of the Senate, and he is given precedence.

The ACTING PRESIDENT pro tempore. It is the understanding of the present Presiding Officer that, for example, when the Senate convenes in the morning the occupant of the majority leader's chair will be recognized first for routine motions, and so forth, and he will have precedence over any other Senator seeking recognition. During the course of debate in the morning hour, if some other Senator obtains the floor, he will be recognized. Of course, when the majority leader comes into the Chamber and seeks recognition, and some other Senator has yielded the floor, the majority leader will be recognized, if the present Presiding Officer is in the chair. But so far as the designation of "team captain," and so forth, is concerned, whether it is the group championed and captained by the Senator from Georgia or the one championed and captained by the Senator from Minnesota, they will have to take their chances on recognition, if the present Presiding Officer is in the chair.

Mr. MANSFIELD. Mr. President, the word "right" has been used. The minority leader and the majority leader have no "right" to take precedence over other Senators. It is a courtesy.

The ACTING PRESIDENT pro tempore. As a matter of protocol and courtesy, the present occupant of the chair will recognize them first. Every other Senator has a right to recognition by being the first to address the Chair.

Mr. RUSSELL. Only a part of the rules of the Senate are involved. If there is any time-hallowed custom or tradition or practice, it is that the majority leader and minority leader are accorded recognition; and it should be that way. If that were not the case, there would be chaos in the Chamber. I am not complaining about that now. The Senator from Montana [Mr. MANSFIELD] is too modest. As majority leader, he is entitled to recognition. It is a custom that has been followed for so far back that it is almost a rule of the Senate. I feel sure that the Parliamentarian would so rule.

The ACTING PRESIDENT pro tempore. The Parliamentarian advises the Chair that it has been the custom and tradition and practice going back to Vice President Garner.

Mr. RUSSELL. It goes back to prior to that time. I was here before Vice President Garner was Presiding Officer of the Senate. At that time the majority leader, Senator Robinson of Arkansas, and his opposite number on the minority side, received such recognition by Vice President Curtis.

Mr. President, that is as it should be. I am not questioning that tradition. I merely want to know how far down the line that recognition is to be extended in this case. At times the privilege of recognition is very important.

Several Senators addressed the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Oregon [Mr. MORSE] has been seeking recognition.

Mr. MANSFIELD. Mr. President, do I still have the floor?

The ACTING PRESIDENT pro tempore. The Senator from Montana has the floor on his unanimous-consent request.

Mr. MANSFIELD. I should like to withdraw my unanimous-consent request, because the hour is fading, and I would like to be heard on another subject.

The ACTING PRESIDENT pro tempore. The Senator from Montana withdraws his unanimous-consent request.

The Senator from Montana is recognized.

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

Mr. MANSFIELD. I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, I enthusiastically support the ruling of the Chair on the question of recognition, but I would like to ask a question, because I would not want the ruling of the Chair to be assumed by the public as being the way the Senate is conducted. I would like the Senate to operate in that way. I think it is important, in the consideration of the civil rights bill, that the Senate be operated in that way.

My parliamentary inquiry is this: Is it not a fact that much of the time the Senate is in session there is at the desk, for the use and the advice of the Presiding Officer, a list of speakers, and that the Presiding Officer is expected to follow that list of speakers in the order of recognition, rather than follow the rule that the Presiding Officer has so correctly stated? I do not like pretense in any form. To have the statement that Senators are recognized in order of their recognition is misleading to the public, because most of the time that is not done. The Presiding Officer sits in the Vice President's chair under instructions to follow a list of speakers, and he recognizes Senators on the list, irrespective of who first addresses the Chair.

I have always been in favor of abolishing that practice. I feel, in view of the clear-cut and clean-cut ruling of the Chair, I say to the majority leader, that there should be an announcement to the effect that that rule of recognition should be followed, rather than a list for the Presiding Officer which in effect evades the rule of the Senate.

I ask the parliamentary question whether, in fact, much of the time there is at the desk a list of speakers that the Chair is supposed to recognize in the order of the list.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is not propounding a parliamentary inquiry; but the present occupant of the chair, who has been in the chair a good deal of the time during the course of the present session, does keep a list of speakers; but if any other Senator addresses the Chair in advance of Senators whose names are known to be on the list, that Senator is recognized. The Senator from Oregon himself has enjoyed such recognition in advance of other Senators because he has addressed himself to the Chair in advance of the Senator next on the list. The present occupant of the chair stands by the ruling previously made—that he will recognize the Senator who first addresses the Chair.

Mr. MORSE. If the present occupant of the chair is following that practice, he is an exception, because I have been in the Senate long enough to know how the Chair operates. It is the common practice of Presiding Officers who sit in the chair now occupied by the Senator from Montana [Mr. METCALF] to follow the list given, irrespective of who addresses the Chair for recognition. That rule or practice should be abolished.

The ACTING PRESIDENT pro tempore. The ruling is that the Senator who first addresses the Chair shall be recognized.

Mr. MORSE. The practice is to breach that rule.

The ACTING PRESIDENT pro tempore. The Senator from Montana [Mr. MANSFIELD] is recognized.

Mr. MANSFIELD. Mr. President, the question raised by the Senator from Oregon [Mr. MORSE] has in the past also been raised by the distinguished senior Senator from Georgia [Mr. RUSSELL]. What the Chair has done has been a matter of courtesy.

In this respect, I believe the Senator from Oregon is entitled to a special vote of thanks, because what he has done, time after time, has been to wait until the late hours of the evening, when all other Senators had finished their speeches before starting his. It is most unusual for any Senator to do that. But it is most appreciated, and I hope that the Senate understands the courtesy which has been accorded it.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, the Chair has laid down the rule. I should like at this time, in the hope that there would be no objection, to ask unanimous consent that there be a morning hour, and that statements therein be limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Will the Senator please state his question?

Mr. MANSFIELD. In view of the circumstances, will the Chair put the request first?

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the unanimous-consent request propounded is granted.

The Chair will read the rule about which the Senator from Oregon was inquiring, in order that the record may be clear at this point.

The rule appears on page 271 of "Senate Procedure."

