

in violation of section 2 of article I, and the 10th and 17th amendments.

The bill attempts to apply the provisions of the 14th amendment to "private actions" although it is applicable on its very face only to State action. This bill is in direct conflict with the 1883 Civil Rights cases, and the 1959 Howard Johnson case.

The bill would deny the right of trial by jury in a criminal prosecution in violation of the sixth amendment.

The bill would deprive a person of property without due process, in violation of the fifth amendment. The bill would deprive a person of property without just compensation in violation of the fifth amendment.

The bill makes an offense of speaking or writing against the objects sought to be accomplished by the bill. This is a violation of the first amendment.

The bill seeks to regulate businesses which are solely local in character. This is in violation of section 8 of article I, which regulates commerce among the several States.

The bill seeks to subject citizens to "involuntary servitude" by making them render personal services against their own choice, in violation of the 13th amendment.

The bill attempts to delegate legislative powers to the Attorney General and other officials of the executive branch in violation of section 1 of article I of the Constitution.

Mr. President, I hope that the Senate will defeat the bill.

**THIS THING THAT WE DO**

Mr. PROUTY. Mr. President, 103 years ago—when the House of this Nation was divided—to serve the cause of freedom and to make our people one, a man came out of Illinois.

One hundred and three years later, to open the doors of our National House and to serve the cause of freedom, another man has come out of Illinois.

True it may be that no one man was responsible for the abolition of slavery. True it may be that no man is responsible for our statute to prohibit discrimination. But, without Lincoln there would have been no Emancipation Proclamation, and without DIRKSEN there would have been no civil rights bill.

From Jefferson to Johnson, from Lincoln to Dirksen, the roads are long and the journeys arduous.

Twice an assassin's bullet struck down the guiding spirit of liberty and twice the Nation moved on. Frederick Douglass, Abraham Lincoln, John Fitzgerald Kennedy—all these are gone. How I wish they could know that in 1964 when there was heard the cry "freedom now," the Congress answered "ever more."

"Ever more" is the solemn pledge we make this day. It is ours to keep—it is ours to bequeath to the yet unborn.

History will long remember the sturdy stewards of this undertaking—DIRKSEN, MANSFIELD, HUMPHREY, KUCHEL, and all the rest—but the journey will go on. Indignities will not end in this generation, nor in the next, but let it go out to all the world that we have begun their undoing.

One hundred years ago man in bondage was set loose. Perhaps 100 years hence man in prejudice will be set free—free in every inch and corner of this vast earth; free in full measure; free for all ages and times. These are the aims of a mighty and majestic people.

Mr. President, I have often wondered during the course of these proceedings whether there was present some hand more splendid than our own. For, if not, even the falling of a sparrow could escape His note. I expect that He observes our feeble endeavors to restore what He intended and which man has taken away.

This thing that we do—if it be an act for vengeance or gain—will surely fail. But if it be an act of love—it will surely succeed.

May our aim be noble and our law just, and may we have the touch of His blessing for "Except the Lord build the house, we labor in vain that build it."

Mr. MANSFIELD. Mr. President, I yield myself 10 minutes or less.

The ACTING PRESIDENT pro tempore. The Senator from Montana is recognized for 10 minutes.

Mr. MANSFIELD. Mr. President, this is the first anniversary of the late President John F. Kennedy's submission of the present legislation to Congress. In presenting it, President Kennedy asked for a law to provide "reasonable men with the reasonable means" to soothe the Nation's racial malady "however long it may take and however troublesome it may be."

Mr. President, the Senate is about to fulfill its responsibilities in the resolution of the most divisive issue in our history. The attainment of this moment, in my judgment, is perhaps of even greater significance than the outcome of the vote itself, for it underscores, once again, the basic premise of our Government—that a people of great diversity can resolve even its most profound differences, under the Constitution, through the processes of reason, restraint, and reciprocal understanding. And what has been done in the Senate on the issue of civil rights can and must be done throughout the Nation. The differences on civil rights run as deep in this body as elsewhere; but no blood has been shed in this Chamber, and blood need not be shed elsewhere.

