is inconsistent with any of the purposes of this Act, or any provision thereof.

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

SEC. 1105. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the remainder of the Act and the application of the provision to other persons not similarly situated or to other circumstances shall not be affected thereby.

AMENDMENT NO. 1053

Mr. COOPER. Mr. President, I submit an amendment to the amendment in the nature of a substitute (No. 656) submitted by the Senator from Illinois [Mr. DIRKSEN], for himself and other Senators, to H.R. 7152, and ask that it be printed, considered as having been read, and lie on the table.

The ACTING PRESIDENT pro tempore. Without objection, the request of the Senator is agreed to; and the amendment will be received, considered as having been read, printed, and lie on the desk.

The amendment (No. 1053) is as follows:

On page 3, beginning with line 10, strike out all through line 18, and insert in lieu thereof the following: "That the Attorney General may enter into agreements with appropriate State or local authorities as are necessary in the preparation, conduct, and maintenance of such tests for persons who are blind or otherwise physically handicapped."

Mr. DIRKSEN. Mr. President, it is a year ago this month that the late President Kennedy sent his civil rights bill and message to the Congress. For 2 years, we had been chiding him about failure to act in this field. At long last, and after many conferences, it became a reality.

After 9 days of hearings before the Senate Judiciary Committee, it was referred to a subcommittee. There it languished and the administration leadership finally decided to await the House bill.

In the House it traveled an equally tortuous road. But at long last, it reached the House floor for action. It was debated for 64 hours; 155 amendments were offered; 34 were approved. On February 10, 1964, it passed the House by a vote of 290 to 130. That was a 65-percent vote.

It was messaged to the Senate on February 17 and reached the Senate Calendar on February 26. The motion to take up and consider was made on March 9. That motion was debated for 16 days and on March 26 by a vote of 67 to 17 it was adopted.

It is now 4 months since it passed the House. It is 3½ months since it came to the Senate Calendar. Three months have gone by since the motion to consider was made. We have acted on one intervening motion to send the bill back to the Judiciary Committee and a vote on the jury trial amendment. That has been the extent of our action.

Sharp opinions have developed. Incredible allegations have been made. Extreme views have been asserted. The mail volume has been heavy. The bill has provoked many long-distance telephone calls, many of them late at night or in the small hours of the morning. There has been unrestrained criticism about motives. Thousands of people have come to the Capitol to urge immediate action on an unchanged House bill.

For myself, I have had but one purpose and that was the enactment of a good, workable, equitable, practical bill having due regard for the progress made in the civil rights field at the State and local level.

I am no Johnnie-come-lately in this field. Thirty years ago, in the House of Representatives, I voted on antipoll tax and antilynching measures. Since then, I have sponsored or cosponsored scores of bills dealing with civil rights.

At the outset, I contended that the House bill was imperfect and deficient. That fact is now quite generally conceded. But the debate continued. The number of amendments submitted increased. They now number nearly 400. The stalemate continued. A backlog of work piled up. Committees could not function normally. It was an unhappy situation and it was becoming a bit intolerable.

It became increasingly evident that to secure passage of a bill in the Senate would require cloture and a limitation on debate. Senate aversion to cloture is traditional. Only once in 35 years has cloture been voted. But the procedure for cloture is a standing rule of the Senate. It grew out of a filibuster against the armed ship bill in 1917 and has been part of the Standing Rules of the Senate for 47 years. To argue that cloture is unwarranted or unjustified is to assert that in 1917, the Senate adopted a rule which it did not intend to use when circumstances required or that it was placed in the rulebook only as to be repudiated. It was adopted as an instrument for action when all other efforts failed.

Today the Senate is stalemated in its efforts to enact a civil rights bill, one version of which has already been approved by the House by a vote of more than 2 to 1. That the Senate wishes to act on a civil rights bill can be divined from the fact that the motion to take up was adopted by a vote of 67 to 17.

There are many reasons why cloture should be invoked and a good civil rights measure enacted.

First. It is said that on the night he died, Victor Hugo wrote in his diary, substantially this sentiment:

Stronger than all the armies is an idea whose time has come.

The time has come for equality of opportunity in sharing in government, in education, and in employment. It will not be stayed or denied. It is here.

The problem began when the Constitution makers permitted the importation of persons to continue for another 20 years. That problem was to generate the fury of civil strife 75 years later. Out of it was to come the 13th amendment ending servitude, the 14th amendment to provide equal protection of the laws and dual citizenship, the 15th amendment to prohibit government from abridging the right to vote.