While in practice the Presiding Officer, for convenience, frequently keeps a list of Senators desiring to speak at the desk, and recognizes them in the order in which they are so listed, the Senator who first addresses the Chair should be recognized upon a point of order being made, and the Chair on various occasions has held that the list at the desk gives way to the rule for recognition.

SENATOR METCALF—A STRONG PRESIDING OFFICER

Mr. MANSFIELD. Mr. President, in view of what has happened since the Senate convened at 11 o'clock following the conclusion of the prayer, I believe that what I am about to say is in good order.

Mr. President, the role of Presiding Officer of the U.S. Senate has had its ups and downs in the history of this legislative body. In recent years, and more particularly in recent weeks, the Presiding Officer has assumed a position of renewed importance. The man most responsible for this new role is my distinguished colleague from Montana, Senator LEE METCALF.

Senator METCALF, in his role as Acting President pro tempore, brings vigor, knowledge of the legislative process to a position which all too often is looked upon as a chore. In this respect, he has beeen ably backed by the Senators of the class of 1962 who have taken their turns in the chair and, without fail, have comported themselves with dignity, understanding, and an appreciation of the rules of the Senate. Mary McGrory, of the Sunday Star, gives a new insight into the role of Senator METCALF as Presiding Officer, and I ask unanimous consent to have the March 29, 1964, article printed in the RECORD.

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

VITAL IN RIGHTS FIGHT: METCALF POUNDS THEM DOWN

(By Mary McGrory)

Anybody attending the recent session of the Senate as it decided, after 16 days, to take up the civil rights bill, was extremely conscious of the Presiding Officer.

"The Senate will be in order," roared Senator METCALF, Democrat, of Montana, as he pounded the desk with the handleless ivory gavel that Premier Nehru gave the Nation for just such moments.

The Senators, as is their wont, ignored the order. The buzzing continued.

Senator METCALF pounded again. The Senate is not in order," he shouted, and glared at Senators who were chatting in their places in the front row.

Senators were so startled at the iron fist and the bull voice that they actually "suspended," which is Senate parlance for sitting down and shutting up when requested to do so by the Presiding Officer.

A FORMER JUDGE

Senator METCALF, a sandy-haired, boyish 53-year-old Montana ex-judge, is gradually draining most of the Throttlebottom quality out of the job of Presiding Officer. When he is in the chair, people know he is there.

Presiding over the Senate has always been considered at best an empty honor. At worst, it has been regarded as a dreary chore to be farmed out in rotation to the lowliest freshman Member. Constitutionally it is the duty of the Vice President.

But since June 1963, when the Senate officially designated him Acting President pro tempore to back up the President pro tempore, Senator HAYDEN, of Arizona, Senator METCALF with his heavy hand and heavy voice has been making something of the thankless job.

CALLED A KEY FIGURE

And he is considered by the captain of the civil rights forces, Senator HUMPHREY, Democrat, of Minnesota, a key figure in the present struggle. Senator METCALF is always in the chair for the important rulings and the infrequent votes on the bill.

He is actually a member of Senator HUMPHREY'S "big four" of presiding officers. The other three are Democratic Senators BREWSTER, of Maryland, MCINTYRE, of New Hampshire, and NELSON, of Wisconsin. Although under normal conditions the Presiding Officer sits in the chair reading his mail or writing letters for only 2 hours at a stretch, during the civil rights debate, the big four do longer duty.

"It is my contribution to the filibuster," says Senator METCALF, a committed liberal who in his three terms in the House rose to be chairman of the Democratic study group, the liberal entity which instructs and organizes its own members.

IMPORTANT FOR CHAIR

From the first day, Senator METCALF illustrated the importance of having a liberal in the chair. Senator MANSFIELD met the House civil rights bill "at the door" and moved that it be sent to the floor rather than to the Judiciary Committee.

Naturally the move was objected to by the South, but Senator METCALF ruled in Senator MANSFIELD'S favor. Senator RUSSELL appealed the ruling, and Senator MANSFIELD moved to lay the appeal on the table. The motion carried and hours of debate were saved.

Under similar circumstances in 1957, Vice President Nixon referred the matter to the Senate, and it was debated for several days.

Senator METCALF much respects the leader of the southern forces, Senator RUSSELL, and does not consider himself a match for him in knowledge of Senate rules and parliamentary skill. But he is boning up on Senate rules and prepares diligently for each new parliamentary inquiry.

While in principle opposed to filibusters, he rather enjoys the speeches of Senator ERVIN, the cracker-barrel wit from North Carolina.

He is regarded as a peerless order keeper who insists on schoolroom quiet during high moments. He learned his stuff from that miraculous order keeper in the House, Speaker Sam Rayburn.

In the vital matter of recognizing Senators seeking the floor, Senator METCALF has no rules and only a slender protocol to guide him. The majority leader has prior right of recognition whenever two or more are calling "Mr. President." The minority leader is second. But when a friend and a foe of civil rights are vying for recognition, Senator METCALF has only his liberal conscience to guide him.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

ADJUSTMENT OF LEGISLATIVE JURISDICTION OVER LANDS COMPRISING THE U.S. NAVAL HOSPITAL, PORTSMOUTH, VA.

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to authorize the Secretary of the Navy to adjust the legislative jurisdiction exercised by the United States over lands comprising the U.S. Naval Hospital, Portsmouth, Va. (with an accompanying paper); to the Committee on Armed Services.

REPORT OF BOARD OF GOVERNORS OF FEDERAL RESERVE SYSTEM

A letter from the Chairman, Board of Governors of the Federal Reserve System, Washington, D.C., transmitting, pursuant to law, a report of that Board, for the year 1963 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON AUDITS OF GOVERNMENT SERVICES, INC., AND OF GOVERNMENT SERVICES, INC.'S EMPLOYEE RETIREMENT AND BENEFIT TRUST FUND AND SUPPLEMENTAL PENSION PLAN

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on audits of Government Services, Inc., and of Government Services, Inc.'s employee retirement and benefit trust fund and supplemental pension plan, for the year ended December 31, 1963 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT ON FEDERAL HOME LOAN BANK BOARD

A letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report on the Federal Home Loan Bank Board, fiscal year 1963 (with an accompanying report); to the Committee on Government Operations.

