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

Mr. FONG. I yield to the distinguished Senator from Colorado.

Mr. ALLOTT. Mr. President, I cannot at this time refrain from congratulating my friend on the speech he has made in behalf of civil rights. It is one of the most eloquent addresses heard in the Senate for a long time.

The reasoning and logic contained in this speech are ample evidence, if any were required, of the legal ability of the Senator from Hawaii. The fact that he has woven into this particular question the background of his own native State, which is an unusual State in this respect, brings added force to the arguments that we have heard in behalf of equal justice and opportunity for all. The people of Hawaii may very well be proud of the Senator and the very wonderful presentation which he has made today.

Mr. FONG. Mr. President, I thank the very distinguished Senator from Colorado for his very kind remarks.

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

Mr. FONG. I now yield to the distinguished Senator from Delaware.

Mr. BOGGS. I congratulate the senior Senator from Hawaii on the most interesting, persuasive, and great address which he has just completed. Without a doubt, his address is an outstanding contribution to the discussions which we have been undertaking on the pending civil rights bill. I predict that it will be recorded as one of the most historic addresses ever made in this great body. I congratulate the Senator again. His speech has been very helpful indeed.

Mr. FONG. Mr. President, I thank the distinguished Senator from Delaware for his very kind remarks. I now yield the floor.

VISIT TO THE SENATE BY MEMBERS OF THE CHAMBER OF DEPUTIES OF BRAZIL

During the delivery of Mr. FONG's speech,

Mr. FONG. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Alabama [Mr. SPARKMAN], so that he may introduce a delegation from the Chamber of Deputies of Brazil, without losing my right to the floor and without the time for the interruption being charged to my time.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. SPARKMAN. Mr. President, the Senate is honored today by the visit of a delegation from a friendly nation to the south—the great country of Brazil. The delegation is in the Senate Chamber at this time. I shall ask them to stand and be recognized by name:

The Honorable Adauto Cardoso from Guanabara, National Democratic Union Party—UDN.

The Honorable Raúl De Goes from Paraiba, National Democratic Union Party—UDN.

The Honorable Antônio Annibelli from from Paraná, Brazilian Labor Party—PTB.

The Honorable Milvernes Cruz Lima from Pernambuco, Brazilian Labor Party—PTB.

The Honorable Geraldo de Pina from Goiás, Social Democratic Party—PSD.

The Honorable Osiris Pontes from Ceará, Brazilian Labor Party—PTB.

The Honorable Jose Carlos Teixeira from Sergipe, Social Democratic Party—PSD.

The Honorable Benedito Vaz from Goiás, Social Democratic Party—PSD.

The members of the Chamber of Deputies are accompanied by the Honorable Jorge de Carvalho e Silva, Chargé d'Affaires of the Embassy of Brazil.

Mr. President, these gentlemen represent three different parties in the Brazilian Chamber of Deputies. They are on a visit to the United States that will take them to various parts of the country. We are delighted to have them with us and hope that they will have a most pleasant and profitable visit to the United States. [Applause, Senators rising.]

Mr. AIKEN. Mr. President, on behalf of Senators on this side of the aisle, I welcome our visitors from a country that is represented by three parties. I do not know what we would do if we had three parties. I suppose we would have to have another aisle. We are glad to have our neighbors from Brazil as our guests today.

Not many persons in this country realize that the area of Brazil is larger than that of the United States, excluding Alaska. I feel certain that not too many people realize the tremendous resources of the great country of Brazil. They are probably as great as the resources of any other country in the world.

The population of Brazil is now 80 million, and Brazil is rapidly becoming one of the largest countries in the world in that respect.

Although Brazil has been having difficult times politically, she is one of our friendliest neighbors, and we express our best wishes for the future of this great neighbor of ours.

Again I welcome our visitors. We are glad to have them with us today.

Mr. MANSFIELD. Mr. President, I join the distinguished Senator from Alabama [Mr. SPARKMAN] and the senior Republican in this body, the distinguished senior Senator from Vermont [Mr. AIKEN], in extending our best wishes to our fellow parliamentarians from South America.

We have a fair idea of the difficulties which have confronted Brazil over the past several years; but we have high hopes that the fortitude, courage, perseverance, and ingenuity of the Brazilian people, who believe in constitutional government, will, as they do now, remain in the fore to the end. We are confident that Brazil will occupy her rightful place not only in the affairs of South America, not only in the affairs of the Western Hemisphere, but in the affairs of the world as a whole.

The Brazilians are a great people, and they have a great country. They have bountiful resources to develop.

We welcome our guests as friends and neighbors. [Applause.]

Mr. FONG. Mr. President, I, too, wish to join in welcoming the delegation from the Brazilian Chamber of Deputies to the Chamber of the U.S. Senate.

The State of Hawaii has in its population a very large number of Americans of Portuguese ancestry who are cousins of our Brazilian friends. They are an industrious and imaginative people and contribute significantly to the progress of Hawaii. I know that the persons of Portuguese descent in Brazil are just as industrious, imaginative, and progressive as are the American-Portuguese who live in Hawaii.

It is a pleasure to greet our distinguished brethren from the Southern Hemisphere. I wish them Godspeed and a fruitful visit here, and on behalf of the people of Hawaii, I send them aloha nui kako.

Mr. SPARKMAN. Mr. President, I thank the Senator from Hawaii for permitting this interruption in his speech in order to allow the Senate to welcome our visitors.

Mr. FONG. I was happy to yield.

CIVIL RIGHTS ACT OF 1964

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.

SENATE'S LONGEST DEBATE

Mr. RUSSELL. Mr. President, the moving finger is writing the final act of the longest debate and the greatest tragedy ever played out in the Senate of the United States.

Within a short time, the battle that began on this floor on March 9 will be concluded with the passage of H.R. 7152—a bill bearing the attractive but false title of the "Civil Rights Act of 1964."

The Senate will have no further opportunity to express itself on this proposed legislation. It has already been arranged for the other body to accept the bill in the form it leaves the Senate. It will then go to the President to be signed into law with the great fanfare, ceremony, pomp, and circumstance.

In view of the political nature of the proposed legislation, I doubt that the Executive Office—large as it is—can accommodate the rejoicing and admiring throng.

Today marks the 82d day this matter has been considered by the Senate. Some 6,300 pages in the CONGRESSIONAL RECORD and an estimated 10 million

words have been devoted to the debate thus far.

In point of historical fact the longest previous debate in the history of the Senate was over the ship subsidy and took place in the early 1920's. However, that was an off-and-on discussion spread over 75 days with frequent interruptions including a Christmas recess. The only other two debates that have lasted as long as 2 months were the Oregon bill in 1846 and the communications satellite bill in 1962.

Mr. President, the historian of the future will find little significance in the duration of the debate, but he will find much to consider and study in the fundamental issues involved and the impact of this legislation upon our form of government. It will take little effort or intelligence to recognize that the year 1964 marked a turning point in our history. This legislation and other actions will profoundly affect the American way of life and the rights and individual liberties of every American of whatever race, religion, or place of residence.

Indeed, Mr. President, history may well record this as the last sustained fight to keep inviolate the federal system with its division of powers between the States and the Central Government, and the delicate system of checks and balances between the three branches of our National Government that have been dependent upon respect shown by each branch for the doctrine of the separation of powers between the three equal but coordinate branches.

All of the eloquence that has been poured out here in this Chamber this afternoon in behalf of the bill will apply to any piece of proposed legislation that may be brought forward to use the Federal power to enforce absolute conformity of thought and action by every one of our citizens.

CENTRAL ISSUE

I cannot escape the conclusion that the central issue at stake in this debate has been the preservation of the dual system of divided powers that has been the hallmark of the genius of the Founding Fathers.

I am proud to have been a member of that small group of determined Senators that since the 9th of March has given the last particle of ability and the last iota of physical strength in the effort to hold back the overwhelming combination of forces supporting this bill until its manifold evils could be laid bare before the people of the country.

The depth of our conviction is evidenced by the intensity of our opposition. There is little room for honorable men to compromise where the inalienable rights of future generations are at stake.

No group of men could have worked harder in a nobler cause. Undismayed and unintimidated by forces marshaling incomparably greater strength than available to us, we have fought the good fight until we were overwhelmed and gagged. With apologies to no one, the opponents of this legislation have since the 9th day of March presented, as forcefully and persuasively as our ability would permit, the reasons we believe that this bill is not only in conflict with the Constitution but also is not in the best interests of the people of the Nation, of any race, or any creed.

No little group has ever faced greater odds. The Wall Street Journal, in an article critical of the strategy of the opponents, described the forces arrayed against us as—

> The full force of an administration whose southern chief needed to establish his civil rights credentials; and the combined pressure of powerful unions, numerous women's groups, scores of civil rights organizations, and for the first time, intensive lobbying by organized religion.

That last line does not apply to all of the men of the cloth in this country, nor to those of any one creed or faith. Thousands of them did not permit themselves to have their vestments dragged in the mire of publicity seeking and political turmoil. All religious faiths have some expression of peace and good will in their creeds and support the rights of property. But there were many ministers who, having failed completely in their effort to establish good will and brotherhood from the pulpit, turned from the pulpit to the powers of the Federal Government to coerce the people into accepting their views under threat of dire punishment.

While there is a great deal of difference in the methods applied, the philosophy of coercion by the men of the cloth in this case is the same doctrine that dictated the acts of Torquemada in the infamous days of the Spanish Inquisition.

This is not all, Mr. President. The fact that the great metropolitan press, the radio and television, and other media of communicating news and formulating public opinion strongly support the bill made it all but impossible for us to get our case before the country. They magnified all that was said or done in the emotional appeals for support of the legislation and minimized or omitted the arguments as to its dangers. The same thing may be said about the efforts of many editorial writers, and the production of numerous columnists and commentators.

PEOPLE SHOULD DECIDE

Despite all of these odds, Mr. President, our presentation of the evils contained in the bill were finally penetrating to the American people. The people were beginning to stir. Indeed, the people were sufficiently informed to cause the chief proponents and the principal architects of the bill to deny them an opportunity to express their will in a national referendum for the unabashed reason that the people would defeat the bill if they were permitted to speak in a fair election.

It is impossible, Mr. President, to foresee all of the evils that are bound to flow from the enactment of this bill. It grants powers to appointive officials not only to pick the objects of their enforcement power, but to define the offense with which the alleged culprit will be charged.

We will see again and again the pathetic picture of the struggling individual citizen undertaking to defend himself against the vast and overwhelming resources and machinery of the Federal Government without a clear definition or a full comprehension of the offense of which he is accused, much less a comprehension of the charge that has been brought against him.

The limits of these offenses depend only upon the imagination of all future Attorneys General of the United States and their principal henchmen.

It opens up an area of political persecution that is wider than has ever existed before.

This bill is not only the greatest delegation of power and authority by the legislative branch to the executive ever seen; it represents an admission of inadequacy and an abdication of responsibility by the national legislature which to all intents and purposes amounts to surrender of any claim to equality with the other two branches of the Government. It is an abandonment by the legislative branch of any defense whatever of the principal doctrine of separation of powers.

This bill would empower the executive branch to reach the long arm of regulation and intimidation into labor unions, business, commerce and industry in many areas into which the Federal power has not heretofore been permitted to intrude.

It places onerous requirements upon all people undertaking to earn a living in the way of reports and recordkeeping, and requires almost weekly obeisance to some bureaucrat in Washington. All of this falls upon the once free enterprise system that is the genesis of our greatness.

It bestows greater powers upon the Attorney General to invade and control the private lives of the American people than has ever been exercised by any other individual in our free system.

It so greatly enlarges the powers of the Federal Government over affairs that, under our constitutional concept, have been the sole concern of States and local governments as to make those governments mere puppets of the gigantic bureaucracy which this legislation strengthens and enlarges.

The bill is a drastic infringement by the Federal Government upon the basic human rights of every American citizen of every race to own and control property honestly gained as well as to be selective in choosing those with whom he wishes to associate.

SPECIAL-PRIVILEGE LEGISLATION

In short, Mr. President, this is not a civil rights bill. It is a bill granting plenary powers to bureaucrats to enable them to create a horde of special benefits for a selected group of citizens in defiance of our exalted Jeffersonian doctrine of equal rights to all and special privileges to none.

It is impossible to exaggerate the latent opportunities for evil and oppression in the bill that are available to a power-seeking administrator.

This measure can be indicted on many other counts; and all counts could be sustained in the mind of anyone who examined it objectively. It should be defeated. It had its genesis in politics. It is punitive in its nature, and it is certain to be sectional in its application.

The South will be tossed from pillar to post in the tug of war between the two political parties. They will play as a record on a machine, again and again, the false picture of the South which has been established by constant years of propaganda in bidding for the favor of those who live in the more populous States.

The fact that this bill is more fraught with political implications and considerations than any that has been before Congress in generations is apparent from much of the strange maneuvering that took place in the Senate over the past several days.

No secret has been made of the fact that both political parties consider that there is a direct relationship between forcing and liquidating this issue and the approaching National Conventions of the Republican and Democratic Parties. Very few are so naive as to be unaware of the fact that those in high positions of both parties will immediately seek to derive some political gain from the passage of the bill.

I resent—and resent bitterly—the attempt to make the people and the section from whence I come, and whom I have the honor to represent, the eternal whipping boy for the political aggrandizement of any politician or official of any political party.

It is now accepted, after halfhearted attempts at denial, that the main thrust of this bill is aimed at the Southern States. This is especially true with regard to its harshest and most coercive sections.

Hypocrisy reaches a new high in this measure's undertaking to bring about a maximum degree of racial mixing in the schools and in the businesses of the South, while other States utilize as a defense against Federal invasion their so-called equal accommodations and fair employment statutes, which in many cases are more fiction than fact and have long been dormant.

The veriest tyro at the law—indeed anyone who is able to understand the English language—can grasp that the bill is so drafted as to exempt or delay the application of its worst provisions in every section of the country save the Southern States. Many Senators, in responding to the expressed fears of their constituents as to this extension of Federal power, have assured them again and again that the bill would not be applicable in their State, but is applicable only to the South. I have in my files the newsletters of several Senators from States, where minority groups are so small as to be inconsequential, solemnly assuring their constituents that the bill is aimed only at the white people of the South.

SOUTH A MISTREATED MINORITY

In all of the sanctimony about protecting the rights of minorities, let us understand fully that the bill is aimed at what has become the most despised and mistreated minority in the country—namely, the white people of the Southern States. The approach is more subtle and hypocritical in this bill, but its purposes are identical with those that prompted Charles Sumner, Thaddeus Stevens, and Ben Wade in the reconstruction legislation of the 1860's.

Mr. President, the people of the South are citizens of this Republic. They are entitled to some consideration. It seems to me that fair men should recognize that the people of the South, too, have some rights which should be respected. And though, Mr. President, we have failed in this fight to protect them from a burgeoning bureaucracy that is already planning and organizing invasion after invasion of the South, preceded by thousands of young people who have been recruited in the greatest crusade since the Children's Crusade of the Middle Ages, our failure cannot be ascribed to lack of effort. Our ranks were too thin, our resources too scanty, but we did our best. I say to my comrades in arms in this long fight that there will never come a time when it will be necessary for any one of us to apologize for his conduct or his courage.

Mr. President, those of us who have been upon this floor day after day for more than 3 months have used every weapon available. We have sought to appeal to the sense of fairness and justice of the Members of this body. Finding that the ears of our colleagues were closed and that a majority had already signed in blood to "follow the leaders," we undertook to go over their heads and appeal to the American people.

There is reason to believe that the long and arduous fight that we have waged has caused hundreds of thousands of people to look beyond the attractive and misleading title of this bill and to consider—objectively and dispassionately—the far-reaching implications of this measure and its effect upon the future of every American, no matter what the color of his skin or his place of residence.

Until we were gagged, we made no secret of the fact that we were undertaking to speak in detail and at length in an effort to get the message across to the American people. We did not deceive anyone as to our purposes.

The PRESIDING OFFICER. The time of the Senator from Georgia has expired.

Mr. RUSSELL. Mr. President, I ask unanimous consent that the remainder of my remarks may be printed in the RECORD.

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

REMARKS OF SENATOR RICHARD B. RUSSELL, OF GEORGIA

PROUD OF FIGHT

Mr. President, I am very proud of the result of our labors and the case that we have made.

The CONGRESSIONAL RECORD for this period will show that we have stuck to the issue and avoided purely dilatory speechmaking.

My only regret lies in the fact that the very best that we could give was not enough. We have, however, alerted many rank-and-file Americans in every part of the country to the threat to the rights and freedoms of their children that lurks in every title of this bill.

When our fellow citizens in other sections of the country see the Federal bureaucracy closing in upon them, they will remember the alarm that we have sounded.

But, Mr. President, no 20 men who have ever served in this body could possibly overcome the unparalleled pressures that were brought to bear to force the bill through. The vote of last Wednesday on cloture and the foregone result of the impending vote on passage will signal our defeat.

I find little comfort, Mr. President, in the amendments to the bill. The guarantee of jury trial to any citizen charged with criminal contempt under most of the titles of the bill will seldom be involved under its peculiar enforcement procedures. It is, however, a recognition of the fact that the Senate, in striking down so many of the ancient landmarks, has not entirely abandoned the tradition of trial by jury and the right of protection against being placed twice in jeopardy for the same act. Even though it will be seldom utilized, I am very grateful indeed for the fact that a majority of the Senate at least refused to discard these basic tenets of the Anglo-Saxon system of jurisprudence. This bill is enough of a mockery of that system without striking down age-old rights and going all the way back to the Dark Ages of the star chamber.

Mr. President, many amendments to rectify injustices and to protect the rights of all of our people were summarily rejected after the imposition of gag rule. In calmer hours, and in the consideration of other bills, many of them would have been accepted without question. But the Senate's action on amendments makes a shambles of our once cherished reputation as a great deliberative body.

