Mr. MORSE. I thank the Senator.

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

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

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

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

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

Mr. Sevareid. This week the U.S. Senate has been debating a motion to take up the civil rights bill and a vote to do that could come at anytime. When it does, debate on the merits of the bill will be into a filibuster will begin. Now, Senate rules allow a Senator to talk as long as he wants to, or he can be cut off on that issue. And when several Senators try to talk a bill to death the resulting filibuster can go on for days, weeks, or even months. For decades Senators have used the filibuster successfully to defeat or at least to water down civil rights bills. Tonight 19 Southern Senators are reading, or trying to read, a bill, Senator Strom Thurmond, of South Carolina. Leading the opposition to them is Senator Howard H. Baker, Jr., of Tennessee. Now these two have been on opposite sides of this civil rights question at least since the Democratic presidential convention. Senator Bakerrather than Senator Thurmond was the then Speaker of the House. And Senator Baker was a delegate then—he was also mayor of Minneapolis—and he led a floor fight for a very strong civil rights plank in that Democratic platform. That fight was won, and a good many Southern delegates walked out of the convention to form the States Rights party. Then Senator Thurmond, then the Governor of South Carolina, became their presidential candidate. So, in a way this live debate we are having is a continuation of an old argument. It is also a prelude, in a way, to the one about to begin in the Senate. Right now each of the Southern Senators is reading the bill for about 3 minutes for an opening statement in this short debate. Senator Humphrey drew the longest straw. Would you begin?

Senator Thurmond. Thank you very much. Mr. Sevareid, and my colleague Senator Humphrey. This bill, in order to bestow preferential rights on a few who will vote en bloc, would sacrifice the constitutional rights of every citizen and would concentrate in the National Government the power to discriminate, arbitrary by law, to suppress the liberty of all. This bill makes a shambles of constitutional guarantees and the Bill of Rights. It permits a minority to make law without a jury trial. It empowers the National Government to tell each citizen who must be allowed to enter upon and use his property and to be tried in the United States.
over the country that the administration, after 2 years in office, sent this bill to Congress, where it has been made even worse. This was to increase—and to appease those waging a vicious campaign of civil disobedience. The leaders of the demonstration are not only engaged in mob violence and to gain preferential treatment. The issue is whether or not the Senate will pay the high cost of sacrificing a precious portion of each and every individual's constitutional rights to a war on dissent, all the while maintaining the facade of decency. The choice is between law and anarchy. What shall rule these United States, the Constitution or the mob?

Mr. SAMOVAR. Senator THURMOND, thank you very much. Well, gentlemen, it seems rather clear, from these two statements at least, that there isn't an agreement going to be a little cramped. From here on in this brief debate we'll let this be free-swinging. You can interrupt one another at will, brief debate we'll let this be free-swinging. From here on in this brief debate we'll let this be free-swinging. You can interrupt one another at will, brief debate we'll let this be free-swinging. But we'll get to that part of the debate—

(Announcement.)

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

Senator HUMPHREY. Well, yes, Mr. Samovar. Title 2 does—and that's the title to which you referred—the public accommodations' title—is to declare as a national policy that the 50 States shall enforce a national policy. I would repeat that the States of the Union already have what we call strong and effective public accommodations laws with respect to discrimination in public places. Now title 2 of this bill has but one purpose, and that's to guarantee to every American citizen, regardless of his place of residence or his race, equal access to public places. And this is an old as common law itself—since the time of Chaucer, in fact. I don't think it's really unusual that the Government of the United States should want to have the 14th amendment, which insists that no State may infringe on the rights of the citizen equal protection of the laws or life, liberty or property without due process of law—I don't think that this should be now effectuated by a public policy in statute.

Title 2 of the bill, this title is entitled a national policy with respect to public accommodations, it's invasion of private property. This will lead to integration of private life. The Constitution says that a man shall not be deprived of life, liberty or property. We should observe the Constitution. A man has a right to have his property protected. A similar bill to what I am about to introduce was passed by Congress in 1875 and was declared unconstitutional by the U.S. Supreme Court in 1938. Mr. Johnson himself has said that Virginia is a case in which a man wanted to be served. Howard Johnson refused to serve him, and he went into court. But the court held that he had a right to serve or not to serve anybody on his own private property that he did not wish to do. That was in 1899. Why would we have to have this? It's a misnomer. It's not public accommodations, it's invasion of private property as he sees fit. The mayor of Salisbury, Md., said that if they had had this bill or law, they might try to pass it here now, they would not have been able to have desegregated their business. Now, he says they were able to get the business people to do it voluntarily. You can't do some things by law. Some things have got to come in the hearts and minds of people. And we must keep those hearts and minds and our public order and control and regulate the lives of people. After all we have a Constitution that guarantees freedom, and we must observe that Constitution, and we don't want to require people to live in involuntary servitude. And I think it is involuntary servitude for a woman of one race to have to give a message to a woman of another race if she doesn't want to do it.

Senator HUMPHREY. That is not provided for in this bill. I must respectfully, that many people that Senator HUMPHREY.