Like other exceptional accomplishments of this body, this moment is the work, not of one, but of both parties. The course of the entire debate makes clear that there has existed, as the paramount consideration on both sides of the aisle, an awareness of a paramount need of the Nation.

This moment belongs to the Senate as a whole. Senators of the Republic have put aside personal inclinations. All Senators have endured frustrations, disappointments, and inconveniences along the arduous trail which has led to this vote.

But I want to say, in particular, of the distinguished Senator from Illinois, the minority leader [Mr. DIRKSEN], that this is his finest hour.

His concern for the welfare of the Nation, above personal and party concern, has been revealed many times in

the Senate, but never before in so vital and difficult a context. The Senate and the whole country are in the debt of the Senator from Illinois.

And we are in debt, too, to the distinguished majority whip, the Senator from Minnesota [Mr. HUMPHREY]. He has rendered a great service under difficult personal circumstances, to the Senate and the Nation through his patience and dedication. He has performed Herculean feats in maintaining the Democratic share of a quorum day after day and night after night, in acting as the principal exponent and defender of the bill in debate, and in general floor management. He has served with a deep understanding of the Senate's ways and with the tremendous energy, intelligence, skill, and good humor which have characterized him in many other situations.

Others, too, have done exceptional service in these critical months. There has been the work of the distinguished minority whip, the Senator from California [Mr. KUCHEL], who filled the job of floor leader for the Republicans. The floor captains, both Democratic and Republican, made the major speeches to explain and to defend in detail the particular titles, and served long hours on the floor. There has been the good sense of the Senator from Vermont [Mr. AIKEN], the Senator from Massachusetts [Mr. SALTONSTALL], the Senator from Kentucky [Mr. COOPER], the Senator from Washington [Mr. MAGNUSON], the Senator from Rhode Island [Mr. PASMORE], the Senator from Michigan [Mr. HART], the Senator from Pennsylvania [Mr. CLARK], the Senator from Illinois [Mr. DOUGLAS], the Senator from Hawaii [Mr. INOUYE], the Senator from Colorado [Mr. ALLOT], the Senator from Kansas [Mr. CARLSON], the Senators from New York [Mr. JAVITS and Mr. KEATING], the Senator from Pennsylvania [Mr. SCOTT], the Senator from New Jersey [Mr. CASE], and other Senators—all others—who worked long and hard in conferences and on the floor. And I should like to note, too, the contribution of the Senator from Iowa [Mr. HICKENLOOPER], and certain of his Republican colleagues who, despite personal reservations, in the end, found the route to agreement which made cloture possible. In so doing, they placed the demeanor and responsibility of the Senate, as an institution, above personal feelings. The courage and dedication displayed by Senator CLAIR ENGLE were contributions, too, which should not and will not be forgotten.

And finally, Mr. President, there has been the insistence of the opposition on prolonged debate. It was learned and thorough, and it played an essential role in refining the provisions of the bill. But, in my judgment, its most important function was to discourage self-righteousness on the part of the majority. There is no room for unwarranted sentiments of victory if the legislation we have molded is to be given constructive meaning for the Nation in the years ahead. If we are about to enter upon a second Reconstruction—as the Senator from Georgia [Mr. RUSSELL] called it—then it must be a reconstruction of the

heart, a reconstruction involving, not one section, but all sections of the Nation. The dimensions of the problem with which we have been struggling these past months stretch the length and breadth of the Nation. An accurate appraisal of them leads, not to a sense of triumph over the passage of this bill, but to a profound humility. No one, let me say, understood this reality better than the late President John Fitzgerald Kennedy. This, indeed, is his moment, as well as the Senate's.

Mr. President, William H. Stringer wrote an excellent article, entitled "The Senators' Creed," which was published earlier this week in the *Christian Science Monitor*. I quote from the article by Mr. Stringer:

One of the observations that Americans can proudly make about the Senate's battle over cloture was that vituperation was held in check.

Nearly everyone seemed to recognize that this was a solemn, poignant moment in the history of the United States—this struggle over a far-reaching civil rights bill, this wrenching change in the customs of proud people—and the Senators conducted themselves honorably.

This is a behavior in American politics that needs to be cherished and cultivated. Politics is not always so practiced in heated election campaigns. But the Senate—that "gentlemen's club"—usually sets a standard.