REPORT ON OVERPRICING OF B-58 ELECTRICAL POWER SYSTEMS PURCHASED FROM WESTINGHOUSE ELECTRIC CORP.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the overpricing of B-58 electrical power systems purchased from Westinghouse Electric Corp. by General Dynamics Corp. under a cost-plus-a-fixed-fee prime contract, Department of the Air Force, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A joint resolution of the Legislature of the State of Alaska; to the Committee on Public Works:

"HOUSE JOINT RESOLUTION 55

"Joint resolution requesting the inclusion of the Anchorage-Fairbanks Highway and a portion of the Alaska Highway in the National System of Interstate and Defense Highways

"Be it resolved by the Legislature of the State of Alaska:

"Whereas, the State of Alaska is now the only State excluded from the National Interstate and Defense Highway System; and

"Whereas this exclusion is based upon 1959 information used in a report of the Bureau of Public Roads when the State had no department of highways and there was little or no information on which to base traffic projections or anticipate related developments; and

"Whereas the 1960 report could not or did not take cognizance of:

"1. The development of the oil industry in Alaska;

"2. The inauguration of the State marine highway system and its subsequent expansion and success;

"3. The unprecedented increase in highway traffic related to the successful promotion and expansion of the tourist industry and the use of the marine highway system; and

"4. The completion and expansion of the ballistic missile warning complex at Clear and the continued high use of the highway system by the several other military installations adjacent to or on the State's road system; and

"Whereas the exclusion of Alaska from the Federal Aid Highway Act in all the years preceding statehood when combined with the fact that highways meeting the criteria for the interstate system have been constructed and reconstructed from regular A B C allotments urgently needed for other State highway projects creates an imperative need for the inclusion of part of the Alaska highway system in the National Interstate and Defense Highway System; and

"Whereas along with the unanticipated development of the State and the continuing problem of trying to catch up with highway needs, there is the concomitant interest in Congress in having the Alaska Highway as it traverses Canada improved: Be it

"Resolved, That the Secretary of Commerce is requested to have the Bureau of Public Roads review the request of the State of Alaska for the inclusion of the Anchorage-Fairbanks highway and that portion of the Alaska highway located in the State and to submit a recommendation to Congress pursuant to section 13(c) of the Federal Aid Highway Act of 1962 to add the routes noted to the National System of Interstate and Defense Highways; and be it further

"Resolved, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Luther H. Hodges, Secretary of Commerce; the Honorable Clarence D. Martin, Jr., Under Secretary of Commerce for Transportation; the Honorable Rex M. Whitton, Federal Highway Administrator, Bureau of Public Roads; and the members of the Alaska delegation in Congress.

"Passed by the house March 14, 1964.

"BRUCE KENDALL,
"Speaker of the House.

"Attest:

"PATRICIA R. SLACK,
"Chief Clerk of the House.

"Passed by the senate March 24, 1964.

"FRANK PERATROVICH,
"President of the Senate.

"Attest:

"EVELYN K. STEVENSON,
"Secretary of the Senate.
"WILLIAM A. EGAN,
"Governor of Alaska.

"Certified true, full, and correct.

"PATRICIA R. SLACK,
"Chief Clerk of the House."

A joint resolution of the Legislature of the State of Alaska; to the Committee on Public Works:

"HOUSE JOINT RESOLUTION 46

"Joint resolution relating to appropriate Federal action to protect the interests and rights of persons and villages affected by the Rampart Dam hydroelectric project

"Be it resolved by the Legislature of the State of Alaska:

"Whereas the proposed Rampart Dam hydroelectric power project is a project of vital concern to the Nation and the State of Alaska; and

"Whereas studies are proceeding to determine the feasibility of construction of this project and the legislature wishes to make known that it is cognizant of the effect of the construction and completion of this project on the people and villages now occupying the area to be flooded for the reservoir; and

"Whereas it is the urgent desire of the legislature that the Federal agencies concerned with the project take immediate action for studies necessary to determine the means for the relocation, reimbursement, and the protection of rights of the people and villages concerned and that provision be made for the following:

"1. Each village to be relocated at a site agreed upon by the inhabitants of the village;

"2. All church, business and organizational edifices located at the original village site be relocated at or near the new village site;

"3. Priority in employment for the clearing of the reservoir site and other construction work on the hydroelectric project be given to the village and rural population now occupying the affected area and that immediate steps be taken to qualify these people for employment on the general project;

"4. Rules and regulations regarding labor be waived in the employment of local inhabitants on the dam project and that jobs be assigned on the basis of physical ability to perform the work assigned; and

"5. The villages affected by the construction of said dam shall be given first priority for such timber cleared from Rampart Dam basin as may be reasonably used by them for local construction and firewood: Be it

"Resolved, That the Federal Government, through the Department of the Interior, is respectfully and urgently requested to proceed with the necessary studies and action to accomplish the goals of this resolution; and to provide the legislature and the villagers involved with precise information and assurances as to what will be done for said villagers; and be it further

"Resolved, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable John W. McCormack, Speaker of the House of Representatives, the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable Stewart L. Udall, Secretary of the Interior; the Honorable W. Willard Wirtz, Secretary of Labor; the Honorable Floyd E. Dominy, Commissioner, Bureau of Reclamation; the Honorable Philleo Nash, Commissioner of Indian Affairs; the Honorable Clarence F. Pautzke, Commissioner, Fish and Wildlife Service; the Honorable Robert L. Bennett, Alaska area director, Bureau of Indian Affairs; and the members of the Alaska delegation in Congress.

"Passed by the house March 18, 1964.

"BRUCE KENDALL,
"Speaker of the House.

"Attest:

"PATRICIA R. SLACK,
"Chief Clerk of the House.

"Passed by the Senate March 23, 1964.

"FRANK PERATROVICH,
"President of the Senate.

"Attest:

"EVELYN K. STEVENSON,
"Secretary of the Senate.
"WILLIAM A. EGAN,
"Governor of Alaska.

"Certified true, full, and correct.

"PATRICIA R. SLACK,
"Chief Clerk of the House."

