

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

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

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

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

PRIVATE CAPITAL OUTFLOW DOUBLED

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

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

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

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

CIVIL RIGHTS ACT OF 1963

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

Mr. STENNIS. Mr. President, I commend the Senator from Oregon for the very fine and unanswerable argument he has made in behalf of parliamentary procedure and regular standards and

safeguards which we ordinarily apply to important legislation.

Mr. MORSE. I thank the Senator.

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

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

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

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

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

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

Senator HUMPHREY. Well, thank you very much. Mr. Sevareid, and my colleague Senator THURMOND. I believe that what we've seen and heard tonight is a challenge to the conscience of this Nation. We simply have to face up to this question: Are we as a Nation now ready to guarantee equal protection of the laws, as declared in our Constitution, to every American regardless of his race, his color or his creed? The time has arrived for this Nation to create a framework of law in which we can resolve our problems honor-

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

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

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

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

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

(Announcement.)

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

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

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

Senator HUMPHREY. Well now, may I say to my friend, the Senator from South Carolina, that title 2—No. 1, relies for its enforcement

upon the courts of the United States. Title 2 is related to the citizens of the United States, and title 2 merely says that a man, because of his race, shall not be denied access to a public place where there is—advertisements for the public to come in and do business—and it limits it to hotels, to motels, to filling stations and to places of—restaurants or eating places. And why? Because these are the facilities that are necessary in a sense for life itself and for interstate travel.

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

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

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

Senator THURMOND. Oh, it's provided for. Senator HUMPHREY. I want to say to the Senator from South Carolina that all that title 2 does is to say that you shall not deny a person access to a public place like a hotel because of race.

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

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

Senator THURMOND. Suppose—

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

Senator THURMOND. Exactly.

Senator HUMPHREY. Now, why not?

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

Senator HUMPHREY. Right.

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

Senator HUMPHREY. Well, may I say—

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

Senator HUMPHREY. May I say, my friend, most respectfully, that many people that have private property do not have full rights to do what they want to do. If you operate,

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

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

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

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

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

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

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

Senator HUMPHREY. Senator—

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

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

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

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

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

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

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

Senator HUMPHREY. Senator—

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

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

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

(Two voices at once.)

Mr. SEVAREID. Gentlemen—

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

Mr. SEVAREID. Senator—

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

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

Senator HUMPHREY. Well, yes, I have here the copy of the bill and here's what we're talking about. Here's what is said in the bill. "Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or

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

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

Senator HUMPHREY. Will the Senator yield at that point?

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

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

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

Mr. SEVAREID. Senator THURMOND, we have a little time left. I would like to give each of you the opportunity for a short summa-

tion of your feelings about the bill as a whole. We won't have more than about a minute and a half for each one of you, I'm afraid, but since Senator HUMPHREY started at the beginning, would you start the summation, Senator THURMOND?

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

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

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

Mr. SEVAREID. Thank you, Senator HUMPHREY.

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

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

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

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

Senator THURMOND. Educational debate.

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

(Announcement.)

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

EXCITEMENT ON TV

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

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

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

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

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

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

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

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

Mr. MORSE. I yield.

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

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

Mr. MORSE. There is no doubt about it. As I said in my speech, the bill is honeycombed with many legal problems. The precise meaning of words will be

very important. The courts will go through the bill with a fine-tooth legal comb in reaching a conclusion as to its legal import. That is why I made my plea for a committee report.

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

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

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

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

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

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

Mr. MORSE. I yield the floor.

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

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

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

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

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

Last year, 17 civil rights bills, including the administration's civil rights package, were referred to the Constitutional Rights Subcommittee. One, providing for the extension of the Civil Rights Commission was the subject of

hearings and was favorably reported—with minority views, of course—to the full committee. Fifteen bills received no consideration whatsoever.

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

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

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

Mr. KEATING. I yield.

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

Mr. KEATING. That is correct.

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

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

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

Mr. KEATING. I yield.

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

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