The Senate met at 9 o'clock a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. MANSFIELD).

The Most Reverend Archbishop Vasil, of the Byelorussian Autocephalic Orthodox Church, Brooklyn, N.Y., offered the following prayer:

In the name of the Father, and the Son, and the Holy Ghost.

Almighty God, our Heavenly Father, we lift up our hearts in prayer to Thee, and invoke Thy divine blessings upon our country, the United States of America. Grant Thy guidance and strength; sustain and illuminate with Thy Holy Spirit the hearts of all the Members of the Senate, this temple of peace, freedom, and justice.

Eternal God and Redeemer, we pray today for Thy divine mercy and judgment for the national welfare of the Byelorussian nation, whose Proclamation of Independence, as the Byelorussian National Republic, was observed 46 years ago, and whose people have suffered during these years to free themselves from the tyranny of an atheistic oppression, in the hope of enjoying the liberties and freedom, under God, as is the way in the United States. We pray today that the benefits of freedom granted to democracies all over the world may serve as an infallible encouragement to the people of Byelorussia, for the vision of everlasting freedom is not lost among them, but burns like a torch in the depth of their hearts with the desire to be a member in the family of the free and God-fearing nations of the entire world.

We humbly bow our heads before Thee, our God and Saviour, and faithfully implore Thee: Accept this, our prayer; bless the United States of America and Byelorussia; reign and shine in the entire world.

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The THE JOURNAL

On request by Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Wednesday, March 25, 1964, was dispensed with.

CIVIL RIGHTS ACT OF 1963

The Senate resumed the consideration of the motion of Mr. MANSFIELD that the Senate proceed to consider 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. MANSFIELD. Mr. President, there will be no morning business this morning.

What is the pending question? The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana (Mr. MANSFIELD) that the Senate proceed to the consideration of House bill H.R. 7152, the Civil Rights Act of 1963.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 100 Leg.]

Mr. President, during the course of the debate on the motion to take up the civil rights bill, there have been a number of allusions to the Myers v. Motorola, Inc., case. The significance of this finding of a hearing examiner of the Illinois Fair Employment Practices Commission has, to say the least, been greatly exaggerated.

In the first place, the decision is merely that of an examiner and, as the chairman of the Illinois Commission made clear in a letter to the New York Times on March 12, the Commission "has not taken any stand of any kind at any time on the issue of the use of tests in employment."

Even were the Illinois Commission to follow the recommendation of the examiner, an assumption for which there is no basis, the action would have no relevance to the bill now coming before us.

To clear away misconceptions on this whole case, I have had prepared a memorandum which I think makes clear, believe, that it would not be possible for a decision such as the finding of the examiner in the Motorola case to be entered by a Federal agency against an employer under title VII.

This is so, first, because the Equal Employment Opportunities Commission established by title VII would have no adjudicative functions and no authority to issue enforcement orders.

Second, title VII clearly would not permit even a Federal court to rule out the use of particular tests by employers because they do not "equate inequalities and environmental factors among the disadvantaged and culturally deprived groups."

Mr. President, I ask that the text of the letter from Charles W. Gray, chairman of the State of Illinois Fair Employment Practices Commission, and of the memorandum to which I have referred be printed in full at this point in the Record.

There being no objection, the letter and memorandum were ordered to be printed in the Record, as follows:

[From the New York Times, Mar. 25, 1964]

ILLINOIS FEPC—COMMISSIONER DONTISS TAKING STAND ON USE OF TESTS IN HIRING To the Editor:

Arthur Krock, writing in the Times of March 13, states that the Illinois Fair Employment Practices Commission has ruled on an issue involving the use of preemployment tests by Motorola.

The facts are these. The law establishing the Illinois Fair Employment Practices Commission provides that in the event a private conciliation conference between a respondent and a complainant fails to produce a mutually acceptable settlement, it shall be set for a public hearing.

The public hearing is conducted by a hearing examiner, who must be a lawyer. The hearing examiner is appointed by the Commission, but is in no way an employee of the Commission, and, therefore, certainly not a political appointee. The findings of the hearing examiner are just that—not a ruling of the Commission, nor are they necessarily the opinion or judgment of the Commission.
Federal bureaucracy if title VII of the pending civil rights bill were enacted. Of course, this is completely wrong. It would definitely not be possible for a decision like Motorola to be made under title VII. It may or may not include the recommended conclusion of the hearing examiner. Once the commission rules on the matter, the decision of the hearing examiner will be the order of the commission. The protection of both parties that our law provides is such that it is totally inappropriate for anyone or any court to review the decision of a part-time hearing examiner. If an order were issued, it would not permit even a Federal court to rule out the use of particular tests by employers because they do not "equate inequality among the disadvantaged and culturally deprived groups." Of course, it is not appropriate to consider whether the Motorola decision is a correct interpretation of the Illinois law. This is for the State commission and the State courts to determine. It is enough to note that the proposed Federal law does not allow a Federal administrative agency to issue any compliance orders, much less one paralleling that of the Illinois hearing examiner.

Second, it is perfectly clear that title VII would not permit even a Federal court to rule out the use of particular tests by employers because they do not "equate inequality among the disadvantaged and culturally deprived groups." Of course, it is not appropriate to consider whether the Motorola decision is a correct interpretation of the Illinois law. This is for the State commission and the State courts to determine. It is enough to note that the proposed Federal law does not allow a Federal administrative agency to issue any compliance orders, much less one paralleling that of the Illinois hearing examiner.

Whatever it merits as a legally desirable objective, title VII would not require, and no court could read title VII as requiring, an employer to lower or change the occupational qualifications he employs simply because proportionately fewer Negroes than whites are able to meet them. Thus, it would be ridiculous, indeed, in addition to being per se invalid under title VII, for a court to order an employer who wanted to hire electronic engineers with Ph. D.'s to lower his requirements because there were very few Negroes with such degree or because prior cultural or educational deprivation of Negroes prevented them from qualifying. Such a holding would amount to the commission's interpretation of the Illinois law in the Motorola case, title VII most certainly would not permit, and no court could read title VII as requiring, an employer to lower or change the occupational qualifications he employs simply because proportionately fewer Negroes than whites are able to meet them. Thus, it would be ridiculous, indeed, in addition to being per se invalid under title VII, for a court to order an employer who wanted to hire electronic engineers with Ph. D.'s to lower his requirements because there were very few Negroes with such degree or because prior cultural or educational deprivation of Negroes prevented them from qualifying. Such a holding would amount to the commission's interpretation of the Illinois law in the Motorola case, title VII most certainly would not permit, and no court could read title VII as requiring, an employer to lower or change the occupational qualifications he employs simply because proportionately fewer Negroes than whites are able to meet them. Thus, it would be ridiculous, indeed, in addition to being per se invalid under title VII, for a court to order an employer who wanted to hire electronic engineers with Ph. 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Such a holding would amount to the commission's interpretation of the Illinois law in the Motorola case, title VII most certainly would not permit, and no court could read title VII as requiring, an employer to lower or change the occupational qualifications he employs simply because proportionately fewer Negroes than whites are able to meet them. Thus, it would be ridicule...
I further announce that, if present and voting, the Senator from Utah [Mr. Bennett], the Senator from Nebraska [Mr. Curtis], the Senator from Arizona [Mr. Goldwater], the Senator from Kansas [Mr. Pearson], and the Senator from Wyoming [Mr. Simpson] would each vote "yea.

On this vote, the Senator from Colorado [Mr. Allott] is paired with the Senator from Texas [Mr. Tower]. If present and voting, the Senator from Colorado would vote "yea," and the Senator from Texas would vote "nay."

The result was announced yeas 67, nays 17, as follows:

[No. 101 Leg.]

YEAS—67

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Bible
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Breger
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Byrd
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a responsibility to the Senate to provide the Senate with a committee report, this is an instance in which the committee owes a clear duty to the American people and the courts, in connection with the litigation that will be instituted for the next 10 years if the bill is passed.

Mr. HOLLAND. I believe the Senator has perhaps answered my next question, but is the purpose of the motion to allow the objection to be granted the right to consider the bill, to submit as many reports as necessary, both majority and minority, agreeing and dissenting, to become a part of the legislative record of this important bill.

Mr. MORSE. It is of great importance that that be done.

Mr. President, I understand that the Senator from Missouri (Mr. Symmers) desired me to yield to him. I apologize for not having previously yielded to him. He has left the Chamber momentarily. If a staff member would ask him to return, I shall be glad to yield to him.

Mr. McCLELLAN. Mr. President, will the Senator from Oregon yield for a parliamentary purpose? I yield.

Mr. McCLELLAN. Mr. President, do I correctly understand that the time for the debate on the motion to refer is not controlled?

Mr. MORSE. That is correct.

Mr. McCLELLAN. There has been no agreement in that respect?

Mr. MORSE. That is correct.

Mr. McCLELLAN. There have been comments to the effect that a few Senators would be privileged to speak, while others possibly would have to ask questions. I should like to have the parliamentary situation clarified. I do not understand that any Senator will be precluded from obtaining the floor in his own right and making whatever remarks he may desire to make, after the Senator from Oregon has concluded his remarks.

Mr. President, is that correct? However, I believe the plan is that after two or three Senators speak, the old gag technique, by means of a motion to lay my motion on the table, will be applied. Mr. President, I realize that I did not want it understood—by implication or otherwise—that I would agree to such a procedure.

Mr. MORSE. Neither would I agree to it.

Mr. President, I understand that a coffee hour is about to be held in the Foreign Relations Committee room. Of course, I have no objection to the holding of a coffee hour while the Senate is in session, because no Senate rule prohibits that; but I have previously assured the chairman of the Foreign Relations Committee and other members of the committee that they will not be able to hold an official meeting of the committee while the Senate is in session. I do not know whether a transcript will be made of the meeting; but I assure them that if one is made, objection will be made to the account made to make payment for it from the funds of the Senate.

I understand that during that coffee hour, the Senators present will listen to the Secretary of Defense present his bills and excuses for the administration's course of action in regard to South Vietnam. I understand that the Secretary of Defense will also address the people of the country tonight. Unfortunately, the Senate will not be in session tomorrow, it will not hold another session until Monday. But I give notice that on Monday, I shall answer the Secretary of Defense, for his remarks will need to be answered. The advance notice of his remarks indicates that he intends to try to justify the unjustified policy of the administration in connection with the use of U.S. troops in South Vietnam.

Not only am I convinced that the course of action of the administration in regard to South Vietnam is entirely wrong, but I predict that the annals of history will show that that course of action will rise to plague our Nation.