Petitions signed by Masatoki Onishi, mayor, Nago Town, Seikyu Nakayama, chairman, Nago Town Assembly, Wasei Sakihama, chairman, Committee for the U.S. Military-Leased Land in Nago, Kamei Nakama, mayor, municipality of Ie-Son, Keicho Uchima, chairman, Military-Used Lands Committee of Ie-Son, Haruo Tamashiro, chairman, Municipal Assembly of Ie-Son, Kenkichi Kina, mayor of Yonagusuku-Son, and Akira Caneko, chairman, Yonagusuku-Son Assembly, all of the island of Okinawa, praying for a quick solution of the prepeace treaty compensation issue; to the Committee on Armed Services.

Resolution adopted by the United Okinawan Association, Honolulu, Hawaii, praying for a quick solution of the prepeace treaty compensation issue; to the Committee on Armed Services.

A radiogram signed by Yuso Shigemune, President of the House of Councillors, Tokyo, Japan, expressing sympathy for the disaster in the State of Alaska; to the Committee on Foreign Relations.

A letter in the nature of a memorial, signed by Mrs. David P. Blaker, of Elmore City, Okla., remonstrating against the speech of Senator FULBRIGHT relating to Cuba and the Panama Canal; to the Committee on Foreign Relations.

The petition of Clifford L. Karchmer, of Memphis, Tenn., praying for the enactment of Senate bill 2628, the Psychotoxic Drug Act of 1964; to the Committee on Labor and Public Welfare.

The petition of Mrs. Raphael Ondusko, of New Haven, Conn., relating to civil rights; ordered to lie on the table.

By Mr. CASE:

A concurrent resolution of the Legislature of the State of New Jersey; to the Committee on Finance:

"SENATE CONCURRENT RESOLUTION 2 OF THE STATE OF NEW JERSEY

"Concurrent resolution memorializing the Congress of the United States to take certain action in relation to social security benefits

"Whereas many New Jersey citizens in certain age brackets are now receiving social security benefits but are precluded from earning more than $1,200 annually without suffering reductions in their social security payments; and

"Whereas this $1,200 limitation on earnings has ceased to be a realistic figure in the light of increased living costs applicable to New Jersey citizens including those receiving social security and are therefore finding it extremely difficult to even attempt the meeting of these increased living costs: Now, therefore, be it

"Resolved by the Senate of the State of New Jersey (the General Assembly concurring), That the New Jersey Legislature hereby memorialize the Congress of the United States to take such action as may be necessary to provide for a substantial increase in the amount or amounts which may be earned by social security beneficiaries in order that they may meet increased living costs by their social security benefits plus what they may be able to earn in the outside employment; be it further

"Resolved, That copies of this resolution shall be forwarded by the secretary of the senate to the President of the U.S. Senate, to the Speaker of the U.S. House of Representatives and to the Members of the Congress representing the State of New Jersey in the Senate and in the House of Representatives.

"Attest:

"HENRY H. PATTERSON,
"Secretary of the Senate."

CONCURRENT RESOLUTION OF NEW YORK LEGISLATURE

Mr. JAVITS. Mr. President, I ask unanimous consent to have printed in the RECORD a concurrent resolution adopted by the Legislature of the State of New York relating to the incorpora-

tion or charter of the Italian American War Veterans of the United States.

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

RESOLUTION 29 OF THE STATE OF NEW YORK

Concurrent resolution memorializing the Congress of the United States to incorporate or charter the Italian American War Veterans of the United States, Inc.

Resolved (if the Senate concur), That the Legislature of the State of New York hereby respectfully urges the Congress of the United States to enact appropriate legislation to incorporate or charter the organization known as the Italian American War Veterans of the United States, Inc.; and be it further

Resolved (if the Senate concur), That the clerk of the assembly transmit copies of this resolution to the Presiding Officer and Clerk of each House of the Congress of the United States, and to each Member thereof from the State of New York.

By order of the assembly.

ANSLEY B. BORKOWSKI,
Clerk.

Concurred in, without amendment by order of the Senate.

ALBERT J. ABRAMS,
Secretary.

REPORT ENTITLED "PYRAMIDING OF PROFITS AND COSTS IN THE MISSILE PROCUREMENT PROGRAM"—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 970)

Mr. McCLELLAN. Mr. President, on behalf of the Committee on Government Operations, I submit a report made by its Permanent Subcommittee on Investigations, entitled "Pyramiding of Profits and Costs in the Missile Procurement Program."

This report is the result of studies made and hearings held by the subcommittee on three procurement programs of the Defense Department—the Nike, Bomarc, and Atlas missile systems.

One of the principal conclusions reached by the subcommittee is that the procurement offices of the Department of Defense have not been able to keep pace with the tremendous advances in the state of the art of modern weapons in this space and missile age.

When we are spending billions of dollars where formerly millions were adequate, we must be vigilant against errors of judgment or poor procurement practices either of which can result in waste and improvident expenditure of millions of dollars.

Let us look at the huge amounts of taxpayers' dollars that were involved in the three missile programs we studied. The Nike program had cost, at the time of our hearings, $2½ billion. The cost of the Bomarc program was $1,631 million. The Atlas missile system was another multibillion-dollar program.

Each of these programs was essential to the defense of the Nation, although they will become obsolete in a relatively short period of time. No one, however, can quarrel with the decision to procure them. That decision was right. They were definitely needed at that time. We have a right to expect, however, that tax dollars shall not be wasted or misspent, and to be reassured that we are not paying too much for the weapons systems that we buy.

The studies and hearings of the subcommittee concerning the procurement of the Nike system show that the Army was unable to properly manage and control the acquisition of this highly complex missile system. We found similar failures in administrative practices in the procurements of the Bomarc and Atlas systems.

The development and production of a new weapons system represents a complete departure from procurement methods traditionally used by the armed services, wherein a tank, a cannon, a rifle, or a uniform, among other standard items of military equipment, are purchased in quantity directly from the manufacturer, who is required to meet specifications of quality and performance in a highly competitive marketplace.