Other factors had an impact. Two and three-quarter million young Negroes served in World Wars I, II, and Korea. Some won the Congressional Medal of Honor and the Distinguished Service Cross. Today they are fathers and grandfathers. They brought back impressions from countries where no discrimination existed. These impressions have been transmitted to children and grandchildren. Meanwhile, hundreds of thousands of colored have become teachers and professors, doctors and dentists, engineers and architects, artists and actors, musicians and technicians. They have become status minded. They have sensed inequality. They are prepared to make the issue. They feel that the time has come for the idea of equal opportunity. To enact the pending measure by invoking cloture is imperative.

Second. Years ago, a professor who thought he had developed an uncontrovertible scientific premise submitted it to his faculty associates. Quickly they picked it apart. In agony he cried out, "Is nothing eternal?" To this one of his associates replied, "Nothing is eternal except change."

Since the act of 1875 on public accommodations and the Supreme Court decision of 1883 which struck it down, America has changed. The population then was 45 million. Today it is 190 million. In the Pledge of Allegiance to the Flag we intone, "One Nation, under God." And so it is. It is an integrated Nation. Air, rail, and highway transportation make it so. A common language makes it so. A tax pattern which applies equally to white and nonwhite makes it so. Literacy makes it so. The mobility provided by 80 million autos makes it so. The accommodations laws in 34 States and the District of Columbia makes it so. The fair employment practice laws in 30 States make it so. Yes, our land has changed since the Supreme Court decision of 1883.

As Lincoln once observed:

The occasion is piled high with difficulty and we must rise with the occasion. As our case is new, so we must think anew and act anew. We must first disenthrall ourselves and then we shall save the Union.

To my friends from the South, I would refresh you on the words of a great Georgian named Henry W. Grady. On December 22, 1886, he was asked to respond to a toast to the new South at the New England society dinner. His words were dramatic and explosive. He began his toast by saying:

There was a South of slavery and secession—that South is dead. There is a South of union and freedom—that South thank God is living, breathing, growing every hour.

America grows. America changes. And on the civil rights issue we must rise with the occasion. That calls for cloture and for the enactment of a civil rights bill.

Third. There is another reason—our covenant with the people. For many years, each political party has given major consideration to a civil rights plank in its platform. Go back and reexamine our pledges to the country as we sought the suffrage of the people and for a grant of authority to manage and direct their affairs. Were these

pledges so much campaign stuff or did we mean it? Were these promises on civil rights but idle words for vote-getting purposes or were they a covenant meant to be kept? If all this was mere pretense, let us confess the sin of hypocrisy now and vow not to delude the people again.

To you, my Republican colleagues, let me refresh you on the words of a great American. His name is Herbert Hoover. In his day he was reviled and maligned. He was castigated and calumniated. But today his views and his judgment stand vindicated at the bar of history. In 1952 he received a volcanic welcome as he appeared before our national convention in Chicago. On that occasion he commented on the Whig Party, predecessor of the Republican Party, and said:

> The Whig Party temporized, compromised upon the issue of freedom for the Negro. That party disappeared. It deserved to disappear. Shall the Republican Party receive or deserve any better fate if it compromises upon the issue of freedom for all men?

To those who have charged me with doing a disservice to my party because of my interest in the enactment of a good civil rights bill—and there have been a good many who have made that charge—I can only say that our party found its faith in the Declaration of Independence in which a great Democrat, Jefferson by name, wrote the flaming words:

> We hold these truths to be self-evident that all men are created equal.

That has been the living faith of our party. Do we forsake this article of faith, now that equality's time has come or do we stand up for it and insure the survival of our party and its ultimate victory. There is no substitute for a basic and righteous idea. We have a duty—a firm duty—to use the instruments at hand—namely, the cloture rule—to bring about the enactment of a good civil rights bill.

Fourth. There is another reason why we dare not temporize with the issue which is before us. It is essentially moral in character. It must be resolved It will not go away. Its time has come. Nor is it the first time in our history that an issue with moral connotations and implications has swept away the resistance, the fulminations, the legalistic speeches, the ardent but dubious arguments, the lamentations and the thought patterns of an earlier generation and pushed forward to fruition.

More than 60 years ago came the first efforts to secure Federal pure food and drug legislation. The speeches made on this floor against this intrusion of Federal power sound fantastically incredible today. But it would not be stayed. Its time had come and since its enactment, it has been expanded and strengthened in nearly every Congress.

When the first efforts were made to ban the shipment of goods in interstate commerce made with child labor, it was regarded as quite absurd. But all the trenchant editorials, the bitter speeches, the noisy onslaughts were swept aside as this limitation on the shipment of goods made with sweated child labor moved on to fulfillment. Its time had come.