Therefore, although I hope members of the Foreign Relations Committee will enjoy their coffee hour—even though most of the coffee served these days is chicy, I also hope they will take notice of the fact that the statements made by the Secretary of Defense in the committee this morning, and his plans to make over the television later today will be answered, because this administration has drawn the issue in regard to South Vietnam, and I am accepting invitations to stand by to discuss the South Vietnam issue with the American people. Certainly they have a right to know the other side of that issue, and then make their judgment, and hold the administration accountable for the course of action it is following in regard to South Vietnam.

In speaking on the floor of the Senate yesterday afternoon, we answered—really—the President, when we expressed our disagreement with the policy of the chairman of the Foreign Relations Committee in regard to South Vietnam and some other policies of his. However, one would not know that on that occasion the President was answered, because the President, when we expressed our disagreement, kept press that sits in the gallery over the clock to my left, or at least its editors, do not intend to permit the American people to hear voices of dissent with regard to this unsound American policy. The President intends to keep that covered up. However, the American people are beginning to learn the facts; and when they learn them, they will resent that situation, and their action will be just that much more vigorous.

From conversing with other Senators, I understand that the television and radio announcers have not stated that I made my speech yesterday, but, instead, have announced that I would make it 1/2 hour later. Of course, that is a typical falsification by the news media, for I made no such statement. To the contrary, yesterday afternoon I spoke for approximately 1 hour and a half, and proceeded to answer both the President and the Secretary of the Foreign Relations Committee; and, also by implication, I answered the Secretary of State and the Secretary of Defense. I wish to make my position on that matter perfectly clear.

Mr. LAUSCHIE. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. LAUSCHIE. I understand that the Senator from Oregon is willing to yield to other Senators, to permit them to make statements concerning with his views. In that connection, would he prefer first to present his statement, and then other Senators to yield to him or vice versa?

Mr. MORSE. I shall be glad to yield either before or after I make my statement. However, once I begin to make my major remarks, I shall prefer to complete them without interruption from other Senators.

Therefore, at this time I am glad to yield to the Senator from Ohio.

Mr. LAUSCHIE. I thank the Senator from Oregon.

With respect to the issue now before the Senate, I contemplate voting in the affirmative. My decision to do so will be based on my judgment in regard to the procedural matter involved, not in regard to the merits of the bill.

Throughout my entire career as a lawyer, and the 10 years during which I served as a judge, I learned clearly that there must be uniformity of treatment of problems; it is clearly wrong to attempt to apply different rules, on the basis of attempting to suit the whims of the one who is in management.

In the Senate there has been rather uniform application of its rule that each bill is to be sent to a Senate committee, for study and report. During the 7 years I have served in the Senate, I have listened to many other Senators endorse that rule; and I subscribe to it.

This bill contains many titles. I state with a great deal of confidence that even when one sits down, applies himself intelligently, and studies the Senate's knowledge of this subject all the knowledge and study, he still will not be able to be certain of the meaning of many of the provisions of the bill.

Clearly, that would be wrong to adopt the view that bills shall be referred to Senate committees only when that would suit the fancy or the cause of certain Senators. Clearly it would be fallacious and dangerous to subscribe to the view that bills would be referred to whatever committees would act either favorably or unfavorably, in accordance with the will of the sponsor. So, Mr. President, I believe the Senator from Oregon is entirely correct in the position he takes in regard to this measure. He and other Senators who join in that view will be criticized, of course; but if we allow criticism to warp our honest judgment, we shall not be fulfilling our duty as Members of the Senate or of the Congress.

A grave mistake was made 3 weeks ago when the bill was not sent to the committee. If it had been sent there at that time, hearings would have been conducted there, judgments would have been formulated, opinions would have been expressed, and today the bill would be before the Senate, ready to be dealt with in the normal procedure. However, that was not done.

I confess that it was easier for me to vote 3 weeks ago in favor of sending the bill to committee than it will be for me to vote today on that question. However, it is still true that a very important principle is involved—a principle which I
have always considered one of the sacred aspects of our democratic system; namely, the treatment of justice to all. Therefore, Mr. President, regardless of the significance of this bill, it clearly does not warrant treatment different from that given to other bills which come before the Senate.

If the President, I submit a bit of documentary support. Our deceased and martyred President in 1957, when a civil rights bill was before this body, voted contrary to the judgment of the majority to send the bill to the committee.

The then majority leader, now President of the United States, Lyndon Johnson, voted against the majority and said that the bill should be sent to committee.

The present majority leader on the Democratic side similarly voted for referral of the bill to committee.

The situation today is no different from what it was then. For our own honor and respect for the orderly procedures of the Senate, it behooves us to refer the bill to the committee with a definite limitation upon the time when it shall be brought back.

Mr. President, if the bill is not reported back to the Senate at the designated time, and arguments are made which would contemplate delay in the reporting of the bill, I shall vote for prompt cloture to bring the bill back to the Senate.

I thank the Senator very much.

Mr. MORSE. Mr. President, I thank the Senator for the support he has given me. I agree with everything he has said, except that I would make one little modification. He has said he would vote with a little less enthusiasm today to send the bill to committee than he would have voted 3 weeks ago. I shall take out of order now one of the arguments I had planned to make in support of sending the bill to the committee.

I believe there is much stronger reason today to send the bill to committee because of the debate that has occurred on the floor of the Senate during the last 14 days. I have listened to much of that debate. I have listened to the Senators from Alabama [Mr. Sparkman and Mr. Hill], the Senators from Georgia [Mr. Russell and Mr. Talmadge], the Senator from South Carolina [Mr. Thurmond], and the Senator from North Carolina [Mr. Ervins]. I have listened to all the opponents of the bill.

I have listened to the Senator from Pennsylvania [Mr. Clark], the Senators from New York [Mr. Javits and Mr. Kefauver], the Senator from Minnesota [Mr. Humphrey], the Senator from Montana [Mr. Mansfield], and many other proponents of the bill.

If I ever saw a bill that needed to be clarified for the courts by way of a committee report, the argument which has taken place on the floor of the Senate in the past 14 days has shown that bill to be the one before the Senate.

The Senators to whom I have referred have proved my case. They did not know they were proving it at the time, I am sure, but they have proved my case for sending the bill back to committee in order to obtain a committee report. I am sure they would not have been happier than I would have been on any part of the bill. They cannot agree on definitions. They cannot agree on meanings. What can we expect the courts to do when they come to consider legislation about which Senators are in such disagreement?

But I will suggest what those Senators can do. They can sit down and write a scholarly majority report that the courts can use in the hotly contested litigation that will arise in the many unique cases in the future. If I say nothing else today, I hope Senators will remember that the essence of the position of the Senator from Oregon is that the Senate has a duty—spelled "d-u-t-y"—to the courts of our country to give the courts the benefit of both majority and minority views, and to use those views as the basis for cross-examination in the cases that will follow as to the meaning of the bill.

I desire that committee report on which to buttress the arguments that the Senate in charge of the bill has asked me to make on certain constitutional issues involved in the bill. As has been assigned certain major constitutional issues involved in the bill to present later in the course of the debate. I shall do the best I can, for I am for the strongest possible bill. But I should like to have a committee report to which I can refer in that discussion and make the legislative history in relationship to that committee report for the future reference of the courts.

For that reason, I believe it is more important now than 3 weeks ago that the bill be referred to the committee.

Mr. LAUSCHE. Mr. President, will the Senate yield?

Mr. MORSE. I yield to the Senator from Ohio.

Mr. LAUSCHE. Probably the words I used had an improper impact. My intention came from my hope that the Senate will think before it.

But the other aspect of the problem is so grave, and the delay of 10 days so inconsequential, that I cannot abandon my original judgment. Conformity to orderly procedure is more important than rushing the bill through.

In conclusion, let us remember that when we think we are doing the greatest good by setting aside law and rules, we find that eventually a disregard for orderly procedure will come back to haunt us—and it will in the present case because of the many ramifications and the novel provisions contained in the bill.

I thank the Senator very much for yielding to me.

Mr. CLARK. Mr. President, will the Senate yield?

Mr. MORSE. I yield.

Mr. CLARK. I have read the Senator's motion at the desk. I should like to inquire of the Senator whether he thinks the words of the motion are appropriate for the result which he would like to achieve? I would like to add to that statement for the following reason:

It is my recollection that on a previous occasion a bill on a subject pertaining to civil rights was referred to the Committee on the Judiciary with instructions to report back on a certain day. The Chairman of the Committee, Senator Hubert Humphrey, recommended that the bill should not pass. By a vote of 8 to 7 we recommended that the bill should not pass. The Chairman of the Committee on Banking and Currency, Mr. Robertson was very insistent—and he had time on his side—that neither a majority report nor minority views should be prepared and filed.

In the light of the language in the Senator's motion I am fearful that the same thing will happen in the Committee on the Judiciary which, as we know, is under the very careful control of the majority leader (Mr. Eastland).

Mr. President, if the bill is not reported back to the Senate by the time fixed, I would be much more inclined to support the Senator's motion. But, as I read what I take to be the legal meaning of his language, it would be within the power of the chairman of the committee, who I am afraid would prevent a report from being made.

Mr. MORSE. While I am making my legal argument, I wish the Senator from Pennsylvania knew, I first desired to come in with the motion; a junior Senator from Virginia [Mr. Robertson] was very insistent—and he had time on his side—that neither a majority report nor minority views should be prepared and filed.

If the Senator could assure the Senate that if his motion were agreed to the Senate would get written reports, including majority and minority views, by the time fixed, I would be much more inclined to support the Senator's motion. But, as I read what I take to be the legal meaning of his language, it would be within the power of the chairman of the committee, who I am afraid would prevent a report from being made.
and start preparing a report on the bill, and sign it, and submit it to the Senate on April 8th. That would be a report of the majority of the Judiciary Committee, no matter how opposed to the report the chairman of the committee might be.

Mr. MANSFIELD. Mr. President, will the Senator yield further?

Mr. MORSE. I yield.

Mr. CLARK. I would hope my friend from Oregon would prove to be correct. He might. I fear—and I am afraid my fears are justified—that the end result of the language in the motion would not be the result the Senator wishes. I would hope the Senator, who is a skilled parliamentarian and a first-class lawyer, would think long about the wording the Parliamentarian put in the motion, because, as I read it as a lawyer, it is subject to the interpretation that first, no written report need be filed, and, second, that when the bill comes back it will not be the pending business.

Mr. MORSE. If after consultation with the Parliamentarian the Senator from Pennsylvania still holds that view, I announce that I will be willing to accept any modification of the motion the Senator from Pennsylvania suggests is necessary in order to assure that there can be a majority report and minority views within the rules of the Senate.

Whatever the Senator from Pennsylvania decides is necessary in the changing of the language—if a language change is needed—is acceptable to me. I would not have offered it in this form if I had not satisfied myself that the motion would accomplish the purpose sought. But if the Senator will tell me what change he wants, I shall be glad to accept the change.

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

Mr. MORSE. I yield, without losing my right to the floor.

