

can be achieved only on the elimination of prejudice. Prejudice departs only on the introduction of knowledge.

That's my second responsibility: to obtain more knowledge—first for myself, and then for others. This knowledge comes not of itself, it must be looked for. Reading is the tool that brings it out. Reading news stories to see how people act—reading men's opinions to see why they act that way—reading both sides—deciding which is right—these I must do.

My third responsibility is to act. The responsibility is not fulfilled when it is found; it must be carried out. It's up to me to replace prejudice with knowledge; hatred with love; ignorance with understanding; narrowmindedness with liberality. I know I can't do it all, but I can and I will do my part. I can't solve these problems, but I can help to put mankind on the road toward the solution.

If men had fulfilled their responsibilities in the past, we would not have these two great problems today. But optimistically, if I and others of my generation fulfill our responsibilities now, then we can leave to our children a world free from the hatred and the struggling that we have known. To this end I pledge myself.

CIVIL RIGHTS NEWSLETTERS

Mr. HUMPHREY. Mr. President, the supporters of the civil rights bill, on both sides of the aisle, are very proud of our Bipartisan Civil Rights Newsletter. This publication is the joint product of the Senator from California [Mr. KUCHEL], the Senator from Minnesota [Mr. HUMPHREY], other Senators supporting the bill, and their able staffs.

This newsletter is intended to keep Senators and their staffs fully informed on the civil rights debate. It usually includes a report on the record for meeting quorum calls, a statement of the day's schedule, notes on religious and civic groups visiting the Capitol to support the bill, and factual material on civil rights. We have also initiated a new section where, from time to time, an individual title of the bill is explained in a brief and objective manner. The newsletter is prepared at the end of each day's debate and is distributed to the offices of the bill's supporters at the beginning of the next day. It is, however, available to any Senator or any other person who may ask for it.

We originally had very modest hopes for our newsletter and reproduced only a few dozen copies of it. When attention was drawn to it some weeks ago, we had to double and redouble the output, and still had difficulty keeping up with the demand. This little sheet continues to be popular, and now we find that our supply of many back issues is exhausted. Therefore, as a convenience to Senators and other interested persons, I ask that all previous issues be reprinted in the RECORD.

Mr. President, I ask unanimous consent that the 25 back issues of the Bipartisan Civil Rights Newsletters be printed in the RECORD at this point. Again I wish to inform the Congress and the public that copies are available to anyone requesting it. Copies can be obtained by contacting the office of Senator KUCHEL or Senator HUMPHREY.

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

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 1,
MARCH 10, 1964

The Senate bipartisan leadership supporting the civil rights bill (H.R. 7152), headed by Senator HUBERT HUMPHREY for the Democrats, with Senator THOMAS KUCHEL, representing the Republicans, will circulate among all interested Senators a newsletter outlining principal developments relating to the progress of this legislation. This newsletter will help keep Senators and their staff members fully informed on the civil rights bill and will be prepared whenever the circumstances warrant—daily, if necessary.

1. Current status of H.R. 7152: The House passed civil rights bill is currently on the Senate Calendar, Order No. 854. It is the hope of the bipartisan leadership to motion successfully H.R. 7152 from the calendar this week and make it the pending business.

As expected, the opponents of H.R. 7152 did not want the motion to consider the bill offered during the morning hour when such a motion would have been nondebatable. Instead the seldom-used procedure of reading the Senate Journal in full and offering amendments to the Journal occupied the Senate until the hour of 2 o'clock had passed and the morning hour had terminated. At that point a motion to consider H.R. 7152 became a debatable motion. Since the Senate recessed yesterday, this motion offered by the majority leader is currently before the Senate and will be debated by the opponents of the bill for an undetermined period of time. It is not the intention of the leadership to debate fully the merits of the bill at this juncture but to reserve such discussion until the bill itself is pending before the Senate.

2. Need to maintain quorums during civil rights debate: The principal burden resting with each Senator will be to respond promptly to quorum calls whenever they occur. From now on, every quorum call will be a live quorum. Every Senator should report immediately to the Senate floor when two bells are heard.

Both Democratic and Republican civil rights supporters are establishing a system to maintain quorums throughout the debate. Last week, Senator HUBERT H. HUMPHREY, Democratic floor manager of H.R. 7152, sent a letter to a number of Democratic Senators advising them of the need to maintain quorums and requesting their full cooperation. In order to foresee conflicts as far ahead as possible, it is again requested that these Democratic Senators forward to Senator HUMPHREY a list of out-of-town engagements for the next 2 months, ranked according to priority. These lists should be sent to S-118, Capitol, marked to the attention of Pauline Moore. A master chart listing out-of-town engagements will be maintained in S-118. If the absence of a Senator on a particular day means that a quorum will not be present, that Senator will be asked to secure a replacement for that day. Democrats are committed to produce 36 Senators daily; Republicans have a quota of 15. Additional information on the quorum situation will be included in subsequent newsletters.

3. Telephone call system on quorums: In order to produce a quorum in as short a time as possible, the Democratic leadership has established a special telephone communication system with a number of Democratic offices. Republican leaders are currently setting up a similar arrangement.

The following Democratic staff persons have assumed the responsibility for calling their assigned offices: Jerry Brady (Senator Church), Winston Turner (Senator Kennedy), James Keefe (Senator McIntyre), Edwin Winge (Senator McNamara), Gale

Fitzgerald (Senator Muskie), and Warren Sawall (Senator Nelson). The full cooperation of those Democratic offices called by one of these persons is essential in producing quorums quickly and efficiently. It is strongly urged that each office know the precise whereabouts of their Senator so that he or she can be informed immediately of a quorum call. There will be periodic live quorums whenever the Senate is in session.

4. Examination of argument concerning inclusion of private clubs raised by Senator RUSSELL. Senator RUSSELL contends that, because of the "circuitous" language of the bill, practically every private club in the United States will be affected by the public accommodations provisions of the bill and that, therefore, they will no longer have control over the selection of their members or guests. In the opinion of the legislation's supporters, this interpretation of the bill is incorrect. The bill has no effect on the membership of private clubs or the ordinary operation of their rules regarding guests.

Apparently the basis for the Senator's position is that most private clubs feed members and guests of members. Since they do so, he contends, they are restaurants which affect commerce within the meaning of the bill, and that, therefore, all of the provisions of the bill relating to public accommodations are applicable to private clubs. This conclusion is incorrect. The eating facilities of private clubs which serve club members and guests are not places of public accommodation within the meaning of the bill because they do not serve the general public.

This point is established by subsection (e) of section 201 which expressly exempts 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)"—i.e., a hotel, motel or similar establishment listed in subsection (b). All this means, for example, is that 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 on the ground of race, color, religion, or national origin. This is the one and only way private clubs are affected by the public accommodations provisions of the bill.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 2,
MARCH 11, 1964

(This newsletter will help to keep Senators and their staff members fully informed on the civil rights bill. It will be prepared and circulated whenever circumstances warrant—daily if necessary.)

1. An excellent start on quorum calls: Senate supporters of civil rights responded speedily to three quorum calls during Tuesday's debate. The average length of time required to assemble a quorum was 13 minutes. Responding promptly to quorum calls will be the principal individual responsibility of each Senator. Tuesday's fine performance demonstrated the effectiveness of the Republican and Democratic communication systems.

The two main principles of success on quorum calls are: (A) Every quorum call will be a live quorum; thus Senators should go to the floor when two bells are heard. (B) Floor leaders should know Senators' plans for out-of-town engagements in the next 2 months. Democratic Senators are asked to send a list of their out-of-town schedule, ranked according to the importance of engagements, to S-118, attention Pauline Moore.

2. Fallacies in Senator STENNIS' discussion of public accommodations: On Tuesday Senator STENNIS attacked the constitutionality of title II. He said that the 14th amendment does not provide a basis for a prohibition of discrimination in public accommodations be-

cause it deals only with State action, and referred to the civil rights cases decision of 1883 to support his contention. There are two fallacies in his argument: (A) The present title II is based on the 14th amendment only when discrimination or segregation by an enumerated establishment is supported by State action. Subsection (b) of section 201 defines State action for the purposes of title II. It covers racial discrimination or segregation which:

(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.

(B) In the second place, the 14th amendment is one of two alternate constitutional bases for title II. The other constitutional base is the commerce clause of the Constitution. The Supreme Court said, in *National Labor Relations Board v. Jones & Laughlin Steel Corporation*, that "The fundamental principle is that the power to regulate commerce is the power to enact 'all appropriate legislation for its protection and advancement.'" This clearly gives Congress the power to legislate to remove impediments to interstate commerce.

One of the most important impediments to the free flow of interstate commerce, which includes travel, is the difficulty that Negroes experience in finding places to eat and sleep when they travel. Senator STENNIS claimed that the Howard Johnson case put the regulation of restaurants outside the authority of Congress under the commerce clause. This is incorrect. The only thing decided by the Howard Johnson case is that the commerce clause does not by itself bar discrimination by restaurants. The court in no way passed on the power of Congress to legislate in this field. The case was decided when there was no Federal legislation on racial discrimination in public accommodations, thus it is not a test of Congress' power.

Senator STENNIS objected to applying the commerce clause to a restaurant, hotel, or other establishment which, by itself, does not have a crucial impact on interstate commerce. But obviously the sum total impact of a number of trivial acts will be crucial. For this reason the Supreme Court decided, in *Wickard v. Filburn*, that the important test was the cumulative influence of many acts, not the effect, of a single act in isolation. This principle was more recently affirmed in the *Reilance Fuel* case, and it clearly supports the constitutionality of title II's use of the commerce clause to bar racial discrimination in public accommodations.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 3, MARCH 12, 1964

(This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be circulated whenever circumstances warrant—daily, if necessary.)