Mr. President, let those who will gloat with glee over the fact that gag rule has succeeded in silencing a minority who were opposed to the passage of this bill. As for myself, I cannot comprehend rejoicing over being able to gag an adversary before he has the fullest opportunity to defend what he regards as sacred rights. Let me say to those who jubilate today that I hope that there will not come a time on another day when they will have the halter drawn on them as they attempt to defend the convictions of those who have sent them to the Senate.

Mr. President, we have gone far in impairing the Federal system which enabled us to achieve our greatness. It may well be that before the conclusion of this drive to destroy the last remaining evidence of federalism, the Senate will adopt a previous question rule to suppress those who cry out against the acts of the Supreme Court in leaving the judicial arena to become the executioner of the States or against harsh and Draconian legislation.

NEW RULES FIGHT SEEN

It will be interesting to see the attitudes of some of our colleagues from the smaller States, whose sole protection resides in the Senate and in its rules, if its rules are changed and the little influence that those States exercise here when their population is weighed against that of the larger States is curtailed and tailored to fit the plan of centralism that is supplanting federalism.

Be that as it may, Mr. President, we will await with interest the imposition of majority gag rule, or a previous question rule in the Senate. For many years, this action has been urged on the grounds that without majority gag rule in the Senate this body would ever be a burial ground for civil rights legislation. This was refuted by the passage of a civil rights bill in 1957 and another in 1960. It will be refuted again by the passage of the pending bill.

But I fully expect to see our colleagues from the smaller States come into the next session of the Senate and fashion the gallows from which the rights of their people will swing upon the complete contralization of power here in Washington.

Many of them have been told that this bill does not affect them because they do not have the same problem that confronts the Southern States, but when they try to tell

their people that this is a "moderate" bill, let me remind the Senate that no less an authority than the President of the United States described it the other day as the strongest civil rights bill in American history.

Mr. President, I hope that I may be pardoned a few personal words to those associated in the fight against this bill. I cannot see the record of this debate closed without expressing my boundless esteem, affection, and admiration for the members of the small group of constitutionalists who have stood shoulder to shoulder in this fight. While there were differing degrees of enthusiasm, no man failed to respond to any call. Individually and collectively they have been as dedicated and determined in a common cause as it is possible for humans to become. Our only weapon against the insuperable odds was the honest conviction of the righteousness of our cause. The magnificent speeches that have been made by these Senators are not only embalmed in the CONGRESSIONAL RECORD, but they will also echo down through the years as long as men love liberty and respect the institutions of free government. Some of the constitutional arguments that have been made in the course of this debate are the peer of the debates of Webster and Calhoun and the other giants who have graced this body in the past. Every member of our group has given unstintingly of such talents and energy as we possessed.

The victors rejoice today, but in retrospect history has not always awarded its laurels to the majority. Time and again history has vindicated the position of an overwhelmed minority.

I salute each and all of the 19 stalwarts with whom I have been associated in this fight with the assurance that I count it as one of the proudest experiences of my life to be numbered among their ranks.

Mr. President, while I am apprehensive that any words of commendation from me might well prove to be the kiss of political death to those who live in the self-righteous atmosphere in which this bill has flourished, I cannot refrain from a special salute to the small handful of Senators who rose above the mire of prejudice and emotion to measure up to their oath of office as they saw it. Ross of Kansas did not display a higher degree of courage and willingness to sacrifice when he voted to maintain the powers of the Presidency and the separation of powers of our Government than did the Senator from West Virginia [Mr. BYRD] when, after grappling with his conscience, he came to the conclusion that this bill was unconstitutional.

NO APOLOGIES

All of us who have borne the task of resisting this measure through these many bone-wearying weeks make no apology for the fight we have waged. We believe in our heart of hearts that we have held the high ground of principle. We have remained true to our understanding of the oath we have subscribed to uphold and defend the Constitution of the United States. We have discharged our duties with such strength and light as God has given us. No more could be asked, or fairly expected.

I would that I might be able to predict all of the results from the implementation of this bill. I shall watch with great interest to see if its passage brings to an end the demonstrations, boycotts, disorders, and violence that have been urged as reasons for its passage.

Mr. President, as I take my place in the small minority voting against H.R. 7152, my heart is heavy with premonitions of the violence that is being done to the fabric of constitutional government and for the wrong perpetrated upon our people.

My only solace and hope is in the words of Thomas Jefferson that "though written constitutions may be violated in moments of passion or delusion, * * * they furnish a text to which those who are watchful may again rally and recall the people."

May a benevolent providence give us stronger and abler leaders to rally the people before it is too late.

Mr. RUSSELL. I express the hope that those who are keeping the time will apply the same rules to others which they have applied to me.

I read in the RECORD this morning a statement to the effect that the Senator from Minnesota said that he yielded himself 1 minute—this appears on page 14239 of the RECORD—and then follows a statement that could not have been made even by the late Senator Tobey, of New Hampshire, in less than 5 minutes.

I feel, Mr. President, that I have been gagged in more ways than one.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Rhode Island will state it.

Mr. PASTORE. If a Senator yields himself 1 minute and speaks for 5 minutes, is he charged with 1 minute, or is he charged with 5 minutes?

The PRESIDING OFFICER. The Senator would be charged with the full amount of time.

Mr. PASTORE. Would that apply with reference to these speeches being made? If it did not, I would hope that it would.

The PRESIDING OFFICER. The Chair is informed that the Senator from Minnesota was charged with the complete time of the statement he made.

Mr. RUSSELL. I should like to know the amount of time with which the Senator from Minnesota was charged.

The PRESIDING OFFICER. The Senator from Minnesota was charged with 9 minutes.

Mr. RUSSELL. I am glad to hear that, because if the Senator has been charged with all the time that he actually used, we shall not hear from him any further.

Mr. HILL. Mr. President, Napoleon Bonaparte, in speaking of the importance of leadership, observed that as between an army of lions led by a lamb, and an army of lambs led by a lion, he would take the army of lambs led by the lion.

Those of us who have opposed this bill have been led by a lion. We have been able to wage the battle that we have against the bill because of the courage, the fortitude, the devotion, the skill, and the ability, and the magnificent leadership of the distinguished senior Senator from Georgia.

Surely every Georgian must be tremendously proud that Georgia has given to the South and to the Nation, RICHARD BREVARD RUSSELL.

Today those of us who have been privileged to fight under his leadership salute him and pay our tribute of appreciation and of affection to him.

Mr. SIMPSON. Mr. President, I yield myself whatever time is necessary.

Mr. President, soon we shall be taking the final vote on the so-called Civil Rights Act of 1964. No bill in recent times has received as much attention as this bill has received. Emotions have run high; sentiments have been strongly stated both in support and in opposition to this bill. We have been encouraged to pass strong legislation, and we have been encouraged to pass no legislation. Our job in the Senate is not to pass a strong or weak bill; our job is to pass legislation that is workable, equitable, and beneficial to all citizens regardless of race, color, or religion. Because this legislation will affect American living patterns for years to come, we must see that it is carefully worded, and completely free of legal pitfalls which will create problems as difficult as those it tries to solve.

Wyoming, the State I have the privilege of representing, is known as the Equality State. Our State constitution in article I, section II says that:

> In their inherent right to life, liberty, and the pursuit of happiness all members of the human race are equal.

And section III, article I says:

> Since equality and the enjoyment of natural and civil rights is made sure only through political equality the laws of this State affecting the political rights and privileges of its citizens shall be without distinction of race, color, sex or circumstance or condition whatsoever other than individual incompetency, or unworthiness duly ascertained by a court of competent jurisdiction.

Our State, the Equality State, has adopted a public accommodations law which is better than the one being considered by the Senate. The State of Wyoming has for the most part an exemplary record.

Mr. President, the bill now before the Senate would have no significant effect on Wyoming's ability to provide for the voting, educating, serving, and employing of any minority group. We have handled whatever problems we had at the State level, and Wyoming has no need for a Federal civil rights act. Unfortunately, the racial problem is much bigger than any State and, therefore, I believe the Federal Government has a responsibility to act in this field.

I have shared the embarrassment of the Nation when Negro people were denied, ridiculed, and harrassed because of the color of their skin. I believe that discrimination in hiring, or in serving, or in any other field is morally wrong when such discrimination is practiced solely because of color. I have been shocked to see some of the injustices done to American citizens, as well as to foreign dignitaries, solely because their skin is black. These things are morally wrong and should be eliminated. But they cannot be eliminated by legislation alone.

We cannot legislate love, understanding, or respect. These things must come from the hearts of men. They must be dealt with on an individual basis.

The Federal Government does have a responsibility in seeing that rights which are guaranteed to us by the Constitution are given to all citizens. I am firmly committed to this principle. At the same time, I firmly believe that Congress does not have powers other than those enumerated in the Constitution. It is my belief that Congress clearly has authority in the following areas:

First. To act with all the power and authority at its command to protect Americans from the denial or abridg-

ment to vote, which is secured by the 15th amendment.

Second. To regulate and protect the interstate transportation of persons.

Third. To guarantee that Federal assistance programs will not be utilized to subsidize and perpetuate discrimination.

Fourth. To prevent discrimination of any type in employment by the Federal Government or in Federal contracts.

There are other rights, but these serve as the basic framework for Federal activity.

The civil rights bill passed in haste by the House of Representatives, with the attitude of "let the Senate take care of it," is a bad piece of legislation. It shows a total disregard for the respective States and our citizens. After many days of debate, the leadership of both parties and the administration acknowledged that the House-passed bill was completely unsatisfactory.

The substitute bill now before the Senate is technically improved and has provisions which I support, such as judicial review and a trial by jury in criminal contempt cases. I feel that the new substitute bill is better than the original bill, but basically and fundamentally it is still the same bill as passed by the House of Representatives.

This omnibus civil rights bill is really 11 bills wrapped up in 1 package. Each title is important and takes dramatic, if not drastic, steps in an effort to upgrade the American Negro and other minority groups. I fully support the admirable objectives of this bill. Unfortunately, however, in my opinion, certain titles of this bill are objectionable because they would destroy civil rights rather than grant them. Consequently, because we cannot vote on each title separately, I am forced, not by my will, but by those who are attempting to force unconstitutional and unwise legislation through Congress, to vote against the whole bill. We must take it or leave it. That is their attitude.

This is most disturbing to me because I have always been proud of the record that I have made in the field of civil rights, and I feel that several of the titles of this bill, H.R. 7152, are not only desirable but needed.

For example, the right to vote should not be denied any American citizen who has met the qualifications of his respective State. The Constitution is clear on this; in fact, it is adamant. I would like to support Federal legislation which would help the minority groups which are denied the right to vote. I think title I is basically a good piece of legislation and would like to support it.

Title III involves the desegregation of public facilities. I do not believe that any government activity or the use of any government facility, area, or building should be denied any person solely because of his color or religion. I would, therefore, support it also.

Our Government is a government of one Nation and one people. Uncle Sam does not ask what your religious beliefs are or what the color of your skin is when he asks you to serve in the military service or to pay taxes. And, he should not ask you the color of your skin when there is a Government service to be used by American citizens.

Title VI of the bill has given me a great deal of concern, but even though it gives to the Federal Government great powers, I support it. This title calls for nondiscrimination in federally assisted programs. It provides that—

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

I support that statement even though I realize that whoever has the authority to spend money acquires great powers. The executive branch of our Government does the actual spending of the money appropriated by the Congress and thus does have great powers. This legislation gives the executive branch the power to terminate, or to refuse to grant, the payment of Federal funds—taxpayers' money—to any political entity or part thereof if a determination is made that the purpose of title VI is being violated. I feel that adequate safeguards are written into the law, with provisions for judicial review.

Basically, I object to Federal aid programs because under them control and power is assumed by the executive branch over our State and local governments. I feel strongly that Federal funds—taxpayers' dollars—should not be used for promoting unwarranted segregation. I think my good and respected friend from Texas, Senator JOHN TOWER, summed it up when he said:

> If the State and local governments are going to allow themselves to be reduced to a state of abject dependency on the Federal Government and to operate with Federal funds, they must be made to understand what the consequences will be.

Accordingly, he supports title VI.

One of the conditions placed upon any Federal aid program should be that Federal funds not be used in a discriminatory manner because of the color of a man's skin.

The two primary reasons why I must vote against this bill are titles II and VII. Title II is the public accommodations section which would ban discrimination by businesses if they are in interstate commerce or if their discriminatory policies are backed up by some State action. The objectives of this title are admirable. But, I do not know of any constitutional grounds upon which this title can be based. The proponents are attempting to tie this to the commerce clause of the Constitution and the 14th amendment. I do not believe that the commerce clause should be stretched to that extent, and, I do not believe that the 14th amendment is applicable in that the Supreme Court of the United States has determined that such a bill was unconstitutional when based upon the 14th amendment.

If I were to disregard the unconstitutionality of title II, I would still oppose it because it is plainly bad legislation. In this civil rights controversy we must remember that we are attempting to balance human rights. One of the fundamental rights that our people have is the right to own property. With that ownership comes a bundle of rights, one of which is to use that property as one desires. Do we, as a government of the people, have the right to eliminate or at least restrict that right which is inherent with the ownership of property? I do not believe that we do. If a member of the general public has the right to choose which business he will use, at which hotel he will stay, and in which restaurant he will eat, why, then, does the property owner not have the right to select the type of person he chooses to serve?

I am concerned that if we were to adopt the public accommodations section we would be adopting a principle which would enforce associations among individuals thus destroying areas of personal freedom, prove impossible to enforce effectively, and might worsen rather than improve the relationships among human beings. When we start tampering with the fundamental right to own property and to manage that property as the owner desires, we are treading on a right which goes to the very freedoms that we have cherished, protected, and preserved here in America. While I do not believe that it is morally right for a person to discriminate against another citizen because that person is colored, I do not believe that the Federal Government has the right to move in and dictate to its citizens the very way in which they should conduct their personal lives. It is one thing for the person to discriminate and another thing for the Government to discriminate. To me it is inexcusable for the Government to discriminate. Discrimination should never be tolerated in a free society. But, if the Government is to deprive the individual of the right to discriminate, he has denied that person freedom.

If we are to remain a free society with a republican form of Government which has vested within it certain limited powers and responsibilities, we must maintain personal liberty and the right to own and use property. The courts of this Nation have, since the beginning, consistently held that the fundamental maxims of a free government require that the rights of personal liberty and private property should be held sacred. A different doctrine is utterly inconsistent with the great and fundamental principle of a republican government, and with the right of the citizen to the free enjoyment of his property lawfully acquired. It is my judgment that title II is bad legislation; it is unconstitutional, impracticable, and unwise.

Title IV of the bill calls for the desegregation of public education and authorizes the Commissioner of Education to establish in colleges, universities, and secondary high schools courses for the training of teachers to deal with any special educational problems occasioned by desegregation. It is ridiculous to assume that because a person's skin is of a different color, he will cause new problems which will require an entirely new or different type of education in our newly integrated schools.

I consider this unlimited authorization an insult to our universities and a further inroad by the Washington bureaucrats who want to extend Federal aid to education. No limitations are placed on the funds that may be requested for these purposes, nor are there any limitations on the types of courses or programs that may be presented by the schools with Federal aid. I consider sections 404, 405, and 406 to be unnecessary, unwise, and unwarranted. They should never have been included.

Title VII of the civil rights bill is probably the most controversial section of the bill and, in my opinion, extremely unwise.

It concerns the "equal employment opportunity" section, more popularly called the FEPC section, which has been denied by Congress again and again. Standing alone it could not pass this Congress but because it is included in this omnibus bill it has acquired unwarranted respectability. Even President Johnson agrees with me on this point. When he was a Member of the U.S. Senate, he said:

> This is to me the least meritorious proposal in the whole program. In my way of thinking it is 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 the minority. Such a law would necessitate a system of Federal police officers such as we have never before seen. It would require the policing of every business institution, every transaction made between an employer and an employee and virtually every hour that employer and employees associate while at work.

I fully agree with that statement. I do not believe that this section is practical, workable, or justified.

Once again, I state that I do not believe in discrimination, but neither do I believe that the Federal Government has the right to dictate to an individual or a business, whom it shall hire and promote.

I am extremely disturbed by the fact that title II and title VII are in this omnibus bill, because if it were not for them, I could fully support Federal legislation which would assist a minority group in its quest for equality of opportunity. I am forced to oppose the whole bill because titles II and VII destroy freedoms—"civil rights"—that need not and should not be lost. The goals and objectives of the bill, as admirable as they are, do not justify the extreme provisions set forth in these two titles. Therefore, I must reluctantly vote against the so-called "civil rights bill."

I sincerely hope and pray to Almighty God that the civil rights bill will not become a "civil wrongs bill."

I yield back the remainder of my time.

Mr. McCLELLAN. Mr. President, I yield myself 20 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 20 minutes.

Mr. McCLELLAN. Mr. President, at the beginning, let me say that I acknowledge and duly respect the right of my colleagues and others to disagree with me completely on the merits of the pending measure or on any other issue that may be presented to the U.S. Senate. In disagreement, I question only their discretion and judgment, not their integrity or sincerity. My duty, however, to express my views and to act in accordance with my own conscience and convictions is clear and compelling. I would, therefore, be derelict in meeting my responsibility if, in the present circumstances, I did not again protest, with all of the forcefulness that I can command, the action the Senate is about to take on the question of the passage of this so-called, and misnamed, "Civil Rights Act."

It is the most ill conceived, deceptive, vicious, and iniquitous legislation that ever engaged the serious consideration of the Congress of the United States. The evil consequences that its enactment portends cannot now be fully envisioned or comprehensively defined.