Mr. President, it will soon be time to call the roll, to record the yeas and nays, and then to proceed to the other business of the Nation, which, of necessity, we have put aside for so long.

Mr. DIRKSEN. Mr. President, we are on the threshold of what I suppose everyone will consider a historic vote.

I am deeply grateful to the majority leader [Mr. MANSFIELD] for his patience, his tolerance, and his sense of self-effacement in all the tedious struggle that has gone on for nearly 100 days; and I am truly grateful to the deputy majority leader [Mr. HUMPHREY], because of the attributes he has brought to this struggle. He has been fair, tolerant, and just, and always has brought to this problem an understanding heart.

To my revered assistant, the distinguished whip on the minority side [Mr. KUCHEL], I say with equal accolade how grateful I am for the way he stood by under every circumstance and for the rare patience he has displayed in all this difficult time.

Mr. President, it has been a tedious matter. It has been a long labor, indeed. On looking back, I think a little of the rather popular television program called "That Was the Week That Was." I think tonight we can say, "That was the year that was," because it was a year ago this June that we first started coming to grips with this very challenging controversy on civil rights.

On the 5th of June, my own party, after 2 days of labor and conference, came forward with a consensus to express its views on the subject. That consensus is printed in the *CONGRESSIONAL RECORD*. I shall read only a portion of what we said in the course of that statement. Before I do so, I wish to say that prior to the conference I had worked out on a portable typewriter what I thought

was a general and acceptable statement of principle. In the course of the conference, a word was removed, and then it was restored; a phrase was removed, and then it was restored. Finally, we came up with a declaration of which I think we can all be proud, for among other things, the statement included the following:

It is the consensus of the Senate Republican conference that: "The Federal Government, including the legislative, executive, and judicial branches, has a solemn duty to preserve the rights, privileges, and immunities of citizens of the United States in conformity with the Constitution, which makes every native-born and naturalized person a citizen of the United States, as well as the State in which he resides. Equality of rights and opportunities has not been fully achieved in the long period since the 14th and 15th amendments to the Constitution were adopted, and this inequality and lack of opportunity and the racial tensions which they engender are out of character with the spirit of a nation pledged to justice and freedom."

I recite one other paragraph from that statement of principle:

The Republican Members of the U.S. Senate, in this 88th Congress, reaffirm and reassert the basic principles of the party with respect to civil rights, and further affirm that the President, with the support of Congress, consistent with its duties as defined in the Constitution, must protect the rights of all U.S. citizens regardless of race, creed, color, or national origin.

Mr. President, that conference took place on June 5, 1963, and this is June of 1964. So with a sense of propriety I can say for the bone pickers who will be setting it down on the history books that "this is the year that was."

After this statement of principle came the conferences at the White House. Those also occurred in the month of June. I remember how patient the late President of the United States was when he met first with the joint leadership, and then with individual Members, and then with the minority Members in the hope that his message and his bill to be presented to both branches of the Congress could be scheduled for early action.

I recited once before that I and my party had chided the late President of the United States for his dereliction in the matter, and said that there was a promise and a pledge that when a new Congress began in 1961 there would be early action on the civil rights issue.

When that action was not forthcoming, we were unsparing, of course, in our criticism, until at long last that bill was submitted.

Then came the grinding of the legislative mill. That mill grinds slowly but it grinds exceedingly fine. What has happened in "the year that was" is a tribute to the patience and understanding of the country, to the Senate, and generally the people of this Republic. It was marked, of course, by demonstrations and marches, and on occasion by some outbursts of violence. But the mills have ground before, Mr. President, where a moral issue was involved, and it is not too far from fact and reason to assert that they will continue to grind in the history of this blessed and continuing Republic.

For example, I mention that in the field of child labor, when even President Wilson observed, years ago, that the Beveridge bill was obviously absurd, the mill continued to grind, and at long last the Congress undertook to prevent the shipment in interstate commerce of goods that had been produced by the sweated toil of children. There was a moral issue.