1. A mixed record on quorum calls: Early Wednesday afternoon, civil rights supporters responded so quickly that a quorum call took only 10 minutes. But when a second call was made at 6:25, it took fully an hour to assemble a quorum. This was a very disappointing performance. It had been announced that the Senate would stay in session until 8 p.m. and quorum calls are a favorite tactic of the opposition. They should be expected and therefore it is important that Senators stay in readiness to return to the Chamber as long as the Senate is in session. Long quorum calls do more to lose the civil rights battle than any argument of the opposition.

2. Making a positive case for civil rights: As Senators HUMPHREY, KUCHEL, and JAVITS announced, civil rights Senators plan to make

a detailed, title-by-title exposition of the bill. In making this announcement, Senator HUMPHREY remarked that "supporters will not, cannot, and should not content ourselves with merely listening to the opposition. We must state our case as well." It is hoped that this procedure will structure the debate by focusing attention on one title at a time. Each title will be discussed by a Republican and a Democratic Senator. Title I, on voting rights, will be discussed by Senators HART and KEATINGE. Title II, on public accommodations, by Senators HRUSKA and MAGNUSON; title III, on desegregation of public facilities, by Senators JAVITS and MORSE; title IV, on education, by Senators COOPER and DOUGLAS; title V, on the Civil Rights Commission, by Senators LONG of Missouri, and SCOTT; title VI, on nondiscrimination in federally assisted programs, by Senators CORTON and PASTORE; title VII, on equal employment opportunity, by Senators CASE and CLARK; titles VIII to XI, by Senators DONN and one or more Republicans.

3. Was President Kennedy opposed to title VI? It has been alleged that because the late President Kennedy rejected a suggestion to cut off all Federal aid to Mississippi, he was opposed to title VI, which deals with racial discrimination in federally assisted programs. Title VI is not a departure from President Kennedy's views. He said that he was opposed to "a general wholesale cutoff of Federal expenditures, regardless of the purpose for which they were being spent." Title VI does not take this approach. The only authority under title VI is to cut off Federal assistance, as a last resort, for the specific program in which there is discrimination. Assistance for one program cannot be cut off because there is discrimination in another program.

4. The constitutional basis for title I: Yesterday, it was contended that title I unconstitutionally interferes with the right of States to establish qualifications for voters. It is concerned with the fair administration of whatever qualifications are set by the States. This is to be accomplished by several provisions. First, title I says expressly that voter qualifications are to be administered without discrimination. Second, it precludes disqualification of voters for mistakes that are not relevant to the question of whether the applicant is actually qualified. Third, it provides that if a State uses literacy tests, they must be administered in writing. Finally, the title establishes a rule of evidence: if literacy is a qualification for voting, a person with a sixth-grade education will be presumed to be literate unless the State demonstrates the contrary in court.

The authority of States to set voting qualifications is subject to the provisions of the 14th and 15th amendments. Title I is concerned with covert means of denying the right to vote, and as such is clearly supported by the Supreme Court, which held that "sophisticated as well as simple-minded modes of discrimination" are forbidden. (*Lane v. Wilson*, 307 U.S. 268.)

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 4— MARCH 13, 1964

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152) headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of Senators who support this legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be circulated whenever circumstances warrant—daily, if necessary.)

1. A good record on quorum calls. Senate supporters of civil rights responded quickly to two quorum calls on Thursday. The first call took only 10 minutes, the second, only 16 minutes. A speedy response to quorum calls is the single most important factor in making steady progress on the bill.

2. Friday's schedule. The Senate will be in session on Friday until at least 7 p.m., and perhaps later. Civil rights supporters are urged to stay in readiness to respond to a quorum call at any time during this period.

3. Has the civil rights bill been considered by committees? Opponents of the civil rights bill have charged that the Senate is being asked to pass on civil rights legislation without the benefit of hearings and scrutiny by committees. In fact, the civil rights bill, in whole and in part, has been considered by four different committees of the Senate or House. The Senate is presently debating a motion to consider H.R. 7152. This bill was introduced in the House of Representatives last year. Subcommittee No. 5 of the House Judiciary Committee held 22 days of public hearings on H.R. 7152 and other civil rights bills. It heard 101 witnesses and received an additional 71 statements. Altogether, this testimony amounts to 2,649 pages of printed record. After the public hearings, the subcommittee studied the bill for 17 days in executive session. Subsequently the full House Judiciary Committee considered the bill in executive session for 7 days. The House Rules Committee then held 9 days of public hearings and took testimony from 39 witnesses that covered 518 pages of printed records. Furthermore, a subcommittee of the House Education and Labor Committee heard 33 witnesses in 10 days of hearings and printed 557 pages of record in connection with a fair employment provision on which title VII is partly based.

In the Senate a public accommodations bill, S. 1732, was referred to the Committee on Commerce, which held 22 days of hearings, heard 47 witnesses, took 81 additional statements, and compiled a printed record of more than 1,500 pages. Furthermore, the Senate Labor and Public Welfare Committee held 7 days of hearings on a bill to prohibit discrimination in employment, heard 55 witnesses and compiled a record of 578 pages.

Far from being unconsidered, the provisions of the civil rights bill have been the subject of lengthy and intensive scrutiny by congressional committees. All in all, 70 days of public hearings have been held, 275 witnesses have testified, an additional 152 statements have been submitted, and 5,792 pages of printed record have been compiled. This is not hasty legislation. In fact, we would like to point out that it is the result of suggestions made to the Congress by President Kennedy last June.

4. Denial of Negro voting rights: Section 1 of the 15th amendment to the Constitution 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."

Notwithstanding this provision of the Constitution, Negroes have been denied the right to vote in some States. This discrimination is vividly depicted in the report submitted on H.R. 7152 by seven Republican members of the House Judiciary Committee. The following figures on registered voters in sample counties are taken from page 3 of that report:

	Population over 21	Registered voters	Percent
County D:			
White.....	2,648	3,500	132.1
Negro.....	1,255	29	2.3
County E:			
White.....	4,116	6,130	148.9
Negro.....	909	56	6.1
County F:			
White.....	1,974	2,437	125.4
Negro.....	1,336	3	.2
County G:			
White.....	6,415	5,212	81.3
Negro.....	5,032	34	.7

Figures like these leave no doubt about the need for action to give Negroes the right

to vote. The constitutional power of Congress to take such action is granted by section 2 of the 15th amendment: "The Congress shall have power to enforce this article (sec. 1, quoted above) by appropriate legislation."

Under the circumstances, title I is the appropriate legislation, and it is long overdue.

**BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 5—
MARCH 14, 1964**

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of Senators who support this legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be circulated whenever circumstances warrant, daily, if necessary.)

1. Box score on quorum calls: Eighteen and 21 were all the minutes required Friday to respond to two quorum calls. All Senators have high expectations for Saturday. Remember our credo: "Every quorum a live quorum," particularly today.

2. Area of controversy narrowed: There were early indications that differences of opinion existed as to the merits of title VI. Apparently these were unfounded. Observe the following colloquy:

Mr. ROBERTSON. I do not know that any Federal money is given to support racial discrimination.

Mr. HART. Then we should cut it off when we find it being practiced. Does the Senator agree?

Mr. ROBERTSON. If it is found that racial discrimination is deliberately practiced by someone in a program which the Federal Government is financing: yes (45 CONGRESSIONAL RECORD, 4911.)

This clarifying exchange well exemplifies the value of positive participation in the floor discussion by civil rights supporters.

3. Schedule for Saturday and Monday: Saturday's schedule calls for the Senate to be in session from 12 until approximately 6. The Senate will begin its session on Monday at 11 a.m.

4. The 1883 civil rights cases and the commerce clause: Friday's discussion on the floor once again amply displayed the assertion that the commerce power granted Congress by the Constitution will not support provisions such as those in title II. Careful reading of the decision of the Court in the civil rights cases indicates that the public accommodations statute of 1875 could have been sustained if based on article 1, section 8, clause 3 (commerce clause) of the Constitution. The majority opinion of the Court in the 1883 decision carefully stated that they were not foreclosing a statute based on the broad powers of Congress such as are found in the commerce clause. Mr. Justice Bradley wrote: "Of course, these remarks do not apply to those cases in which Congress is clothed with direct and plenary powers of legislation over the whole subject, accompanied with an express or implied denial of such power to the States, as in the regulation of commerce with foreign nations, and among the several States and with the Indian tribes, the coining of money, the establishment of post offices and post roads, the declaring of war, etc. In these cases Congress has power to pass laws for regulating the subjects specified in every detail, and the conduct and transactions of individuals in respect thereof" (109 U.S. 3, 18 (1883)).

**BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 6—
MARCH 16, 1964**

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this

newsletter to the offices of Senators who support this legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Fine record on quorum calls: Civil rights supporters have continued to meet quorum calls successfully. Only 31 minutes were required to meet the quorum called shortly after noon Saturday. The session today will mark the 7th day of the debate on the majority leader's motion that the Senate proceed to consider H.R. 7152.

2. Schedule for Monday: The Senate will begin its session today at 11 a.m. and stay in session until about 8:30. As the week progresses the Senate will convene its sessions earlier each day and continue longer each evening. A Saturday session is planned.