During the 22 years that I have had the honor to represent the sovereign State of Arkansas and her people in this body, I have participated, as have many of the other present Members of the Senate, in processing thousands of legislative proposals. Many of those measures provoked serious controversy—not only in this Chamber, but throughout the Nation. That honest differences of opinion will arise or may exist as to the wisdom of or the necessity for the enactment of particular legislation is to be expected, and is understandable. But never in my experience here have I witnessed in the legislative process a measure that contains more pernicious, brutal, and vindictive provisions than those embodied in the several titles of this act.

Its punitive objectives toward, and its effect on, the Southland and her people will forever characterize it as evil legislation. It obviously fails to establish and protect legitimate civil rights, as claimed by its proponents; instead, it assaults and destroys many of the constitutional rights guaranteed to all American citizens. Therefore, Mr. President, rather than being cited as the "Civil Rights Act of 1964," it might more appropriately be cited as the "Civil Rights Assassination Act of 1964."

I repeat that, Mr. President: This measure should properly be cited as the "Civil Rights Assassination Act of 1964."

Many things associated with and continued in this measure smack of intimidation, force, and punishment. It illegally — unconstitutionally — deprives American citizens of their fundamental right to be free from governmental coercion with respect to the unhampered use and enjoyment of the fruits of their labor, of the selection of their employees, and in the choice of their associates.

Mr. President, we should remember that House bill 7152 began its life in the Senate steeped in illegal and unauthorized procedures. Under an interpretation of the Senate rules, which was clearly erroneous and unjustified, the bill was taken from the calendar; and hearings and consideration by the appropriate committee were bypassed.

In the Senate, it has been debated under a gag rule which has prevented a full and adequate presentation of the vital issues involved. Many amendments of merit, offered in good faith, and designed to improve this act, have been arbitrarily and disdainfully rejected. Thus, subjected to such an unlawful procedure and processed under such a gag rule, this measure remains dedicated to the proposition that one minority group of our citizens is entitled to, and should be granted, special privileges that will transcend and abrogate the constitutional liberties of the majority. No real concern has been shown for the vast majority of the American people who will be deprived of the freedom that is their heritage. And, Mr. President, let us remember, and never forget, that freedom was purchased and, we thought, was made secure by the blood sacrifices of our Founding Fathers and the constitutional republican form of government they established and bequeathed unto us.

Mr. President,, this act was called up under a perversion of the rules of the Senate, with the result that no committee hearings were held, nor were committee hearings had on the bill by any committee of the House of Representatives. Neither have any hearings been held on the Mansfield-Dirksen substitute now before us. Therefore, the citizens of our Nation have been denied their constitutional "civil right" to appear and be heard on a measure which vitally affects virtually every aspect of their lives. By this procedure, they have been denied the rights of petition and free speech guaranteed by the first amendment to the Constitution.

It is ironic that this should happen in the consideration of a so-called civil rights bill. Orderly procedure under the rules in this instance was abandoned and sacrificed for political expediency. There do not now exist, and there will never be available, committee hearings or a committee report to aid the courts in their efforts to interpret correctly the intent and the application of this measure.

Mr. President, as I have stated before, this act denies to American citizens the freedom of choice to select their business employees, customers, and personal associates. Yet, it is described by its ardent proponents as a measure to advance human freedom.

This act distorts the delicate balance between the powers of the Federal Government and those which have been reserved to the States. Yet, it is hailed by its enthusiastic supporters as an implementation of rights guaranteed by the Constitution.

This act subverts the constitutional right and duty of the several States to determine the qualifications of voters. Yet, it is described by its sponsors as an enforcement of the constitutional right to vote.

This act will revoke the present jurisdiction of Federal district judges in certain cases. Yet, it is championed by its advocates as a reinforcement of the judicial process.

This act will further undermine the exercise by State and local governments of their traditional police powers as well as the traditional State and local control of public education. Yet, its authors

claim it will advance the public policy of the United States.

This act will confer authority on bureaucrats in Washington to cut off Federal assistance to taxpayers who have paid for such benefits. Yet, we are told that this action will be "social justice."

Yes, this act violates the constitutional rights, privileges, and personal liberties of our citizens in many areas of human activities. Yet, there are those who insist and proclaim that its enactment will be a victory for the strengthening of democracy.

Mr. President, not only does this act limit, by the means of Federal intervention in areas which are clearly prerogatives of the State and local government, the free use and enjoyment of property; and not only are State and local governments being deprived of authority to act in accordance with the desires and will of a majority of their citizens; equally important is the fact that the full power of the vast Central Government will reach down into every State, city, village, hamlet, and community in our land to tell the people what they must do and what they may not do in their social, economic, and political relationships. The enforcement of this tremendous power of cantankerous interference and meddlesomeness is vested in the Attorney General of the United States and the Federal courts. The vesting of such enormous power in Federal authority is tantamount to sowing seeds of dictatorship in the field of our democracy. From these seeds can only grow the bramble and weeds of regimentation and oppression.

Mr. President, we are here attempting by law to make men equal in their social and economic relationships. This measure seeks in a fashion to make men equal in their material possessions. It seeks in some instances to take that which has been accumulated by those who have been industrious, by those who have toiled—possibly while others slept—and by those who have by their own ingenuity and thrift created property for their own use and enjoyment, and attempts to dispense it to those who have been indolent and irresponsible.

We are here proposing to legislate with respect to deep emotions, sensitive feelings, strong beliefs, and deep convictions of human beings. This effort, Mr. President, is vain and futile. It cannot succeed. This law will not pave the way to peace and understanding between the races. We cannot compel by statute brotherly love, fellowship, and good will. Mutual respect and tranquillity between the races will be achieved only by patience, tolerance, and the processes of evolution, and not by the forces of compulsion and revolution.

We have only to look at the experience of those States which have enacted statutes containing provisions similar to those in this act. Those States have no better race relations. In fact, in many instances they have greater tensions and worse race relations than do those States which have not legislated in this field. We read daily of racial strife, of demonstrations, of aggravated assaults, of murders, and of all manner of crime being committed in those States having so-called civil rights laws.

Mr. President, the force provisions of this act will not solve racial problems nor will they improve racial relations anywhere. Quite to the contrary, they will most certainly promote and engender even greater enmity, strife, and discord. Both black and white, in my judgment, are destined in the long run to suffer rather than to benefit therefrom. This law will be a great disservice to both races.

Finally, Mr. President, I venture to suggest that not only the South but other areas and sections of our land will experience greater trouble and more suffering by reason of the enactment of this ill-advised law. The tidal wave of civil disobedience and violence that its enactment encourages and invites will in all probability become a national rather than a sectional epidemic.

The agitations and, in some instances, mass demonstrations for the enactment of this law have already aroused passions and stirred instincts that are going to be difficult to subdue or control. I do not predict, but I am most apprehensive, that serious crime will greatly increase rather than diminish following the passage of this measure.

Mr. President, I stand firm and immovable in the position I have taken in opposition to the proposed legislation. I am proud to have been associated with those of my colleagues who share the convictions that have influenced me in my decision and together with whom I have labored and battled here in this Chamber in an effort to defeat this iniquitous proposed legislation. I am proud to have served under the leadership of the able and distinguished senior Senator from Georgia [Mr. RUSSELL], whose fortitude, courage, and tenacity have been a constant inspiration in this trying ordeal to which we, the minority in this body, have been subjected. All freedom-loving people in this great Nation owe to him a debt of everlasting gratitude.

Mr. President, in conclusion, although we who have opposed this measure are now destined to be overpowered and its proponents will win a temporary and dubious victory, I refuse nevertheless to accept or acknowledge as a final defeat the present success of their efforts. I am reconciled in the faith that time and subsequent events will prove the righteousness of our cause.

The PRESIDING OFFICER (Mr. BAYH in the chair). The time of the Senator has expired. Does the Senator wish to yield himself additional time?

Mr. McCLELLAN. Mr. President, I yield myself another 2 minutes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Arkansas for 2 additional minutes.

Mr. McCLELLAN. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a series of seven editorials published by one of the leading newspapers in my State, the Arkansas Democrat. The first of the editorials is dated February 22, 1964, and is entitled "Civil Rights Denies Older Rights."

The second editorial, dated April 29, is entitled "McCLELLAN Shows Up the Civil Rights Bill."

The third editorial, dated May 17, is entitled "Revolution in the Civil Rights Bill."

The fourth editorial, dated May 21, is entitled "Another Warning Against Civil Rights."

The fifth editorial, dated May 22, is entitled "Name of Civil Rights Misleads."

The sixth editorial, dated June 11, is entitled "Two Dark Days for Free Rights."

The seventh editorial, dated June 14, is entitled "Presidential Domination of Congress."

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

[From the Arkansas Democrat, Feb. 22, 1964]

CIVIL RIGHTS DENIES OLDER RIGHTS

Liberalism becomes fanaticism, reform takes on the meaning of deform, democracy slants toward socialism when Washington undertakes to twist private enterprise into a means of forcing its social theories on the Nation. The civil rights bill does just that.

This bill would strip from private enterprise its ancient free rights to select its customers and hire a harmonious, efficient working force.

The bill would require a business to serve anybody who came along, regardless of how much this might cost in loss of patronage the owner had spent years to build. No right is more important than the right of an owner to manage property in his own way.

To destroy that right is to strike down a major incentive of private enterprise.

Equally vicious is the bill's forbidding of "discrimination" in employment. An employer would have to put skill, experience, and a congenial work force in second place to make sure that he turned down or fired nobody because of race, color, or religion.

Do the authors of the bill know what "discrimination" means? This compulsion would in many cases discriminate against a capable worker to give a job to a poorer one, so the employer could keep within the law.

America has prospered because enterprise was left to be enterprise. We'll rue it if enterprise is now despoiled of vital privacy rights and made to serve as an agency of socialistic reforms.

[From the Arkansas Democrat, Apr. 29, 1964]

MCCLELLAN SHOWS UP THE CIVIL RIGHTS BILL

No speech, however eloquent, could have revealed the viciousness in the civil rights bill as vividly as Arkansas Senator JOHN L. MCCLELLAN did with the 34 corrective amendments he proposed Monday.

Essentially, these amendments ask nothing more than that the bill be modified to respect rights of every citizen which are pledged by our National Constitution or are imbedded in the common law.

Included in the rights which the Senator would protect from the brazen Federal power grab of the bill, are such priceless ones as these:

The citizen's right to trial by jury; his right to free association with people of his own choice; his right to use his property in his own way, which is the life throb of private enterprise; the right of an employer to select a congenial, efficient work force.

Of similar high importance in the Senator's package of freedom, is the citizen's right to share fairly in Federal benefits financed with everybody's taxes. Federal power to shut off aid where it found discrimination, would be severely and properly restricted.

In short, the package restates and reaffirms every citizen's rights, not just the rights

claimed by a turbulent minority threatening illegal disruption of peace and order with demonstrations and riots.

These amendments, with their insistence on safeguarding basic rights and freedoms dramatize the perils in the civil rights bill to the North. That section is waking up to the danger of defiant minorities, and it can see clearly what they threaten in the Senator's amendments.

Northern Senators who support the bill should be impressed. It wouldn't take a great loss of Democratic votes in a number of States to give the party's Senators a real battle for reelection.

Senator MCCLELLAN has performed another signal public service for the South and the Nation.

[From the Arkansas Democrat, May 17, 1964]

REVOLUTION IN THE CIVIL RIGHTS BILL

Make no mistake about it—a revolution is underway in the United States. A powerful force, championed by—of all persons—President Johnson, and entrenched in the Federal bureaucracy, is striving to stamp the pattern of socialistic dictatorship on our free system.

This, and nothing less, is what the President's civil rights bill actually means.

In the Senate, now the main battleground, our Southern contingent, a thin line, stands against this assault on the rights and liberties of every American, white or colored. They're under a constant fire of undeserved criticism. They're pressured by the President and all the groups his powerful office can influence. But they've held firm.

Now, even from the President's office, the Nation is urged to deluge the Senate with letters demanding passage of the bill.

It hasn't been enough for this revolutionary movement to attempt to intimidate the public and Congress with marching columns and frequent scorn of law and authority; hasn't been enough to dress the wolfish nature of the bill's grasp for power in a sheepskin of misleading promises.

Be sure of this: If the bill is passed without pulling its fangs, we can take a farewell of America as we have known it. We will be shorn of priceless rights of selecting our associates and neighbors, rights of property, rights of private enterprise, the right, twice guaranteed in the Federal Constitution, to a jury trial of criminal charges—in short of the rights which are freedom.

We can't imagine many Americans asking for such a package of trouble. If they really understood the bill they would glory in its southern opposition.

But it's hopeful that high-up supporters of the bill ask the Nation to betray itself. The request confesses doubt that the bill can be passed.

This is the moment for every American to tell his Senators that he wants no revolution—that he cherishes America as it has been and not as the civil righters would pervert it.

[From the Arkansas Democrat, May 21, 1964]

ANOTHER WARNING AGAINST CIVIL RIGHTS

In Maryland, as in Indiana and Wisconsin, Gov. George C. Wallace has successfully revealed that sentiment against civil rights isn't sectional and that it should be reckoned with politically even among those urbanized groups of workers who are traditionally Democratic. Governor Wallace got 42.7 percent of the Maryland Democratic presidential primary vote. President Johnson's stand-in, Senator DANIEL B. BREWSTER had a lead of some 51,000.

Maryland's Eastern Shore, as was expected, gave Governor Wallace heavy support. The region has an Old South character. Traditional conservatism, however, was only one of the factors that favored him. This region has had bitter firsthand experience with organized civil rights agitation for months and months.

Baltimore's large Negro population contributed substantially to the vote for Senator BREWSTER. Federal workers, residing near the District of Columbia, likewise cast votes for him.

But shipyard and industrial workers and families of Polish and Italian descent in Baltimore gave Wallace a big vote. This was in line with voting in the Wisconsin and Indiana primaries.

Contrary to psychological and sociological theories, industrial workers who came up the hard way as members of minority groups with a European background aren't identifying themselves with civil rights. These voters in Baltimore, like those in Gary and Milwaukee, have given politicians a clear warning.

They don't want the Federal Government to interfere with their jobs. They will resent the breaking up of their residential patterns. They believe the Negroes should improve themselves through their own efforts just as poor immigrants from Europe did.

While Democratic and Republican Parties crave the Negro vote and particularly cultivate it in the great cities, they had better be giving more thought to the preservation of individual rights for all citizens. Second and third generation Americans in the Northern cities are waking up to what the people of the South have known since the first civil rights bill was introduced—that this kind of legislation would destroy constitutional rights.

[From the Arkansas Democrat, May 22, 1964]

NAME OF CIVIL RIGHTS MISLEADS

If the civil rights bill now before the U.S. Senate were an initiated measure to be submitted to Arkansas voters, its name would have to be changed. For its name misleads. It isn't a civil rights bill.

It would undermine and destroy more of everybody's rights, white and colored, than it promises to give to racial agitators. A particularly vicious feature is the limitation it would impose on the right of trial by jury as guaranteed in our National Constitution.

The bill would give Federal judges the power to say whether a person they charge with criminal contempt may have a jury trial. As Senator JOHN L. MCCLELLAN sums up this grab for Federal power, it amounts to an accused person being tried by his accuser.

A charge of contempt is a charge of crime. And the National Constitution guarantees the right of a jury trial not only in criminal cases, but also "in suits at common law, where the value in controversy shall exceed $20." Southern Senators want to nail that protection into the civil rights bill with an amendment.

Many Northern Senators concede the peril to the citizens' rights in this feature of the bill, but would soften it down, not completely stop it.

The Senators should ponder a decision of the U.S. Supreme Court in its earlier, wiser days. It reversed, in 1866, a conviction of a civilian by a military court for disloyalty. Declaring that the citizen was entitled to a jury trial, the opinion said history taught "the great and good men" who wrote the Constitution that past infringement of rights would be attempted in the future, and it added:

"The Constitution is a law for rulers and people, at all times and in all circumstances. No doctrine involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any exigency of government. Such a doctrine leads directly to anarchy or despotism."

Our Southern Senators are standing for the rights of all citizens, white and colored. They would be applauded by the founders of our Government.

[From the Arkansas Democrat, June 11, 1964]

TWO DARK DAYS FOR FREE RIGHTS

Tuesday and Wednesday were 2 dark days for Americans who cherish their free inheritance.

On Tuesday the U.S. Senate refused to modify some of the drastic invasions of every citizen's liberties embodied in the civil rights bill.

On Wednesday the Senate voted 71 to 29 for cloture—for shutting off free discussion of this brazen grab for power to make the citizen a ward of overlording bureaucracy.

Free and full Senate discussion has become more than ever important. The House, reflecting the Nation's urbanization, is heavily weighted in voting power against the less populous States. But in the Senate these States have voting equality—can with free debate force wiser, fairer legislation.

And 71 Senators voted to strike down that bastion of rights and liberties. Our Arkansas Senators, to their honor, were among the 29 opponents.

Not sure of holding now, since the Senate has yielded so much to Executive pressure, is Tuesday's Senate vote for jury trials of all but voting cases under the civil rights bill. Jury trials are twice guaranteed by the National Constitution.

As appalling as the cloture vote, was the defeat Tuesday of an amendment to strike out of the civil rights bill its fair employment section. This section is a peril to private enterprise.

An employer, forbidden to "discriminate" against any race or creed, could no longer select a congenial and efficient work force, as the bill stands. Think of the opportunity for political favortism and pressure.

And only 33 Senators voted against putting that bludgeon in the power-hungry hands of Federal Government. Sixty-four approved it. Don't forget that it also applies to labor unions.

Defeated too were amendments to restrict this assault on freedom to employers of more than 100 workers, and to prohibit Federal funds for training teachers and other school officials to further integration.

Our southern Senators may yet wangle the defeat of this iniquitous bill. They may find northern allies who, as the final vote nears, will revolt from the huge and costly bureaucracy needed to enforce the bill.