More than 80 years ago came the first efforts to establish a civil service and merit system to cover Federal employees. The proposal was ridiculed and drenched with sarcasm. Some of the sharpest attacks on the proposal were made on this very Senate floor. But the bullet fired by a disappointed office seeker in 1880 which took President Garfield's life was the instrument of destiny which placed the Pendleton Act on the Federal statute books in 1883. It was an idea whose time had come.

When the New York Legislature placed a limit of 10 hours per day and 6 days per week upon the bakery workers in that State, this act was struck down by the U.S. Supreme Court. But in due time came the 8-hour day and the 40-hour week and how broadly accepted this concept is today. Its time had come.

More than 60 years ago, the elder La Follette thundered against the election of U.S. Senators by the State legislatures. The cry was to get back to the people and to first principles. On this Senate floor, Senators sneered at his efforts and even left the Chamber to show their contempt. But 50 years ago, the Constitution was amended to provide for the direct election of Senators. Its time had come.

Ninety-five years ago came the first endeavor to remove the limitation on sex in the exercise of the franchise. The comments made in those early days sound unbelievably ludicrous. But on and on went the effort and became the 19th amendment to the Constitution. Its time had come.

When the eminent Joseph Choate appeared before the Supreme Court to assert that a Federal income tax statute was unconstitutional and communistic, the Court struck down the work of Congress. Just 20 years later in 1913 the power of Congress to lay and collect taxes on incomes became the 16th amendment to the Constitution itself.

These are but some of the things touching closely the affairs of the people which were met with stout resistance, with shrill and strident cries of radicalism, with strained legalisms, with anguished entreaties that the foundations of the Republic were being rocked. But an inexorable moral force which operates in the domain of human affairs swept these efforts aside and today they are accepted as parts of the social, economic and political fabric of America.

Pending before us is another moral issue. Basically it deals with equality of opportunity in exercising the franchise, in securing an education, in making a livelihood, in enjoying the mantle of protection of the law. It has been a long, hard furrow and each generation must plow its share. Progress was made in 1957 and 1960. But the furrow does not end there. It requires the implementation provided by the substitute measure which is before us. And to secure that implementation requires cloture.

Let me add one thought to these observations. Today is an anniversary. It is in fact the 100th anniversary of the nomination of Abraham Lincoln for a second term for the Presidency on the Republican ticket. Two documents became the blueprints for his life and his conduct. The first was the Declaration of Independence which proclaimed the doctrine that all men are created equal. The second was the Constitution, the preamble to which began with the words:

> We, the people * * * do ordain and establish this Constitution for the United States of America.

These were the articles of his superb and unquenchable faith. Nowhere and at no time did he more nobly reaffirm that faith than at Gettysburg 101 years ago when he spoke of "a new nation, conceived in liberty and dedicated to the proposition that all men are created equal."

It is to take us further down that road that a bill is pending before us. We have a duty to get that job done. To do it will require cloture and a limitation on debate as provided by a standing rule of the Senate which has been in being for nearly 50 years. I trust we shall not fail in that duty.

That, from a great Republican, thinking in the frame of equality of opportunity—and that is all that is involved in this bill.

To those who have charged me with doing a disservice to my party—and there have been many—I can only say that our party found its faith in the Declaration of Independence, which was penned by a great Democrat, Thomas Jefferson by name. There he wrote the great words:

> We hold these truths to be self-evident, that all men are created equal.

That has been the living faith of our party. Do we forsake this article of faith, now that the time for our decision has come?

There is no substitute for a basic ideal. We have a firm duty to use the instrument at hand; namely, the cloture rule, to bring about the enactment of a good civil rights bill.

I appeal to all Senators. We are confronted with a moral issue. Today let us not be found wanting in whatever it takes by way of moral and spiritual substance to face up to the issue and to vote cloture.

Mr. TOWER subsequently said: Mr. President, I ask unanimous consent that remarks I have prepared on cloture, which include two speeches made by former Senator Lyndon Johnson, be printed in the RECORD prior to the vote earlier today on cloture.

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

STATEMENT BY SENATOR TOWER

Proponents of the civil rights bill have advised opponents for some months now that the pending legislation has as its objective the protection of certain minorities. Proponents have expounded upon the principle that the rights of the minority should be protected. Yet they, by petitioning for cloture, seek the destruction of the minority rights of others.

I think it is well to point out that a Senate majority cannot be said to always represent a consensus of the people of this country, or a consensus of opinion of the majority of the