3. Schedules for Senators: Schedules are being drafted that will provide for the presence of at least four civil rights supporters on the floor each day to participate in debate and questioning. This will, of course, be a bipartisan effort and schedules will be distributed as soon as completed—probably early this week.

4. The high cost of racial discrimination to our economy: In September 1962, the Council of Economic Advisers released a statement on the "Economic Costs of Racial Discrimination in Employment." The Council's estimate is that gross national product might rise by 2.5 percent if the present educational achievement of nonwhites were fully utilized by removal of discrimination in employment. If, in addition, nonwhites attained as much education as whites and there were no barriers to their employment, gross national product might rise by 3.2 percent; i.e., \$17 billion at today's levels of gross national product. This, of course, in no way measures the heaviest cost of all—the loss of human dignity accompanying racial discrimination.

**BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 7—
MARCH 17, 1964**

(This bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Dinner-hour quorum call stretches to 67 minutes: After two afternoon quorum calls where civil rights Senators responded promptly, a quorum call begun at 6:27 p.m. ran until 7:34 p.m. before 51 Senators responded to their names. Senators should expect that quorum calls will take place frequently during the dinner hour, particularly as the evening sessions lengthen. The more promptly that Senators respond to such quorum calls the more efficiently we can proceed with the civil rights legislation. Each Senate office should be fully informed where its Senator can be located for quorum calls in the evening hours.

2. Schedule for Tuesday: The Senate session will begin at 11:00 a.m. and continue until at least 9:00 p.m. Senators should expect live quorums at any time when the Senate is in session.

3. Civil rights groups visit Washington: From time to time during the Senate debate on civil rights bill, civic, religious, and other groups will come to Washington to express their support for the objectives of the bill. The first of these visits is already underway. The Committee for Racial Justice Now and the Council for Christian Social Action, both agencies of the United Church of Christ (Congregational), are here Monday through Wednesday of this week. More than a hun-

dred religious leaders from all parts of the country are meeting at the First Congregational Church of Washington, 10th and G Streets NW. At 7:30 tonight, the Reverend Ben Herbst of Ohio, President of the United Church of Christ, will conduct a worship service on behalf of civil rights.

4. Quote without comment: "This year we've probably added \$8 to \$10 million of future bookings because we're integrated."—Ray Bennison, convention manager of the Dallas Chamber of Commerce, quoted in the Wall Street Journal, July 15, 1963.

5. Opponents of the civil rights bill have strongly criticized title II, on racial discrimination in public accommodations, as an unprecedented violation of private property rights. As a matter of fact, such measures are not a new departure in American law. They have been adopted in 31 States and dozens of cities, and in many cases have been on the books for 10 years or more. Most of them are far tougher than title II, and are broader in coverage. Many of these laws allow criminal sanctions for violations and permit injured parties to sue for recovery of damages. Furthermore, their constitutionality against claims that they violate due process private property rights has been sustained by Supreme Court decisions. See *Bob-Lo Excursion Company v. Michigan*, 333 U.S. 28 (1948); and *District of Columbia v. Thompson Company*, 346 U.S. 100 (1953). Following is a list of States with public accommodations laws: Alaska, California, Colorado, Connecticut, Delaware, Idaho, Illinois, Indiana, Iowa, Kansas, Maine, Maryland, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Dakota, Ohio, Oregon, Pennsylvania, Rhode Island, South Dakota, Vermont, Washington, Wisconsin, and Wyoming.

**BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 8—
MARCH 18, 1964**

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum calls quickly met: on the ninth day of debate on the majority leader's motion that the Senate proceed to consider H.R. 7152, civil rights proponents continued to meet quorum calls successfully. The first was completed in 13 minutes and the second, at 7 p.m., in 25 minutes.

2. Schedule for Senators for balance of week:

WEDNESDAY, MARCH 18

Democrats: HUMPHREY, DOUGLAS, BURDICK, WILLIAMS of New Jersey, CHURCH. Republicans: JAVITS, PONG.

THURSDAY, MARCH 19

Democrats: HUMPHREY, MAGNUSON, MCINTYRE, FELL, KENNEDY. Republicans: Hruska, ALLOTT.

FRIDAY, MARCH 20

Democrats: HUMPHREY, DODD, NELSON, KENNEDY, METCALF. Republicans: KEATING, JORDAN.

SATURDAY, MARCH 21

Democrats: HUMPHREY, HART, CHURCH, FELL. Republicans: CASE, PROUTY.

Republican Senators find that any conflicts as to time arise, they are to contact Mark Trice or Bill Brownrigg at extension 3835 or 6191.

Democratic Senators' assignments have been chosen on the basis of information previously submitted by each Senator on dates his services would be available. It is assumed that each Senator will assume the

responsibility for obtaining a replacement if a conflict in schedule subsequently arises. In such a case, they are to notify Jane Low at extension 2424.

3. Another concession on voting right denials: Again there was an indication that differences on the facts about voting rights denials are smaller than one would have expected. In a colloquy on March 16, the following occurred:

Mr. RUSSELL. Mr. President, as I have said, the issue of voting rights has been exaggerated out of all proportion. In some counties in Southern States there has been rank discrimination against Negroes in voting.

Mr. COOPER. I did not intend to get into a debate on the question of voter registration. But I believe the fact that persons do not exercise their right to vote is not an argument for continuing a policy of preventing them for voting.

Mr. RUSSELL. It is no excuse whatever (48 CONGRESSIONAL RECORD 5175).

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 9— MARCH 19, 1964

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152), headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Thursday schedule: The Senate session will begin at 11 a.m. today and will continue until about 5:30 p.m. Senators should expect live quorum calls at any time today.

2. Quote without comment: "That a Federal law prohibiting racial discrimination in retail outlets would be helpful to retailers in localities where segregation is still required by local law or local custom would seem to be rather obvious . . . once the elimination of segregated facilities becomes universal, the great majority of our people may be expected to accept the new conditions even though not everyone will welcome them. In that event, retailers and restaurant operators would no longer be forced to take sides and suffer the consequences in the shape of lost sales as they are in so many areas under present conditions." From the July 1963 issue of Chain Store Age.

3. Defining discrimination: Critics of the civil rights bill have charged that the word "discrimination" is left undefined in the bill and therefore the door is open for interpretation of this term according to "whim or caprice." There is no mystery or vagueness about the word "discrimination" as it is used in the bill. Retired Supreme Court Justice Charles E. Whittaker, in an article which Senator THURMOND has described as "very enlightening" (CONGRESSIONAL RECORD, March 17, p. 5437), observes that "The meaning of the term 'discrimination' in its legal sense, is not different from its dictionary meaning." Webster's New Collegiate Dictionary (2d ed., 1951), says that discrimination is "a distinction, as in treatment; especially, an unfair or injurious distinction."

The term "discrimination" is used in a number of statutes without definition. The Interstate Commerce Act (219 U.S.C. 316d) states that it shall be "unlawful . . . to subject any particular person . . . to any unjust discrimination." Similarly, the Federal Aviation Act (49 U.S.C. 1375b) provides that no air carrier shall "subject any particular person . . . to any unjust discrimination."

There is no sound basis for uncertainty about the meaning of discrimination in the context of the civil rights bill. It means a distinction in treatment given to different individuals because of their different race, religion, or national origin.

4. Separate but equal? The Supreme Court decided in *Brown v. Board of Education* that racially segregated public schools

are inherently unequal. Opponents of the civil rights bill have continued to defend segregated schools, but have insisted that these systems provide "separate but equal" facilities for white and Negro students. How true is this claim? We have been able to find figures comparing per-pupil expenditures for whites and Negroes in six Southern States. In five of these six States the amounts spent on Negro public schools are markedly less than those spent on white schools. These figures show the extent to which Negro taxpayers are shortchanged when it comes to public education.

Annual expenditure per pupil

	White	Negro
Alabama.....	\$182.68	\$161.77
Arkansas.....	246.08	197.00
(Computed on average daily attendance.)		
Louisiana.....	234.00	182.00
North Carolina.....	172.00	166.00
Mississippi.....	173.42	117.10

BIPARTISAN CIVIL RIGHTS NEWSLETTER, No. 10— MARCH 20, 1964, THE 11TH DAY OF DEBATE ON THE MANSFIELD MOTION

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152), headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. More fast work on quorums: On the 10th day of debate on the majority leader's motion to consider the civil rights bill, the bill's supporters took an average time of only 15 minutes to respond to two quorum calls.

2. "Educational debate" continues: Yesterday morning Senator MANSFIELD propounded a unanimous consent agreement that the Senate vote on Monday on his motion to consider the civil rights bill. He pointed out that the past 10 days' debate has in fact been concerned with the pros and cons of the bill, and that the Senate should acknowledge this reality by proceeding directly to consideration of the proposed legislation. Senator RUSSELL objected.

3. Friday's schedule: The Senate will be in session from 11 this morning until at least 9 this evening. Senators should expect live quorum calls at any time today. There will be a session this Saturday and there will be live quorums.

4. Separate but note quite equal: According to the Virginia Supreme Court, a drugstore in Danville refused to serve Coca-Cola to Negroes. The store was willing to serve Negroes Pepsi-Cola, but not in glasses, only in paper cups, for which there was an additional 1-cent charge. See *Cook v. Patterson Drug Co.*, 185 Va. 516, 39 S.E. 2d 304 (1946).

5. Quote without comment: "Simple justice requires that public funds, to which all taxpayers of all races contribute, not be sent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination." President Kennedy's civil rights message, June 19, 1963.