[From the Arkansas Democrat, June 14, 1964]

PRESIDENTIAL DOMINATION OF CONGRESS

Never in your lifetime have you seen such a spectacle as the U.S. Senate presents now.

You see that body which was proudly independent for so long, to which the National Constitution gives special coequal powers with the President, voting to deny itself full, free right of debate.

You see this restriction pressured on the Senate from the White House. You see it done as a maneuver in President Johnson's forcing through the Senate a bill which at least half of the Nation opposes or doubts or knows little or nothing about.

We mean the civil rights bill, of course. The only active demand for that measure comes from the leaders of a racial minority, which seeks by coercive, intimidating tactics to get the bill passed.

The big question is, How does President Johnson exert such dominance of Congress as you see dismally exemplified in the Senate?

Part of the answer is the man himself. He is vigorous and resourceful. He has old ties in the Senate, knows it from his experience

there. He's a master politician and he has an impressive personality.

Another big reason comes home to the people. The aids and benefits we've so eagerly accepted from Washington have generated an enormous bureaucracy. And this jungle of officialdom with its pressure groups, headed by the President, gives him potent influence over Congress. It commands votes.

He can reward or punish a Member with his large control over spending and the huge patronage he can dole out to Congressmen.

What you see in the Senate is pretty much, in the words of Charles Shuman, head of the American Farm Bureau Federation, "the dictatorship of $99 billion," which is the size of the national budget.

That dictatorship is giving us the civil rights bill. We can't think of a stronger argument for economy and less bureaucracy in Washington.

Mr. McCLELLAN. Mr. President, I reserve the remainder of my time.

Mr. COTTON. Mr. President, I cannot vote for this civil rights bill.

Only a few words are necessary to state my reasons. I think I owe it to those I represent and to my colleagues here to say those words before the final roll is called.

This has been the most difficult decision I have had to make in all the years I have served in both branches of the Congress. For 18 years I have supported every measure to end discrimination between the races and guarantee the full rights of every citizen. I hoped and fully expected to vote for this one.

Months ago I stated that I would not be a party to killing the bill by indirection and that after sufficient time had been allowed to debate and amend the bill, I would vote to invoke cloture. That I did last week, and I did it with the full knowledge that it meant passage of the bill.

Until a few days ago, I had never doubted that the legislative process would be permitted to work on this bill and a chance given for real consideration of vital amendments. This course has been followed with every civil rights bill in the past, including those of 1957 and 1960. It was not followed in this case. As a result, vicious and dangerous provisions remain in this bill—provisions that go far beyond the question of civil rights and strike at the heart of free government.

Let us pass over all the complexities of this long and involved legislation and look for a moment at its bare fundamentals. The purpose of the bill is to establish, finally and for all time, equal rights and equal opportunity for every citizen of the United States regardless of his color, creed, or national origin. To put it another way, it is to turn the face of the Federal Government squarely against discrimination between the races. To this I subscribe with all my heart. We have made long strides toward this goal in past legislation, and by executive orders, but it is high time that we take the last full step.

Most of the titles of this bill relate to the Government and its citizens and strike out the last vestige of official tolerance of discrimination. These provisions establish voting rights, unrestricted either by intimidation or unfair literacy tests—integration not only in schools but in every public facility from parks to playgrounds, be they Federal, State, or local—withholding of Federal aid for any program in any locality which permits discrimination in its administration.

Titles II and VII, however, do not relate to Government's relation to its citizens, but deal with citizen's treatment of one another. It is here that the bill faces the delicate and dangerous task of dealing with private rights.

It must be admitted that in title II—privately owned public accommodations—the citizens dealt with are those who have elected of their own accord to furnish accommodations or services to the public. While extreme caution should be exercised in dictating the citizen's use of his own property, there exists moral justification and some legal validity in the object sought by this provision. I believe, however, the bill would be more clearcut, enforcible, and effective if it had been confined to publicly owned facilities.

Title VII, equal employment, in the form in which it appears in this bill, contains provisions subversive to the fundamental principles of this Republic, and so revolting that I cannot accept any bill that contains them, no matter how much I support the other elements of the bill. The civil rights bill submitted last year by the late President Kennedy contained an equal employment provision to be enforced by a Federal Employment Practices Commission, but the enforcement features applied only to those industries and establishments having contracts with or grants or loans from the Federal Government. This was entirely fair and enforcible and would not infringe on the rights of any man. I could even vote for a FEPC provision affecting the larger industries and business concerns in this country where employment is a general policy and does not involve a close personal relationship. This measure, however, will ultimately reach employers with as few as 25 employees.

The success or failure of such a business depends on the dedication, cooperation, and enthusiasm of its personnel. The men and women struggling in this competitive age to maintain themselves and furnish employment in the little concerns along the main streets of America are already subjected to enough tax burden and Federal harassments without having a Federal bureaucracy interfere with their choice of associates and employees.

To vote against the entire bill because of this feature might at a first glance seem unwarranted, but it is not. Title VII in the present bill is the last step in Federal control and coercion of its citizens. It is a trumpet call summoning more and bigger bureaucrats. This practice will extend far beyond civil rights. It is the triumph of the false principle that the citizen is the servant, not the master of his government.

I am compelled to say that the insertion of this provision in the bill and the dogged refusal of those in control to either revise or remove it is evidence that it was put there for a purpose—and that purpose was not civil rights but Federal control.

A legislative measure demanded by the awakened conscience of the Nation, with a powerful emotional appeal, is being used as an instrument to force us to take the last step in the control of the Federal Government over the individual American. That I cannot accept.

I cast my vote as a protest against the extreme Federal power in this bill, knowing full well that the bill will pass, and likewise knowing that, even if it were defeated due to this defect, it would be revised and confined to civil rights.

Mr. President, I reserve the remainder of my time.

Mr. BYRD of Virginia. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 15 minutes.

Mr. BYRD of Virginia. Mr. President, I shall vote against H.R. 7152, the so-called civil rights bill. It is a bad bill in all respects. It does violence to the Constitution of the United States. And it subverts our system of Government.

The way this bill has been impaled on the country is shameful. People have been made insensitive to the unbelievable design for power which the bill concentrates in the Central Government.

We shall rue the day of its enactment. This bill caps a series of Federal power grabs to which the American people have yielded. Yielding again is umbrella-type appeasement. More demands will be made.

We regard ourselves as a free-nation leader in a world half enslaved by dictatorships of totalitarian power. It is hard to believe that our own Federal power could destroy the system which protects our liberties.

But this can be done under the lash of centralized authority which is now being assumed and seized in the pincer-like thrusts for power in the Federal encirclement of our way of life.

The force of power to be exerted through this bill will be imposed in tandem with compulsion under the power usurped by the Federal judiciary in a pattern of decisions it has been dictating in more recent years.

For example, the bill unconstitutionally delegates to Federal enforcement officers power to control purse strings. This is done in title VI which empowers them to cut off taxpayers' money appropriated for expenditure in programs authorized for Federal assistance.

Some window-dressing language has been added to the title to give a camouflage of validity; but proponents of the bill admit the intent; the bureaucratic power is clear; and its use with full and effective force is to be expected.

And running in tandem with this Federal agent's power to control the purse-strings, the Federal judiciary has usurped the power to impose local taxes for local purposes. It is doing this without approval by local government, or citizens, of either the taxes or the purposes.

I am not reading the rise and fall of the American system in some fiendish fiction; it is the terrible fact of a Federal Supreme Court decree of May 25, 1964, usurping the power to tax the people of the United States, and depriving

them of the right of recourse by referendum.

John Marshall, in 1819, warned that "the power to tax involves the power to destroy." With this power usurped by Federal courts beyond the reach of the ballot, and the purse-string control exploited by Federal enforcement agents, the sources of brute Federal force are realities.

As another example: the bill, in title I, usurps more power for the Federal Government over State election requirements and confers new power on the Federal Attorney General and the Federal courts, neither of whom are answerable to the electorate.

At the same time, the Federal Supreme Court is assuming power to gerrymander districts within States from which people of the respective States choose those individuals whom they wish to represent their local interests in their own State legislatures.

Nothing is further from constitutional Federal jurisdiction than meddling with districts from which State legislators are elected. Gerrymander by Federal judiciary is new and dangerous in our system. It could be used to destroy the fundamental safeguards of our dual governments.

If Federal courts can devise a law-of-the-land scheme to reduce representation in one category of areas today, they can arbitrarily change the law-of-the-land scheme tomorrow. We have been through this with separate but equal education law of the land.

This bill, in title VII, subjects the hiring, firing, pay, and promotion of those employed by the Nation's larger business and agriculture enterprises to Federal agency approval, harassment, and punishment.

Great fanfare has been given the Senate proposal that imposition of Federal force be withheld temporarily under this title if Federal requirements can be exacted under State law. Some 30 States have FEPC laws.

But those seeking comfort in this alleged concession should be aware that Federal stopwatch surveillance will be kept on the State action, and remind themselves of the Federal Supreme Court's regard for State law.

For example: in the Nelson case the Federal Supreme Court threw out a State court decision and at the same time preempted—invalidated—the sedition laws in 42 States because there was a Federal law in the area.

The bill, in title II, imposes Federal authority to forbid small business men and women to trade with whom they please, with the same kind of State law concession proposed for title VII.

My same warning applies to those seeking comfort in this bogus title II concession. In addition, the Federal Supreme Court forbids police protection to small business premises against trespass by undesirables.

The bill, in title III, extends the long arm of Federal control over the administration of local public facilities, and grants special powers to the Federal Attorney General and courts to enforce it.

The bill, in this title, demands equal utilization of State and local public facilities for protection of those claiming to be threatened with loss of equal protection of laws on account of race, color, religion, or national origin.

But the Federal Supreme Court, in the Clarence Mallory case of 1957, denied innocent women protection against this confessed and convicted rapist, who, after he was freed, repeated the crime.

The chief justices of State supreme courts, in their Pasadena conference of 1958, found that the Federal Supreme Court "does not seem to have given any consideration whatsoever to the risks to society which might result from the release of a prisoner of this type."

The Federal Supreme Court, in that decision, established a rule which has impaired the efficiency of one of the most vital local facilities—the Nation's police departments.

The bill, in title IV, usurps more power for Federal agents—including the Federal Attorney General and Federal judges—to dictate local public school administration, and assert their authority over parental judgment and the lives of pupils.

Meanwhile, the Federal Supreme Court has assumed the power to outlaw prayer in public schools by children who wish to pray, and have their parents' permission. Foreclosure of this privilege is another Federal court law-of-the-land.

The history of the immediate past in this country bristles with concentration of power in the Central Government—both by usurpation and delegation. I have cited only a few examples more or less pertinent to circumstances surrounding the pending bill.

We cannot plead ignorance to the crime we are committing and condoning. Jefferson warned us:

> There was no danger he apprehended so much as the consolidation of our Government by the noiseless and, therefore, unalarming instrumentality of the Supreme Court.

And George Washington, the man we call the father of our country warned us:

> Usurpation of power is the customary weapon by which free nations are destroyed.

And he went a step further and added:

> That our Government will become despotic only when the people have been so corrupted as to need despotic Government, being incapable of any other.

Mr. President, I ask unanimous consent to insert the remainder of my speech in the body of the RECORD as a part of my remarks.

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

When I warn of the despotic rule of which the Federal Government of this country is capable, I am not speaking from flights of imagination. I represent a State which suffered some of the most terrible years of our history as Military District No. 1.

In a more recent reminder of how the whiplash of Federal power may be applied to a vital segment of the Nation's interests—our competitive enterprise system—I cite the experience which shocked the country in the spring of 1962.

At that recent date we witnessed the ruthless application of authority by the Federal Bureau of Investigation and the Federal grand jury, and the threat to withhold Federal contracts from some of the most competent suppliers who did not conform to the Federal orders.

And this Federal crackdown was ordered in the executive branch without the benefit of act of Congress or any so-called law of the land decreed by some Federal court. It was the use of naked force.

For some unexplainable reason, proposal and consideration of civil rights legislation—of all subjects—seem to generate inclination by the proponents to breach the tenets of orderly process from the Constitution on down.

The pending bill is a prime example. It does violence to our system from beginning to end—in its origin, in its provisions, and in its consideration. And there is reason to expect willful administration by Federal agents.

The origin of the bill lies in the intimidation of premeditated strife. It is a direct descendant of last year's sit-ins, lie-downs, march-ons, and other irresponsible demonstrations which are unworthy of enlightened people.

Prior to these demonstrations the Federal administration had indicated no inclination to force upon the country any so-called civil rights legislation, and certainly not proposals characterized by the intemperance of the pending bill.

In short, this bill is a product of civil disobedience of the kind promoted by the Federal Supreme Court when it forbade local police protection against trespass, and in effect invited breach-of-the-peace for so-called civil rights purposes.

The Federal court handed down a decision in six of these cases on May 20, 1963, and the President's message requesting civil rights legislation was submitted a month later when we began to hear about plans for the August 28 march on Washington.

And it should not be overlooked that before the Court's trespass on the right to protection against trespass, and the President's subsequent turnaround, the Chief Executive on May 17, 1963, had said: he "did not have the power—and that it would be unwise to give the President the power—to cut off payments in federally assisted programs."

But this provision is now in the bill, and so is title VII—the FEPC title—which he did not propose. There is much more that is questionable about the origin of proposals in this bill, and about the numerous substitutes that have come forth.

As might be expected, a bill of such origin and background does violence to the fundamentals of law and order, and established processes. With violence to law and order, the bill strikes destructively at States' control of their own voting requirements; stretches destructively the commerce clause beyond recognition; invokes destructively the 14th amendment; undermines destructively the rights of property; opens new doors to destructive centralization of power in Federal bureaucracy; and, to begin with, it tampered destructively with the right to jury trial.

As usual with civil rights legislation in recent years, the bill now before the Senate has had no committee consideration, and elements of the public who are severely affected have been given no opportunity to be heard.

The bill, as it now stands in the Senate, was actually put together in closed session by a select few among Members of the Senate with the approval of the Federal Attorney General. It was not introduced until May 26.

The only substantial change in this bill of such questionable background has been the

restoration of jury trials for defendants in civil rights cases except those involving alleged crimes in voting rights cases.

The bill considered by the House Committee was thrown out for a substitute which was approved by the Federal Attorney General. And the bill, as passed by the House has now been thrown out by the Senate for another Attorney General's bill.

The importance of this unorthodox procedure lies in the fact that the provisions of the bill have been dominated by the Federal prosecutor who is not an elected officer, but the citizens whom he may choose to prosecute have been denied a hearing.

Members of the Senate who have been attempting to debate the bill, as a means of last resort to inform the public of what is being imposed upon it, have been cut short in their effort by a gag rule which was rammed down their throats.

When this was done, steamroller tactics were applied to defeat virtually all amendments without regard for merit in order to prevent orthodox House-Senate conference consideration before final enactment.

The result is the production of the most repugnant and unjustifiable legislation in the modern history of this country. The ends sought do not justify the means that have been used by both the administration and the Congress.

The Senate is passing a bill to outlaw discrimination. But proponents have refused to provide the public, the lawyers, or the courts, a legal definition of what it is that the Federal Government will fine and put people in jail for doing, or not doing.

Under the policy clearly established in the pending bill, it would best be described most accurately as the "Minority Preference Act of 1964."

Under the procedure followed for the imposition of this bill on the people of this country, it is those advocating the civil right of all citizens to equal protection under the laws who are being discriminated against.

Under its administration, the bill will be another highly effective weapon in the growing arsenal of Federal power which may yet destroy the American system which protects our liberties.

There are more—but under the conditions I have described, and for the reasons I have outlined, I want the people of Virginia and the country to know that my vote is against this bill.

THE SUPREME COURT AND THE BALANCE OF POLITICAL POWER

Mr. BYRD of Virginia. Mr. President, I yield myself 2 minutes.

The very able and distinguished columnist, William S. White, has written a very fine article, entitled "High Court Unbalanced Political Power Balance," appearing in newspapers today.

I am very glad to ask unanimous consent to have this article printed in the body of the RECORD.

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

HIGH COURT UNBALANCED POLITICAL POWER BALANCE

(By William S. White)

WASHINGTON.—The historic balance of political power in the United States is being overturned by a half-dozen men on the Supreme Court who are amending the Constitution by judicial decisions expressing their own notions of what the proper balance should be.

Going where the judiciary has never before dared to go, they are destroying the ancient guardian of check and balance which has distinguished our oldest practicing democracy in the world.

The meaning of their course is ultimately to make the urban parts and interests of this Nation the unchallenged and total masters of our affairs, in the legislative arms of government—National and State—as the urban groups already master the selection of any President.

If these novel constitutional theories stand, the America of the 21st century will be governed on some vast postcard-poll principle in which nothing will matter except the ability to marshal the huge bloc votes of the cities. Minority rights in the conduct of government will have all but disappeared before the monoliths of megalopolis. The city-state will become superior in fact to the States of the Union as we have known them.

The extraordinary truth—and surely hardly one in 100 Americans is aware of what the Court is really doing—is now confirmed beyond further doubt in a new ruling of the Court. This is that both houses of the State legislatures hereafter "must be apportioned on a population basis."

That the Supreme Court was on the way to this unexampled assertion of dominance over the political processes of this Nation was foreshadowed last February, in its ukase that congressional districts, too, must be based strictly on population alone. Those who suggested as much at the time were cried down as anti-Court or as in favor of political sin.

The Court under Chief Justice Warren, against the solemn warnings of an anxious minority of the Judges is striking down the whole principle of a weighted democracy, which is to say of a responsible democracy. For nearly two centuries the practice has been this: to define the so-called popular legislative chambers—the National and State House of Representatives—roughly on the basis of population but to allow the upper bodies—the Senates, National and State—to be based in part on geographic interests.