The new post World War II weapons with their advanced electronic searching, guidance and firing systems, new exotic propellants and explosives, and new conceptions in aerodynamics required commensurate technical skills. However, during this period the armed services did not have these skills and delegated to the contractors not only research and development but the management of these systems.

This inability, in the judgment of a majority of the subcommittee, resulted in some wasteful practices and excess profit expenditures. Due to the inability of the Army's procurement officers to manage the Nike program, the Government was unable to procure components of the system separately on a competitive and economical basis. When such break-out was accomplished after many years of discussion, we found that on one item alone—the highway transporters for the Nike missile—the cost dropped from $12,000 to $5,300 per unit under competitive bidding.

Pyramiding of profits, it seems, was a general practice in weapons system procurement. For example, the Nike system was composed of four major subsystems: Electronic, aeronautical, mechanical, and automotive. The prime contractor, the Western Electric Corp., produced only the electronic package. It subcontracted the other three subsystems to Douglas Aircraft Corp.

However, Western Electric levied a profit on all the work of all subcontractors even though the subsystems were delivered by the subcontractors directly to the Army. The subcontractors performed more than 75 percent of the work on the entire system.

The total in-house effort of Western Electric was $399 million, while more than $1 billion was either subcontracted or purchased. Western Electric, however, took a profit of $112.5 million, which represents a profit of 7.9 percent of all costs in the program. That percentage on its face is not excessive as related to the cost. When this profit is measured, however, by Western Electric's own effort, what it actually put into the performance of the contract the profit becomes 31.3 percent. That the subcommittee believes to be excessive.

In similar fashion Douglas Aircraft Co., who was a major subcontractor, performed only $103 million of the tasks assigned to it by Western Electric Co. It farmed out to third tier subcontractors $496 million of work or 83 percent of the total. However, it took a profit of $46 million computed on the entire task. Since it only performed 17 percent of the contract, its profit, as related to its own in-house effort, was 44.3 percent. The subcommittee believes that to be excessive.

The details of profit pyramiding in all three of these missile programs are contained in the report of the subcommittee. As a remarkable example, however, I would like to call attention, Mr. President, to conclusion No. 27 in the report, concerning contract No. 1373 of the Nike procurement.

Douglas Aircraft subcontracted for the manufacture and delivery of 1,032 launcher loaders for the missile at a price of $13.9 million. This contract with Consolidated Western Steel included that company's profit. The Douglas firm made a plastic cover, costing about $3 each, for the 1,032 launcher loaders, which resulted in a total effort for Douglas of $3,361. Yet the Douglas Corp. took a profit not only on the $3,361, but it also took a profit on the total Consolidated Western costs of $13.9 million. For a sense, Douglas was allowed a profit of $1,211,771 for making $3,300 worth of plastic dust covers. The subcommittee does not believe such profit to be justified.

In the Bomarc program, the committee found inadequacies on the part of the Air Force procurement officials who not only encouraged, but insisted that the Boeing Aircraft Co. enter into an incentive-type contract prematurely. Both the contractor and the Government recognized that there was insufficient cost data upon which to base estimates of incentive profits.

It was natural that because of this uncertainty the company wanted and the Air Force gave them inflated target costs.

The incentive profits were then based on the so-called saving computed on the exaggerated target costs. The Boeing Co. pointed out the inadequacy of the cost data and suggested a cost plus fixed fee contract. Had the Government entered into the contract suggested by the company, it would have saved the Government a considerable amount of money.

Under the cost-saving features of the incentive contract Boeing was paid millions of dollars of extra profits because of these cost underruns. However, upon close scrutiny as to the reasons for these underruns, it was determined that the lion's share of them was generated by Boeing subcontractors and did not result from any inherent Boeing efficiency. However, Boeing got the profit.

The underruns, as opposed to the target costs, in the Bomarc contracts ran to 70 percent on one contract, 56 percent on another contract, and 35 percent on a third contract.

Mr. President, the subcommittee believes that the profit motive is the better way to use our country's industrial might in our defense. Our detailed study of several missile systems, however, also shows that the Government faces an ever-present danger of profit pyramiding

in the acquisition of major weapons systems as long as present procurement methods are utilized.

The subcommittee has found, therefore, that the Government needs to make a thorough reexamination of the weapons acquisitions practices now in general use with a view to making improvements that will insure proper and prudent expenditure of the vast sums that are expended by the Defense Department.

The subcommittee has also concluded that traditional methods of measuring profits as a percentage of cost or as a rate of return on investment are not necessarily the best or the most economic in modern missile procurement. New methods should be sought which will provide profits that are based upon effort. In other words, profits paid for procurement of major weapons systems should also reflect the work that has actually been done to produce the new weapon and not be based solely on the overall dollar amount involved in the contract.

In procurement of major expensive weapons systems the Government should undertake to obtain the services of special units of top-level negotiators and assistants to negotiate. The ability of such a group should be at the equivalent and match the ability of the contractors' counterparts across a bargaining table.

Mr. President, our hearings further showed that waste and profit pyramiding are reduced and controlled appreciably whenever the armed services manage to procure components and subsystems of major weapons systems directly from the producing source. This policy of breakout should be fostered and expanded whenever possible.

One of the important recommendations made by the subcommittee in this report is that the President appoint a high-level study group to examine the Government's procurement practices, particularly in those areas in which the space age, with its advanced technology and its tremendous expenditures, has produced new problems in Government-industry relationships.

Mr. President, this report has been approved by a majority of the Senators who participated in the hearings; however, Senator CARL T. CURTIS, Republican, of Nebraska, and Senator SAM J. ERVIN, Democrat, of North Carolina, have expressed their individual views which are attached hereto.

Mr. President, I ask that the report be printed, together with the individual views.

The ACTING PRESIDENT pro tempore. The report will be received, and, without objection, the report will be printed as requested by the Senator from Arkansas.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session,

The following favorable reports of nominations were submitted:

By Mr. BIBLE, from the Committee on the District of Columbia:

Walter N. Tobriner, of the District of Columbia, to be a Commissioner of the District of Columbia; and

John S. Crocker, for appointment as a member of the District of Columbia Redevelopment Land Agency.