6. Desegregation isn't so bad after all: El Paso, Tex., was the first city in any Southern State to adopt a comprehensive public accommodations ordinance. Mr. Richard Marshall, an attorney in El Paso, described his city's experience with this new law:

"Our experience has been gratifying. Our four aldermen were all in favor of it, but the mayor vetoed it and the ordinance was passed over his veto. There was no violence, there were no demonstrations, and there was acceptance of the ordinance by the hotels, theaters, and restaurants of El Paso. Many

of the theaters and restaurants welcomed with relief the passage of the ordinance, since they had the force of law behind their natural desire to serve all patrons without causing arguments on their business premises.

"I do not think that even the most fervent 1962 opponents of the ordinance among the restaurants and hotel people would today be able to state that this legislation had either harmed their business, taken any of their property or profits from them, deprived them of any of their liberties, or created any super police power in the community."

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 11— MARCH 21, 1964, THE 12TH DAY OF DEBATE ON THE MAJORITY LEADER'S MOTION THAT THE SENATE PROCEED TO CONSIDER H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152), headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: There were two quorum calls on Friday requiring 19 minutes the first time and 22 minutes the second. Once again optimism runs high for Saturday's session, which will begin at 11 a.m.

2. Schedule for next week: On Monday the session will begin at 10 a.m. pursuant to recess and run later into the evening than during the preceding week. The 10 o'clock starting time and late recesses are expected to be the rule for the whole week through Thursday with an Easter recess anticipated for Friday and Saturday. The Senate will be in session, however, on Monday, March 30.

3. Two public officials comment on need for public accommodations legislation: Opponents of title II contend that voluntary efforts toward desegregation of public accommodations would be peaceful and successful, therefore, Federal legislation not necessary. During the course of the Senate committee hearing on the public accommodations bill, Gov. George Wallace of Alabama disagreed. Governor Wallace made the following reply to a question about the likelihood of voluntary desegregation of public establishments in Alabama:

"No, sir; they can integrate. Let them go ahead and integrate. One or two have talked about integrating in Birmingham, Ala. They have had Negro boycotts, now they have white boycotts."

Another public official who appeared as a witness at the Senate committee hearings, Mayor Ivan Allen, Jr., of Atlanta, Ga., prophesied the possible futility of past progress if Congress fails to enact this measure.

"Surely the Congress realizes that after having failed to take any definite action on this subject in the last 10 years, to fail to pass this bill would amount to an endorsement of private business setting up an entirely new status of discrimination throughout the Nation. Cities like Atlanta might slip backward."

"Hotels and restaurants that have already taken this issue upon themselves and opened their doors might find it convenient to go back to the old status. Failure by Congress to take definite action at this time is by inference an endorsement of the right of the private business to practice racial discrimination, and in my opinion, would start the same old round of squabbles and demonstrations that we have had in the past."

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 12— MARCH 23, 1964, THE 13TH DAY OF DEBATE ON THE MOTION OF THE MAJORITY LEADER THAT THE SENATE PROCEED TO CON- SIDER H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152), headed

by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: The quorum on Saturday was achieved within 24 minutes of the call. This was 7 minutes faster than the preceding Saturday.

2. Schedule for Monday and Tuesday: The session will begin at 10 a.m. today and tomorrow and is expected to recess at or near 10 p.m. each evening. The bipartisan floor managers and captains are as follows:

DEMOCRATIC CAPTAINS

For Monday: All day, Senator HUMPHREY; convene, 1, Senator LONG of Missouri; 1-4, Senator MCINTYRE; 4-7, Senator NELSON; 7-recess, Senator BAYH.

For Tuesday: Senator HUMPHREY, Senator CLARK, Senator BURDICK, Senator KENNEDY, Senator DODD.

REPUBLICAN CAPTAINS

For Monday: Senator COTTON, Senator BOGGS.

For Tuesday: Senator HRUSKA, Senator BENNETT.

3. Easter recess: The Senate will recess Thursday, March 26 and meet again on Monday, March 30. Full sessions are anticipated for Thursday and Monday.

4. The necessity for equal employment opportunity: "The average nonwhite (male) with 4 years of college can expect to earn less over a lifetime than the white (male) who did not go beyond the eighth grade," according to a study made by the Bureau of Census, Department of Commerce. This conclusion was based upon the following figures contained in the study:

Estimated lifetime earnings of males, by color (earnings from age 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	186,000	47
5 years or more.....	466,000	246,000	53

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 13—MARCH 24, 1964

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Monday's quorum performance: Three quorum calls were answered in an average of 18 minutes.

2. Tuesday's schedule: The Senate session will begin at 10 o'clock this morning and will continue until 10 o'clock this evening. Senators should expect live quorum calls at any time during the session.

3. It's not easy to get the color right: The application form for voter registration in Louisiana includes a blank space in which the applicant must list his color. In Beilville Parish, Negroes were purged from the voting rolls for having answered this ques-

tion with any of the following words: "Negro," "Brown," "Colored," or "Dark." The registrar of Beilville Parish testified in Federal Court that she would reject Negro applicants who filled in the blank with the word "Negro." Her reason for this position was that Negro is not a color but a race. In adjoining Jackson Parish the registrar testified in Federal Court that she rejected applicants who stated that they were brown; in Jackson Parish "Negro" is the accepted answer. In Orleans Parish it is acceptable to answer the question with either "Negro," or "Colored," but not with "Brown" or "Black." (Incidentally, in many of the courthouses in these parishes where registration occurs there are separate restrooms for Negroes and white labeled "White" and "Colored.")

Sec. 101(a)(2)(B) of the civil rights bill prohibits denying "the right of any individual to vote in any Federal election because of an error or omission of such individual on any record or paper relating to any application, registration, payment of poll tax, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election."

4. A closer look at "separate but equal" education in Mississippi: Last week we presented figures showing that the average annual expenditure (computed by dividing the average daily attendance into the total instructional cost) for Negro pupils in the Mississippi school system was \$117.10, compared to \$173.42 for white pupils. Other data on public education in Mississippi came to light. These figures, all taken from official reports of the State of Mississippi, disclose the extent to which Negro students are given inferior educational opportunities. Negro teachers get lower pay and have larger classes, thus making it more difficult for students to get adequate individual attention. More than half of all Negro elementary schools and almost a quarter of all Negro high schools do not meet even the accreditation standards of the State of Mississippi itself.

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 pupils.
Negro: 1 teacher for each 28.5 pupils.

Source: Ibid., pp. 1, 39; computed on the average daily attendance.

Percentage of public schools accredited by the State of Mississippi

[Percent]

	White	Negro
Elementary schools.....	96.9	44.3
Junior high schools.....	100.0	89.7
High schools.....	100.0	76.3

Source: Biennial Report and Recommendations of the State Superintendent of Public Education to the Legislature of Mississippi for the Scholastic Years 1959-60 and 1960-61, p. 137.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 14—MARCH 25, 1964, THE 15TH DAY OF DEBATE ON THE MAJORITY LEADER'S MOTION THAT THE SENATE CONSIDER H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of Senators who support this legislation. This newsletter will help to

keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: Senate supporters of civil rights continued their fast work on quorums, making three calls on Tuesday in the average time of 19 minutes.

2. Schedule for Wednesday: The session will begin at 10 this morning and will continue until late this evening. Senators should expect live quorums at any time during the day.

3. From the UPI ticker: "Senate leaders agreed informally today to vote Thursday on the twin issues of taking up the civil rights bill and referring it to committee for a 10-day study."

"Senator KEATING, Republican, of New York, told the Senate that his mail, which once had run 50-50, now was running 4 to 1 in favor of the rights bill."

4. Quote without comment: "Mr. SMATHERS. I do not deny that there has been infringement of the right to vote." (CONGRESSIONAL RECORD, March 23, p. 5995.)

5. Support for civil rights in Iowa: In a few days in the early part of March citizens of Des Moines wrote over 1,600 letters to their two Senators in support of the civil rights bill.

6. Equal rights in Alabama: Applicants for voter registration in the State of Alabama are required to fill out a lengthy form. One of the trickier questions reads, "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 wounded [sic]." He passed. On the other hand, Alabama registrars have "found" Negro professors, scientists, and graduate students to be illiterate.

7. Opponents of the civil rights bill sometimes give listeners the impression that the bill's provisions against racial discrimination in employment are a dangerous and tyrannical departure from all hitherto existing American experience. In fact, laws prohibiting discrimination in employment have been adopted in 25 States. Many of these State laws go a good deal further than title VII of H.R. 7152. They provide criminal penalties for violations, are broader in coverage, and give enforcement powers to administrative or quasi-judicial agencies. On the other hand, H.R. 7152 does not provide for criminal penalties, is restricted to establishments that affect commerce and have 25 or more employees, and give enforcement powers only to the Federal courts. The following 25 States have fair employment practice laws: Alaska, California, Colorado, Connecticut, Delaware, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Minnesota, Missouri, New Jersey, New Mexico, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Vermont, Washington, Wisconsin.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 15—MARCH 26, 1964, THE 16TH DAY OF DEBATE ON THE MOTION OF THE MAJORITY LEADER THAT THE SENATE PROCEED TO CONSIDER H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152), headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: There was one quorum call on Wednesday which required 24 minutes to meet. With full attendance expected today, our record should be even better.

2. Schedule for Thursday: The Senate will meet at 9 a.m. today and there will be no morning hour. The vote on the Mansfield motion to take up the civil rights bill is expected shortly after the Senate convenes, and the vote on the Morse motion to send the bill to the Judiciary Committee will be taken during the afternoon. At the close of business on Thursday, the Senate will recess for the Easter holidays until Monday.