This system has thus far prevented the total dominion of the increasingly huge urban voting complexes. It has also prevented occasionally uninformed and hysterical majorities, in times of crisis and passion and prejudice, from overrunning order and reason in this Nation.

The U.S. Senate, of course, is the ultimate expression of this check and balance. Nevada, with fewer people than live in a single small section of such a city as New York, is permitted by the Constitution to have equal representation with the biggest State. The Court cannot alter this arrangement, in the face of the explicit language of the Constitution. But as to the States, the old protections are now going forever.

The basic theory of the Court's majority is that one man's vote must in all circumstances equal another man's vote—though 1 man of 12 on a jury can still save a defendant's life. This is the oversimplification that has crumbled a hundred popular democracies over the world, notably France. That unhappy country has at last had to rescue itself from this demagogic idea of herd and irresponsible "democracy" by anointing an imperious, unchecked pseudo-king in Gen. Charles de Gaulle.

The Court's majority—six of nine men elected by nobody, serving for life, and accountable at last only to personal conscience—has said this: A State, even if this be the overwhelming and expressed wish of its own people, cannot balance its legislature between urban and rural and smalltown interests, even though for 18 decades this has been precisely what most States have done.

Is this a fair and reasonable dictate from men whose sole constitutional function is to interpret and not to alter that Constitution or to make their own laws? Let an expert reply. Says Supreme Court Justice Potter Stewart: "What the Court has done is to convey a particular political philosophy into a constitutional rule, binding upon each of the 50 States * * * without regard to and without respect for the many individualized and differentiated characteristics of each State * * * I could not join in the fabrication of a constitutional mandate which imports and forever freezes one theory of political thought."

GRADUATION ADDRESS AT THE CONGRESSIONAL SCHOOL BY JAMES E. PALMER

Mr. BYRD of Virginia. Mr. President, during this month of graduation exercises at our educational institutions there are hundreds of thousands of young people who need to pay attention to the fundamentals of life that have made this Nation great. I speak of thrift, honesty, loyalty, patriotism, brotherhood, and morality.

At the graduation exercises at the Congressional School at Falls Church, Va., on June 8th, Mr. James E. Palmer, Jr., a professional staff member of the Housing Subcommittee of the Banking and Currency Committee of the Senate, whom I have known for a number of years especially as the author of a biography of the distinguished late Senator Carter Glass, delivered an address that points out in a very direct way the need for our Nation to emphasize these fundamental qualities of character in our young people as well as in our national life.

I share this view and ask unanimous consent that this message be printed in the RECORD.

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

ADDRESS TO GRADUATING CLASS, THE CONGRESSIONAL SCHOOL, FALLS CHURCH, VA., JUNE 8, 1964

(By James E. Palmer, Jr.)

Youth today is fundamentally no different from the youth of bygone years. A mighty quest for the opportunity of self-expression and to try something in your own name and right surges strong in the hearts of all of you. The ever-increasing tide of a fast-growing population causes competition to be greater in the achievement of these ambitions, and it is natural that some among you tend to be extremists in mannerisms, in speech, and in conduct, as a result of the burning desire for self-expression. If some of you have gone too far in this direction and perhaps in this, your graduating hour, you are sorry that you were not more modest, then be not dismayed but merely humble, keeping your determination for achievement steadfast, yet tempered with moderation commensurate with your ability.

If there are others among you who have been too quiet, too modest, and now in your hour of graduation you, too, are sorry that you did not assert yourself more and attain more public recognition, then be not dismayed, because the qualities that you have shown in the field of restraint will stand you in good stead in years to come if balanced with a sincere desire for achievement and a lack of fear of speaking up and asserting yourself when the right occasion is at hand.

There are a few things, however, that apply to all equally, and the sooner you think about them, realize them, and live them, the better off you will be because someday inevitably you will come to realize their truth and significance.

I wish to ask you some questions:

Do you look down on or think that there is something odd about a young person who

has never learned to get away with all that he can without being caught?

Do you think it strange that someone should volunteer to serve his country when he does not have to do so?

Do you laugh and think it silly of a person to get so lost in his work that he has to be reminded to go home?

Do you think that it is bad for a man to be so thrilled with living that he does not want to stop at a bar for a drink or a beer on the way home; or that he does not care for it at all?

Do you laugh at someone who gets all choked up and tears come to his eyes when the band plays "America"?

If your answer is yes to any of these questions or if you have any doubts about them, then you should start here and now to do some hard thinking about yourself.

The type of person whom I have just mentioned in these questions does not fit in too well with the current group of angle players, corner cutters, sharpshooters, and plain "goofers" who often, all too soon, become a burden on the community, especially the jails.

This type of person does not believe in opening all of the packages before Christmas. He does not want to take a trip now and pay later. He is simply burdened down with old-fashioned ideas of honesty, loyalty, courage, and thrift.

Our great country was discovered, put together, fought for, and saved by men who would be quite disgusted in a group of modern angle players and "goofers." It is quite easy to prove that Nathan Hale, Patrick Henry, Paul Revere, George Washington, Benjamin Franklin, Robert E. Lee, and almost anyone else you care to include among our national heroes, would be classed as different, odd, peculiar, and far behind the times by modern groups of angle playing, stupidly conceited young people, who are exactly the opposite of what I urge each and every one of you to be.

Nathan Hale never saw his 22d birthday. He could have blamed George Washington and might have lived to a ripe old age.

Paul Revere could have said: "Why pick on me? It is the middle of the night. I can not ride through every Middlesex village. Besides, I am not the only man in Boston with a horse."

Patrick Henry could have said: "Yes, I am for liberty but we must be realistic. We are small compared to the British and someone is going to get hurt." Instead he said: "Give me liberty or give me death."

I do not like the fact that in a recent survey made by This Week magazine comparing the history textbooks used in schools in 1920 with presently used books, this utterance of Patrick Henry was printed in 12 out of 14 textbooks in 1920 and in only 2 out of 45 recent ones. Nathan Hale said: "I regret that I have but one life to give for my country." This was printed in 11 of the old texts and in only 1 of the new ones. John Paul Jones, the great naval hero, set the record however. He said: "I have not yet begun to fight," in nine of the old texts and in none of the new ones.

This may be significant of something that should be corrected. It is obvious that what such great men actually said is being quietly sneaked out of our schoolbooks. Our Communist world adversaries perhaps appreciate this fact because these remarks fire up patriotism and American national pride.

George Washington could have said: "Gentlemen, you honor me. I am just getting some personal matters settled and have much to do at Mount Vernon. Why don't you try General Gates? Also, you might say that I have served my time against the French." Instead, he suffered untold hardships, led his men, and helped, perhaps more than any single individual, in establishing the greatest nation on earth.

Benjamin Franklin could have said: "I'm over 75 years old. What you need as a Minister to France in these strenuous times is a younger man. Let a new generation take over. I want to rest." Instead he negotiated most brilliantly the Treaty of Versailles.

Robert E. Lee could have gone into a high position with either the Confederacy or the United States. It would have been easier for him with the United States. He followed the dictates of his conscience and his loyalties. After Appomattox, despite the war, his name stood among the highest in the world because he was a man of character respected by everyone.

He could have said: "I've gone through the worst strain a man could endure. I've lost the cause and my personal affairs have suffered. I should cash in on my reputation and put myself and my family into continued wealth."

Instead he turned down the most lucrative of offers that would have paid him a fortune in money. He turned to the cause of urging brotherhood and understanding in this great Nation and gave his name and personal attention to the education of the young blood of the Nation at Washington and Lee University. He reaped his fortune in knowing that what he did was right. He bears a name that money could not buy.

Our country today needs patriotism, nationalism, morality, courage, dedication, and religion as never before. These verities are eternal. They are necessities if we are to survive as a free people and they should be taught from kindergarten through college.

College will bring you nothing more than a sharpened mind unless you seek the real verities of life and live them. Too much stress is placed in college by the so-called progressive educators on life adjustment instead of the preservation of a free nation and the building of stalwart individual character. Bear this in mind as you go through college and seek to cultivate there or elsewhere those sterling qualities of honesty, courage, and thrift that will be your Rock of Gibraltar in life from whence the extra talents afforded through higher education can bring you and those around you a more fruitful life.

Youth needs the right kind of heroes; shining examples to look up to. Find them. Study them. To be truly great, one must be truly good.

In closing, I would like to quote a prayer written in the Philippines by the late Gen. Douglas A. MacArthur:

"Build me a son, O Lord, who will be strong enough to know when he is weak, and brave enough to face himself when he is afraid; one who will be proud and unbending in honest defeat, and humble and gentle in victory.

"Build me a son whose wishes will not take the place of deeds; a son who will know Thee—and that to know himself is the foundation stone of knowledge.

"Lead him, I pray, not in the path of ease and comfort, but under the stress and spur of difficulties and challenge. Here let him learn to stand up in the storm; here let him learn compassion for those who fall.

"Build me a son whose heart will be clear, whose goal will be high, a son who will master himself before he seeks to master other men, one who will reach into the future, yet never forget the past.

"And after all these things are his, add, I pray, enough of a sense of humor so that he may always be serious, yet never take himself too seriously. Give him humility, so that he may always remember the simplicity of true greatness, the open mind of true wisdom, and the meekness of true strength.

"Then, I, his father, will dare to whisper, 'I have not lived in vain.'"

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had concurred in the amendments of the Senate numbered 1, 2, and 5 to the bill (H.R. 221) to amend chapter 35 of title 38, United States Code, to provide educational assistance to the children of veterans who are permanently and totally disabled from an injury or disease arising out of active military, naval, or air service during a period of war or the induction period; that the House had disagreed to the amendments of the Senate numbered 3 and 4 to the bill, and that the House had concurred in the amendment of the Senate numbered 6 to the bill, with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had passed a bill (H.R. 11375) to provide, for the period ending June 30, 1965, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 11375) to provide, for the period ending June 30, 1965, a temporary increase in the public debt limit set forth in section 21 of the Second Liberty Bond Act, was read twice by its title, and referred to the Committee on Finance.

CIVIL RIGHTS ACT OF 1964

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. KUCHEL. Mr. President, I yield myself 2 minutes.

We have seen in this Chamber, during long, dreary days of debate, the birth throes of a sublime and endless American ideal. We are about to see freedom reborn.

Just a century ago, this country was torn and trembling by the fire and strife of civil war, but the Union survived. What we seek here now, in civil peace, is the full measure of equal dignity for each of our fellow citizens, under the Constitution and before the law. We strive to bring equal justice to all, even the most humble and lowly. That is what we are trying to do, and I am grateful to be here, and to play a role in the doing.

This will be an American achievement, for the leaders and the members of both parties have helped to fashion the pending bill. But I feel assured that no one

will object for my signaling out that good and great man, EVERETT MCKINLEY DIRKSEN, as the driving, unremitting courageous Senator who has, once again, rendered enormous service to the Republic, and to the cause of free men. As a result, our heterogeneous American society may look forward to better days.

The sham and shame of unequal justice are about to be sheared away, for they have no place in our American system. This piece of legislation will help to accomplish just that. So the lights will shine more brightly on the United States and on the dream of freedom which brought us into being. And all around the world, the American banner of human dignity will stand, bold and resolute, for the doctrine of freedom we preach is the doctrine of freedom we practice.

Mr. THURMOND. Mr. President, I ask unanimous consent that I may speak from the desk of the senior Senator from Arkansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, I yield myself 25 minutes.

The PRESIDING OFFICER. The Senator is recognized for 25 minutes.

Mr. THURMOND. Mr. President, the Senate is on the brink of taking final action on the most radical and revolutionary legislation since the Reconstruction Acts of nearly a century ago. I am not so naive as to believe that anything I might say at this late hour will stay the apparently inevitable, now anticlimactical vote on final passage of the proposal before this body. Nevertheless, I am constrained to make one last plea against the calamitous course to which the Senate seems so blindly and irrevocably committed.

In a period when there is a fetish for criticism of extremes—a fetish which this Senate has not escaped—the Senate is moving toward passage of a bill that is extreme to the point of being revolutionary.

Underneath the platitudinous oratory of its proponents, lies the stark radicalism of the proposals in the bill itself.

This bill would renounce the safe, proper, and acceptable role for Government as a referee of disputes between the governed. It would interpose the Government as a biased protagonist, armed with the awesome authority of the Federal Government, in addition to rulemaking and umpire powers. The broad grants of power to the Attorney General to initiate and intervene in civil actions would go far toward transforming him into George Orwell's "Big Brother" of "1984," in the year 1964.

This bill would create a crime called "discrimination," which remains undefined in the bill—an omission which fails to conceal the arbitrariness inherent in the subjective judgment of the intention of an accused on which the existence of this crime must hinge.

For those accused of violating the manifold prohibitions and commands of this legislative decree, the substitution of the injunctive process and contempt proceedings for criminal sanctions denies many constitutional and traditional due process safeguards, such as grand jury indictment and the requirement of proof of guilt beyond a reasonable doubt.

This bill, by vesting the power to withhold or terminate Federal funds, creates a concentration of power of economic coercion unequaled in the history of governments—a power concentration which defies the experience of mankind with the temptation of power to corrupt.

By its attempt to regulate and govern the private businesses, which are miscalled public accommodations in the bill, this proposal would inject the Government into the most sensitive areas of human contractual relations—agreements for personal services. In so doing, constitutional interpretations of long standing are being swept aside in favor of tortuous rationalizations which studiously ignore the constitutionally-forbidden imposition of involuntary servitude on citizens.

Under the euphemistic title of "Equal Employment Opportunities," this bill would undercut the maturing institutions of labor-management relations, by giving to Government and taking from both management and labor, the joint decision-making power they now enjoy on hiring, firing and promotions. So broad and encompassing is this FEPC under a disguised name, that President Johnson, before his judgment was clouded by White House fever, said of such proposals:

> Such a law would necessitate a system of Federal police officers such as we have never seen before. It would require the policing of every business institution, every transaction made between an employer and employee, and virtually every hour of an employer's and employee's association while at work.

With one aspect of this justified indictment of FEPC proposals, the proponents apparently agree. I refer to the necessity of hordes of policemen required to enforce it. The bill contains a broad expansion of one police organization—the Civil Rights Commission—and the creation of two new police organizations, the Equal Employment Opportunities Commission and the Community Relations Service. There can be no doubt that these organizations, whose ill-camouflaged functions are set forth in the bill, will be nothing more than new sections of the Department of Justice.

It is not surprising that such a revolutionary proposal required a gross departure from normal legislative procedures in order to progress to its present status.

The measure before the Senate on the question of final passage is no product of legislative hearings; rather it is the product of a troika-type cabal, consisting of the minority leader, the majority whip, and the veto-empowered Attorney General, who for the purposes of this bill, assumed the role of legislative director. The Attorney General directed through the House of Representatives a bill which was a bomb of high megatonnage, but without any directional stability. It would have wreaked havoc over the entire country. The minority leader sagaciously perceived the dangers. The Senate would never launch such a weapon with a cloture vote. His proposal, or substitute, on which he sold the majority whip and the Attorney General, in no way reduced the destructive charge of the bomb; it merely attached to the bomb a guidance system which would only point toward the South. Thus does the Dirksen substitute now before the Senate confine its major blast to the Southern States and thereby did it garner the necessary votes for cloture.

Unfortunately, it will probably be only after passage that the voices from other parts of the country will make themselves heard about the dangers from the backlash of the afterburner and delayed fallout, which is bound to occur outside the southern target area from such a monstrous-sized weapon.

Mr. President, it really comes as no surprise to me that what appears to be the final form of the bill is so drafted as to concentrate the major impact of its atrocious provisions on the Southern States, while containing safeguards against interference with the de facto type of segregation practiced in the non-Southern States, particularly in large population centers of the North. While the bill is aimed at putting the full force of the National Government behind the effort for total integration in the South, the bill actually prohibits the Federal courts from upsetting the harsh de facto type of segregation existing in the geographically segregated, ghetto-type communities in the North.

I have previously discussed on the Senate floor the contrast between the type of racial segregation practiced in the South and that practiced in the North, pointing out that Federal legislation was almost invariably directed at the southern type of segregation and not the harsher, more cruel type practiced in the North.

In the South, the separation of the races—this is the more accurate term, though for the sake of habit and convenience we shall continue to say "segregation"—is a matter of public policy, regulated by law as well as by custom. Segregation in the South is honest, open and aboveboard. It is a less severe form of segregation than that which prevails in the North. While in the North there is almost always an actual physical, geographical separation of Negro residential areas from white, this is not so in the South—it is not necessary.

In contrast to the honest, aboveboard, and definite southern system, the northern type of segregation is founded on hypocrisy and deceit, and fundamentally on geographical separation which is either total or as near total as the northern ingenuity can make it in the face of mounting Negro immigration. The prevailing pattern in the North is segregation by flight. The Negro is told that he is equal; then he is simply avoided. The whites flee to the suburbs, and through the housing pattern, de facto segregation is maintained, except in a few unfortunate fringe areas which degenerate into centers of tension and crime and whose whites leave just as soon as they can accumulate sufficient funds to do so.

By and large, the northern system is eminently successful. It may be ruthless, it may be hypocritical and deceitful; but it works. It is tough on the Negroes crowded into the crime-filled ghettoes; it is tough on the comparatively few whites who are left in the

fringe areas adjacent to these ghettoes. But never mind this: By and large, the system is a complete success. It works: The overwhelming majority of northern whites is enabled by this system to avoid almost all contact with the Negro.

Mr. President, of the two systems, or styles, of segregation, the northern and the southern, there is no doubt whatever, in my mind, which is the better. Our southern system too has stood and passed the pragmatic test. It works. And this time-tested southern system of ours has the advantage, so conspicuously absent from the northern system, of being both humane and honest, rather than hypocritical and deceitful.