Mr. WILLIAMS of Delaware. As one who will support the motion of the Senator from Oregon and will fight for a strong civil rights bill, which I have been convinced for a long time has been necessary, and indeed long overdue, I ask the Senator if there is any danger, if his motion prevails, that when the bill comes back from the Judiciary Committee it will not be the pending business, and that there is likely to be a further delay of days, such as we have had in the last 2 weeks, before the bill can be taken up.

Mr. MORSE. I wish to make it very clear that it will not be the pending business, but the Senate is going to have to face that question one way or another, anyhow. What difference does it make in the long run? We shall have all summer, if the opposition wants to fight all summer, in order to overcome the parliamentary tactics that the opposition will make. I am not at all impressed with the argument that we may find it necessary to invoke cloture to get the bill back on the calendar. So what? We may have to invoke it for a second time. So what? We must make up our minds whether or not we are going to fight this battle in the alleys and from the housetops and in the corridors and at the crossroads—parliamentarily speaking—for as long as it takes. We may have to vote cloture two or three times with respect to some aspects of the debate. That is a part of the problem. If the Senate has the votes for cloture, it will continue to have the vote for cloture, because the issue will be the same—ending the debate.

Refusing to send the bill to committee cannot be justified on the ground that when the bill comes back to the Senate, it will not be the pending business. We will make it the pending business. Let the opposition talk for a while.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. MORSE. I shall yield to the Senator from Delaware, but let me make clear that if there are any procedural questions to be asked, the Senator should ask them now, because once I start my legal argument, I will not yield until I complete it. I want it to appear in continuity in the Record. In fairness to the Record, I owe it to those who support and those who oppose, to make the speech without interruptions. But I am glad to yield to the Senator for any questions he wants to ask now.

Mr. WILLIAMS of Delaware. I thank the Senator for yielding. I wonder if the Senator from Oregon will amend the motion to provide that when the bill is reported back on April 8, it will automatically be the pending business.

Mr. MORSE. I had proposed that. The Parliamentarian advised me it would be subject to a point of order.

Mr. WILLIAMS of Delaware. Do you understand from the Parliamentarian that it would be subject to a point of order? I wonder if it would be worth the effort to try it, anyway. Perhaps no point of order would be made.

Mr. MORSE. Does the Senator really think so?

Mr. WILLIAMS of Delaware. We can try it. I am sure many votes would depend on whether or not such a provision were included in the motion. I think it would be well worth the effort. Perhaps by unanimous consent there could be an agreement reached that if the motion carried, the day the bill was reported back on April 8, it would automatically be the pending business.

Mr. MORSE. Let us try to obtain such a unanimous-consent agreement before the vote this afternoon. The Senator from Delaware may not appreciate my view, but I find it useful, because as a lawyer, to put something in the motion that I know is subject to a point of order. That is not very artistic work for a lawyer to engage in.

I think the Senator from Delaware knows that a host of objections would be made. The Senator does not think the opposition would agree to that request, does he? I take judicial notice that my Missouri friends from the South would almost rise as a body to raise a point of order.

Mr. WILLIAMS of Delaware. Would not that be an indication that the person who objects is more interested in an issue than in an orderly consideration of this subject?

Mr. MORSE. I think we can take judicial notice that they are interested in killing the bill by any exercise of their parliamentary rights.

Mr. WILLIAMS of Delaware. I am not at all sure the objection would come from the quarters the Senator from Oregon thinks it would; so I wonder if he would try it.

Mr. MORSE. I am willing to put the unanimous-consent request, without changing my motion. It would be inartistic for me to do that. As a lawyer, I do not like to propose something that I know is illegal. My profession is criticized enough for trying to support illegal proposals. I could not do that. But I would go along, before the motion was put to a vote, with asking unanimous consent that there be an agreement that the bill be made the pending business when returned to the Senate.

Mr. WILLIAMS of Delaware. I appreciate that.

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

Mr. MORSE. I yield.

Mr. MANSFIELD. I think I should state that if such a motion is made I would like to be notified. I give notice that I would raise a point of order, and I object to the unanimous consent request.

Mr. MORSE. Therefore, I am not going to make the unanimous-consent request. I would not think of putting the majority leader in that position.

Mr. MANSFIELD. The Senator knows that he would not put me in any difficulty. Many other Senators would offer the objection. I believe he knows that.

Mr. MORSE. I agree. The Senator will agree that my reply to the Senator from Delaware was appropriate, in view of this discussion.

Mr. MANSFIELD. And the point would be raised on both sides.

Mr. MORSE. Yes. Mr. WILLIAMS of Delaware. I thank the Senator for accepting the suggestion. I respect the majority leader, but I do not understand why he would object to its being made the pending business, immediately upon the bill being reported back to the Senate. It seems to me that after 3 weeks of delay in trying to make the bill the pending business, that is exactly what he would want when the bill was reported back.

Such an agreement would in no way affect the right of each Senator to vote for or against the motion. It would only insure immediate consideration of the bill on April 8 should the motion carry. But I respect his views and would still hope the Senator will raise that question.

Mr. MORSE. Not now. I have already raised it and received my answer.

Mr. KEATING. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield.

Mr. KEATING. The Senator is sincere in making the motion, as we know, and has stated there were differences of opinion in the debate so far concerning definitions in the bill, and so forth. Certain differences have been differences. Does the Senator really feel in his heart that any of those differences would be resolved by sending the bill to committee and re-
ceiling a majority report and minority views?

Mr. MORSE. This question will be resolved in the courts of America, not by sending it to committee. The thesis of my remarks is that we are not giving the courts the best possible construction of congressional intent. It is that simple. I believe we have a duty to give the courts the best evidence of congressional intent—or at least to try to do so.

I know some of the views of the Senator from New York and undoubtedly he will express them again—as to the situation that exists within the committee; but we shall never know until we try. I believe the odds are all in favor of obtaining a good committee report.

I do not flatter the Senator from New York—and in this I am as sincere as I can be—but the fact is that the Senator from New York is a member of the Judiciary Committee. That means a great deal to me. The fact that he is on that committee gives the Senate great assurance that the Senate will get a legal document by way of a committee report for which in the decade ahead the committee will be responsible.

Mr. KEATING. I do not wish to delay the Senator starting his speech. He has been kind and generous. I might tell him, however, that yesterday one of my constituents was concerned to the House of Representatives, asked me whether the Senator from Oregon flunked the course.

Mr. MORSE. That constituent was not in the class. If he had been in the class, he would not have made that comment.

Mr. KEATING. That is probably true. I feel that the Senator is unrealistic about what will happen in the Judiciary Committee, unless all history is changed. There will be no amendments voted on. There will be, perhaps, one or two witnesses called. This same question came before the Senate in 1960, and the actual work in the Judiciary Committee was far from fruitful. The committee reported the bill back without any recommendations, which I assume it would be permitted to do under the motion before the Senate at the present time.

Mr. MORSE. I will cover that part in my speech.

Mr. President, I proceed with my argument in support of the motion. As I have announced, I shall not yield until I finish reading the manuscript, a copy of which is on the desk of each Senator.

It will involve considerable technical and legal discussion of cases and, therefore, in fairness to myself and to those who support the motion, I shall not yield.

Before I return to the manuscript, I wish to put to rest a cloakroom rumor about the position taken by civil rights forces in this country, to the effect that they are all against the Morse motion.

I should like to make it clear to the proponents of civil rights legislation, of which I am one, that civil rights proponents, including proponents among the Negroes of America, are far from unanimous in opposition to the motion.

Mr. President, I have come to my office in recent days and expressed their complete approval of my motion, once they came to understand it.

One of the great Negro women of America came to my office believing she was against my motion and she spent an hour with me. Now she is out in the country making it clear to Negro civil rights groups that she believes I am right and some of their leaders wrong in their opposition.

It is true that a large number of Negro leaders are against the bill going to committee, for the major reason that they do not wish any amendments made to the bill. However, I shall not yield until I finish my speech.

Mr. President, throughout the Senate's consideration of civil rights legislation I have consistently urged that the Senate function through its normal procedure of sending the bill to the Senate Judiciary Committee for hearings and a report. I took this position in 1957, in 1960, and I am taking it again in 1964.

My first and foremost interest is in expediting the work of the Senate itself. In the past, and shall undoubtedly do so in the future, I have known a time when the Senate was not in deep water when it considered a major bill or amendment that did not have hearings and a committee report explaining it.

This does not mean that I have not myself offered and supported far-reaching floor amendments that did not come from a committee. I have done so in the past and shall undoubtedly do so in the future. But I recognize the handicap that is imposed upon every Member of this body when we try to draft legislation on the floor of the Senate.

On some subjects, the background of hearings and a committee report is more vital than on other subjects. But there is no issue that is ever considered by this body that is more legalistic, that is more intricately wrapped up in legal phrases and meanings than civil rights legislation. One other class of legislation that is also highly legalistic is labor-management legislation, and before I am through with my speech, I am going to tell the Senate what the U.S. Supreme Court said about one effort of this body to draft labor legislation on the floor of the Senate.

As a lawyer, and as a teacher of law for many years, I read this civil rights bill, H. R. 7152, with many unresolved questions of what term after term and phrase after phrase of it really mean. One almost has to be a lawyer just to define the complexity of it.

I am a cosponsor of the companion bill, S. 1731. I am proud to be a cosponsor of that civil rights bill. I know what kind of legislation I think should be passed on this subject, and I hope S. 1731 accomplishes what I have in mind as a cosponsor.

But I know all too well that there are infinite questions that could be put to me about the exact impact of it that I cannot answer. I have some doubts that the language of the bill really goes as far and does as firmly and conclusively what I believe it should. I can see that there may well be other laws
and precedents that would vitiate some of the provisions of either H.R. 7152 or S. 1731.

I am primarily anxious that the House-passed bill undergo the committee procedure in the Senate because I want to be sure that we pass a bill as it should be. Moreover, it was amended on the House floor. For the meaning and import of those amendments we have no guidance except what was said about them in the House debate. One cannot easily be assured that one is going to get a bill that the Senate floor would or should pass. If the House floor is going to pass a bill I want the Senate floor to pass the same bill. For that reason I want to have the Senate go through the procedure we have in the House.

One section of the bill in which I am most interested is title VI. It deals with the termination of Federal financial participation in programs or activities of the States that are segregated. I introduced S. 1665 on June 4, 1963, requiring administrators of all Federal participation programs to cut off such aid to the segregated portion of it. I think that should have been done already, because I do not believe Federal money can be disbursed for activities that are unconstitutional. But I also believe that Congress has the duty to cut off the policy on the matter if the administration has failed to do it.

Let me stress the fact that, in my judgment, from the President on down in the administration, the constitutional power to do that has always existed. Be that as it may, I believe legislation is needed that would leave no room for doubt as to mandatory compliance on the part of the President and the executive agencies of the Government.