3. Discrimination by ordinance: A number of cities and States require racial segregation in places of public accommodation. For example, in Birmingham, Ala., it is against the law for any restaurant to serve whites and Negroes in the same room unless they are "separated by a solid partition extending from the floor upward to a distance of 7 feet or higher, and unless a separate entrance from the street is provided for each compartment."

In Durham, N.C., the city code requires separate rooms for Negroes and whites in any public eating place which serves both races. "The partition between such rooms shall be constructed of wood, plaster, or like material, and shall reach from floor to the ceiling."

A State law in Oklahoma requires the telephone company to provide separate phone booths for each race at the request of a particular locality. In Texas, Tennessee, and Oklahoma, coal mine operators must provide separate bath and locker facilities for Negroes. An Arkansas law requires that race tracks must provide segregated seating, and Louisiana and South Carolina both have specific laws requiring separate entrances and seating at circuses.

4. Literacy tests: In an article in the March 26 edition of the Reporter, John and E. W. Kenworthy set forth this example of voter registration procedures in Mississippi. The Reverend James C. Chandler, a Negro minister, failed to qualify to vote in Hattiesburg because he had given the year of his birth on an application, but not his age. John Cecil McMillan, white, of George County, applied and was asked the following questions:

Question. What does the phrase "There shall be no imprisonment for debt" mean?

Answer. I think that a Neorger shall have 2 years in college before voting, because he don't understand?

Question. What are the duties and obligations of citizenship?

Answer. Under Standing of pepper and Government ship Bessing.

Mr. McMillan passed the test and is registered to vote.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 16—MARCH 27, 1964, THE 17TH DAY OF DEBATE SINCE THE MAJORITY LEADER MOVED THAT THE SENATE PROCEED TO CONSIDER H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152), headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: There were three quorum calls on Thursday. The first required 18 minutes to meet, and the second, 12. The third was withdrawn by unanimous consent after 2 minutes.

2. Votes: By a vote of 67 to 17 the motion to take up the bill was passed. By a vote of 50 to 34 the Morse motion to refer the bill to committee was tabled.

3. Schedule for Monday: The Senate will meet at noon and there will be a morning hour.

4. The Motorola case: A recent decision attributed to the Illinois FEPC in the case of *Myart v. Motorola, Inc.*, has been repeatedly cited as an example of the lengths to which the proposed Equal Employment Opportunity Commission might be expected to go. In that case, the hearing examiner found that an employment test was "obsolete" because its norm was derived from standardization on advantaged groups, and he ordered Motorola to cease using the test.

The facts: The decision is merely an initial or preliminary decision by a part-time hearing examiner. The Illinois Commission, according to its chairman, "has not taken any stand of any kind at any time on the issue of the use of tests in employment." The commission "has issued no orders and has taken no position" on the hearing examiner's finding.

Whatever the final action on the case, the citation of the examiner's finding has no application to title VII. First, unlike the Illinois commission, the Equal Employment Opportunity Commission established by title VII would have no adjudicative functions and no authority to issue enforcement orders. Only a Federal court would have authority to determine whether there had been a violation of the act and only the court could enforce compliance. Second, under title VII, even a Federal court could not order an employer to lower or change job qualifications simply because proportionately fewer Negroes than white are able to meet them. Title VII says only that covered employers cannot refuse to hire someone simply because of his color. But it expressly protects the employer's right to insist that any applicant meet the applicable job qualifications.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 17—MARCH 30, 1964

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152), headed by Senator HUBERT HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Schedule for the week: Today the Senate will convene at noon and continue until about 9. Tuesday through Thursday the sessions will begin at 11 a.m. and run until approximately 10 p.m. Friday and Saturday the sessions will begin some time earlier than 11 a.m.

2. Presentation of the case for H.R. 7152: As the civil rights bill is now officially before the Senate for consideration, the proponents of this legislation will begin an affirmative presentation of the need for the provisions of the bill. Senators HUMPHREY and KUCHEL will lead off this effort today with an explanation of the considerations requiring enactment of the bill and a description of each title. Subsequently, each title of the bill will be the subject of detailed explanation by the bipartisan leaders assigned to each title. This will encourage an organized consideration of the bill title by title.

3. FLOOR MANAGERS FOR MONDAY AND TUESDAY

For Monday: All day: Senator HUMPHREY. Convene, 1: Senator DOUGLAS.

1-4: Senator CHURCH.

4-7: Senator RIBICOFF.

7-recess: Senator KENNEDY.

For Tuesday: All day: Senator HUMPHREY. Convene, 1: Senator LONG of Missouri.

1-4: Senator MCINTYRE.

4-7: Senator MOSS.

7-recess: Senator NELSON.

4. Excerpt from report of Labor and Public Welfare Committee: "The startling fact

is that one out of every five of the unemployed and one out of every four of the long-term, hard-core unemployed is nonwhite. Stated somewhat differently, approximately 900,000 of the 7 million nonwhites in the labor force are unemployed, a figure which represents more than 22 percent of the total unemployed figure. Thus although Negro and other nonwhite Americans constitute only 10 percent of the labor force, they make up more than twice that figure in the ranks of the unemployed" (S. Rept. No. 867, p. 6).

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 18—MARCH 31, 1964

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152), headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. An orderly debate on the bill: Now that the civil rights bill has been made the pending business of the Senate, its proponents intend to discuss the merits of the legislation in an orderly manner, taking up each title in sequence.

Yesterday, general opening statements in support of the bill were made by the two overall bipartisan leaders, Senators HUMPHREY and KUCHEL. No affirmative presentations have been scheduled for today, on the assumption that the opponents of the bill would desire an early opportunity to respond to yesterday's speeches.

It is anticipated that the affirmative case for title I (voting rights) will be made on Wednesday. Senator KEATING, the Republican floor captain in charge of title I, will open the presentation, and Senator HART, his Democratic counterpart will follow. The bipartisan proponents of the bill hope that the ensuing debate will be germane to the provisions of title I, so as to sharpen the issues raised and enhance public understanding of them.

No firm date has yet been set for the presentation of the affirmative case for title II (public accommodations). The schedule of those Senators who have been assigned the responsibility for presenting the case for the various titles follows:

	Democrats	Republicans
Title I (voting rights).....	Hart.....	Keating.
Title II (public accommodations).....	Magnuson.....	Hruska.
Title III (public facilities).....	Morse.....	Javits.
Title IV (school desegregation).....	Douglas.....	Cooper.
Title V (Civil Rights Commission).....	Long of Missouri.....	Scott.
Title VI (federally assisted programs).....	Pastore.....	Cotton.
Title VII (equal employment opportunity).....	Clark.....	Case.
Titles VIII through XI.....	Dodd.....	

2. Need to maintain quorums continues. The change in the parliamentary situation brought about by the adoption of the motion to take up the civil rights bill and the adjournment of the Senate last week, have not altered the need to keep a quorum continuously available when the Senate is in session. Senators are earnestly requested to continue to abide by the quorum duty schedules, and to procure substitutes for any period when they cannot be present to answer quorum calls.

3. This week's floor manager schedule. Although the proponents of the bill are now making the affirmative case and debating the bill on the merits, Senators who have been

scheduled for floor duties should nevertheless plan to be present on the floor at as-

signed times. The schedule for the remainder of the week follows:

	Today	Wednesday, Apr. 1	Thursday, Apr. 2	Friday, Apr. 3	Saturday, Apr. 4
DEMOCRATS					
All day.....	Humphrey	Humphrey	Humphrey	Humphrey	Humphrey
Convene to 1 p.m.	Long of Missouri	Clark	Hart	Douglas	Magnuson
1 to 4 p.m.....	McIntyre	Bayh	Brewster	Burdick	McCarthy
4 to 7 p.m.....	Moss	Kennedy	Muskie	Williams	Dodd
7 p.m. to recess	Nelson	Pell	McCarthy	Clark	McGovern
REPUBLICANS					
All day.....	Kuchel	Kuchel	Kuchel	Kuchel	Kuchel
	Javits	Cotton	Case	Dominick	(1)
	Jordan	Cooper	Saltonstall	(1)	(1)

¹ To be announced.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 19, APRIL 1, 1964

(The bipartisan Senate leadership supporting the civil rights bill (H.R. 7152), headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of Senators who support the legislation. This newsletter will help to keep Senators and their staffs fully informed on the civil rights bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard. Senate supporters of civil rights may have gotten rusty after the Easter recess. It took them fully 20 minutes to make the only quorum call on Tuesday. Now that the debate on the bill has actually begun, it is more important than ever to make quorums quickly. All deliberate speed is not fast enough.

2. Wednesday's schedule. The session will begin at 11 this morning and will continue until at least 8 this evening. Senators should expect live quorums at any time while the Senate is in session. Senators KEATING and HART will make a detailed presentation of the positive case for Title I (Voting Rights) today.

3. The schedule for the rest of the week. Senators MORSE and JAVITS will speak in favor of Title III (Desegregation of Public Facilities) on Thursday and Friday whenever discussion of title I is completed.

4. More on "Separate but Equal." Dr. Max Seham, a distinguished doctor in Minneapolis, has written two authoritative articles on racial discrimination in hospitals. Below are some passages from his articles, which make clear the tragic consequences of racial prejudice:

"Infant mortality rates reflect the contrast in available medical services. In Minnesota, in 1960, the infant mortality rate for whites was 21.6 and for nonwhites, 22.6; while in Mississippi, it was 26.6 for white infants and 54.3 for nonwhites.