In 1906, after the reports of Harvey Wiley—President McKinley had gone before—there were fulminations on the Senate floor. The speeches that were delivered about the intrusion of Federal power sound absolutely incredible today when we undertake to reread them. But there was an inexorable force. In the past 30 years, while I have been here, I have not seen a single Congress that has not added to the Pure Food, Drug, and Cosmetic Act.

I mentioned on the floor of the Senate once before that when the legislature in New York State inhibited work in the bake shops of that State beyond 10 hours a day and 6 days a week, the law was stricken down by the highest tribunal in the land. Then in the Wilson administration came the Adamson law, which provided for an 8-hour workday on the railroads. Today who will stand in his place and quarrel with those limitations upon the workday and the workweek?

I was in the House of Representatives in 1934 when the Social Security Act was placed upon the statute books. I remember the fulminations, the castigations, and the averments that the act was unconstitutional. But it is on the books and it is accepted; and all the trenchant editorials, all of the truculent statements, and all the speeches on the floor of the House and Senate were swept away by some inexorable force. I do not remember the beginning, but I mentioned before that in 1888, when a group of crusaders went to Chicago to enlarge, if they could, an interest in the civil service system, there were only six people who attended the meeting, but it required only one bullet—a bullet from an assassin—to reach President Garfield's heart to completely change the mood of the country and, as a result, in 1883 the Pendleton Act went on the books.

Will any Senator stand in his place today in this or any other body and call for repeal of the civil service system?

Theodore Roosevelt and Gifford Pinchot argued and worked to get into the public domain great quantities of ground for the benefit of the people, and were met by every barricade and obstacle.

But truth and righteousness and a sense of justice prevailed, and it required no constitutional amendment to bring it about. Nor did it require a constitutional amendment to bring about these forward thrusts in the interest of the people and in the interest of the expansion of enjoyment for the living of our people.

The same thing can be said about the minimum wage. I had my fingers crossed about it many times. My friend

from West Virginia nods his head in approval. He remembers very well when we were on a subcommittee together. We accepted that proposal as a matter of course.

These are programs that touch people. Today they are accepted because they are accepted as a part of the forward thrust in the whole efforts of mankind to move forward.

I reemphasize the fact that it required no constitutional change to bring this about, because it appeared there was latitude enough in that document, the oldest written constitution on the face of the earth, to embrace within its four corners these advances for human brotherhood.

It leads us—it leads me, certainly—to the conclusion that in the history of mankind there is an inexorable moral force that carries us forward.

No matter what statements may be made on the floor, no matter how tart the editorials in every section of the country, no matter what the resistance of people who do not wish to change, it will not be denied. Mankind ever forward goes. There have been fulminations to impede, but they have never stopped that thrust. As I think of it, it is slow. It is undramatic. Somebody once said that progress is the intelligent, undramatic application of life on what is here.

It is a good definition. When I think of the word dramatic I think of what Woodrow Wilson said in World War I. I was in uniform on the Western Front. There was a movement in this country to send Theodore Roosevelt there to head a division. That suggestion had great appeal. Letters by the hundred of thousands moved into the White House. Woodrow Wilson settled the issue with a single sentence. He said, "The answer is 'No' because the business in hand is undramatic."

This is not dramatic business. Here we are dealing with a moral force that carries us along.

Argue and fuss and utter all the extreme opinions one will, Mr. President—our people still go forward, and we will not be worthy of our trust if we do not give heed to the great, mobile force that carries humankind along its path.

There was a time when the attributes of life, when life itself, when all those things we hope for a human being, did not count too much in the scale of everyday values. When Peter the Great went to Poland on a visit, he was told, "We have invented a new torture machine. We put a body on the rack and tear it asunder." He said "I would like to have a demonstration." He was told, "We have nobody in prison on whom to demonstrate." He said, "It is all right. Take one of my retinue and break his body."

That is all life amounted to only a few hundred years ago.

There was a queen named Marie Antoinette. History records that as she was going through the countryside she saw groveling peasants trying to subsist on roots and herbs and whatever nature had to offer them. One of the servants said to her, "They are groveling peasants, without bread to eat." History records the cynical answer that she gave in response. She said, "Let them eat cake."

What an answer. But history would not accept that answer, because the thrust of humankind has been ever forward and upward.