EXTENSION OF TIME FOR JUDICIARY COMMITTEE TO FILE ANNUAL REPORTS

Mr. DIRKSEN. Mr. President, on behalf of the Committee on the Judiciary, I ask unanimous consent that the time for the filing of reports pursuant to Senate Resolutions 56 through 58, and Senate Resolutions 61, 63, 65, 66, and 68, of the 88th Congress, be extended to May 1, 1964. This request concerns annual reports of certain subcommittees of the Committee on the Judiciary.

The ACTING PRESIDENT pro tempore. Is there objection?

Several Senators addressed the Chair.

Mr. HOLLAND. Mr. President——

Mr. MORSE. Mr. President, reserving the right to object——

Mr. DIRKSEN. Mr. President, I have the floor. If there is objection——

The ACTING PRESIDENT pro tempore. The Senator from Illinois has propounded a unanimous-consent request. Is there objection?

Mr. MORSE. Mr. President, reserving the right to object; I should like to inform the Senator from Illinois that I did not hear the heart of his request and would ask him to repeat it quickly.

Mr. DIRKSEN. Subcommittee reports under various resolutions are due now, but they have not been entirely completed. The request is for an extension of time only until May 1 for filing reports.

Mr. MORSE. Mr. President, I have no objection.

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

EXTENSION OF TIME FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE A CERTAIN REPORT

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Committee on Government Operations receive an extension of time until June 30, 1964, to file a report by the Permanent Subcommittee on Investigations.

The report to which I refer deals with the Department of Agriculture and its relationships with Billie Sol Estes. The draft of the report was delayed because of necessary postponements in the appearance of Estes. Estes appeared before the subcommittee last fall and a report was drafted concerning this subject matter. The draft has been in the hands of committee members for some time now but they have not yet completed their deliberations.

For this reason, I ask unanimous consent that the time for filing this report be extended until June 30, 1964.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

PROPOSED AMENDMENT TO CONSTITUTION RELATING TO RELIGION IN THE UNITED STATES—ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Under authority of the orders of the Senate of March 11 and 20, 1964, the names of Mr. JORDAN of Idaho, Mr. JORDAN of North Carolina, Mr. MANSFIELD, Mr. SPARKMAN, Mr. TALMADGE, Mr. TOWER, and Mr. WALTERS were added as additional cosponsors of the joint resolution (S.J. Res. 161) proposing an amendment to the Constitution of the United States relating to religion in the United States, introduced by Mr. SIMPSON (for himself and other Senators) on March 11, 1964.

HOUSING ACT OF 1964—ADDITIONAL COSPONSOR OF AMENDMENTS

Mr. JAVITS. Mr. President, I ask unanimous consent that the name of my colleague, the junior Senator from New York [Mr. KEATING], be added as a cosponsor to amendments Nos. 458, 459, and 460, which I submitted to Senate bill 2468, the Housing Act of 1964, on March 3, 1964.

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

NOTICE OF HEARINGS ON SENATE BILL 2671, TO REDEFINE THE SILVER CONTENT IN SILVER COINS

Mr. ROBERTSON. Hearings have been scheduled at 9:30 a.m., Thursday, April 2, on S. 2671, Senator METCALF's bill to change the content of silver coins.

Two of the sponsors of the bill, Senators BIBLE and CANNON, will not be able to testify Thursday because of important commitments in their State. They have asked instead for an opportunity to testify on the bill Wednesday morning.

In accordance with their request, the Banking and Currency Committee will meet at 10 a.m., tomorrow, Wednesday, April 1, in order to hear Senators BIBLE and CANNON.

The other witnesses, including Senator METCALF, who introduced the bill, Senator MANSFIELD, the Treasury Department, and the public witnesses will be heard on Thursday, April 2, at 9:30 a.m. The hearings will be held in Room 5302, New Senate Office Building.

CIVIL RIGHTS ACT OF 1963

Mr. MANSFIELD obtained the floor.

Mr. JAVITS. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, first, a correction. I am advised that it has been broadcast to the world that my colleague, the Senator from New York [Mr. KEATING], cannot be ready to state the facts. Rather than state the facts myself, I have called my colleague to come to the floor and disclose to the Senate that he is ready to speak. He will be here very shortly. I wish to make it clear that the statements which have been advertised, to the effect that he is not ready, are not the facts.

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

The ACTING PRESIDENT pro tempore. The Senator from Montana still has the floor.

Mr. MANSFIELD. Very well.

Mr. JAVITS. The Senator from Montana yielded to me.

Mr. MANSFIELD. I cannot farm out all the time——

The ACTING PRESIDENT pro tempore. The Senator from Montana still has approximately 1 minute left.

Mr. MANSFIELD. Mr. President, I yield one-half minute to the Senator from New York [Mr. JAVITS].

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from New York will state it.

Mr. JAVITS. The Chair just spoke about recognition as a matter of courtesy to the majority leader and the acting majority leader. Does that include the acting majority leader, even though he is the Senator in charge of a bill before the Senate?

The ACTING PRESIDENT pro tempore. The Chair has already ruled on that question, and has held that on routine business of the Senate the person who occupies the position of the majority leader or the minority leader will be recognized. If there is general debate, of course the Senator who is a team captain takes his own chances of recognition.

Mr. JAVITS. I was talking about the Senator in charge of the bill.

The ACTING PRESIDENT pro tempore. The Senator in charge of a bill——

Mr. JAVITS. The Senator in charge of a bill is only the majority manager.

The ACTING PRESIDENT pro tempore. The Senators in charge of the bill both addressed the Chair for recognition for the purpose of making opening statements. Both the Senator in charge of a bill and a Senator in opposition must address the Chair to be recognized.

Mr. HOLLAND. Mr. President, I wish the RECORD to show clearly that what has happened today is a complete breakdown of the lumbering cart of the so-called debate by the advocates of the pending bill.

At page 6470 of the CONGRESSIONAL RECORD for March 26, 1964, appears the announcement of the acting majority leader, the Senator from Minnesota [Mr. HUMPHREY], last Thursday. I read:

> Starting on Monday, March 30, the proponents of the civil rights bill will attempt to open the debate and place before the Senate and the public the arguments in behalf of the 11 titles of the civil rights bill. It will be my intention on Monday, when I can gain recognition by the Chair, to open the debate for the proponents or supporters of the bill, the pending business, H.R. 7152. That will be followed by addresses by our friends on the Republican side of the aisle. We shall attempt to alternate the speeches on each of the titles. There will be several speakers on each title, after a general presentation has been made relating to the bill as a whole.