It may well be that a result of this iniquitous legislation, on which the Senate is shortly to vote, will be to force in the South not integration of the races, but rather a change in style in segregation—from the open and honest separation of the races, under well understood rules of conduct, to the northern type of harsh and hostile de facto segregation, together with all the enmities which flow from its practice.

Despite all of the directional control written into the bill with the purpose of concentrating its impact on the Southern States, there will also be a tragic impact on non-Southern States, particularly on the big cities with their population concentrations of different races.

This measure will not in any way diminish the growing eruptions of racial violence stemming from illegal demonstrations in the non-Southern States. On the contrary, it will add impetus to such activities.

The bill will not satisfy the demands of the militant Negro organizations. It is not a cure-all for the matters of which they complain; it will merely whet their appetites for increased demands and further encourage the resort to mass demonstrations of an even more violent nature, because of the apparent success, as evidenced by this bill, of previous resort to so-called direct action methods.

This conclusion is reenforced by the public statements of leaders of the Negro agitational movement. James Farmer, national director of the Congress of Racial Equality, said in an interview with Esquire magazine:

> I can see nothing that will make our work less necessary. New legislation will help us to implement our efforts, but direct action will still be needed to make laws a reality.

Those who believe that the passage of this legislation will eliminate or even diminish the violent and agitational demonstrations, with which we have all become familiar, do not understand the view of the Negro movement which is held by its leaders.

Martin Luther King stated in the March 9 issue of Nation magazine:

> The Negro freedom movement reflects this world upheaval within the United States. It is a component of a world era of change, and that is the source of its strength and durability.

In the same article, King also stated:

> Congress has already recognized that this legislation is imbued with an urgency from which there is no easy escape. The new level of strength in the civil rights movement is expressed in plans it has already formulated to intervene in the congressional deliberations at the critical and necessary points. It is more significantly expressed in plans to guarantee the bill's implementation when it is enacted. And reserve plans exist to exact political consequences if the bill is defeated or emasculated.

Despite the directional provisions of H.R. 7152, as it is now written, these militant Negro groups have every intention of continuing their militant direct action, without confining it to the Southern States. The impact in the North will be severe, for unlike the South, there is little historical reserve of good will between individuals of different races to mitigate the passions which are sure to rise as a consequence of the militant Negro activities.

All of these realities have been studiously ignored by Congress during its action on the so-called "civil rights" bill. Congress has moved in a trancelike attitude of "see no evil, hear no evil, speak no evil," while it steadily moves toward the enactment of this potent potion of evil.

In no respect is this trancelike attitude more obvious than in the apparently firm resolve of the majority to ignore the obvious and dangerous existence of Communist influence in the Negro agitation movement.

Mr. President, I ask that the Senate be in order.

The PRESIDING OFFICER. The Senate will be in order.

Mr. THURMOND. Mr. President, when the Senate is not in order, is the time then used charged against the time available to me? I want the Senate to be in order.

The PRESIDING OFFICER. The Chair observes that the Senate is in order.

Mr. THURMOND. I ask that when persons at the desk are talking, and are not in order, the time then used not be charged against the time available to me.

The PRESIDING OFFFICER. When the Chair sees the Senate not in order, the time then used will not be charged against the time available to the Senator who is speaking.

Mr. THURMOND. Mr. President, J. Edgar Hoover, Director of the Federal Bureau of Investigation, testified to the Congress on January 29, 1964:

> Turning to the subject of Communist interest in Negro activities, the approximate 20 million Negroes in the United States today constitute the largest and most important racial target of the Communist Party, U.S.A. The infiltration, exploitation, and control of the Negro population has long been a party goal and is one of its principal goals today.
>
> The number of Communist Party recruits which may be attracted from the large Negro racial group in this Nation is not the important thing. The old Communist principle still holds: "Communism must be built with non-Communist hands." We do know that Communist influence does exist in the Negro movement and it is this influence which is vitally important. It can be the means through which large masses are caused to lose perspective on the issues involved and, without realizing it, succumb to the party's propaganda lures.

Those are the words, Mr. President, of J. Edgar Hoover, Director of the FBI. Incidentally, that testimony is in contradiction of the response the Attorney General made to the Senate Commerce Committee when he undertook to answer an inquiry, directed to Mr. Hoover, about the Communist influence in the Negro movement and demonstrations.

So obvious is the existence of Communist influence in the Negro movement, that it has been reported openly in the press. For instance, it was reported that Mayor Ralph S. Locher, of Cleveland, Ohio, sent to the FBI a report charging that 38 members of subversive organizations took part in Cleveland's civil rights demonstrations this year.

Mr. President, I ask that the Senate be in order.

The PRESIDING OFFICER. Let there be order in the Chamber.

Mr. THURMOND. Mr. President, I understand that the time used when the Senate is not in order is not charged against the time available to me. Is that correct?

The PRESIDING OFFICER. As the Chair stated a moment ago, when the Senate is not in order, the Chair will ask that the time used not be counted against the time available to the Senator who is speaking. Of course it is for the Chair to make that determination.

Mr. THURMOND. Mr. President, Columnist Joseph Alsop wrote in a column in the Washington Post on April 15, 1964:

> An unhappy secret is worrying official Washington. The secret is that despite the American Communist Party's feebleness and dissarray, its agents are beginning to infiltrate certain sectors of the Negro civil rights movement.
>
> The Southern Christian Leadership Conference, headed by the Reverend Martin Luther King; the Students Nonviolent Coordinating Committee, more usually called SNICK; and the Congress on Racial Equality, more usually called CORE, are all affected in greater or less degree.

Those are the words of Joseph Alsop.

About Martin Luther King, who sanctimoniously seeks to conceal his manipulations behind the clergy's frock, Alsop stated:

> The subject of the real headshaking is the Reverend Martin Luther King. His influence is very great. His original dedication to nonviolence can hardly be doubted. Yet he has accepted, and is almost certainly still accepting, Communist collaboration and even Communist advice.

Those are the words of Joseph Alsop, the columnist.

In a column which discusses the increasing militancy of Negro agitational movements, Rowland Evans and Robert Novak reported in the Washington Post on April 4, 1964:

> However, it's questionable whether responsible Negro leaders could subdue demonstrations if they tried. Here, as elsewhere, the Negro establishment is in danger of losing control over the civil rights movement to thugs and Communists.

These reports, of course, deal only with the surface exposure of Communist influence in the Negro movement. The actual extent and degree, while obviously substantial, remain unknown, for Con-

gress has chosen to pretend that there is no such problem, even while methodically and relentlessly seeking to satisfy the demands of the very militant groups in which the Communist influence exists.

Mr. President, the Nation, and even the Congress, once its hypnotic trance has passed, will find that in this bill are the seeds of destruction of a political system which has served its people better than has any other ever devised.

Also in this bill are the seeds of another political system—the authoritarian police state. The arbitrary powers concentrated in the executive by this bill will make a shambles of the delicate balances contained in the Constitution for the protection of individuals from the oppressive tendencies of Government. Once these safeguards have been trampled out of shape, even in one instance as would be occasioned by this bill, they lose their intended and requisite efficiency.

Negroes should have equality of opportunity in politics, economics, and education; but the approach embodied in this legislation will destroy the progress made locally in this direction, and, at the same time, it will undermine the very heart of our political system and the protection it affords the individual of any race.

Mr. President, passage of this bill will visit the heel of oppression on all the people, vitiate their constitutional shield against tyranny, and materially hasten the destruction of the best design for self-government yet devised by the minds of men.

Its passage will mark one of the darkest days in history.

Mr. President, I yield the floor.

Mr. MILLER. Mr. President, I intend to vote for the civil rights bill (H.R. 7152), which will be known as the Civil Rights Act of 1964.

The PRESIDING OFFICER. Does the Senator from Iowa wish to specify the amount of time he desires to use?

Mr. MILLER. Mr. President, I shall use such time as may be necessary for my remarks. I am sure it will be within the amount of time which now remains available to me.

The PRESIDING OFFICER. Very well; the Senator from Iowa may proceed.

Mr. MILLER. Mr. President, it should be pointed out that this bill contains over 80 amendments to the House version of the bill. These amendments do not diminish the rights covered by the House version, nor do they result in a failure to provide an adequate and decent remedy to secure these rights. Individually, however, some of them have transformed the House version of the bill from a piece of legislation which provided a foundation for the destruction, by executive fiat, of States rights and our traditional Federal-State relationship within the American constitutional system of government, into a piece of proposed legislation which preserves States rights, while at the same time providing a remedy for the failure of States to carry out their correlative responsibilities. Collectively, these amendments have molded the House version of the bill into a reasonably sound and workable piece of proposed legislation for which I can conscientiously vote.

Mr. President, I ask for order in the Chamber.

The PRESIDING OFFICER. Let there be order in the Senate Chamber.

Mr. MILLER. Mr. President, it has taken a long time to reach this day of decision. Hundreds of hours have been spent by many Members of the Senate and their staffs, working in complete bipartisan harmony, in the offices, over the conference tables, and in the law libraries—all in a dedicated effort to produce the changes in the House version of the bill needed in order to prevent the loss, in the name of "civil rights," of basic rights of our citizens. Some superficial observers say the extended debate on the Senate floor has delayed our action on this bill. Such is not the case. If not a single southern Senator had made a speech against this proposed legislation, it is unlikely that the bill would have come to a vote before now. The reason is that all of the work—the days and weeks of work—needed to remake the House version of the bill had to be done; and this has been going on while news stories have been merely covering the debate on the Senate floor.

I regret that the attitude of the President in persisting in asking the Senate to rubberstamp the House version and to send it to him without change, caused some delay.

The President, of course, makes news whether or not what he has to say makes sense. Word that the President said he wanted the House bill "unchanged" quickly spread around the country. Many well-meaning but overly trusting citizens thereupon assumed that the Senate should bow to the wish of the executive branch of our Federal Government, close its eyes to the numerous defects in the House bill, and abdicate the independence of the legislative branch of our Government. A large amount of correspondence deluged the Senate, most of it from well-meaning citizens who had not even read, much less studied, the House bill, urging the Senators to pass the House bill. There was only one thing the Members of the Senate could do, and that was to give the people time to become familiar with the House bill and to realize why it could not be passed without considerable change. This could have been prevented if the President had forthrightly stated that he wanted a strong and meaningful civil rights bill, but recognized that amendments to the House bill were necessary. He failed to exercise this leadership. During the ensuing delay, the people did become more familiar with the House bill, and their letters changed from pleas to "pass the House bill unchanged" to requests that the Senate "pass a good civil rights bill," often coupled with helpful suggestions for needed amendments to the House bill. This correspondence was helpful and responsible.

Of course a large amount of correspondence has deluged the Senate, most of it also from well-meaning citizens, urging the Senate to not pass the House bill or to pass no civil rights legislation whatsoever. A goodly amount of this correspondence indicated little or no familiarity with the House bill, because it contained criticisms or expressed fears about provisions not contained in the bill. Some of these provisions were contained in earlier drafts of some of the numerous civil rights bills introduced last year, but either were never included in the House bill, or, if they were, they were removed by the House during its consideration of the bill.

A goodly amount of this correspondence pointed out genuine defects in the House bill and was thus helpful and responsive. To the extent that this correspondence opposed any civil rights legislation whatsoever, it was unhelpful and unrealistic.

This is the most significant piece of legislation produced by the Congress in the 20th century. It stands as a symbol of the conscience of a nation, long troubled by the realization that under our Constitution all citizens are guaranteed the right of equal protection of the laws, but that, in fact, some citizens were without an adequate remedy to secure this right; that, as a result, some citizens were not enjoying their rights to vote, to have an equal opportunity for education, to be served in places of public accommodation, to receive the benefits of tax-supported Federal programs, and to obtain employment on the basis of merit and merit alone. A right without a remedy is an empty gesture, and we, as a nation, knew it. And that is what this bill is all about. It translates our national knowledge that some of our citizens have rights without remedies into meaningful action by the Federal Government to provide remedies to secure those rights.

There has been much talk here about "States rights." But the point has been missed that along with States rights go State responsibilities. When those responsibilities are not exercised, an American citizen has no recourse except through action by the Federal Government.

Action by the Federal Government should, to the maximum extent practicable, be taken in consonance with the preservation of States rights. By and large, this bill gives the States an opportunity to carry out their responsibilities first; and then, if they do not do so, the Federal Government steps in.

Under title I, voting rights, for example, if a State wishes to have a literacy test requirement, it need have no fear of Federal Government action unless the test is conducted in a manner which discriminates against some of its citizens. In other words, all that State has to do is exercise its responsibility to see to it that such tests are conducted fairly.

I think it well to point out that this bill makes it very clear that such controversial and community oriented problems as the busing of schoolchildren from one district to another and the sale or renting of privately owned housing according to the preference of the owner are left to the State and local governments for resolution. Also, under the equal employment opportunities provisions in title VII, the bill makes it very clear that hiring, firing, suspension, promotion, and demotion on a merit basis

will not be interfered with at all. Merit and aptitude-type examinations, drawn up and conducted in fact as well as name for the purpose of classifying job applicants or employees on the basis of merit and aptitude, are clearly permitted. Federal Government interference with private businesses because of some Federal employee's ideas about racial balance or racial imbalance is not authorized. Nor does this bill have anything to do with the freedom of association of private citizens in their private activities. Their privately practiced preferences, likes, and dislikes cannot be changed by law. They cannot be forced. But this bill does provide a foundation for the citizens of our country, regardless of race, color, religion, sex, or national origin, to work their way up to the final dignity of full acceptance as members of the community of Americans.

To those citizens who have been deprived of their constitutional rights, this bill is a national expression of good faith and trust that, upon securing their rights, these citizens will reciprocate this good faith and trust with the full measure of responsibility which must accompany the exercise of those rights.

The right to vote has a correlative responsibility to do one's political homework, to vote intelligently, to know whom and what one is voting for, to not vote superficially for the candidate who promises the most or to join the political party which promises the most, but to vote for the candidate and to join the political party which makes responsible promises and then matches its promises by deeds.

The right to equal educational opportunities has a correlative responsibility to work hard in school, to develop one's God-given talents, to seek advancement on merit, to not become a "dropout"; and this responsibility falls on both the student and the parent.

The right to be served in places of public accommodation and to enjoy public facilities has a correlative responsibility to conduct one's self with dignity and respectability.

The right to receive the benefits of tax-supported Federal programs has a correlative responsibility to pay one's taxes and to pay them on time, to shun the relief rolls as something to be avoided if at all possible rather than a source of something for nothing.

The right to equal employment opportunities has a correlative responsibility to develop one's talents, to acquire skills, to work hard and honorably, and to seek advancement on merit.

Finally, the enjoyment of all of these rights carries with it the responsibility to wholeheartedly join with one's fellow citizens in uplifting one's community, in exerting one's influence toward respect for the law and the preservation of law and order; and to not look the other way to avoid trouble when one's community's good name is being harmed.

The time for civil disobedience is over, for only through law can rights be secured—as they have been under this bill.

This bill is not perfect. It represents a consensus and, as such, there are things in it which some would prefer to not be in it; and there are things absent which some would prefer to see in it. In any monumental piece of legislation such as this, compromise is necessary; for compromise is the lifeblood of the legislative process without which no progress can be made. Changes and additions will no doubt be indicated as time goes on, but I believe we should give this new law a reasonable time to work. Patience and understanding—on both sides—will be required to enable it to work as Congress has intended.

Above all, we must never forget that the force of public opinion will make or break any law passed by a legislative body. At this point in our history, public opinion has decided that now is the time for all citizens to enjoy the full rights of American citizenship. But public opinion can change, and it will change if the enjoyment of these rights is not matched by the exercise of the responsibilities of good citizenship. We have taken a giant step forward with this bill. We could take a giant step backward in the public opinion needed to make it work. There are extremists among us who will try to aggravate and inflame public opinion toward this end. Communists and fellow travelers, paid agitators, and un-American groups such as the Black Muslims thrive on such activity. Responsible citizens will resist their efforts—not be fooled into joining them or tolerating them. They have received publicity out of all proportion to their significance, and this publicity has had a detrimental impact on public opinion insofar as the civil rights movement is concerned. I hope that members of the press will understand this and realize that they, too, have a great responsibility in avoiding a backward step in public opinion.

And so, as the hour approaches when the Senate will pass this Civil Rights Act of 1964, I say—

To my southern colleagues, who fought a good and honorable fight against this legislation, exercise the power of your leadership for, not against, an enlightened public opinion in your States so that the seeds of discontent which have fallen during this debate will never take root;

To those of our citizens who have not heretofore enjoyed the full rights of American citizenship, give this law an opportunity to work; and

To those of our citizens who have never known what it is like to be deprived of their rights of American citizenship, help this law to work.

To those who will be engaged in administering this law, realize that a good law poorly administered will fail. Exert the power of your office wisely and with restraint, for if you do not, the wrath of public opinion will descend not only upon you, but upon the law and those it has been designed to protect.

If these things are done, we can be confident in attaining our national purpose, which is a strong, a free, and above all a virtuous America—in a world where there is a just and lasting peace and where there is freedom and respect for the dignity of man.

Mr. President, on a different vein, I do not take the cynical view that Democrats welcomed the support of Republicans to help share the burden of a white backlash. In passing this legislation, Republicans joined with Democratic Members as a matter of sharing the responsibility for securing the rights of all of our citizens. The partnership was, of course, indispensable to the favorable consideration of this finally revised bill. I hope that this bipartisanship in the field of civil rights will not die upon passage of this bill. The temptation will be there for some Democratic partisans to claim that President Johnson's leadership was responsible for this bill. I hope that temptation will not be yielded to, because those who have followed this bill throughout its legislative consideration well know that it was the combined Republican and Democratic leadership in both the Senate and House, backed up by members of both parties, which was responsible.