"There is no question that if the same care were available to Negroes in Mississippi and other Southern States as in Minnesota and other Northern States, Negro morbidity and mortality rates could be sharply reduced and vast human waste and suffering could be prevented. There is no use to belabor the point: Factors responsible for this shocking injustice are poverty, lack of Negro doctors, exclusion of Negroes from first-class 'white' hospitals.

"There is no need to describe in detail the many tragedies attributable to discrimination by 'white' hospitals against Negroes. Women in labor have been compelled to deliver on cold sidewalks outside of 'white hospitals.' Victims of accidents have repeatedly been given first aid for skull fractures or other injuries, only to be sent away from 'white' hospitals to inadequate Negro hospitals where death has often followed.

"The most publicized of such inhuman treatment was that of the father of Walter White, the executive secretary of the Na-

tional Association for the Advancement of Colored People. The elder White was run over by a white physician's car on the streets of Atlanta, and taken to a 'white' hospital. White was not recognized as a Negro, and he was given the best emergency treatment, but when Walter White, his son, identified him, the father was hustled to a Negro hospital. He died in 24 hours.

"It seems incredible that in the year 1964, in the United States of America, such barbaric treatment of Americans exists. But let the record speak for itself:

"In Atlanta * * * of 4,500 available hospital beds, only 630 are available to Negroes, although 50 percent of the population is Negro.

"In Birmingham, Ala., the city where dogs were unleashed against colored children, area hospitals have allocated 1,762 beds to whites and 574 to Negroes, although about 40 percent of the population is colored."

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 20— APRIL 2, 1964

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the office of Senators who support the bill. This newsletter will help to keep Senators and their staffs informed on the bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: Something must have happened to civil rights Senators over the Easter recess. They responded to the first quorum call on Wednesday in the mediocre time of 22 minutes, and then disaster struck. It took 1 hour and 2 minutes to make a quorum late in the afternoon. This is the outstanding victory of the week for the opposition.

2. Thursday's schedule: The session will begin at 11 this morning and will continue until at least 9 this evening. Senators should expect live quorums at any time. Senators JAVITS and MORSE will present the affirmative case on title III (desegregation of public facilities).

3. The rest of the week: The Senate will meet at 11 every day for the remainder of the week, including Saturday.

4. Quote without comment: Mr. THURMOND. "It is clear that the 14th amendment was never lawfully submitted or lawfully ratified. Therefore, I deny that the 14th amendment is a lawful amendment." CONGRESSIONAL RECORD, March 31, 1964, page 6662.

A SHORT COURSE ON TITLE I

A. The need for title I: In many States Negroes are not allowed to vote. Even such opponents of the civil rights bill as Senators ELLENBER, RUSSELL, and SMATHERS admit this. There are dozens of counties where less than 5 percent of the adult Negroes are registered to vote; in some counties, no Negroes at all are registered. The Civil Rights Acts of 1957 and 1960 were passed to deal with this denial of constitutional rights. Court action under these laws has given many Negroes the right

to vote and has also documented the subterfuges and evasions that are used to prevent Negroes from registering. Title I prohibits the most glaring and unfair of such practices.

B. The major provisions of title I: (1) Negroes and whites who apply for registration must be treated equally and evaluated by the same standards. This is based on the practice, all too common in many places, of approving any application by a white man and imposing ridiculous or impossible requirements on Negro applicants.

(2) Officials cannot reject an application for voting registration for reasons, such as trivial mistakes or omissions on application forms, that have nothing to do with the applicant's actual qualification. It will no longer be legal, for instance, to reject a Negro because he did not give his age correctly in years, months, and days.

(3) If a literacy test is used by a State, it must be given in writing if the applicant so requests; furthermore, if he requests it, he must be given a copy of the questions and his answers whether given in a written or oral test. Orally administered literacy tests are often used, and some officials have exercised complete discretion to reject answers by Negroes. Under such methods, Negro teachers and scientists have failed to pass literacy tests. This provision would permit a court to judge whether the test had been fairly administered.

(4) Furthermore, if literacy is a qualification for voting, a sixth-grade education shall be considered presumptive evidence of literacy, although the State may attempt to rebut this presumption in court.

(5) Finally, voting rights cases may be heard by a three-judge court, from which appeals will go directly to the Supreme Court.

C. Objections to title I. No one claims that Negroes should be prevented from voting, and no Senator has categorically denied that discrimination in voting does exist. The opposition to title I is expressed on constitutional grounds. It is claimed that under the title the Federal Government would establish qualifications for voting, and that this power is given exclusively to the States by the Constitution. In fact, title I does not set any qualifications. What it does is to say that whatever qualifications are imposed by the States must be applied equally to whites and Negroes alike. The sixth-grade presumption applies only where a State has a literacy test and it is merely a rule of evidence requiring proof that a man with such education is illiterate.

These arguments overlook the 14th amendment, which guarantees equal protection of the laws, and the 15th amendment, which prohibits denying the right to vote on account of race or color. Both of these amendments expressly state that Congress may enforce their provisions by appropriate legislation. The Supreme Court has repeatedly held that these amendments provide ample constitutional basis for congressional action to legislate to safeguard democratic elections. One such decision said that the 15th amendment was 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" (*Lane v. Wilson*, 307 U.S. 268 (1939)).

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 21— APRIL 3, 1964, THE 5TH DAY OF DEBATE ON H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the bill. This newsletter will help to keep Senators and their staffs fully informed on the bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: The civil rights quorum machine continues to creak and sputter along. It took 53 minutes to make one quorum call on Thursday and 44 minutes to make the other one. This doesn't break Wednesday's record for all deliberate speed, but it comes close.

2. Friday's schedule: The Senate will convene at 11 and stay in session until at least 9 p.m. Speakers: Senators DOUGLAS and COOPER. Subject: School Desegregation (title IV). Floor captains: Democrats: DOUGLAS (11 to 1); BURDICK (1 to 4); WILLIAMS (4 to 7); CLARK (7 to closing); Republicans: DOMINICK (all day); SCOTT (all day).

3. From the AP ticker: "President Johnson apparently is giving his legislative lieutenants little room to maneuver toward any compromise that might insure Senate passage of the civil rights bill.

"The President was described by close associates today as being hard-rock firm against any changes in the House-passed measure. They said he has maintained this attitude in private strategy conferences as well as in his public statements."

A SHORT COURSE ON TITLE III

A. The need for title III: In a series of decisions beginning with the Brown case in 1954, the Supreme Court has made it unmistakably clear that public facilities of any kind may not be racially segregated. Despite this clear statement of law, many localities continue to deny Negroes their rights to free and complete access to parks, swimming pools, and similar facilities. In other words, some State and local governments are violating the 14th amendment by denying some of their citizens equal protection of the law. Under present statutes, the only way Negroes can obtain their constitutional rights is to initiate lawsuits and carry them through the courts, matching their financial resources against all the power and wealth of a city or State. It has been estimated that the average cost of a single such lawsuit is about \$15,000—a high price for a Negro to pay to enjoy his constitutional right to walk through the public park that his tax money has helped to finance. This is really double taxation with a vengeance. In many places Negroes pay taxes, then have to sue to enjoy the benefits of those taxes.

B. The major provisions of title III: (1) On receipt of a signed complaint that an individual has been deprived of his right to free and complete use of a public facility (other than a public school) on account of race, the Attorney General may bring suit, in the name of the United States, for relief from such discrimination. This authority to sue may be exercised only when the Attorney General certifies that the complainant is unable to bring suit himself and that such a suit would further the orderly progress of desegregation of public facilities. A complainant would be deemed unable to bring suit if there was no private source of funds for the litigation or if the private suit would jeopardize him through economic or other forms of retaliation.

2. Furthermore, the Attorney General is authorized to intervene in any legal action brought by an individual seeking relief from denial of equal protection of the laws on account of race.

C. Objections to title III. The most common objection is that this title would give the Attorney General enormous powers to intrude into local life. In fact, the only "power" given the Attorney General is the authority to bring a lawsuit, and the only "intrusion" would be for the State or local officials to be ordered by a Federal court to obey the law of the land. Such a court order could be issued only after a full trial. The courts have this same power at present. The only change represented by title III would be that the Attorney General would be able to bring such cases before the courts.

We usually rely on public officials to enforce the law and take action to give citizens their rights. The same authorization to sue to enforce the law is granted in numerous other areas. It is about time we gave full meaning to the 14th amendment by extending this same common authority to it.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 23, APRIL 4, 1964—THE SIXTH DAY OF DEBATE ON H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the bill. This newsletter will help to keep Senators and their staffs fully informed on the bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: Only one quorum was called for on Friday and 41 minutes were required to make that call. While this is a fairly quick response in comparison with quorum efforts on Wednesday and Thurs-

day, the bipartisan leaders have reached a unanimous conclusion that there is much room for improvement.

2. Saturday's schedule: The Senate will convene at 11:00 and stay in session until late evening.

Leadoff Speaker: Senator DODD.

Subject: Titles VIII–XI.

Floor captains: Democrats, MAGNUSON (11–1); MCCARTHY (1–4); DODD (4–7); and MCGOVERN (7–closing). Republicans, KEATING and MORTON.

3. The need for title VI: A dramatic illustration of discrimination among beneficiaries of federally assisted programs on account of race is afforded by Department of Agriculture data concerning the administration of the Federal School Lunch program in Greenwood, Miss. These figures also indicate just how equal separate school facilities for Negro and white students are. Nearly half of the average daily attendance in Greenwood schools are Negro students (43 percent), yet the Negro students receive only one-fifth of the free lunches distributed in the Greenwood district.