I ask unanimous consent that the text of Senate bill S. 1665 be printed at this point in my remarks.

There being no objection, the bill was ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the policy of the United States that, in all programs or activities of the Federal Government or for the benefit of the States or their political subdivisions and supported, in whole or in part, with funds provided by the United States, no individuals participating in or benefiting from such programs shall be segregated or otherwise discriminated against because of race.

Sec. 2. No moneys shall be paid by the United States to or for the benefit of any State or political subdivision thereof under any program of Federal assistance—
(1) to plan or provide facilities, services, benefits, or employment in such State or political subdivision in violation of the policy described in such program; or
(2) to defray administrative expenses of a program in such State or political subdivision, or
(3) to defray the cost of carrying out a program in such State or political subdivision.

It is the purpose of this section to provide for the benefit of the States or their political subdivisions and supported, in whole or in part, with funds provided by the United States, no individuals participating in or benefiting from such programs shall be segregated or otherwise discriminated against because of race.

Sec. 3. The programs of Federal assistance referred to in this Act include, but are not limited to, programs—
(1) to provide aid for the construction of hospitals, schools, highways, airports, parks and recreational areas, community facilities, and public works generally;
(2) to provide old-age assistance, medical assistance for the aged, assistance to needy families with children, assistance for maternal and child welfare, assistance to the blind, assistance to the disabled, and public health and welfare assistance programs generally;
(3) to provide financial assistance to the unemployed and assistance in the training, retraining, and placement of workers;
(4) to provide assistance to business, including assistance to State and local governments;
(5) to provide assistance to educational institutions and to individuals for educational purposes; and
(6) to provide assistance to National Guard and civil defense activities.

Mr. MORSE. Mr. President, title VI of the civil rights bill deals with the same problem. The House Judiciary Committee report describes the meaning and intent of title VI as it was reported from the Judiciary Committee. But that title was amended on the House floor. The amendment states that no action shall be taken to cut off the Federal share of these moneys except on the direction of the President, that destroys the entire policy direction of S. 1665, and of the House bill as it came from the committee.

The President already has this authority, and it is the lack of action under it that I think Congress should correct, because it is ultimately the responsibility of Congress to establish the policy for the disbursements of Federal funds, be they for hospital construction or foreign aid.

Another section in which I have tremendous interest is title III. This is similar to the old title III of the civil rights bill of 1957. I voted against the 1957 bill because it was dropped out of it because I thought its removal left nothing but a piece of paper—the wrapper on that old loaf from which the bread had been removed.

This title authorizes the Attorney General to institute proceedings under certain circumstances to protect the rights of citizens. I warn Senators that they are entering one of the most treacherous shoals of legislation when they deal with the civil rights title of the Senate bill. It is the lack of action under it that I think Congress should correct, because it is ultimately the responsibility of Congress to establish the policy for the disbursements of Federal funds, be they for hospital construction or foreign aid.

It is not only the language of the bill that will confront us. There will be amendments offered, too. We are going to be on fluid and shifting ground in trying to say what the effect of amendments will be, when we have no firm guide of our own on what the language of the title itself means.

Yes, we have the report of the House Judiciary Committee. But it deals only with the bill which went to the House floor. We have no guide except what we have been able to scrounge as to what the amended bill means. Moreover, it is a work in progress. Virtually all of it is a section-by-section analysis, which is only descriptive of the legislation. The section entitled: "Purposes and Content of the Legislation" consists of only one paragraph.

We have the House report. And we have the brief prepared by the Justice Department. These are the most definitive guides the Senate has as to the meaning of H.R. 5172. But the House report describes it not as it came from the House floor—only as it went to the House floor.

Why, moreover, should not the Senate function as the separate body it is? We are not the retainers of the Justice Department. In the legislative process, it is the Senate who is supposed to be on tap, not on top. But if we proceed with the bill without benefit of our independent legal study of it, we will be almost entirely dependent upon the Justice Department for guidance.

COMMITTEE REPORT NEEDED TO HELP SENATE

Our operations on the Senate floor will be characterized by guesses and by curbside judgments throughout the consideration of the bill. If one does not think so, he should read the CONGRESSIONAL RECORD for the past 14 days, or he should have listened to as much debate as I have heard for the past 14 days. As I said earlier, if ever a case was made for a bill to be referred to the Judiciary Committee, it has been made in the debate of the past 14 days. No court could bring any rhyme or reason out of the Record if it sought to use it in trying to determine the legislative intent of the Senate.

As one who is profoundly anxious to enact, at long last and 100 years late, a meaningful enforcement of the 13th, 14th, and 15th amendments, I do not want our forces to go into this fray with such a handicap.

There is no quality that works so much against our side as the quality of doubt. Senators who are doubtful of the meaning of words are the least likely to vote to put those words on the statute books. How often have we said to each other: "Well, I don't think I want to vote for that because I don't know just what its effect will be"? In the end, such doubts lead to no legislation at all. This is why I call on those of us who strongly favor and support this bill will be in a better and a stronger position to get it adopted intact if we have a committee report behind us. A committee report will make much easier the task of those of us assigned to act as floor managers for various titles of the bill. Some of the titles have been reported as separate bills, including the public accommodations title and the fair employment title. But we are on our own when it comes to the important matters of title I on voting rights, title II on the authority of the Attorney General to institute desegregation proceedings, title IV on desegregation of schools, title V on the Civil Rights Commission, and title VI on federally assisted programs.

We have a duty to see to it that we have a committee report which will give meaning to our action by way of legislative intent, to which the courts can later resort.
selves, and to the courts who one day will be called upon to apply our handiwork to questions of great importance.

As I have in years past, I wish to make available for Senators what the Supreme Court has said and done over the years about finding and evaluating the intent of Congress.

In one of its earliest cases which touched on this point, Chief Justice Taney made these comments in 1845 in *Aldridge v. Williams* (3 How. 9). He was discussing the construction of a tariff act.

In expounding this law, the judgment of the Court cannot in any degree be influenced by the construction placed upon it by individuals with certainty in Congress in the debate which took place on its passage, nor by the motives or reasons assigned by them for supporting or opposing amendments that were offered. The law as it passed is the will of the majority of both Houses, and the only mode in which that will is spoken is in the act itself, and we must gather our instruction from the language there used, comparing it when any ambiguity exists with the laws upon the same subject, and looking, if necessary, at the history of the times in which it was passed.

In 1897 a court again commented, in a much quoted decision:

Looking simply at the history of the bill from the time it was introduced in the Senate until it was finally passed, it would be impossible to say what were the views of a majority of the Members of each House in relation to the meaning of the act. It cannot be averred that a majority of both did not agree with Senator Hoar in his views as to the construction to be given to the act as it passed the Senate. All that can be determined from the debates and reports is that various Members had various views, and we are left to determine the meaning of this act, as we determine the meaning of other acts, from the language used therein.

There is, too, a general acquiescence in the doctrine that debates in Congress are not a safe guide to the meaning of the statute. In *United States v. Union Pacific Railway Co.* (91 U.S. 72, 79); *Aldridge et al. v. Williams* (3 How. 9); *Morgan v. Scott River Mining and Manufacturing Co.* (2 Story 648, 653); *Quem v. Herford College* (S.Q.B.D. 693, 707).

The reason is that it is impossible to determine what was the exact language used in the act of Congress was fully pointed out, and we are instructed to go beyond the reports of the committees.

In this decision the Court quoted the reports of both the House and Senate committees.

In *U.S. v. St. Paul M. & M. Railway Co.* (247 U.S. 310, at 318 (1916)), the Supreme Court enlarged its reliance upon committee reports and floor statements of the committee chairman managing the bill. It said:

It is not our purpose to relax the rule that debates in Congress are not appropriate or even reliable guides to the meaning of the language of an enactment. But the reports of a committee, including the bill as introduced, changes made in the bill in the course of its passage, and statements made by the committee chairman in charge of it, stand upon a different footing, and may be resorted to under proper qualifications * * * * * * * * * * *

In *Lapina v. Trans-Missouri Freight Association* (190 U.S. 78, 62, 63), the Supreme Court held: The construction placed upon it by individual Members of Congress in the enactment of statutes, a somewhat different standard obtains with the weight of a judicial opinion, but are rightly regarded as possessing very considerable value as an explanatory nature regarding legislative intent where the meaning of a statute is obscure.

In the famous case of *Duplex Company v. Deering* (354 U.S. 443 at 474-575, 1951), the Court said:

By repeated decisions of this Court it has been well established that the debates in Congress expressive of the views and motives of Individual Members are not a safe guide, and hence may not be resorted to, in construing the meaning of the language of the lawmaking body. But reports of committees of House or Senate stand upon a more solid footing and may be regarded as an exposition of the legislative intent in a case where otherwise the meaning of a statute is obscure (citation). And the committee reports of the House and Senate are not to be taken as per

That was a reiteration by the Supreme Court of its decision in the old St. Paul M. & M. case, which I have already noted, is faithfully followed time and time again on the floor of the Senate, during each session of the Senate, as Senators try to build up legislative histories of bills.

Lest it be thought that these cases are those of ancient history and no longer applicable, let me bring to Senator's attention a 1942 case. In *U.S. v. Wrightwood* (315 U.S. 110, 1942), the Court had to construe the *National Labor Relations Agreement Act* of 1937. In construing that act, and after citing the House and Senate committee reports, the Court said:

The opinions of some members of the Senate conflicting with the explicit statements of the meaning of the statutory language made by the committee reports and members of the committees on the floor of the Senate and the House are not to be taken as persuasive of the congressional purpose.

On the contrary, the Court relied on the committee reports.

But a 1947 case has the greatest relevance to our present situation. This case was the upshot of the strike of the United Mine Workers against the Government. The question arose whether the Norris-LaGuardia Act when it was passed the War Labor Disputes Act. In *United Mine Workers* (330 U.S. 258, 1947), the Court had to construe the *War Labor Disputes Act* and the *Norris-LaGuardia Act* of 1932, since there was no question whether the Federal injunction could lie against workers in light of the Norris-LaGuardia Act. So the question arose whether the Norris-LaGuardia Act included the U.S. Government in the term 'employer,' and hence forbade the use of injunctions in industries selected by the Government. The question also arose whether Congress had meant to amend the Norris-LaGuardia Act when it passed the War Labor Disputes Act.

The case became *War Labor Disputes Act v. Franklin Resources* (327 U.S. 359 at 372-374, 1946), popularly known as the Smith-Connally Act. It was introduced first as S. 796 by Senator Connally. No hearings were
held on S. 796 itself, although hearings on similar bills had been held by the Senate Judiciary Committee in the preceding Congress. S. 796 was referred from the Senate Judiciary Committee; but no hearings were held by the committee on it.