If bipartisanship can exist on the Senate floor, it can exist off the floor in the political struggles which give strength to our two-party system. The civil rights issue has, for too long, been in the arena of partisan politics. Some self-proclaimed civil rights leaders have contributed to keeping it there. Others, more responsible and dedicated to human rights than to their personal profit, have bent over backward to avoid making civil rights a partisan political football. These are the leaders whose strong sense of responsibility should be followed.

Mr. President, I ask unanimous consent to have three articles printed at this point in the RECORD. They are: First, an excellent article by the distinguished columnist, Roscoe Drummond, appearing in the June 13, 1964, issue of the Washington Post, entitled "The Job Still Ahead"; second, along the lines of responsibility, which I have referred to earlier, an article by the distinguished columnist, William S. White, which appeared in the Washington Evening Star of June 3, 1964, entitled "The Passing Scene"; and third, a timely and perceptive editorial which appeared in the Sioux City Journal of June 12, 1964, entitled "Cloture Is Voted by the Senate."

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

[From the Washington Post, June 13, 1964]

THE JOB STILL AHEAD: THE BILL AND EQUAL RIGHTS

(By Roscoe Drummond)

Passage of the civil rights bill, now assured by the 71-to-29 vote ending the Senate filibuster, will not be a magic wand waving out of existence all racial tension and violence.

We need to bear in mind that the goal of Negro citizens is not just an equal rights bill. It is equal rights—in voting, employment, public service accommodations, and schools. They are not going to take "no" for an answer.

We need to bear in mind that their grievances have been long endured and that a strong civil rights bill came before Congress only after the massive freedom demonstrations and street protests kept mounting.

We need to realize that in the wake of such justifiable public protests there would likely be some unjustifiable Negro hooliganism, as recently in the New York subways.

No responsible person can condone Negro hoodlums on the prowl, nor civil disobedience which imperils the community. But

juvenile delinquency is not limited to Negroes and is in no way a valid argument against the civil rights bill.

It is understandable that the most responsible Negro civil rights leaders and their many white supporters should be cautious, even skeptical, about whether civil rights in law will produce civil rights in reality. Civil rights bills have been passed before and they haven't produced civil rights.

This means that the effectiveness of the new legislation will depend on how well and faithfully it is implemented and how many willfully obstructive roadblocks are put in its way.

It seems to me that the civil rights leadership groups have every reason to contribute to a national climate which will enable the Government to begin applying the new laws under the most favorable circumstances.

The best climate would be created by withholding mass demonstrations and protest marches so that the Nation can get its breath as it begins the next stage in carrying forward the equal rights revolution.

Is this too much to expect of the rights leaders and the long aggrieved Negro community?

It might well be if the Congress, in enacting the civil rights bill, were narrowly divided, if the two parties were fighting between each other, and if the Nation as a whole was reluctant to move forward.

The opposite is the truth. Congress is in process of passing this legislation with remarkable majorities. Both parties will go to the polls this fall after each voted overwhelmingly for the bill in House and Senate. This week 42 Governors asked its "prompt enactment."

In the House four-fifths of the Republicans and three-fifths of the Democrats voted for the civil rights bill. In the Senate the Republicans voted more than 5 to 1 to end the anticivil rights filibuster; the Democrats nearly 2 to 1.

The latest Gallup Poll shows that at least 60 percent of the voters favor a presidential candidate in either party who "supports civil rights," while only 25 percent prefer not to have such a presidential candidate.

Put all these facts together and they provide radiant proof that the Congress, both political parties, most of the Nation's Governors, and the country as a whole are overwhelmingly determined that the Negroes just grievances must, as a moral duty, be redressed.

It means that the equal rights revolution is not moving against the stream of American public and political opinion, but is moving with it.

[From the Washington Evening Star, June 3, 1964]

THE TRUE RIGHTS CRISIS

(By William S. White)

The true crisis on the civil rights issue is not the showdown coming next week in the Senate on the efforts of the bill's backers to invoke cloture and so end filibustering debate there.

This, tactically important though it is, is only a battle of the short term. Whatever happens here—whether the civil rights forces succeed or fail in this first attempt to put down the gag rule on resisting Senators—the great war itself will go on unchanged.

For even the imposition of cloture—and indeed even the eventual passage thereby of the bill itself—will settle nothing that is fundamental. The crucial question will yet remain. This is not whether a civil rights bill can in fact be passed. Rather, it is whether any civil rights bill that may be passed will become an actual and enforceable, and not merely a theoretical and nullified, part of the structure of law in this Nation.

What is still the heart of the matter, cloture or no cloture and bill or no bill, is the obtaining of the true consent of the country, North as well as South, to a legislative innovation that seeks by Federal force to overcome racial discrimination.

Laws of real meaning are laws based upon more than the decision of any Congress. They are based, at last, upon a consensus of the people. A law that may be violently unpopular even to a large and determined minority is no law at all, as we saw in the years of prohibition.

And the wise will see that nothing could be so bad as the passage of an act that became a dead letter. The anger and disillusion that would then inevitably follow among the minority groups would give reasonable cause to fear for the Republic itself.

VITAL DRAMA ELSEWHERE

Thus, while the parliamentary maneuvers in the Senate are at center stage in public attention, the vital drama is being played out elsewhere. It is being played out among the convictions of the American people: How far are they prepared to go to extend Federal force in this area?

Thus, too, the true debate is not within the Senate, but rather within the national community at large. Those who wish to see not simply an enacted bill but an effective bill resting upon real public acceptance need to lift their eyes far above the marching and countermarching in the Senate of the United States.

Most of all, the Negro leadership, which has provided the impelling force toward the bill now in the Senate, needs to seek understanding and reconciliation with the white public, northern perhaps even more than southern.

It would be unfair to blame the responsible Negro leadership for the now intolerable violence practiced in such human powder kegs as New York by marauding bands of Negro hoodlums.

To say, as some are saying, that brutal crimes of this sort are merely the result of Negro unemployment and so on is to speak dangerous nonsense. To say that racist gangsterism will not be halted until a civil rights bill has been approved is to deal in a moral blackmail that will recoil upon the civil rights movement itself.

BANKRUPT ARGUMENTS

But it is equally poor reasoning to suggest that simply because there are Negro hoodlums on the prowl there should be no civil rights action at all. Both arguments are logically bankrupt. But while the Negro leadership has accepted this truth so far as the second argument is concerned, it has not yet truly accepted it so far as the first argument is concerned. Too many Negro leaders still contend, against all commonsense, that if only a civil rights law were on the books, terrorist Negro bands would terrorize their white neighbors no more.

This, then, is what the Negro leadership must do to effect that reconciliation with the white community which is essential to any effective civil rights legislation: In rejecting the proposition that Negro violence should be punished by a denial of all legislation, the leadership must equally and in total good faith reject the proposition that such violence is, anyhow, more or less to be condoned.

[From the Sioux City Journal, June 12, 1964]

CLOTURE IS VOTED BY THE SENATE

There was only one slight element of surprise in the Senate cloture vote Wednesday; the margin was a bit larger than had been anticipated. Although perhaps nobody could prove it, most people believed it would be voted, and have so believed for the past several days. Still, a precedent was shattered by the vote.

The cloture rule has been in force not quite a half century. On an average of slightly less than once each 2 years, a cloture vote has been taken. Until this week cloture had been invoked only five times, an average of about once each decade.

One reason for this was proposed civil rights legislation. Twelve of the 29 votes taken to date have dealt with civil rights legislation and the first 11 of them failed. Thus was the precedent shattered.

As will be pointed out over and over, the invoking of cloture does not immediately shut off further debate; it will limit debate. But unless there is an entirely unexpected change of attitude on the part of a number of important Senators, the bill will be passed.

It also will be pointed out over and over again that the bill will not solve all civil rights problems. There are even now predictions that the bill will be killed off, by popular demand, within a period of 2 or 3 years and these predictions are coming from other than southern Senators and Governors. We are inclined to doubt such predictions but the possibility of the forecast must be recognized.

However, we continue to believe that most Americans want the Negro to have in actuality what he has had mostly in theory only, since the end of slavery. They want him to have all of a citizen's rights and to share all of a citizen's responsibilities. A great many Americans are against job discrimination on the basis of color; but they are equally against any person getting a job because of his color if he is not capable of performing the job.

In the area of housing there are probably more reservations on the part of many whites, but good experience can always erase those reservations. The Negro has gained an important point in the Senate action, and taken a gigantic step; how he uses this victory is likely to be very important to the future of racial peace.

Mr. MILLER. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. BENNETT. Mr. President, all of us know that S. 7152 will be passed. Over many difficult weeks we have finally fixed the form of a new law, on the basis of which the Federal Government will use its power to intervene in the personal relations of citizens who may differ from each other in race, creed, color, national origin, or sex. To some, this is a great victory; to others, it is a tragic defeat.

There are those who believe that we have finally slain the dragon, "discrimination," and stand on the threshold of a new era of domestic tranquillity in which the ideals of equality and brotherhood will prevail. There are others who see in this bill a monstrous grab for power at the Federal level which can lead to an almost fatal weakening of our constitutional system of "United States." For Senators who hold either of these views the choice is clear—and their votes are easy to cast.

But it is not so for the senior Senator from Utah. I am aware that the problem of discrimination exists—involving different groups and taking different forms with different intensities in different parts of the country. I share in and strongly support the high ideals which are the bill's laudable objectives. I hope that we may move steadily toward their realization.

But I am also deeply troubled by the many basic dilemmas inherent in any attempted legislative solution of an essentially subjective problem, the demand for which grows out of the inability of individuals to live up to these ideals. I do not believe that men's hearts can be softened—or their standard of values and their pattern of prejudices be recast—by legislative fiat. On the contrary, even while we have been legislating, tensions have increased; damage to lives and property has mounted; and respect for law has been eroded under the pounding of planned, open civil disobedience. Passage of this bill obviously will not halt these tragic trends.

Legislation attempting to set up legal patterns to control moral conduct rests on a contradiction. To paraphrase the words of Christ to the Pharisees, it is an attempt to render unto Caesar those things which are not Caesar's, but God's. Therefore, any bill written for such a purpose must have many essential weaknesses, which may well lead to forms of tyranny when the time of enforcement comes. That there were so many amendments offered is eloquent testimony that such fears exist with regard to this bill.

The Senator from Illinois [Mr. DIRKSEN] has rendered the Senate and the country a great service. By painful and painstaking labor, he and his staff discovered and corrected many unsatisfactory provisions that existed in the original bill which came to the Senate. The value of this service is underscored by the apparent willingness of the leaders of the House to accept the changes—as we have done. His is a great contribution; and as a friend and fellow Republican, I was happy and proud to support and vote for it.

One of its greatest values is that both its content and its presentation were well organized and well executed. There may have been many other amendments equally worthy which were lost because they had to be offered piecemeal in the frantic confusion of the postcloture voting—when there was no time even to describe them, let alone explain them. This week's spectacle of the meaningless marathon of votes makes me glad that I voted against cloture. Cloture may have stopped useless discussion of general ideas, but it also prevented useful consideration of specific proposals.

As I prepare to vote on final passage of S. 7152, my choice is painfully difficult. For me, the basic contradictions which I have attempted to describe briefly still remain in the bill, and will remain in the law through many years ahead. Yet, I must cast a vote one way or the other and be prepared to face those—and they will be many—who will regard my decision as a betrayal, as well as those who will interpret it as a vindication of their own ideas.

In this situation, I am constrained to look past the letter of the law we are about to adopt and look to its symbolic spiritual objectives. I try to make my decision on that plane. In this context, a negative vote would be, for me, an admission of despair—a vote of "no confidence" in the ability of the American people to face up to this problem and move definitely—and at long last—toward its solution. To do this, we must rise above the letter of the law we are about to approve, and be moved upon, rather, by the spirit of its purpose.

I have faith that, as a people, we do have the spiritual strength to do just that, and thus boldly meet the challenge of the problems of discrimination. The only way I can declare that faith is to vote "aye" when my name is called—and this I shall do.

Mr. BIBLE. Mr. President, I yield myself such time as I may require.

This Nation is about to take a century long stride toward the ideals of its own Constitution. I say this because slightly more than a century separates the historic Emancipation Proclamation signed by President Lincoln and the civil rights bill we will have ready soon for the signature of President Lyndon Johnson.

History may well regard this legislation with the same significance it has assigned to the Emancipation Proclamation. It is tragic that more than 100 years after our Nation broke the bonds of slavery it is still necessary to enact a law to help break the bonds of racial prejudice.

There have been charges that the civil rights bill of 1964 is unconstitutional. I, too, have been seriously concerned with the dangers of infringing on the rights of all our citizens in the name of protecting the opportunities of some of our citizens; but the bill, as it has been molded by our legislative process, is now a fair bill, a good bill, and a constitutional bill. I believe it is a bill with teeth in it, yet a bill which does not foster oppressive Federal power.

I am not persuaded that this is sectional legislation, as claimed by our southern friends. The bill will be sectional only to any area of the United States where citizens are denied their equal rights.

Neither am I persuaded that the bill will fall short of creating brotherhood and tolerance. Of course, we cannot legislate brotherhood and tolerance, but we can legislate equal protection and privileges under the law. I contend that this which we do legislate will foster that which we cannot.

Mr. President, I believe that I have acted as a moderate on the issue of civil rights. My position led me to support those changes in the House-passed bill which curbed the proposed powers of the Attorney General to initiate suits in civil rights cases. It led me to vote for changes which placed more reliance on State and local agencies. It led me to vote for the stronger changes insuring trial by jury in civil rights contempt cases.

My position also led me to vote against those many changes which would have cut arbitrarily into the objectives of the bill.

However, it was not as a moderate but as a U.S. Senator and a representative of Nevada that I voted against cloture. I remain steadfast in the belief that this unique right of free debate we have in the Senate is an invaluable protection of the minority which we should never surrender too easily—no matter what the issue.

Free debate—I would not call it filibuster in this issue—was productive, not obstructive. To my mind, it produced a better bill. I am sure that the bill would have prevailed without gagging those who opposed it.

Mr. President, this far-reaching social legislation has been shaped against a backdrop of extreme emotionalism. I know that I am not alone when I say I have had more correspondence on this bill than on any other single piece of legislation. Constituents have written in anger, in fear; with humility and outrage. I have been threatened, cajoled, abused, and praised. It is at a time like this that one must vote his conscience and his convictions. That is what I am doing.

I firmly believe that many of those who wrote opposing the bill were, instead, protesting the threat of overextended Federal powers. I cannot believe that my fellow Nevadans are against equality and dignity for all citizens. The civil rights bill, as it has been modified in this body, no longer contains many of the features I would have had to oppose—many, I believe, which my constituents opposed.

I would be derelict, Mr. President, if I did not include a few words of praise for the leadership on both sides of the civil rights issue. Leaders of the opponents and the proponents deserve the highest possible commendation for conducting the floor battle with dignity and restraint.

I cannot close, Mr. President, without mentioning that there is special meaning in this legislation for a Senator from Nevada. My State, now celebrating its statehood centennial, has been linked by destiny to this great civil rights struggle.

One hundred years ago, Nevada joined a Union torn by Civil War at a time when her vote was vitally needed to ratify the antislavery amendment; and one of my State's first two Senators, William Morris Stewart, authored the 15th amendment guaranteeing the right to vote regardless of race or creed.

Thus, there is for me a feeling of high historical drama and a definite sense of destiny as I prepare to vote for legislation. It is tragic, as I said, that this proposed legislation is still needed.

It would be still more tragic for Americans to believe that this proposed legislation is the answer, automatically and everlastingly. No cold law alone, but rather the warmth of human honesty and good faith behind it, will gage the success of what we do here. The workability of this pending law rests on its acceptance by the people and their willingness to make it a vibrant and meaningful law.

Mr. President, I am proud to join in this century-stride forward in the human relations of an indivisible nation which will, more than ever, have liberty and justice for all.

Mr. President, I reserve the remainder of my time.

I yield the floor.

Mr. MAGNUSON. Mr. President, I should like to inquire, on my own time, how many names of additional speakers

the Chair has at the desk, in round numbers.

The PRESIDING OFFICER. About a dozen, in round numbers.

Mr. MAGNUSON. I suggest the absence of a quorum.

Mr. GORE. Mr. President, will the Senator withhold that suggestion for a moment?

Mr. MAGNUSON. I withhold it.

Mr. GORE. Mr. President, I yield myself 1 minute.

I submit for printing in the RECORD a motion to refer the bill, with instructions, to the Committee on the Judiciary, which I may or may not call up for a vote. We are undertaking to reach an agreement. We shall know by 6 o'clock.

If, however, agreement is not reached by 6 o'clock, I should like to have it printed in the RECORD, so that Members of the Senate may read it in the RECORD tomorrow. I also ask unanimous consent that the motion and amendment may be considered as having been read and printed so as to comply with the provisions of the cloture rule.

The PRESIDING OFFICER. Without objection, it is so ordered.

The motion, ordered to be printed in the RECORD, is as follows:

Mr. GORE. I move that the bill H.R. 7152 be referred to the Committee on the Judiciary with instructions to report the bill forthwith, with a further amendment to the substitute amendment No. 1052 as adopted, as follows:

At the end of title VI add a new section, as follows:

"SEC. 606. No action shall be taken pursuant to this title which terminates, reduces, denies, or discontinues, or which has the effect of terminating, reducing, denying, or discontinuing, Federal financial assistance for public education or the school lunch program in any school district unless such school district, or officials thereof, shall have failed to comply with an order by a U.S. district court relating to desegregation of public schools."

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

The PRESIDING OFFICER. The Clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. SPARKMAN. Mr. President, I yield myself such time as I may require.