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

Senator HUMPHREY. Ah, then it might—

then it is—

Title 2 of the bill is in a hotel, which is an interstate facility that accommodates transients.

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

Senator HUMPHREY. Right.

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

Senator HUMPHREY. Well, may I say—

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

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

Mr. Samovar, Senator, I'm going to have to break off this part of it here, much as I hate to. We would like to have a minute or two, if Senator Humphrey will have a little patience. Senator Humphrey, would you start on that?
denote. And we must remember that the Commission decides what is discrimination and if the Commission decides that there is discrimination, and if the Commission decides that there is a racial balance, then they would destroy *seniority rights in unions and in other ways.*

**Senator Humphrey. Senator--**

Senator Thurmond. If they will try to bring about a racial balance, as they are doing right now. The people of the South don't like it. I don't believe the American people are going to want people to tell them whom they have to fire and whom they have to hire. That is the way the Constitution is written.

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

Senator Thurmond. What the Senator is referring to, I assume, is this section—is the section that permits the cutting off of a person who is guilty of discrimination. There's nothing in this section, I am sure the Senator will find if he reads it carefully, along the lines about which he just spoke.

**Senator Humphrey. And there is nothing in this section that calls for racial balance, as the Senator says.**

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

**Senator Humphrey. Senator--**

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

**Senator Humphrey. I'm glad the Senator used the word "probably," because the Senator for the other side, I don't believe, would add the word to the bill. The Senator says that any self-respecting American can say that he believes a man ought to be denied a job because of his color, or his race, or his religion, and I don't believe that any self-respecting American can say that he believes a man ought to be denied a job because of his color, or his race, or his religion, and I don't think this provision should be in the bill.**

Senator Thurmond. What the Senator is referring to, I assume, is the section of the bill which permits the cutting off of the recipient—"any recipient." It refers to any recipient. That provision is a good beginning toward making America a little better. A little stronger, a little greater and with a better and a more wholesome spirit.

**Senator Humphrey. Senator, you have your very few remaining moments here for his summation. Senator Humphrey. First of all, I would like to thank you for this discussion. Secondly, President Johnson vigorously, wholeheartedly supports this bill and he supported it before he became President. Thirdly, I would add that this bill is to close a citizenship gap in this country that has existed far too long. America has been weakened because we haven't given full opportunity to all of our people and the purpose of this bill is to try to lay down a legal framework within which we can work out our problems peacefully through law, through courts, rather than through violence and through demonstration. I happen to be on this committee before us is the great moral issue of our time and I don't think we can avoid it. I am perfectly willing to discuss every feature of this bill. I hope all of you will look into every feature of this bill, but I cannot believe that 200 Members of the House of Representatives, 132 Democrats, 138 Republicans, would have voted for this bill if it was as evil as it has been described by my opponent here tonight. I just can't believe it. There are a hundred and ninety and thirty. It is my view that this legislation is a good beginning toward making America a little better, a little stronger, a little greater and with a better and a more wholesome spirit.**

**Senator Humphrey. Thank you, Senator Humphrey.**

**Senator Thurmond. It's a pleasure to be with you.**

**Senator Svacord. And Senator Thurmond. Senator Thurmond. It's a pleasure to be with my colleague.**

Mr. Svacord. It's a pleasure to have you both on this committee, pages long, as I recall. We had fewer than that many minutes to talk about this enormously complicated piece of legislation to which Senator Thurmond and I have contributed, however, has given people some idea, not only of the intellectual clash that's involved in this monumental piece of domestic legislation, but the enormous emotional cargo that lies behind it on both sides. This fili-
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butter, or debate, or whatever is to be called in the Senate, could go on for weeks, probably months.

Senator THURMOND. Educational debate. Mr. SEVAREID. We have no certainty that it will come out in its present form, or even in a form resembling that in which it was passed. It will undoubtedly change the lives, if it does, of a great many Americans in rather intimate ways. Should it not, then we have our folly not only here, but also in our schools, in our communities, and so on. I will certainly say goodnight now. This is Eric Sevareid. Good night to you all.

(Announcement.)

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

EXCITEMENT ON TV

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

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

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

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

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

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

CBS, which did not favor this response to this bit of pioneering on an old frontier, should do it again.

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

Mr. MORSE. I yield.

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

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

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

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

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

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

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

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

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

Mr. MORSE. I yield the floor.

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

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

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

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

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

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

On July 16, 17, 18, 24, 25, 30, and 31; and on August 1, 8, and 23; and on September 11 of last year, the committee held hearings on the omnibus civil rights bill during several days. The committee adjourned, subject to the call of the Chair. We have remained subject to the call of the Chair for over 7 months now, and never during that extended period when civil rights was being intensively discussed in other committees and in the other Chamber did we receive the call of the Chair. Yet, during that 7 months, there was never any reason to doubt that the bill would be before this body, or that our hearings would become academic due to extraneous circumstances.

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

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

Mr. KEATING. I yield.

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

Mr. KEATING. That is correct.

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

Mr. KEATING. It is in the Subcommittee on Constitutional Rights, of which the distinguished Senator from North Carolina (Mr. Byrd) is the chairman.

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

Mr. KEATING. I yield.

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

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