	Average daily attendance	White percent of average daily attendance	Negro percent of average daily attendance	White percent of free lunches	Negro percent of free lunches
1960-61.....	4,943	57	43	79	21
1961-62.....	5,130	57	43	80	20

BIPARTISAN CIVIL RIGHTS NEWSLETTER, No. 23, APRIL 6, 1964—THE SIXTH DAY OF DEBATE ON H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the bill. This newsletter will help to keep Senators and their staffs fully informed on the bill. It will be distributed whenever circumstances warrant, daily, if necessary.)

DEBATE CANCELED DUE TO ABSENCE OF QUORUM

The problem of absenteeism which had grown progressively worse during the week among Senators supporting passage of the civil rights bill reached a grand climax on Saturday when a quorum failed to appear. Terming the situation a "travesty on the legislative process," the majority leader moved to recess until 10 a.m. Monday, thereby bringing the civil rights debate to a dead halt on Saturday.

Despite notice and warning that a Saturday session would be held, only 39 Senators responded to the quorum call (23 Democrats and 16 Republicans). Sixty-one failed to respond (44 Democrats and 17 Republicans). Senator HUMPHREY summed up the situation: "The only way we can lose the civil rights fight is not to have a quorum when we need it." Repeated failures to produce a quorum in the coming weeks will only be interpreted as a staggering setback to the cause of civil rights in America.

1. Monday's schedule: The Senate will convene at 10 a.m. and remain in session until at least 9 p.m. Senators and their staffs should be on the alert for live quorums at any time.

2. Subjects for debate: Titles VIII–XI and title V (Civil Rights Commission).

Speakers: Senator DODD, Senator LONG (Missouri), and Senator SCOTT.

3. Twenty-two outstanding lawyers support constitutionality of public accommodations and equal employment opportunity titles: Senator HUMPHREY and Senator KUCHEL floor managers for H.R. 7152 have received a communication from a panel of the Nation's outstanding lawyers endorsing the constitutionality of titles II and VII of the civil rights bill.

The lawyers included three former Attorneys General of the United States (Francis Biddle, Herbert Brownell, and William P. Rogers), four former presidents of the American Bar Association (David F. Maxwell, John D. Randall, Charles S. Rhyne, and Whitney North Seymour), four law school deans (Erwin N. Griswold of Harvard, Eugene V. Rostow of Yale, John W. Wade of Vanderbilt, and William B. Lockhart of Minnesota), and many other high-ranking members of the legal profession. Members of both political parties are included in the group as well as lawyers generally regarded as being "liberal" and "conservative."

The following are excerpts from the letter addressed to Senators HUMPHREY and KUCHEL:

"Upon careful consideration of the established judicial precedents in this area of constitutional law, and in full recognition of the vital importance of the legal issues which are the subject of this letter, we conclude that title II and title VII are within the framework of the powers granted to Congress under the Constitution.

"With respect to title II, the congressional authority for its enactment is expressly stated in the bill to rest on the commerce clause of the Constitution and on the 14th amendment. The reliance upon both of these powers to accomplish the stated purpose of title II is sound. Discriminatory practices, though free from any State compulsion, support, or encouragement, may so burden the channels of interstate commerce as to justify, legally, congressional regulation under the commerce clause. On the other hand, conduct having an insufficient bearing on interstate commerce to warrant action under the commerce clause may be regulated by the Congress where the conduct is so attributable to the State as to come within the concept of State action under the 14th amendment.

"The grounding of the public accommodations title on the commerce clause is in keeping with a long tradition of Federal legislation, validated in many judicial decisions, and is not today open to substantial legal dispute. In exercising its power to regulate commerce among the States, Congress has enacted laws, encompassing the widest range of commercial transactions, similar to the regulatory scheme of title II of H.R. 7152.

"It is also clear that the discrimination or segregation prohibited by title II is subject to regulation by the Congress under its power to enact laws to enforce the equal protection clause of the 14th amendment where there is participation and involvement by State or local public agencies in the unlawful conduct. The decision of the Supreme Court in the *Civil Rights Cases*, 109 U.S. 3 (1883), in no way prevents the Congress from barring discrimination in those factual circumstances constituting State action under the 14th amendment.

"With respect to the equal employment opportunity provisions of title VII, there are many decisions of the Federal courts upholding under the commerce clause similar laws regulating employment relationships which in some fashion impinge on interstate commerce.

"Powers which Congress can exercise under one part of the Constitution may be limited by guarantees found elsewhere in the Constitution. In our opinion, neither title II nor title VII imposes such arbitrary restrictions upon private property or on the operation of private business as to conflict with due process requirements. In the development of congressional authority under the commerce clause and other express grants of power, statutes designed to enhance individual rights and to ameliorate working conditions have been regularly upheld by the courts even though they have in some measure affected property or contract rights."

This opinion should remove any vestige of doubt concerning the constitutional authority of Congress to enact the provisions of titles II and VII. The full text of the letter, the identification of the signers, and a memorandum reviewing the applicable authorities are expected to be introduced by Senator HUMPHREY in Monday's CONGRESSIONAL RECORD.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 24—
APRIL 7, 1964, THE SEVENTH DAY OF DEBATE
ON H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the bill. This newsletter will help to keep Senators and their staffs fully informed on the bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: Civil rights Senators broke out of their quorum slump on Monday, averaging 19 minutes on five quorum calls. This is a fine recovery from Saturday's disaster. We hope that it will be more than a 1-day wonder.

2. Today's schedule: The Senate will convene at 10 this morning and stay in session until least 9 p.m. Live quorums should be expected at any time during the session.

Speakers: Senators COTTON and PASTORE.
Subject: Discrimination in federally assisted programs (title VI).

Floor captains: Democrats: HART (10 to 1), CHURCH (1 to 4), RIBICOFF (4 to 7), PASTORE (7 to recess); Republicans: COOPER (all day), BOGGS (all day).

3. The mystery of racial discrimination: "Mr. HUMPHREY, I would appreciate it if someone would tell me why a colored lady could literally love their children, coddle them, bring them up, put them to bed, wake them in the morning, take care of their every need, feed them, be like a good and loving mother to them, and yet when she goes up-town she is told 'You cannot come in here.'"

"Mr. STENNIS. Let me say to the Senator from Minnesota that * * * if he cannot understand some of the basic relations that occur in human nature, I cannot expect, in the few minutes I have remaining to me, to

make him understand." (CONGRESSIONAL RECORD, Mar. 20, 1964, p. 5816.)

A SHORT COURSE ON TITLE IV

(a) The need for title IV: Segregated schools by their nature violate the 14th amendment since they deny equal protection of the laws. In addition to this inherent discrimination, segregated school systems usually provide Negro students with inferior educational opportunities, as measured by per pupil expenditures, teachers' pay, accreditation, size of classes, and other objective indicators of educational quality. Although the Brown case categorically stated the principle that segregation in public schools is unconstitutional, 10 years later only 1 percent of Negro pupils in the South attended desegregated schools. This is due to the refusal of local public officials to obey the law, and to the fact that it takes court action to make them comply with the Constitution. Up to now such action can be initiated only by suits brought by private individuals. These suits are very expensive. The Brown case cost the plaintiffs over \$200,000, and subsequent cases have cost up to \$100,000. It is intolerable that American citizens should have to spend so much money to achieve their constitutional rights—rights that they should be able to enjoy without question.

Furthermore, when court orders to desegregate schools have been issued, the local school officials, even when acting in good faith, often have difficulty in dealing with the problems that follow.

(b) The major provisions of title IV:

1. On receipt of a complaint by one or more parents (or by students, in the case of public colleges) that a school has failed to desegregate, the Attorney General may bring a suit to desegregate the school in question. The Attorney General will have this authority only when he certifies that the complainant is unable to bring suit himself, through lack of private financial support or because of the possibility of retaliation, and also certifies that the suit would further public policy favoring the achievement of desegregation of public schools. This provision recognizes that it is in the public interest to guarantee individuals their constitutional rights.

2. The U.S. Commissioner of Education will make a nationwide survey of the extent of discrimination in education.

3. On application from State or local school authorities, the Commissioner of Education is authorized to give technical advice on planning and implementing school desegregation. The Commissioner is also authorized to conduct training institutes for the same purpose, and to make grants to local school boards to pay for training and expert advice on problems incident to desegregation. In all these instances the Commissioner may act only in response to local application.

(c) Objections to title IV: The most common objection complains about something that is specifically excluded from the bill: Transporting students away from their neighborhoods to overcome de facto segregation. This criticism overlooks section 401(b), which says that desegregation shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Other than this misrepresentation, objections to title IV take the form of complaints about the monstrous Federal power that allegedly will be created. In fact, the Commissioner of Education will have the power only to give advice and technical help, and then only when asked by the locality. The Attorney General is given the power to bring a lawsuit in a Federal court, to give Americans what is indisputably their constitutional right: Equal protection of the laws. If this is a power grab, so is the Bill of Rights.

BIPARTISAN CIVIL RIGHTS NEWSLETTER No. 25—APRIL 8, 1964, THE EIGHTH DAY OF DEBATE ON H.R. 7152

(The bipartisan Senate leadership supporting the civil rights bill, H.R. 7152, headed by Senator HUBERT H. HUMPHREY and Senator THOMAS KUCHEL, will distribute this newsletter to the offices of the Senators who support the bill. It will help to keep Senators and their staffs fully informed on the bill. It will be distributed whenever circumstances warrant—daily, if necessary.)