Mr. RUSSELL. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. RUSSELL. I should also like to direct attention to page 6528 of the CONGRESSIONAL RECORD for yesterday, March 30, 1964. The Senator from Minnesota [Mr. HUMPHREY] said:

> As we have previously announced, the bipartisan leadership supporting H.R. 7152 has determined to present the affirmative case for civil rights legislation in general, and the pending bill in particular. The distinguished Senator from California, Mr. KUCHEL, and I intend, as I have indicated, to make a comprehensive presentation on H.R. 7152 today. We intend to analyze the bill title by title, setting forth the need, explaining the substantive provisions, responding to arguments which have already been raised in opposition, and, in general, initiating the debate on H.R. 7152 itself in a thoroughly constructive fashion.

Then follows this language:

> On subsequent days the bipartisan team of captains assigned to each title of the bill will lead additional discussions on each title.
>
> These captains include: Senator HART and Senator KEATING on title I—voting rights; Senator MAGNUSON and Senator HRUSKA on title II—public accommodations; Senator MORSE and Senator JAVITS on title III—public facilities and Attorney General's powers; Senator DOUGLAS and Senator COOPER on title IV—school desegregation; Senator LONG of Missouri and Senator SCOTT on title V—Civil Rights Commission; Senator PASTORE and Sentor COTTON on title VI—federally assisted programs; Senator CLARK and Senator CASE on title VII—equal employment opportunity; and Senator DODD for the Democrats on titles VIII and XI—voting surveys appeal of remands, community relations service, and miscellaneous items.

Mr. HOLLAND. I thank the Senator from Georgia for that insertion. Now if I may hurry along: On Friday last, at my direction, my legislative assistant contacted the office of the distinguished Senator from Minnesota [Mr. HUMPHREY], who is in charge of the advocacy of this bill, to request that I be permitted to speak on Monday, as had previously been scheduled by the leaders on my side of the issue, since that would be the only opportunity I would have to make my speech during the present week.

My assistant was informed that the Senator from Minnesota would speak first on Monday, that he would be followed by the Senator from California [Mr. KUCHEL], that the Senator from California would be followed by other advocates of the measure and that arrangements had been made for the proponents of the bill to consume all the time of the Senate on Monday, Tuesday, and probably Wednesday—and, therefore, the Senator from Florida could not expect to make his speech by Monday.

Whereupon, I attempted to call the Senator from Minnesota, but was told by his office that he could not be reached. So, learning that the Senator from Minnesota was incommunicado, I then called the majority leader, the Senator from Montana——

The ACTING PRESIDENT pro tempore. The time of the Senator from Florida has expired.

Mr. HOLLAND. Mr. President, I ask unanimous consent that I may have additional time, in view of the interruption. I will be through as quickly as possible.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLAND. The majority leader then gave me the same information, and said that if I returned he would try to find time for me on Monday. I came back on Monday. I was on the floor most of the day yesterday. I listened to the distinguished declamations of the Senators from Minnesota and California, who did not permit any colloquies and who did not engage in any debate on this subject.

By the time they had concluded their remarks it was 7 o'clock in the evening, or later.

Then the distinguished Senator from Alaska [Mr. BARTLETT] I thought, was entitled to priority in telling the Senate and the country about the distress that had been visited upon his State. I relinquished my right to be heard in what would have become the wee, small hours of the morning, if I had spoken.

I wish to make it very clear that the announcement on the ticker today, that the opponents of the bill have asked for the right to reply to the distinguished declamations yesterday by our friends from Minnesota and California, is, as far as I am concerned, not in accord with the facts. I certainly have made no such request nor do I know of anyone who has.

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

Mr. HOLLAND. I shall be glad to yield in a moment. The fact is that the civil rights cart has broken down. The program, as it was outlined and planned, and announced, Mr. President, has proved to be one based on visions, and not upon realities. There has not been the slightest debate as yet upon the question of support for the bill, because both distinguished Senators who spoke yesterday did not yield and declined to enter into any debate on the question at all. I ask, Where are their speakers today?

I am now glad to yield to the Senator from California.

Mr. KUCHEL. I wish to refresh the Sentor's recollection by asking him whether it is not a fact that he came to my desk yesterday and told me that he intended to speak, but would not seek recognition until I had concluded.

Mr. HOLLAND. The Senator is completely correct.

By the time the Senator from California had obtained the floor, the sun was already setting, because the Senator from Minnesota had consumed between 3 and 4 hours.

By the time the Senator from California had concluded his remarks, the sun had already set. The Senators neither debated the bill nor yielded for any colloquy at any time. No questions have been propounded based on the able presentations of the Senators from Minnesota and California. Their presentations were evidently drawn in a scholarly manner, but they were not debate; they were declamations and opinions.

Mr. KUCHEL. If the Senator wishes to ask me any questions, I shall do my best to answer them. The Senator told me yesterday that he intended to speak yesterday. He did not speak yesterday.

Mr. HOLLAND. The Senator from Florida came to speak yesterday. He was very sorry that he did not have the opportunity to speak. He has no apologies to make for yielding to the Senator from Alaska on the great tragedy that has occurred there and, the great emergency that exists there. The Senate should have had the facts firsthand.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. KENNEDY in the chair). The Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, I shall take only a moment to set the record straight.

First. The Senator from Florida contacted my office. He contacted the majority leader. The Senator from Minnesota told the distinguished senior Senator from Florida that he would be more than happy to try to do everything he could, in terms of limiting the debate, to accommodate the Senator from Florida.

I said we would not accept questions or yield for interruptions during our presentations, because we had long presentations to make and did not want to take undue time in delivering them. I said we were prepared at the proper time to debate our presentations.

Late yesterday I was told that the Senator from Florida did not intend to speak, after arrangements had been made for him to speak in the evening. It is the duty of the Senate to transact business. Therefore, I wish the RECORD to be perfectly clear in that respect.