It is difficult in a few minutes to review a bill as comprehensive as the civil rights bill. Some of the highlights of this bill by this time have been touched upon from several points of view. By no means have many of the intricacies or possible ramifications of this measure been brought to light.

The Senate has been forced by the importance of the measure and the lack of committee reports to study the bill through floor analysis. I have endeavored to furnish my part of that analysis and to acquaint myself as far as possible with the meaning of the several titles of this most comprehensive proposal.

The more I have studied this bill the more I have realized how drastic it is. This is natural in many respects because when a legislative body attempts to write into law something that is supposed to regulate an intangible object that is not susceptible to regulation by law, one thought as to policy merely leads to another thought as to procedure. The result is a measure that is far too broad to be considered intelligently at one time and one that is in the main a proposal for power rather than for civil rights.

Sometimes I think that if we should pass a measure such as this for the benefit of minority groups, especially Negroes, we may be called upon at a future date to enact a civil rights bill for the majority or white portion of our population. Strict enforcement of the bill as now proposed, which could only be accomplished to a doubtful degree by a force equivalent to the Army, could conceivably lead to such demands. This thought may sound facetious to some people at this time, but it is worth bearing in mind before we enact into law the instant proposal. If and when such a thought should begin to glow in the public mind we in the Congress could, from the standpoint of a majority, have a different approach because the whites in this country outnumber the Negroes on a ratio of approximately 9 to 1.

Inasmuch as laws cannot answer racial feelings, are we doing anything but fanning the coals to engender greater racial animosities by enacting far-reaching laws such as this? Are we not furthering disrespect for the law by such processes?

On May 1 we observed Law Day U.S.A. on which date we were supposed to have dedicated ourselves anew to the principle of a government under law instead of a government by men. Respect for the law has been the Rock of Gibraltar of democratic governments throughout the world and today it is the keystone to the strength of the free world and of understanding among nations within that free world.

Prohibition was a dismal failure and it left a sad mark on the young generation of that era as to the dignity of the law and respect for it. As a nation we do not recover fast from experiences such as this, but yet today we are about to consider a measure that could, on the one hand, breed disrespect for the law because it cannot be enforced, or on the other hand, if it is enforced, could change our essential form of government and our economy as well, with serious repercussions as the ultimate result.

In this bill we are leaving much—far too much—to the judgment and determination of men. We are considering passing on to men determinations and the setting of standards that should be made here in Congress. That in itself is a step toward a government of men instead of a government under law.

I was interested in reading not long ago some of the debates in the House of Lords of England in 1962 when a public accommodations bill somewhat similar to ours in the instant bill was defeated. The thesis of many of these speeches, including that of the Lord Chancellor himself, was that it is somewhat beneath the dignity of the law to attempt to regulate civil rights by force and that, in so doing, traditional property rights could be violated. These things spring from the hearts of men and are not forced upon them with any degree of success by law. Discrimination is an overt act that springs from something else which is basic and which cannot be regulated by law; namely, racial feelings, anger, or racial hatred. It was interesting to me to notice the references to the United States as not being a proper guide or precedent on which the lawmakers of England should act. New York State was cited as an example of a State that had enacted civil rights laws on practically every subject with very little success in altering the ultimate result in racial relations and racial feelings. America in general was referred to in these debates as a land given to high-sounding legislation on civil rights so long as Americans were free to disregard it.

This observation from our fellow legislators across the sea should and may make us feel a little self-conscious about the instant proposal as it nears its final stage of consideration here in the Senate.

H.R. 7152 as it passed the House and was presented to the Senate was in reality 11 separate bills, each of considerable magnitude, with a general authorization for appropriations at the end as follows:

SEC. 1104. There are hereby authorized to be appropriated such sums as are necessary to carry out the provisions of this Act.

We have not given much attention to the question of what this bill is going to cost in an attempt to enforce it. There has been no committee estimate or recommendation. If rigid enforcement is contemplated it could cost a staggering amount if Congress should be so disposed in future years to make such appropriations.

Section 715 of the House-passed bill contained an authorization of $2,500,000 for title VII for the first year after enactment, and for $10 million the second year. Remember, this was for only 1 of the 11 titles. In other words, FEPC was to operate like the camel that gets his nose under the tent, and receive an increase of five times in appropriations the second year of operation. The Dirksen substitute bill eliminated section 715, leaving FEPC like the other titles subject to the general appropriations authorization in section 1103, which remains an enigma. It seems to me that we should not pass a general appropriations authorization for a proposal such as this that could reach into practically every form of governmental as well as private business endeavor without more evidence and recommendations as to how extensive the authorization may be.

The authorizations for court actions in this bill are tremendous. The Attorney General has a full amount of authority under existing laws to go into court and to represent and protect the interests of the United States. In this bill, however, wherever an important right or authority is granted, the Attorney General is expressly authorized to institute lawsuits to enforce them. Moreover, he is authorized to enforce the various titles in equity, thereby avoiding jury trials on the merits of the various cases which is a question separate in itself from the jury issue on contempt cases covered in

the Morton amendment which was adopted.

In titles I, II, and VII, the Attorney General can go into court and can get a three-judge court from which there is no appeal except to the Supreme Court. Moreover, these cases are to be given priority treatment. I am not an advocate of the three-judge court system on the original merits of a lawsuit. There are no juries. Exceptions made in open court are limited in value because the appeal of the case is exceedingly limited. Our district courts are far better equipped to handle these cases. I believe that lawyers throughout the Nation would prefer that the cases arising under this bill be tried in a court of original jurisdiction under normal rules.

The priority granted to civil rights cases is unfair to our judiciary and unfair to the thousands of parties litigant who have cases awaiting disposition in our courts that have been pending in our most overcrowded districts for too long a time. It is unjust and unfair to all of these parties litigant and to defendants involved in criminal cases, who are entitled to a speedy and impartial trial, to bring in a flood of civil rights cases—and we can expect a flood of them in all probability—and give them priority over other cases.

My time is limited but I cannot leave the field of the legal aspects of this unjust and far-reaching bill without pointing out that not only does the bill give the Attorney General unusual powers to start lawsuits and to intervene in any other lawsuit involving equal protection of the laws—section 902, page 70, line 10—but it actually invites private citizens to start litigation. I could hardly believe what was before me when I read page 53 of the substitute bill, lines 17–23, which provide that the court may appoint an attorney for the private complainant in title VII FEPC cases and that the lawsuit may be instituted "without the payment of fees, costs, or security." This, to me, is a very extreme provision to foster and invite litigation and the constant harassment of employers who should in this regard remain free of the Federal Government in the first place. Moreover, even here, the Attorney General is given the authority to intervene in the discretion of the court.

Mr. President, may I inquire how much time I have used?

The PRESIDING OFFICER (Mr. BAYH in the chair). The Senator from Alabama has used 13 minutes. The Chair understands he had 26 minutes; 13 minutes remain.

Mr. SPARKMAN. Mr. President, I shall summarize my opposition to the various titles of the bill briefly.

TITLE I

More than ample voting laws are already in force. The States have authority under the Constitution to determine the qualifications of voters.

TITLE II

Public accommodations is a field into which the Federal Government has no right to extend its strong arm. We cannot legislate social customs and personal preferences, especially to the detriment of private property rights. The 14th amendment does not authorize this title, and the Supreme Court has so held. If Congress extends the commerce clause of the Constitution successfully to this end, there will be no logical stopping point.

Furthermore, I believe it is quite clear that nothing in the commerce clause permits the broad coverage that is provided in title II.

TITLE III

Public facilities should be under the control of the local governments of the people who pay for them. There is no need to throw the power of the Attorney General into this local field.

TITLE IV

Desegregation of public schools started as a court matter, and should remain in that category. Wholesale enforcement by the Department of Justice, through an act of Congress, is not warranted.

TITLE V

The Civil Rights Commission should never have been brought into existence. It has been most prejudiced in its viewpoint, and has fomented trouble and racial disturbance since its inception. It should be abolished, not extended.

TITLE VI

This is an unprecedented threat to American traditions, and is aimed at forcing civil rights compliance in the South by authorizing the cutting off of funds in all financial assistance programs. Procedures in the title are devoid of due process of law. It states too broad a policy, without defining "discrimination." Moreover, it authorizes an alternative of court enforcement to bureaucrats who pronounce regulations approved by the President, whereas these matters should be promulgated, if at all, by act of Congress.

TITLE VII

An FEPC bill has never before been passed by the Senate, for the very good reason that employers, labor unions, and all concerned in purely private employment should not be regulated in employment practices by the Federal Government.

TITLE VIII

An expensive voting census survey can serve only to give the Civil Rights Commission and officials acting under other titles of this unwarranted bill more data, good or bad, on which to foment racial relations.

TITLE IX

To allow only civil rights cases taken over by Federal courts from State courts to be appealed when an order to remand is entered is unfair and is against normal legal procedures. This can serve to delay lawful and just action by State courts.

The power granted the Attorney General to intervene in all equal-protection-of-the-law cases is extremely broad and dangerous. Choices made by the Attorney General could follow a political and selected pattern.

TITLE X

The Community Relations Service would be another pro-civil rights Federal agency attempting to make people do what the policy of the Federal Government demanded that they do. Moreover, in title II of the bill, this Service is made an agent of the court without due thought as to the effect on legal and judicial procedures.

TITLE XI

This miscellaneous title contains authority for appropriations which I hope will not be used. It also contains a savings clause that all of the specific power given to the Attorney General shall in no way impair his existing authority, which is quite ample, to enforce the law.

In other words, this bill, taken as a whole, should be called a bill for a vast amount of more Federal power, rather than a civil rights bill.

Mr. President, I feel that the bill is uncalled for, that it cannot be the solution of the problems sought to be reached, and that it will not work.

But, Mr. President, as has been adequately pointed out on several occasions, and as was quite clearly pointed out only yesterday by the distinguished senior Senator from Georgia [Mr. RUSSELL], this measure is a one-sided, sectional bill. On the floor of the Senate, great promises have been made in regard to what would be done in order to treat everyone in the country exactly alike; but the bill does not meet those promises. I predict that over the next period of years, as the Negroes of great Northern, heavily segregated cities, find that they have been exempted from coverage by most of the provisions of the bill, and find that they are going to continue to send their children to segregated schools—schools with segregation that cannot be broken down by court order, because of a provision in this bill forbidding any court to break down those segregated patterns in those schools; and when they find that there cannot be any application of the stiff terms of this Federal law to FEPC problems or to public accommodations problems or to various other problems which may arise—problems which normally would be covered by specific provisions of this bill, except for the exemption written into it—there will be a great wave of discontent among those disillusioned Negroes in the Northern cities. Therefore, I predict that in those Northern cities there will be demonstrations, riots, disturbances, and racial troubles that will go far beyond anything that ever has happened in the South.

Mr. President, it is tragic that this legislation is being imposed upon the people of this country. It is even more tragic that—if it is to be imposed—it is being imposed inequitably, not with equal force upon the people in all sections of the country.

Mr. President, I yield the floor.

The PRESIDING OFFICER. What is the will of the Senate?

CIVIL RIGHTS

Mr. GOLDWATER. Mr. President, there have been few, if any, occasions when the searching of my conscience and the reexamination of my views of our constitutional system have played a greater part in the determination of my vote than they have on this occasion.

I am unalterably opposed to discrimination or segregation on the basis of

race, color, or creed, or on any other basis; not only my words, but more importantly my actions through the years have repeatedly demonstrated the sincerity of my feeling in this regard.

This is fundamentally a matter of the heart. The problems of discrimination can never be cured by laws alone; but I would be the first to agree that laws can help—laws carefully considered and weighed in an atmosphere of dispassion, in the absence of political demagogery, and in the light of fundamental constitutional principles.

For example, throughout my 12 years as a member of the Senate Labor and Public Welfare Committee, I have repeatedly offered amendments to bills pertaining to labor that would end discrimination in unions, and repeatedly those amendments have been turned down by the very members of both parties who now so vociferously support the present approach to the solution of our problem. Talk is one thing, action is another, and until the Members of this body and the people of this country realize this, there will be no real solution to the problem we face.

To be sure, a calm environment for the consideration of any law dealing with human relationships is not easily attained—emotions run high, political pressures become great, and objectivity is at a premium. Nevertheless, deliberation and calmness are indispensable to success.

It was in this context that I maintained high hopes for this current legislation—high hopes that, notwithstanding the glaring defects of the measure as it reached us from the other body and the sledge-hammer political tactics which produced it, this legislation, through the actions of what was once considered to be the greatest deliberative body on earth, would emerge in a form both effective for its lofty purposes and acceptable to all freedom-loving people.

It is with great sadness that I realize the nonfulfillment of these high hopes. My hopes were shattered when it became apparent that emotion and political pressures—not persuasion, not commonsense, not deliberation—had become the rule of the day and of the processes of this great body.

One has only to review the defeat of commonsense amendments to this bill—amendments that would in no way harm it but would, in fact, improve it—to realize that political pressure, not persuasion or commonsense, has come to rule the consideration of this measure.

I realize fully that the Federal Government has a responsibility in the field of civil rights. I supported the civil rights bills which were enacted in 1957 and 1960, and my public utterances during the debates on those measures and since reveal clearly the areas in which I feel that Federal responsibility lies and Federal legislation on this subject can be both effective and appropriate. Many of those areas are encompassed in this bill and to that extent, I favor it.

I wish to make myself perfectly clear. The two portions of this bill to which I have constantly and consistently voiced objections, and which are of such overriding significance that they are determinative of my vote on the entire measure, are those which would embark the Federal Government on a regulatory course of action with regard to private enterprise in the area of so-called public accommodations and in the area of employment—to be more specific, titles II and VII of the bill. I find no constitutional basis for the exercise of Federal regulatory authority in either of these areas; and I believe the attempted usurpation of such power to be a grave threat to the very essence of our basic system of government; namely, that of a constitutional republic in which 50 sovereign States have reserved to themselves and to the people those powers not specifically granted to the Central or Federal Government.

If it is the wish of the American people that the Federal Government should be granted the power to regulate in these two areas and in the manner contemplated by this bill, then I say that the Constitution should be so amended by the people as to authorize such action in accordance with the procedures for amending the Constitution which that great document itself prescribes. I say further that for this great legislative body to ignore the Constitution and the fundamental concepts of our governmental system is to act in a manner which could ultimately destroy the freedom of all American citizens, including the freedoms of the very persons whose feelings and whose liberties are the major subject of this legislation.

My basic objection to this measure is, therefore, constitutional. But, in addition, I would like to point out to my colleagues in the Senate and to the people of America, regardless of their race, color, or creed, the implications involved in the enforcement of regulatory legislation of this sort. To give genuine effect to the prohibitions of this bill will require the creation of a Federal police force of mammoth proportions. It also bids fair to result in the development of an "informer" psychology in great areas of our national life—neighbors spying on neighbors, workers spying on workers, business spying on businessmen—where those who would harass their fellow citizens for selfish and narrow purposes will have ample inducement to do so. These, the Federal police force and an "informer" psychology, are the hallmarks of the police state and landmarks in the destruction of a free society.

I repeat again: I am unalterably opposed to discrimination of any sort and I believe that though the problem is fundamentally one of the heart, some law can help—but not law that embodies features like these, provisions which fly in the face of the Constitution and which require for their effective execution the creation of a police state. And so, because I am unalterably opposed to any threats to our great system of government and the loss of our God-given liberties, I shall vote "no" on this bill.

This vote will be reluctantly cast, because I had hoped to be able to vote "yea" on this measure as I have on the civil rights bills which have preceded it; but I cannot in good conscience to the oath that I took when assuming office, cast my vote in the affirmative. With the exception of titles II and VII, I could wholeheartedly support this bill; but with their inclusion, not measurably improved by the compromise version we have been working on, my vote must be "no."

If my vote is misconstrued, let it be, and let me suffer its consequences. Just let me be judged in this by the real concern I have voiced here and not by words that others may speak or by what others may say about what I think.

My concern extends beyond this single legislative moment. My concern extends beyond any single group in our society. My concern is for the entire Nation, for the freedom of all who live in it and for all who will be born into it.

It is the general welfare that must be considered now, not just the special appeals for special welfare. This is the time to attend to the liberties of all.

This is my concern. And this is where I stand.

RUSSIAN PAYMENT FOR WHEAT

Mr. McGOVERN. Mr. President I yield myself such time as I may require.

Because of statements made when the Russian wheat sales were under consideration that there were serious questions whether we would ever be paid for the wheat, I continue to get occasional inquires from citizens who want to know if the Russians are paying up.

I consequently inquired of the Department of Agriculture about the status of the sales. I have a reply which shows that as of June 1 the Continental Grain Co. and Cargill, Inc., had shipped 62.7 million bushels of wheat out of a total of 65.5 million bushels to be shipped and had been paid promptly upon completion of loading and presentation of documents. Payments to June 1 totaled $133.8 million.

I ask unanimous consent, Mr. President, to have printed in the RECORD, a copy of the Department of Agriculture letter setting out this and other information.

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

DEPARTMENT OF AGRICULTURE,
Washington, D.C., June 17, 1964.

Hon. GEORGE MCGOVERN,
U.S. Senate.
(Attention: Mr. Ben Stong.)

DEAR SENATOR MCGOVERN: This is in reply to your inquiry for information concerning payments in connection with the sale of U.S. wheat to the Soviet Union.

Enclosed are background statements on the two wheat sales concluded with the Soviet Union. These were commercial transactions between the U.S. exporters and the Soviet buying agency. Wheat for these sales could have been procured either from the open market or from Government-owned stocks held by the Commodity Credit Corporation.

The sales were both on cash terms. While commercial credit for these sales could have been guaranteed by the Export-Import Bank, we understand from the exporters that credit was not requested by the Soviet Union in their purchases here. Both U.S. exporters—Continental Grain Co., and Cargill, Inc.—have indicated that payments in dollars on individual cargoes have been received