1. Quorum scoreboard: Senate supporters of civil rights maintained their current streak of good work on quorum calls. Yesterday they made five quorums in the average time of 22 minutes.

2. Today's schedule: The Senate will convene at 10 this morning and stay in session until at least 10 p.m. Live quorums should be expected at any time during the session.

Speakers: Senators CASE and CLARK.
Subject: Equal Opportunity in Employment (Title VII).

Floor captains: Democrats: LONG (10-1), MCINTYRE (1-4), MCGOVERN (4-7), MOSS (7 to recess); Republicans: CASE (all day), MORTON (all day).

3. Labor groups express support for civil rights: This is the final day of a 3-day Washington legislative conference of more than 200 labor leaders, brought here by the Industrial Union Department of the AFL-CIO. They were briefed on the civil rights bill and visited Senators to voice their support of the legislation.

4. Negro interest in voting: The extent to which Negroes are denied their voting rights can be gaged by comparing Negro and white voting registration in many southern counties. In Dallas County, Ala., for instance, 63 percent of all whites of voting age are registered, compared to 1.7 percent of adult Negroes. Opponents of the civil rights bill "explain" such spectacular examples of inequality by saying that Negroes are indifferent to politics and not really very interested in voting anyway.

This hardly seems to be the case in Dallas County. In Selma, the county seat, hundreds of Negroes waiting to apply for voter registration stood between lines of policemen armed with rifles and shotguns. If they left to eat, get a drink of water, or go to the bathroom, they were not allowed to return to the line. Nevertheless, these Negroes waited in line for 8 hours, hoping, for the most part in vain, that they would be allowed to exercise their Constitutional rights. Given the likelihood that in places like Dallas County, Negroes who try to vote will suffer economic reprisals, this does not sound like political apathy.

One senatorial opponent of the bill, who has admitted that Negroes are systematically excluded from voting in some places, excuses this practice by claiming that Negroes do not care about politics. He tried to prove his claim by pointing to voter registration in Washington where more than half the population is Negro.

In fact, the situation in Washington is a very bad argument for this Senator's point of view. While the final official registration totals for the District of Columbia are not yet available, the unofficial figures were reported in the newspaper articles on March 22. It should be remembered that the situation in Washington hardly encourages high registration, for a variety of reasons:

1. A great many Washington residents are transients who vote in their home States.

2. The District of Columbia has the vote only for national elections.

3. This right was just granted, after a century of disenfranchisement.

4. The recent registration drive, the first one in the District in the 20th century, lasted only a few weeks.

The District of Columbia Board of Elections has estimated that 300,000 people in the District are eligible to vote there. Approximately 170,000 persons, or 57 percent of the eligible residents, are now registered. This compares with 19 percent of the eligible Negroes in Alabama and 7 percent in Mississippi. In fact, there are more registered voters in the District of Columbia than there are registered Negroes in these two States combined. In other words, Negroes have the same political interest as whites, and will express their interest by voting where they are not denied this right by discriminatory voting officials. We will present more statistical proof of this fact in tomorrow's newsletter.

TWENTY-DAY EXTENSION OF NEGOTIATIONS FOR RAILROAD LABOR-MANAGEMENT DISPUTE

Mr. HUMPHREY. Mr. President, I should like to note for the RECORD at this point that I have just been informed—and I am sure the Senator from Oregon [Mr. MORSE] is fully aware of this because during the debate he has had to leave the Chamber to answer important telephone calls from the White House—that a 20-day extension has been arrived at in reference to the labor-management dispute on the rails. This is very reassuring, because an opportunity is given to adjust some of the difficulties.

THE CIVIL RIGHTS DEBATE

Mr. HUMPHREY. Mr. President, I call attention of the Senate and the public to the record of the Senate since March 30, when the civil rights bill, H.R. 7152, came before the Senate and was made the pending business.

Starting with March 30, I have a list of the speakers and the time taken by the speakers on the bill. I ask unanimous consent that the list be printed in the RECORD at this point.

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

MAJOR SPEECHES BY PROPONENTS OF H.R. 7152

Monday, March 30: HUMPHREY and KUCHEL—entire bill.

Wednesday, April 1: KEATING and HART—title I.

Thursday, April 2: JAVITS and MORSE—title III.

Friday, April 3: DOUGLAS and COOPER—title IV.

Monday, April 6: DODD—Titles VIII, IX, X, and XI; SCOTT and LONG of Missouri—title V.

Tuesday, April 7: PASTORE and RIBICOFF—title VI.

Wednesday, April 8: CLARK and CASE—title VII.

Thursday, April 9: MAGNUSON—title II; KENNEDY and YOUNG of Ohio—entire bill.

Mr. HUMPHREY. I particularly wish to take this occasion to thank publicly, in this public RECORD of the Congress, Senators who have actively participated in the presentation of the affirmative case, or the proponents' case, on the civil rights bill.

Today the basic argument for the bill was completed, as was announced by the acting majority leader. I am privileged to be the floor leader for this bill, along with my good colleague from California [Mr. KUCHEL]. We decided to take whatever time was necessary to effectively—and we believe it has been effectively

done—present the argument for each of the eleven titles of H.R. 7152, the Civil Rights Act.

The presentation was completed in its main parts today by the excellent presentations of the Senator from Massachusetts [Mr. KENNEDY], the Senator from Ohio [Mr. YOUNG], and the Senator from Washington [Mr. MAGNUSON]. I especially thank the Senators for their lucid, detailed, and convincing presentations.

I deeply regret that at times it has not been possible for all of us to be present. I have been denied the privilege to be present on the floor at all times, although I have kept a good record of attendance on the floor.

I particularly commend the Senator from Washington [Mr. MAGNUSON] on an outstanding address, which I have had the privilege of reviewing this evening. I read the text of the address which was presented in behalf of the so-called public accommodations title of the measure, title II, a most controversial title.

I think anyone who reads the address will find the title is well drawn and the address is fully documented in reference to the law and the court cases.

I also express my admiration for the fine argument presented by the Senator from Pennsylvania [Mr. CLARK] and the Senator from New Jersey [Mr. CASE] on title VII of the bill yesterday, Wednesday. There have been brilliant presentations on this important title of the bill.

On Tuesday, title VI was presented in a most forceful and convincing manner, with literally reams of documentation, by the Senator from Rhode Island [Mr. PASTORE] and the Senator from Connecticut [Mr. RIBICOFF]. Other Senators opposed it; namely, the Senator from Mississippi [Mr. STENNIS] and the Senator from North Carolina [Mr. JORDAN].

On Monday of this week the Senator from Connecticut [Mr. DODD] presented titles VIII, IX, X, and XI—complex and intricate titles relating to legal and technical provisions of the bill, as well as census surveys, and a Community Relations Service.

The Senator from Pennsylvania [Mr. SCOTT] and the Senator from Missouri [Mr. LONG] presented an argument on title V, on that same day, Monday, which relates to the Civil Rights Commission.

I do not think that I have left any of my colleagues out of this list. But the hour is late. If I am in error as to a speech by the proponents of the bill, I will attempt to correct the RECORD later.

Mr. President, we have fulfilled our duty and our responsibility. The bill did not go to committee, and therefore we felt it was incumbent upon the proponents to explain the bill in intricate and minute detail, with every bit of case law which could be brought to support the provisions of the bill, including examples of how the bill would operate and, indeed, the evidence as to why the bill was needed.

Today, the Senator from Massachusetts [Mr. KENNEDY], in a short but powerful and moving address, summarized the moral equation in this measure—the moral responsibility of the Senate.

Tomorrow the debate will be continued. I have been informed by several Senators that they intend to speak on the bill in general.

I am pleased that the measure has engendered such interest. Several Senators have indicated to me that in the next 3 or 4 days they intend to present their arguments in support of the bill.

I should like to indicate that the late hours the Senate has become accustomed to, such as 11:30, will become more customary; that 11:30 will be considered an early hour in the days ahead.

It is our intention to step up the tempo of the debate, in the hope of being able to bring about an orderly disposition of the bill through the legislative process, having amendments submitted, to be voted up or down; and, finally, to be able to bring the bill to a vote.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted during the session of the Senate today:

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

AMENDMENT OF TITLE 10, UNITED STATES CODE, RELATING TO ANNUITIES BASED ON RETIRED OR RETAINER PAY

A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend title 10, United States Code, with respect to annuities based on retired or retainer pay (with an accompanying paper); to the Committee on Armed Services.

AMENDMENT OF TITLE 10, UNITED STATES CODE, RELATING TO PROMOTION OF CERTAIN RESERVE OFFICERS OF THE AIR FORCE

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend title 10, United States Code, to continue the authorization to promote qualified reserve officers of the Air Force to the reserve grades of brigadier general and major general (with an accompanying paper); to the Committee on Armed Services.

REPORT ON DEFICIENCIES IN CUSTOMS CONTROL OVER UNLOADINGS OF BULK PETROLEUM

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on deficiencies in customs control over unloadings of bulk petroleum, Bureau of Customs, Treasury Department, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNECONOMICAL PRACTICES IN THE MANAGEMENT OF MOBILIZATION RESERVE STOCKS OF CONSTRUCTION EQUIPMENT AND COMMERCIAL-TYPE VEHICLES

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on uneconomical practices in the management of mobilization reserve stocks of construction equipment and commercial-type vehicles, Department of the Navy, dated April 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY COSTS INCURRED FOR THE NAVAL RADIO RESEARCH STATION PROJECT AT SUGAR GROVE, W. VA.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs incurred