The Senator from Alaska [Mr. BARTLETT] came to the Chamber in the afternoon and asked that he might be heard. I said to him, "If you can obtain recognition, you can be heard, but the fact is the Senator from Florida seeks to speak, because he has commitments in his State. We want to accommodate him."

With reference to Thursday's RECORD, there is nothing in the RECORD of Thursday or any day last week to indicate that we said that on Tuesday the proponents of the bill intended to have particular speakers address the Senate on the bill. The proponents are prepared to debate the bill. We laid down the affirmative case yesterday, in general, for the bill. When an affirmative case is laid down, an affirmation of one's arguments is made.

We are prepared today for our friends of the opposition to challenge what we said yesterday. That is the purpose of debate. They can consume the whole day, and the whole night, if they wish, without interruption. That is their privilege.

When the distinguished Senator from Georgia said we had stated that on subsequent days other speakers in favor of the bill would be heard, I am sure he understood that "subsequent days" is not limited to Tuesday. That statement could refer to Wednesday or to Friday. I see no reason why the proponents of the bill must telegraph every so-called maneuver to their friends.

We are prepared to debate each title, not only by title, and in the order of the titles, but we are ready to mix them up, and play a game of scramble or scrabble. We are ready to debate title VI, title IV, title II, or any other title, when Senators are ready to debate it. We will lay down our case on this side when we can obtain the floor. As the previous Presiding Officer has said, the Chair will recognize the Senator who first addresses the Chair.

I wish to make it clear that no Senator has been denied any rights. I am quite interested to note how our friends of the opposition say that the wagon or cart has broken down. I do not think that has happened. The only conclusion I see is that the opposition is not prepared to oppose. The opposition is attempting to defeat the bill. The bill has been before the Senate for almost 3 weeks. I believe that is about enough time in which to discuss most aspects of the bill.

I appreciate the fact that other Senators have yielded. When we come to discuss the various titles of the bill, we shall be prepared to yield also. We are prepared to give our southern friends as much time as we had yesterday, and more.

It would seem to me to be only common courtesy that we give Senators who oppose us an opportunity to reply, particularly since we insisted that we would not yield for questions or interruption during the main presentation.

I have no apology to make for taking 3 hours and 12 minutes to discuss a far-reaching and important piece of legislation. We shall keep track of the debate minute by minute and hour by hour, and record the time used by Senators who are for the bill, and by Senators who are against the bill. I believe that in due time the RECORD will show that the opponents will have used a very generous portion of the time.

The PRESIDING OFFICER. The time of the Senator has expired.

Several Senators addressed the Chair.

Mr. HOLLAND. Mr. President, the Senator mentioned the Senator from Florida by name. Will he yield to me?

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may yield to the Senator from Florida.

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

Mr. HOLLAND. I wonder if the distinguished Senator thinks the Senator from Florida was guilty of anything other than courtesy in allowing his time to go to the distinguished senior Senator from Alaska, who had just returned from an exhausting trip, so that he might report on the floor of the Senate to the Senate and to the country the terrible facts concerning the disaster in Alaska.

Mr. HUMPHREY. The Senator from Florida is always courteous. I am glad he yielded to the Senator from Alaska. With all respect to the Senator from Florida, there was nothing to prevent him from speaking later. He asked to be heard. I was in favor of his speaking yesterday. I should like to hear him speak today. If he was ready to speak yesterday, I am sure he is able to speak today.

Mr. HOLLAND. I was ready to speak at any time yesterday, as the Senator knows. However, today does not happen to be my time to speak.

Mr. HUMPHREY. I am sorry.

I noticed that the distinguished Senator from Minnesota was not present during the speech of the senior Senator from Alaska.

Mr. HUMPHREY. That is not so.

Mr. HOLLAND. The RECORD will show that by virtue of his participation in the proceedings the senior Senator from Florida remained in the Chamber until the late hours of the evening in order to hear the senior Senator from Alaska give a vivid and moving account of what he saw in his distressed State.

Mr. HUMPHREY. Let me say with due respect to the senior Senator from Florida that I did participate with the Senator from Alaska [Mr. GRUENING] in the proceedings earlier in the day. I did not wish to take the time of the senior Senator from Alaska [Mr. BARTLETT]. I was present. I heard much of the speech of the senior Senator from Alaska. I was present when the senior Senator from Florida took the floor. I was present in the Senate until late, and I was at my desk until after midnight. I take a back seat to no one in terms of my presence in the Chamber or in the office.

Mr. JAVITS. Mr. President, the subject under discussion may seem unimportant, but it is in fact very important. There is a widespread estimate that the debate on the bill will require 4 weeks, 6 weeks, or months. This is not a timetable chosen by the proponents. It is the duty of the proponents to press forward with all deliberate speed as the Supreme Court said in a famous and pertinent case. I have great confidence that we will fulfill that obligation. I hope very much that that duty will be performed on both sides. I hope that when the subject has been explored, as in my judgment it will have been within not more than 2 to 3 weeks, the Senate will go forward to a conclusion of the debate by means of a vote, as constitutionally it should.

Estimates as to the length of the debate on the bill are an indication of the fact that it is taken for granted that the debate must drag on and on and on. That is not so, Mr. President. It can be terminated whenever both sides are willing to terminate it and have made their arguments.

There was a disposition on the part of some opponents not to yield to certain Senators because they desired to preserve the continuity of the RECORD. There was nothing wrong with that, any more than there is anything wrong with our side doing it. When I am "at bat," as the saying goes, I shall be happy to yield for any debate or argument. I always have been and I always will. However, we should not take it for granted that the debate must take weeks and months. It does not have to take that long. All the arguments have been legitimately made already. They have been remade. The procedural problem can be handled by cloture.

No one is enforcing a timetable which requires the debate to take so many weeks or months. If there were a timetable in force, it would be speedily clear as to which side was consuming more time on the bill. However, we cannot take it for granted.

I support the statements of the Senator from Minnesota and the Senator from California that we shall proceed to make our case when we can obtain recognition.

We are not setting a timetable for anyone else but ourselves. We shall proceed in that way.