I remember the day when I sat with General Eisenhower in his office. I saw a picture on the wall. I said, "That looks like Marshall Zhukov to me." He said, "It is. I want to tell you a story about him and when they gave me my decoration"—I forget whether it was the Red Star, or the Order of Lenin. He said, "You know, he is a great general, and he is an intriguing fellow, but he is very cynical. He has little regard for human life on the battlefield. When I told him of one of our forays and I told him we sent a minesweeper into the area so our soldiers could proceed, Zhukov said, 'Oh, you sent in your minesweepers? We do not do that. One life—what is it? One thousand lives—what are they? Ten thousand lives—what are they? Poof.'" That shows a disregard for human life and for all the attributes that go with it.

So today we come to grips finally with a bill that advances the enjoyment of living; but, more than that, it advances the equality of opportunity.

I do not emphasize the word "equality" standing by itself. It means equality of opportunity in the field of education. It means equality of opportunity in the field of employment. It means equality of opportunity in the field of participation in the affairs of government, and the day in the life of a citizen when he can go to the polls, under a representative system, to select the person for whom to vote, who is going to stay in that position for a period of years, whether it is at the local, State, or National level?

That is it.

Equality of opportunity, if we are going to talk about conscience, is the mass conscience of mankind that speaks in every generation, and it will continue to speak long after we are dead and gone.

Every generation, of course, must march up to the unfinished tasks of the generation that has gone before. Often times I have puzzled about the Tower of Babel which stood on the Plain of Shinar—that great work on which they labored in the hope that all those in that area might wander afield. Always there was a high beckoning tower to bring them back to the point of orientation. But then came the confusion of tongues, for that is exactly what "babel" means. That is the greatest unfinished project in the history of mankind. There probably will be greater, unfinished projects, and every generation will have to confront them.

They will also be found in the domain of freedom. They will be found in the pursuit of happiness as the Declaration of Independence asserts. They will be found in expanded living for people, for that is one of the goals of mankind. They will be found in the field of equal opportunity. They will be the unfinished work of every generation.

Mr. President, I must add a personal note, because on occasion a number of the "boys" up in the gallery have asked me, "How have you become a crusader in this cause?"

It is a fair question, and it deserves a fair answer.

That question was asked me once before. It was many years ago. I was then in the House of Representatives. I went to a meeting, and I listened to a Chinese doctor from the front at the time of the Japanese invasion of China come in and plead for money, for bandages, for medicine, in order to carry on. There was one line he used in his plea that seared itself indelibly into my memory.

He said, "They scream, but they live."

I carried those words with me for days and weeks, and when finally I was requested to go into the country for a number of speeches in the interest of Chinese relief, I did so.

A friend said to me, "Why do you waste your time on so remote a project? After all they are people with yellow skins, 12,000 miles from home. You are wasting time which you might well devote to your own constituents."

I said, "My friend, as an answer, there occurs to me a line from an English poet, whose name was John Donne. He left what I believe was a precious legacy on the parchments of history. He said, 'Any man's death diminishes me, because I am involved in mankind.'"

I am involved in mankind, and whatever the skin, we are all involved in mankind. Equality of opportunity must prevail if we are to complete the covenant that we have made with the people, and if we are to honor the pledges we made when we held up our hands to take an oath to defend the laws and to carry out the Constitution of the United States.

Eight times I did it in the House of Representatives.

Three times—God willing—my people have permitted me to do it in the Senate of the United States.

There is involved here the citizenship of people under the Constitution who, by the 14th amendment, are made not only citizens of the State where they reside, but also citizens of the United States of America.

That is what we deal with here. We are confronted with the challenge, and we must reckon with it.

I was heartened by a telegram dated June 10—I do not know whether other Senators received copies of it—dated Cleveland, Ohio. It was addressed to me. I read it to the Senate:

We, the 40 undersigned Governors of the United States of America record our conviction that the prompt enactment of civil rights legislation by the Congress of the United States is urgently in the national interest and that the civil rights legislation pending before the Senate of the United States should be voted upon and approved, and that copy of this statement of principle be transmitted to the President.

Who were those Governors?