That situation bears some similarity to the present situation, for it will be recalled that several weeks ago the Senator from Minnesota (Mr. HUMPHREY), who is in charge of the bill on the floor of the Senate, and who is doing, and will continue to do, a magnificent job, discussed the situation to which I have referred with him in this case, namely, a situation in which the Court pointed out that no hearings had been held on the Smith-Connally bill, although hearings had been held in previous Congresses on similar bills. Several weeks ago the Senator from Minnesota piled up on his desk a number of committee reports and a number of committee hearings of previous years on other similar bills. In an admirable effort to support his fallacious contention that there were already plenty of hearings and plenty of committee reports on civil rights bills, and that there was no need to have more committee hearings and committee reports on this bill. However, I say good naturedly that my friend, the Senator from Minnesota, is a pharmacist, not a lawyer; so I am not surprised that he missed this basic point of parliamentary law. We lawyers are inclined to say that arguments such as the one he made then are immaterial, inconsequential, and irrelevant; and that argument of the Senator from Minnesota was such.

The only position taken by the Supreme Court on this point—as made clear by the position it took on the Smith-Connally bill—is that it will consider only reports and hearings on the bill under consideration, not on other bills.

Therefore, I point out that the only report or hearings the Court will consider when this bill finally is brought before it is whatever committee hearings and committee report there may be on this bill, not on any other bill.

In 1943, after some debate and action on some amendments, Senator Connally offered a substitute for his whole bill. That amendment was really an entirely different bill, and there were no committee hearings on it. Likewise, today we have before us a House bill, and there has been no Senate committee hearing or Senate floor report on it, that was the situation which Senator Connally created when he offered that amendment in the nature of a new bill. The majority leader at the time was the incomparable great Alben Barkley of Kentucky. Senator Connally's proposal—his amendment in the nature of a complete substitute for the Smith-Connally bill—caused Senator Barkley, the majority leader of the Senate, to make the following comment:

Before I do that, I wish to predicate by question upon the following observation: I think it is unfortunate that we are compelled under the circumstances to try to write a labor legislative policy on the floor of the Senate of the United States. However, that is what we are compelled to do on the ground now contemplating the Committee on the Judiciary—and I do not say this in criticism but merely as an observation. I give thorough consideration to the bill; otherwise it would have changed it from its original terms which were drawn before we got into the bill. The War Labor Board was set up, and before any formula was adopted by the Government for the settlement of wage disputes. The Senator has pointed out that no hearings had been held under the circumstances. Evidently the Senators concerned in the attempt to adjust labor disputes. The second point is confirmed by the fact that the Senator from Texas, the author of the bill, has undertaken to correct that situation by offering his substitute.

All I have said emphasizes the unfortunate fact that we are trying to write a bill on the floor of the Senate.

The situation led some Senators to request that the bill be recommitted to the Judiciary Committee—an interesting bit of history. A motion was made on May 5, 1943, by Senator Wheeler to send the bill back to the Judiciary Committee with instructions to report it back to the Senate by May 20. This motion was defeated by 27 yeas to 52 nays.

If any Senators wish to take any consolation from the fact that the Senate would make a grievous mistake, as has happened previously, who do not wish to send the bill back to the Judiciary Committee, I wish to point out that the same error was committed at the time of the Smith-Connally bill.

When the Supreme Court came to consider the application of the Norris-LaGuardia Act to disputes involving the Government, it relied in part on the House debates of 1932 wherein the Court thought Congressman LaGuardia, who was in charge of the bill, had indicated that the bill did not contemplate the Federal Government as being included in the term "employee." Interestingly enough, Justice Frankfurter in his own opinion, used the same statements of Congressman LaGuardia to come to the opposite conclusion.

That shows how unreliable are statements made on the floor of the Senate when it comes to subsequent interpretation by the courts, in the absence of a committee report on which to bottom any statements that Senators in charge of bills may wish to make during the course of the debate concerning intent.

But the majority opinion also said:

But regardless of the determinative guidance and to offer reliance upon the opinions of several Senators uttered in May 1948, while debating the Senate version of the War Labor Disputes Act. * * *

We have considered these opinions but cannot accept them as authoritative guidance to the construction of the Norris-LaGuardia Act. They were made by Senators, some of whom were not Members of the Senate in 1932 and none of whom was on the Senate Judiciary Committee which reported the bill. They were not passed 11 years after the act was passed and cannot be accorded even the same weight as if made by the same individuals in the course of the Norris-LaGuardia debates.

I have underlined the following sentence in my manuscript for emphasis:

Moreover, these opinions were given by individuals striving to write legislation from the floor of the Senate and working without the benefit of hearings and committee reports on the issues involved. We fail to see how the remarks of these Senators in 1943 can serve to change the legislative intent of Congress expressed in 1933.

In other words, in the absence of hearings and a committee report, the Court would not accept the opinions of Senators; neither, I think, would the Norris-LaGuardia Act be affected by the pending Connally bill.

In the end, the Court relied upon factors other than the unsupported opinions of Senators to find that the Norris-LaGuardia Act did not prevent an injunction from lying against a union when the United States was in command of the industry, and that the War Labor Disputes Act, which the Court found, had not changed the previously existing situation with respect to use of the injunction.

I call attention again to the words of the Court:

Working without the benefit of hearings and committee reports on the issues crucial to us here.

Can Senators say with certainty how legislation already on the books is affected by the bill now under consideration? Can either the backers or opponents of title I, the voting section, say with certainty how the title affects or changes the statutes of 1957 and 1960? Is any section of those earlier laws repealed? How are they superseded by the present title I? Or is all the language of title I merely an addition to existing law?

One may look at the House report for the incorporation of the bill reported by the committee into existing law. But there is no such guide for the bill which came to us from the House. And there is no commentary even in the House report on the ways in which the 1957 and 1960 statutes have been found wanting and in need of expansion. We may know for a fact that they are; but we also need to know in what particulars they need expansion.

Or one may look at the various titles that authorize the Attorney General to initiate suits. Titles II, III, and IV have such provisions. But only title II specifically mentions "preventive relief," including an application for a permanent or temporary injunction, restraining order, or other order. Does the omission of these words from titles III and IV mean that the Attorney General may not seek preventive relief under them?

In its most recent cases, the Supreme Court has continued to rely primarily on the committee reports and the supplementary statements of floor managers speaking for their committees.

In the case of Schweigmann Bros. v. Covert Corp. (341 U.S. 284, 1951), the Court relied on the House report and the floor statements of the Senate sponsor of the measure, Senator Tydings, to determine the intent of the Miller-
Tydings Act. This legislation came to the floor in the form of a rider to a District of Columbia revenue bill. It was added by the Senate District Committee. Senator Tysdngs was committee spokesman on behalf of this particular amendment, as well as sponsor of the bill from which it was derived.

But in this particular case, Justice Frankfurter also quoted from both committee reports and the floor statements of Senator Tysdngs, and arrived at exactly the opposite conclusion as to intent.

Perhaps the most meaningful comment from the Court, insofar as Congress is concerned, was contained in a concurring opinion of Justice Jackson, joined in by Justice Minton. It is a rebuke to the Court for undertaking what these judges considered a fruitless inquiry into legislative history; but it was also a rebuke to Congress for what Justice Jackson called the "unedifying and unilluminating legislative history of the Miller-Tysdngs Act.

In this case, too, the Senate was acting not as a result of a report and recommendation from the committee to which the original Tysdngs bill had been referred, but on a recommendation from the committee to which it was taken from the floor in the form of a rider to a District of Columbia revenue bill. It was added by the Senate District Committee.

Senator Tysdngs was committee spokesman on behalf of what he considered an important function. The rules were ambiguous, and then I think we should not be surprised by the result. Since the original Tydings bill had been referred to a committee and the Senate debate preceding the passage of the Miller-Tysdngs Act was considered by the Court as a basis for making up its minds what law it wanted, and that what is enacted was legislative history that is unedifying and unilluminating that than that of the act before us.

Another case when a floor manager for a bill on behalf of a committee was quoted was in Mastro Plastics Corporation v. National Labor Relations Board (350 U.S. 260, 1956). The Court said of the 1947 amendments to the National Labor Relations Act:

There is sufficient ambiguity here to permit consideration of relevant legislative history. The Court recognizes that provisions are considered by Congress to be ambiguous, and then I think we should not be surprised by the result. Since the original Tydings bill had been referred to a committee and the Senate debate preceding the passage of the Miller-Tysdngs Act was considered by the Court as a basis for making up its minds what law it wanted, and that what is enacted was legislative history that is unedifying and unilluminating that than the act before us.

As late as 1987, the Supreme Court again stressed its heavy reliance upon committee reports as the best source of congressional intent. When called upon to construe a certain portion of the Taft-Hartley Act in United States v. Auto Workers, 1987, the Court said, after citing the committee reports:

Although not entitled to the same weight as these carefully considered committee reports, the Senate debate preceding the passage of the Taft-Hartley Act confirms what these reports demonstrate.

In Cole v. Young (351 U.S. 530, 1956) the Court was concerned with legislation relating to the loyalty of Federal employees. In construing the history of the act of 1950, it relied entirely upon the reports of the House and Senate, plus one quotation of a Government witness taken from the hearings.

This is by no means an exhaustive recapitulation of Supreme Court comments on this subject of legislative history and how it may be determined by the courts. But since the Supreme Court first undertook to examine legislative history to determine its real purpose it has consistently looked first and foremost to the reports of the House and Senate committees as the one authoritative source of that intent.

I do not suggest that either the Senate or the courts will be helpless if we proceed to deal with H.R. 7152 on the Senate floor without benefit of hearings and report. But I do say we will be severely handicapped, and so will the courts.

In my judgment, there is no sound reason whatever for us to proceed under that handicap. If there were no reason whatever to obtain hearings and a report, the 1947 amendments to the National Labor Relations Act, insofar as Congress is concerned, we would have no alternative but to bypass the committee. But there is an alternative.

It was used only a few weeks ago, when the amendment offered by Senator Munro to the foreign aid bill, and which dealt with the wheat sale to Russia, was sent to the Banking and Currency Committee. It was withdrawn as an amendment, introduced as a separate bill, and referred to the Banking Committee.

In the referral process, the majority leader obtained a unanimous-consent agreement that the committee be instructed to report the bill back to the Senate by November 25. That was done on November 15; as the majority leader put it:

A bill has been introduced and referred to the Committee on Banking and Currency. By direction of the Senate, it will be reported not later than a week from Monday, November 25.

Of course, that was done by unanimous consent. But it could be done by motion, too, as I am proposing to do today with respect to the pending bill.

If those of us who are backing this civil rights bill have the votes to bypass the Judiciary Committee, we also have the votes to instruct the Judiciary Committee.