I shall not spell out the list in detail.

The Governors of Alaska, Ohio, and Connecticut.

The Governors of Pennsylvania, Hawaii, and Kansas.

The Governors of Indiana, South Dakota, and Kentucky.

The Governors of Wyoming, Massachusetts, and Maine.

The Governors of Missouri, Nevada, and Michigan.

The Governors of New Jersey, North Dakota, and Washington.

The Governors of Wisconsin, Guam, and California.

The Governors of Colorado, Delaware, and Rhode Island.

The Governors of Illinois, Oregon, and Iowa.

The Governors of Idaho, Maryland, and Utah.

The Governors of Minnesota, Arizona, and Nebraska.

The Governors of New Hampshire, Oklahoma, and New Mexico.

The Governors of Vermont, West Virginia, and American Samoa.

The Governor of the Virgin Islands. There they are—40 of them.

What did they say?

Quick approval of the pending bill.

That is what they suggested to the Senate of the United States.

I believe that this telegram should be made a part of the RECORD, and I ask unanimous consent that the telegram be printed in the RECORD as a part of my remarks.

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

GOVERNORS' CONFERENCE—BIPARTISAN STATEMENT OF PRINCIPLE  
CLEVELAND, OHIO,  
June 10, 1964.

Senator EVERETT DIRKSEN,  
Senate Office Building,  
Washington, D.C.:

We, the 40 undersigned Governors of the United States of America, record our conviction that the prompt enactment of civil rights legislation by the Congress of the United States is urgently in the national interest and that the civil rights legislation now pending before the Senate of the United States should be voted upon and approved, and that copy of this statement of principle be transmitted to the President of the United States and to each Member of the Senate of the United States.

Gov. William A. Egan, Alaska; Gov. James A. Rhodes, Ohio; Gov. John Dempsey, Connecticut; Gov. William W. Scranton, Pennsylvania; Gov. John A. Burns, Hawaii; Gov. John Anderson, Jr., Kansas; Gov. Matthew E. Welsh, Indiana; Gov. Archie Gubbrud, South Dakota; Gov. Edward T. Breathitt, Kentucky; Gov. Clifford P. Hansen, Wyoming; Gov. Endicott Peabody, Massachusetts; Gov. John H. Reed, Maine; and Gov. John M. Dalton, Missouri; Gov. Grant Sawyer, Nevada; Gov. George Romney, Michigan; Gov. Richard J. Hughes, New Jersey; Gov. William L. Guy, North Dakota; Gov. Albert D. Rosellini, Washington; Gov. John W. Reynolds, Wisconsin; Gov. Manuel Flores Leon Guerrero, Guam; Gov. Edmund G. Brown, California; Gov. John A. Love, Colorado; Gov. Elbert N. Carvel, Delaware; Gov. John H. Chafee, Rhode Island; Gov. Otto Kerner, Illinois; Gov. Mark O. Hatfield, Oregon; Gov. Harold E. Hughes, Iowa; Gov. Robert E. Smylie, Idaho; Gov. J. Millard Tawes, Maryland; Gov. George D. Clyde, Utah; Gov. Karl F. Rolvaag, Minnesota; Gov. Paul Fannin, Arizona; Gov. Frank B. Morrison, Nebraska; Gov. John W. King, New Hampshire; Gov. Henry Bellmon, Oklahoma; Gov. Jack M. Campbell, New Mexico; Gov. Phillip H. Hoff, Vermont; Gov. William W. Barron, West Virginia; Gov. H. Rex Lee, American Samoa; Gov. Ralph M. Palewonsky, Virgin Islands.

Mr. DIRKSEN. Mr. President, in line with the sentiment offered by the poet, "Any man's death diminishes me, because I am involved in mankind," so every denial of freedom, every denial of equal opportunity for a livelihood, for an education, for a right to participate in representative government diminishes me.

There is the moral basis for our case. It has been long and tedious; but the mills will continue to grind, and, whatever we do here tonight as we stand on the threshold of a historic rollback, those mills will not stop grinding.

So, Mr. President, I commend this bill to the Senate, and in its wisdom I trust that in bountiful measure it will prevail.