We had no problem with the wheat deal measure. It was back on the floor on the appointed day. In all the history of the Senate, so the Parliamentarian informs me, no committee has ever violated or failed to obey the instructions given it by the whole Senate.

I see no reason at all why we should vary from that wise and sound procedure. Senators may say: "But civil rights are a lot more important than the wheat deal." By that I mean the reason why we should override ourselves of the best we have in providing guidelines to Members who must pass upon this highly important matter, and to the courts who must apply it."

I do not forget, either, the importance of following a fair procedure insofar as attitudes toward the bill itself are concerned. When the time comes to try to close this debate under rule 22, we will not have had the third of the Senators to close it. So long as Senators have any reason to feel that a fair procedure was not followed, there will be those who will vote against cloture on that ground alone, or on that excuse alone.

Why give them that alibi? Why give them the chance to say that this bill was brought up under steamroller tactics and did not receive a fair hearing before it was brought to a vote on the floor? Why give them the chance to vote against cloture on the ground that the only chance opponents had to make their case and bring out what facts they had to bring out only to the Senate itself? Any time this body ignores a normal and traditional procedure in favor of one that bypasses a major part of the Senate's
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regular means of considering legislation, a presumption is at once created in favor of extended floor debate in compensation for the lack of committee consideration.

I think it is most regrettable that the Senate did not uphold the Russell point of order of February 28, and then send this bill back. It would have brought a report back by March 4. Objection was lodged to that request by supporters of the bill. Yet it was long after March 4 had come and gone before we disposed of other legislation and got back to H.R. 7152. It took until March 9 to come back to H.R. 7152. We could have had a report before us right now. So the facts do not bear out that referral to committee then would have delayed consideration of the bill. And before we are through, we are going to find that referral now will expedite it.

In 1957 we bypassed the Judiciary Committee. The debate droned on for weeks. It became evident that there was not a two-thirds majority in the Senate to act. The result was that the major sections of the bill had to be dropped as the price for allowing it to go to a vote. We never did get cloture. The bill only came to a vote when it had been rendered innocuous.

It was rendered so innocuous, in my opinion, that I voted against the bill. A vote against the bill was misunderstood by many throughout the country, as my mail has shown, because most people thought it was a civil rights bill before the Senate and that a pro-civil-righter would vote for any civil rights bill. I never vote for what I consider to be a deception. I considered the 1957 bill a gross deception. It misled pro-civil-righters in the country to believe we would help along the cause of civil rights by passing the bill. I held to the point of view that we set it back. We did not help it. So I voted against the bill.

In 1960, we started out the same way. We dealt only with amendments to a private bill. My effort to discharge the committee of civil rights legislation failed.

That debate staggered along from February 15 to March 24. A lot of amendments were offered and some were voted on. An effort to invoke cloture did not even get a majority vote. We did not get down to business until a voting rights bill came over from the House. When it did, the majority leader moved to send it to the Judiciary Committee for 5 calendar days. That motion was overwhelmingly agreed to; the committee did report the bill back as directed. It will be recalled that by that time the heat had largely gone out of the struggle. It was evident that sufficient support was lacking for cloture on the Dirksen floor amendment. Thereafter, the principal objective was one of accepting the House bill without substantial changes. And it is, with good reason, amendments likely to be accepted by the House.

The House bill was a weak bill when it came to the Senate. It was a weak bill when it left the Senate. The most that can be said for it, is that it was passed with reasonable expedition once it came out of committee. The war of bickering on the floor with the Dirksen amendment may well have set the stage for the consensus that resulted in the modest and weak measure that finally passed the House and the Senate.

If this motion is passed, part of the time between now and April 8 will be accounted for by the Easter recess. We are not going to be in session Friday or Saturday, in any event, so the practical effect of the motion will be to out the bill over for a little more than a week.

In other words, the 10 days I have referred to would begin to run after the Easter recess. I do not expect, if my motion is agreed to, that the Judiciary Committee will meet on Friday and Saturday. They are entitled to the Easter recess. The Easter recess, which carries great import to many Senators from a religious standpoint, should not be interrupted.

I wish to make clear to the Senate that it is not intended by the mover of this motion that the Judiciary Committee should go into session Friday and Saturday; but it should go into session early Monday, and it should stay in session until it can have a fair and reasonable hearing of a selected cross section of witnesses. By that I mean witnesses who represent a fair cross section of view. The majority of the committee, as I shall point out in a moment, should start its work on drafting a committee report, so that it can be ready on April 8.

I ask the supporters of this bill whether they think the result looks any different this time from the time it took in the past when successful attempts were made to bypass the Judiciary Committee.

I say that there is no way to get cloture on this bill. We might as well say that there is no way to get cloture on any civil rights bill until the Senate, as a whole, is convinced that the vote is there to carry it. It might be asked if there is any basis—which I refuse to accept—for the talk in the cloakroom that it is a helpless committee. It is said “You do not understand that committee. You do not understand the inner working of that committee. You do not understand what we are up against. You have no conception of how hopeless it is.”

I say good naturedly that they are not mice; they are Senators.

The time has come for the Senate to call upon them to function as Senators.

It is unthinkable that such a powerhouse would be stopped or incapacitated, legislatively speaking.

I will not accept the tommorot that a minority or any individual on the committee could prevent it from functioning as a committee.

I will not accept such an argument. If that be true, the greatest revolution that is needed in the Senate is needed in the Judiciary Committee. If the members of this committee stand up and declare their independence, there is nothing in the world can stop a majority of those great Senators. They know their procedural rights. They are learned in the law. They are learned in procedure. They know that it is tommorot to think that a chairman of a committee could prevent the committee from functioning. I mean no offense by intention or in fact when I say that. It is said “The man in the cloakroom is the master; he is the chairman of the committee; he is the master of the Senate.”

That is not correct. The chairman of the committee, as I think, is the master of the committee, not the Senate. The master of the Senate is the President. So the master of the committee will not control good faith hearings, that a witness will be put on the stand and will be examined by a member of the committee at great length, hour in and hour out, and there will be no time for the committee in regard to the committee report.

MAJORITY CAN DETERMINE COMMITTEE POLICY

Mr. President, I speak respectfully, and I speak out of great esteem for each member of the Judiciary Committee. It is composed of great Senators. Listen to the roster:

The Democrats are Senators Eastland, Johnston, McClellan, Ervin, Dodd, Hart, Long of Missouri, Kennedy, Bayh, and Burdick.

The Republicans are Senators Dirksen, Hruska, Keating, Fong, and Scott.

That is a powerhouse committee. If we wish to evaluate it from the standpoint of ability and great prestige in the Senate and from the standpoint of learning—I do not care what criteria are used—that is a great committee. If there is any basis—which I refuse to accept—for the talk in the cloakroom that it is a helpless committee. It is said “You do not understand that committee. You do not understand the inner working of that committee. You do not understand what we are up against. You have no conception of how hopeless it is.”

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I will not accept such an argument. If that be true, the greatest revolution that is needed in the Senate is needed in the Judiciary Committee.

Mr. President, there has been some suggestion that sending the bill to committee would be a waste of time, because the committee will not conduct good faith hearings, that a witness will be put on the stand and will be examined by a member of the committee at great length, hour in and hour out, and there will be no time for the committee in regard to the committee report.
Mr. SYMINGTON. That is perfectly all right. Secretary McNamara was in the Committee on Foreign Relations, to speak to us on South Vietnam. I left the floor a few minutes ago; otherwise, I would have been present.

Mr. MORSE. I yield to the Senator from Missouri.

GOVERNMENT CREDIT BEING USED TO ADD TO OUR DEFICITS

Mr. SYMINGTON. Mr. President, last week the Inter-American Development Bank floated a $50 million bond issue in this country.

In view of the continued payments deficit, it is paradoxical that the U.S. Government's credit is being used to add to our deficits.

At the time the Inter-American Development Bank's increased capitalization was approved on January 14, there was talk that the Bank might try to sell its bonds in Europe or even in Latin America, but apparently the Bank was already prepared to issue dollar bonds in this country even before they allowed themselves time to explore alternative sources of capital.

I ask unanimous consent that two articles which appeared yesterday morning, "Drain on Dollars Still a Problem," in the New York Times, and "U.S. Payments Deficit Improved Less in 1963 Than Thought; Some Aid Was Temporary," in the Wall Street Journal, be inserted at this point in the RECORD.

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

[From the New York (N.Y.) Times, Mar. 25, 1964

Drain on Dollars Still a Problem—Reier-son Finds No Reason to Say It Is Dis-appearing

Roy L. Reierston, chief economist of the Bankers Trust Co., analyzed the U.S. international payments problem yesterday and found no reason to conclude it is disappearing.

His assessment was decidedly more cautious than other recent comment on the prospects for reducing the country's net outflow of dollars, but the vigor of the drain has been shrinking steadily since mid-1963, giving rise to renewed optimism about approaching equilibrium and strengthening the dollar's international role.

"The sentiment goes from one extreme to the other," Dr. Reierston commented in a talk to New York University's Men in Finance Club, which met for luncheon at the Lawyers' Club.

"NOT GLOOMY," he says.

Dr. Reierston did not categorize his own sentiment about the future as "not gloomy." The tone of his talk was admonitory: Present policies and conditions do not point to early elimination of the payments deficit and it would be premature to believe the problem is about to be solved, he suggested.

Referring to a recommendation last week by the Joint Economic Committee of Congress for repeal of the so-called gold cover, Dr. Reierston asserted that the timing of the proposal was "ill-considered and ill-advised.

He reiterated his own view that the gold cover should be terminated, while the United States still has a substantial dollar drain.

As for the requirement that the Federal Reserve hold gold equal to at least 25 percent of outstanding Federal Reserve currency and deposits, at present, the cover ties up about $15.5 billion of the Government's $19.5 billion of gold.

Dr. Reierston, a highly regarded economist in economic circles, expressed a view that the tax cut just passed would be "detrimental to the balance of payments." He indicated he thought such an effect could be averted by tighter credit but he did not expect such a policy to materialize.

DISCOUNT RATE RISE SEEN

In response to a question, Dr. Reierston said he thought an increase in the Federal Reserve rate was likely by the year-end.

An expanding economy, he said, means higher imports. Yet, he said, there is no strong movement toward exports and hence "no evidence the United States is building up its trade surplus enough to carry capital outflows and military and foreign aid." For Europe's capital markets have had limited success, he added.

If the Government persists in "overemphasize on easy credit," Dr. Reierston continued, a change in capital outflows would be likely.

He said there was no sign that Europe's inflations would be harmful to American manufactures. These exports may be hurt by anti-inflation measures in Europe, he said.

[From the Wall Street Journal, Mar. 25, 1964]

U.S. PAYMENTS DEFICIT IMPROVED LESS IN 1963 THAN THOUGHT; SOME AID WAS TEMPORARY

WASHINGTON.—The U.S. balance-of-payments deficit didn't improve as much last year as was thought, and some of the improvement was only temporary.