I close by expressing once more my gratitude to the distinguished majority leader for the tolerance that he has shown all through this long period of nearly 100 days.

But standing on the pinnacle of this night, looking back, looking around, looking forward, as an anniversary occasion requires, this is "the year that was," and it will be so recorded by the bone pickers who somehow put together all the items that portray man's journey through time that is history. I am prepared for the vote.

The ACTING PRESIDENT pro tempore. The bill having been read the third time, the question is, Shall it pass? The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

The result was announced—yeas 73, nays 27, as follows:

[No. 436 Leg.]

YEAS—73

Alken	Gruening	Morse
Allott	Hart	Morton
Anderson	Hartke	Moss
Bartlett	Hayden	Mundt
Bayh	Hruska	Muskie
Beall	Humphrey	Nelson
Bennett	Inouye	Neuberger
Bible	Jackson	Pastore
Boggs	Javits	Pearson
Brewster	Jordan, Idaho	Pell
Burdick	Keating	Prouty
Cannon	Kennedy	Proxmire
Carlson	Kuchel	Randolph
Case	Lausche	Ribicoff
Church	Long, Mo.	Saltonstall
Clark	Magnuson	Scott
Cooper	Mansfield	Smith
Curtis	McCarthy	Symington
Dirksen	McGee	Williams, N.J.
Dodd	McGovern	Williams, Del.
Dominick	McIntyre	Yarborough
Douglas	McNamara	Young, N. Dak.
Edmondson	Metcalfe	Young, Ohio
Engle	Miller	
Fong	Monroney	

NAYS—27

Byrd, Va.	Hickenlooper	Russell
Byrd, W. Va.	Hill	Simpson
Cotton	Holland	Speth
Eastland	Johnston	Sparkman
Ellender	Jordan, N.C.	Stennis
Ervin	Long, La.	Talmadge
Fulbright	McClellan	Thurmond
Goldwater	Mechem	Tower
Gore	Robertson	Walters

So the bill (H.R. 7152) was passed. [Applause in the galleries.]

The ACTING PRESIDENT pro tempore. The guests in the galleries will refrain from conversation and comment. The Senate will be in order.

Mr. DIRKSEN. Mr. President, I move that the Senate reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the bill as amended by the Senate be printed.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### LEGISLATIVE PROGRAM—ORDER FOR ADJOURNMENT UNTIL MONDAY

Mr. DIRKSEN. Mr. President, I should like to query the majority leader with regard to the schedule for next week. I would like to know whether the Senate will adjourn until Monday.

Mr. MANSFIELD. Mr. President, in view of the circumstances, there will not be the usual Saturday session.

I ask unanimous consent that at the conclusion of business today, the Senate stand in adjournment until 12 noon, on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, for the information of the Senate, in response to the question asked by the distinguished minority leader, it is anticipated that on Monday the Senate will start consideration of the Interior appropriation bill, to be followed, although not necessarily in this order, by the Treasury and Post Office appropriation bill, the atomic energy authorization bill, the National Aeronautics and Space authorization bill.

I would also, for the information of the Senate, state that after consulting with the distinguished minority leader—and I would hope with the concurrence of the Senate—we would be allowed to pass a number of unobjected-to items on the calendar. They are items which have been cleared. We would like to do it this evening.

The ACTING PRESIDENT pro tempore. The Senator from Illinois is recognized.

#### NATIONAL COMMISSION ON FOOD MARKETING

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate a message from the House of Representatives, amending the joint resolution (S.J. Res. 71) to establish a National Commission of Food Marketing to study the food industry from the producer to the consumer, which was, to strike out all after the resolving clause and insert:

That there is hereby established a bipartisan National Commission on Food Marketing (hereinafter referred to as the "Commission").

##### SEC. 2. ORGANIZATION OF THE COMMISSION.—

(a) The Commission shall be composed of fifteen members including (1) five Members of the Senate, to be appointed by the President of the Senate; (2) five Members of the House of Representatives, to be appointed by the Speaker of the House of Representatives; and (3) five members to be appointed by the President from outside the Federal Government.

(b) Any vacancy in the Commission shall not affect its powers and shall be filled in the same manner as the original position.