The deficit is currently calculated at $3,901 million for last year, nearly 10 percent larger than the previous estimate of $3,528 million. The 1963 deficit is still larger than the $3,573 million of 1962 but is newly placed somewhat wider than the $3,043 million deficit of 1961.

A payments deficit results when dollars acquired by foreigners through U.S. spending, lending, and aid exceed the inflow of dollars here from abroad. The administration has been striving to end the persistent U.S. deficit, which gives foreigners mounting claims on the dwindling gold stock.

Not since 1957, when the Suez Canal closed resulting in an export spurt, has the United States shown a surplus ($600 million that year) in its international accounts.

NEW DATA STRETCHED DEFICIT

The revision in the 1963 deficit results from recent information to the Commerce Department showing that foreigners pried up their U.S. $100 million in U.S. bank accounts than had been calculated; also, shipments of military goods to foreigners, which count as exports, cost $180 million less than initially reported.

And the Government agency, in a payments report, noted that part of the im- proved deficit record last year reflects "de- velopments which have had only temporary significance" as well as some basic economic gains.

Exports of farm products, for instance, were exceptionally high due to such temporary factors as weather and poor crops in Europe, the report said; such conditions boosted farm exports by up to the United States.
$150 million, mostly in the final quarter. Lower import barriers helped coal exports gain nearly $150 million, the report said, but the rise was accentuated by weather conditions and inInterpretations in coal production in Europe last spring.

Temporary factors also appear to have pushed up fourth-quarter bank loans and direct and direct investments in capital goods by outflow of private capital in the final quarter. In fact, the outflow of private capital is one of the major factors for the revision of the capital account. The capital outflow is subject to error than reports soon after a period. While advance estimates are even more subject to error than reports soon after a period, the revised data put the revised trend from the fourth quarter appears to be developing, authorities say.

The fourth-quarter annual rate in the payments deficit, even after being revised upward, is still much less severe than the revised annual rate of last year's fourth-quarter deficit of $2,108 million. Previously the capital outflow of private capital in the final quarter had been estimated at $377 million, or a $1,508 million annual rate of last year's fourth-quarter deficit. While advance estimates are even more subject to error than reports soon after a period, the revised capital outflow is subject to error than reports soon after a period. While advance estimates are even more subject to error than reports soon after a period, the revised data put the revised trend from the fourth quarter appears to be developing, authorities say.

The new figures show that the total net outflow of private capital in the final quarter was $345 million, or $445 million. The outflow was double the total of the previous period, though well short of the total of the April-June quarter. The $45 million consisted of:

- Two hundred and fifteen million dollars in long-term portfolio investment, such as American citizen purchases of foreign bonds in long-term portfolio investment such as the one that financed the $150 million annual rate of last year's fourth-quarter deficit. Previously the capital outflow of private capital in the final quarter had been estimated at $377 million, or a $1,508 million annual rate of last year's fourth-quarter deficit. While advance estimates are even more subject to error than reports soon after a period, the revised data put the revised trend from the fourth quarter appears to be developing, authorities say.

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In the course of the debate I have referred to the points that have been fully expressed in the Senate's address on this important subject. Mr. STENNIS remarks that the Senate is controlled by the party in power, which we have discussed here.

I believe he has had influence, not only in that speech, but in other remarks and contacts which he has made. I hope that the Senate will heed the facts he has set forth. I hope that values have been discussed here, as I have said, in the appearances that I have made. I should like to hear a response from every Senator to the challenge of the senator from Oregon.

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

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

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

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

Mr. Sevareid. Senator Humphrey that takes your 3 minutes, I think. And now, Senator THURMOND, 3 minutes for you.
over the country that the administration, after 2 years in office, sent this bill to Congress, where it has been made even worse. This will only increase—appose those waging a vindices campaign of civil disobedience. The leaders of the demonstrators are those who passed that part of the bill will not stop the mobs. Submitting to intimidation will only encourage further mob violence and to gain preferential treatment. The issue is whether the Senate will pay the high cost of sacrificing a precious portion of each and every individual's constitutional rights in a vain effort to satisfy the demands of the mob. The choice is between law and anarchy. What shall rule in the Senate?

Mr. SVERRESEN. Senator THURMOND, thank you very much. Well, gentlemen, it seems rather clear, from these two statements at least, that the room for agreement is going to be a little cramped. From here on in this brief debate we’ll let this be free-swinging. You can interrupt one another at will, brief debate we’ll let this be free-swinging.

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And if the Commission sees fit to define discrimination in such a way that there is a racial balance, then they would destroy seniority rights in unions and in other work places.

Senator Humphrey, Senator—

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

Senator Humphrey. Senator, this bill prohibits that very thing you're talking about. There is no language prohibiting any action by the Government for so-called racial balance. This bill—

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

Senator Humphrey. This bill does not permit any Fair Employment Practice Commission to interfere with seniority, with the right of any employer to employ whom he wants. It does prohibit that a man shall not be denied a job because of his color, his race, or his religion. And I don't believe that any self-respecting American can say that he believes a man ought to be denied a job because of his color, or his race, or his religion.

Senator Thurmond. What the Senator is referring to, I am sure, is the section—

Senator Humphrey. There's nothing in this section, I am sure the Senator will find if he reads it carefully, along the lines about which he just spoke.

Senator Humphrey. And there is nothing in this section that calls for racial balance, as he suggests.

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

Senator Humphrey. Senator—

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

Senator Humphrey. I'm glad the Senator used the word "probability," because the Senator himself is suggesting that the whole section not only the provisions of the statute but do not say that, that what the provision of the statute says is that the Commission shall investigate whether there is discrimination.

Senator Thurmond. The Commission defines what is discrimination and if the Commission says there is discrimination, then the case is referred to a Federal court for adjudication.

Senator Thurmond. They have to define the word "discrimination." (Two voices at once.)

Mr. Sevareid. Gentlemen—

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

Mr. Sevareid. Senator—

Senator Thurmond. We can imagine what these words mean and—

Mr. Sevareid. Senator, may I interrupt, because I would like, before we finish this all-too-brief debate, to get to another very controversial point, which is the section that permits the cutting off of Federal funds from States programs administrated in the way Senator Humphrey, would you start that?

Senator Humphrey. Well, yes, I have here the copy of the bill and here's what we're talking about. If the bill passes, "Notwithstanding any inconsistent provision of any other law, no person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance." Now, that's rather plain. In Minnesota, for example, all monies out of the Federal Treasury will not be used to promote discrimination, to insinuate discrimination, or to carry on any discriminatory practices. And does the Senator think that these monies are given back to the respective States and what this provision does is simply to say that there can be no discrimination in the use of Federal funds, and then there are a number of legal protections to see to it that if there is a violation of the law the Secretary of the United States must personally sign that order. There must be voluntary compliance to the degree that it's possible to obtain it, and before any such order can go into effect, the Congress must be notified 30 days in advance and then there's Federal review.

Senator Thurmond. This is—one of the most desirable provisions in the entire bill. Let me tell you what President Kennedy has said about this. He said: "The late President Kennedy, In his news conference on April 24, 1963, rejected the proposal of this Civil Rights Commission for funds–withholding and said: 'I read all of the words of President Kennedy's statement, which I read In the New York Times a few days ago or 4 days ago. For this reason, this bill is as the President would amend more than a hundred laws on the books. It would give unprecedented power. It would give multibillion-dollar power. It's a joke.' For this reason, this bill is as the President would. I think this is one of the most undesirable parts of this law. But may I say this: I think this bill is as the President would. I think this bill is as the President would. I am sure that the Congress must be notified 30 days in advance and then there's Federal review.

Senator Humphrey. Will the Senator yield at that point?

Mr. Sevareid. One more minute on this, Senator Thurmond?

Senator Thurmond. Yes, I would just simply say that the Senator from South Carolina is speaking of President Kennedy's statement, which I read in the New York Times a few days ago or 4 days ago. The President went on to say that he was opposed to a program that cut off all assistance for an entire State, and he made it crystal clear, and what the Senator read is that part of it, that he didn't have the power and it was public policy that there was discrimination.

Mr. Sevareid. Senator, I'm going to have to fill in the President's words here a little better, a little stronger, a little greater and with a better and a more wholesome spirit.

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Senator Thurmond. Senator, this is as the President would.

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

Senator Thurmond. Educational debate.

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

(Announcement.) "CBS Reports" is a production of CBS news and tonight originated live and on film.

EXCITEMENT ON TV

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

Senator HUMPHREY and STROM THURMOND, standing behind simple wooden rostrums like those available in any meeting hall, brought more excitement and substance to the debate than most of their contemporaries in the subject felt compelled to keep watching.

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

It is surprising to think that such a simple device, tried and true long before television came along, could still be so effective and yet so restrained. It enables the Senator to understand why the Lincoln-Douglas debates were so fascinating even to people without much interest in politics. CBS, which did not give favorable response to this bit of pioneering on an old frontier, should do it again.

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

Mr. MORSE. I yield.

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

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

Mr. KEATING. There is no doubt about it. As I said in my speech, the bill is honeycombed with many legal problems. The precise meaning of words will be very important. The courts will go through the bill with a fine-tooth legal comb in reaching a conclusion as to its legal import.

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

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

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

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

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

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

Mr. JOHNSTON. I yield.

Mr. KEATING. The Senate refer the bill to the Committee on Constitutional Rights, of which Senator Johnston is a member. The committee had much interest in the bill and will favorably report it. That is why I wish to have the committee report.

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

The chairman of the Judiciary Committee has decided that the rules of the Senate are also applicable to the committee. This means that a "hassle" would not go to a subcommittee; it would go to the Judiciary Committee. I can only infer from this that having submitted the bill to the Subcommittee on Constitutional Rights, of which the distinguished Senator from North Carolina is a member, the Senate will not receive the report of the majority of the committee. If a "hassle" occurs in committee, I believe that the Senate will not receive the report of the majority of the committee. No member of the minority could prevent the Senate from taking that action.

Mr. KEATING. There is no question that the majority of the committee can make a report. On the other hand, there would be very little on which to report. A prediction that the committee will
make a report cannot be made with certainty. Such a prediction probably will not come true. However, I would predict that the same witness we have heard for 11 days, the Attorney General, would logically be called upon to continue his testimony, and after the Senator from North Carolina had completed his questioning, of course, the chairman would be the first, if he desired to exercise that privilege—the next question would be the Senator from South Carolina [Mr. Johnston]; the next would be from Arkansas [Mr. Mc Clellan]; and the next would be the Senator from North Carolina [Mr. Ervin]. Before the more junior members of the Judiciary Committee were reached, it might develop that a week's time had elapsed, for some questions can be very long. The control of the questioning would to a considerable extent rest with the chairman of the committee.

Mr. Morse. Mr. President, will the Senator from New York yield again to me?

Mr. KEATING. I yield.

Mr. Morse. I could not disagree more; but I believe it is implied in the remarks of the Senator from New York in regard to the rights of the members of the committee. The bill would go to the committee on Monday; and if any such difficulty developed, the majority of the committee could control the proceedings there, by exercising their power, if they considered that dilatory tactics were being followed.

Mr. KEATING. Perhaps the Senator from Oregon should be a member of the committee.

Mr. Morse. If I were, I would never advocate the procedure the Senator from New York has outlined.

Mr. KEATING. Many Senators who serve on the committee have endeavored to take such steps at times; but, thus far, our efforts have not been successful. I know that other members of the committee—some from each side of the aisle—have agreed to have the committee take up civil rights bills; but nothing further in that regard has been accomplished.

The Senator from Oregon has made a very logical argument, with which normally I would find myself in agreement; namely, that each bill should first receive committee consideration. It is because of the unusual situation in connection with this committee's treatment of civil rights bills that I oppose the motion of the Senator from Oregon; and I hope the motion will be rejected.

Mr. Morse. Mr. President, will the Senator from New York yield again to me?

Mr. KEATING. I yield.

Mr. Morse. Let us consider the darkest side of the picture painted by the Senator from New York; namely, that all of the direst things he has predicted would not happen. I think, if anything, the Senator from New York should attempt to prove that would happen. But even if what he predicts were to happen, it is certain that the eyes of the people of America would be on the committee, and it would not take long for that pressure to become such that the Senate would do as the committee some definite instructions in connection with its consideration of the bill.

Mr. KEATING. But the eyes of the nation have been on the committee for years; and I think most of the American people have determined whether they favor or do not favor civil rights legislation—understand perfectly well the situation in the Senate Judiciary Committee, which has had this problem before it many times.

I believe a similar situation would develop there again, even though the next time it might develop there in somewhat different form. Of course I cannot tell just what that situation might be; but it is clear that a complete reversal of the history established by the Judiciary Committee in connection with civil rights bills would have to occur before the members of the committee would be permitted to vote amendments which some Senators would wish to offer to the bill.

So if the bill were referred to the Judiciary Committee I would be the most amazed person in the world to find that the committee would permit its members to have an opportunity to submit their amendments and to have the amendments considered by the committee.

Mr. Morse. Let us try it.

Mr. Eastland. The Senator from New York, I am sure, will the Senator from New York yield to me?

Mr. KEATING. I yield.

Mr. Eastland. The Senator from New York is aware, of course, that before the other bill was reported by the committee, 20 amendments were offered in the committee.

Mr. KEATING. I am aware of that fact; but that was agreed upon ahead of time.

Mr. Eastland. No, they were not. However, the Senator from New York said the committee would not consider a civil rights bill; and I point out that the Judiciary Committee did consider that bill, and the amendments were offered in the committee.

Mr. KEATING. But the bill was reported to the Senate without a recommendation by the committee. That is quite different from the course advocated by the Senator from Oregon, who states that the committee should have the benefit of the judgment of 'the fine lawyers'—I use the Senator's own words, not my own—who serve on the Judiciary Committee.

Mr. Eastland. And in that way there could be a committee report.

Mr. KEATING. If the Senator from Mississippi is ready to agree that all the amendments would be embodied in the committee and would be acted upon by the committee, and that during the period of 1 week the witnesses whom committee members wish to have called would be called, I would have quite a different position.

Mr. Eastland. Of course, I would call all the witnesses the Senator wants called, although I am sure he realizes that I am a servant of the committee, and I cannot decide for it.

Mr. KEATING. I realize that—but I believe the Senator underestimates his own influence. Mr. Eastland. No; I am only the errand boy of the committee.

Mr. President, I do not seek to detain the Senate long.

In view of the fact that the committee took all that time in subjecting the Attorney General to intensive and exhaustive questioning—a repetition of what had previously happened many times in that committee—I can only infer that the same thing would happen there again. Indeed, in view of the intensive news coverage, the extensive hearings held by other committees, the basic moral character of the issues, and the painstaking clarification of all aspects of the bill which has characterized the entire course of this proposed legislation, it would have been highly reasonable for the chairman to have assumed that any further hearings would be superfluous.

Having stood "subject to the call of the Chair" for 7 months, I am inclined to feel that no useful purpose is to be served at this late date by providing simply one more forum, one more series of witnesses, one more procedural gambit to postpone coming to grips at long last with what appears to me to be the paramount moral issue of our times.

Unfortunately, the warm weather has already precipitated some of the riots we had hoped to avoid by prompt passage of this bill. Another week or 10 days lost could be a crucial factor, could make the difference between peace and civil strife. We are acting perfectly within the rules in taking this bill up immediately.

It is unfortunate that it is necessary to take this unusual course; but when matters of such vital importance, including perhaps, every citizen, are at stake, we have no choice but to consider the well-known facts, and to reject empty form and futile gesture.

In my judgment, we should vote against this motion. Sincerely motivated though the Senator from Oregon has been in making his motion, I feel that it should be rejected.

Mr. Goldwater and Mr. Hart addressed the Chair.

The PRESIDING OFFICER (Mr. Kennedy in the chair). The Senator from Arizona is recognized.
that our own authority has been delegated, by all our constituents. It is there that person-to-person, face-to-face relationships are experienced, in all their immediacy. And it is there, North and South, East and West, that such tremendous progress is now being made—and must continue to be made—to make available for every American the full promise of a free society. Let us, as we proceed, truly represent these States and communities and, let us determine to maintain the vitality of our Federal Republic, and the lasting viability of the Federal principle of government.

My ultimate concern is for America as a whole. We are a great people. We have before us great tasks and a limitless national destiny. In brotherhood of common will and mutual respect, all things are possible to us—including the gradual perfection of our own free institutions, a struggle not for security, not with law used as a bludgeon rather than a bond, we are nothing. Let us who have the privilege of enacting the Nation's laws and with spectral and equal reasoning, never at the price of the American constitutional system. Let us respond, always, to the legitimate grievances of every citizen. But in doing so, let us preserve the orderly processes of a healthy and unified society.

What is it that we are now debating? Is it some abstract ideal? Some model of a perfect society? Mr. President, I say it is not. Indeed, we are not debating the will of the Senate. All we are attempting to establish the rules for that debate. We must first decide how to decide—whether by the rational processes of orderly deliberation, or under the riot guns of public disorder and with contempt for the traditional practices of the Senate.

On this question of procedure—which goes to the very soul of this free Federal Republic—I have made my decision. The principle of our Government is this: Our laws and our Constitution are not, as some say, a wholly new bill—on which this body has held 1 day of searching investigation, nor heard so much as one expert witness. I have said, Mr. President, that 10 days of committee consideration is little, on the showing of the bill's own proponents. The Senator from Oregon, who has indicated his general sympathy with the essentials of the bill, has called for at least a bare measure of orderly deliberation. In this, he is demonstrating a sense of fitness and responsibility. His fellow proponents would do well to follow his example.

Mr. GOLDWATER. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. Mr. President, I am happy to yield.

Mr. MORSE. I thank the Senator from Arizona very much for the support that he has given me. I should like to say to my liberal colleagues in the Senate that the position I take on this issue is little, on the showing of the bill's own proponents. The Senator from Oregon, who is following the liberal course of action, because it is always a liberal position to exercise orderly procedure with full hearings on an issue.

I also wish to say to my conservative friends that debating an "end justifies the means" course is never a liberal course. That is what the position of liberal Senators adds up to on the present issue.

Mr. GOLDWATER. The position I am taking is a historic conservative position. The conservative believes in building the future upon the proved values of the past. I have great faith in the procedures of the Senate and in the rules of the Senate. All the Senator from Oregon is doing in the present instance is agreeing with the conservative practice by proposing to build the future of the bill upon the historic values of the Senate.

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

Mr. GOLDWATER. I am happy to yield.

Mr. MORSE. The difference that we have over the meaning of words only proves why the bill should go to the committee so that the Senate may have a committee report.

Mr. HART. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I yield.

Mr. HART. If we read the history of the past 10 days, of what would happen to the bill in the Committee on the Judiciary, our views on the question are 180 degrees apart.

Mr. GOLDWATER. I would like to come in answer to my friend the Senator from Michigan, that the safeguards which I understand the motion of the Senator from Oregon contains would preclude such action on the bill before the Judiciary, as I have suggested. Committee hearings would merely answer some questions. Frankly, to a layman like myself, who is not as fully acquainted with constitutional procedures and the law as he should be, the hearings would give some answers to questions which are being asked of me daily by my constituents.

I point out to the distinguished Senators that the proposal that in the city of Detroit last night the question was fully explored, and I discovered there, as I have discovered across the country, that the ideas of Americans as to what the bill would do are hazzy and fuzzy. It would do all of us good to listen to the advice of the majority and the minority in the Judiciary Committee. That is one of the reasons why I support the motion of the Senator from Oregon.

This is called the most significant measure proposed in the field of civil rights in over a century. And they are right, however we evaluate its quality and estimate its consequences. They are right in suggesting that within the framework of the bill, the American people would be embarking on a wholly new departure—in Federal regulatory powers, in Federal-State relations, in public concern and deep private and personal relations. I do not—indeed, until our deliberations are concluded, I cannot—prejudge the outcome. I know where my predispositions lie, but I remain open to rational persuasion, on every aspect of the bill. I seek only an opportunity for persuasion, for rational debate, to go forward. I will not foreclose any step in this orderly process. Yet, in their excess of zeal—possibly, with an excess of righteousness—this is precisely what the bill's supporters would have us not do.

I will not sit still while the foundations of sound decision making are thus undermined.

I have recently returned from an area of the Nation where residents of several communities in several States are now grappling with issues that lie at the heart of the bill before us. And I have been struck deeply and the earnestness with which they are searching for lasting, workable, and equitable solutions. The people of Seattle and Tacoma, the people of the State of California, are seeking just arrangements that they—all of them—can live with, in mutual harmony.

How much do any of us know about these problems, and the practical experience of communities across the Nation living with them? Than we know what we must, in order to write sound and enforceable legislation, in the absence of the fullest possible measure of orderly legislative procedure? We cannot, not possibly. We can, to be sure, become the captives of each day's headlines. We can react, blindly, to massive pressure. We can mistake raucous demonstrations, in contempt of orderly process, for the voice of the whole people. We can, in sum, write bad law.

This would be the easy way. And this way, we might fool ourselves that we had somehow enacted "instant morality." But it would necessarily extend the vast sweep of Federal compulsion, but not the enduring authority of sound law.
This way, too, lies the erosion of the true legislative process, the essential foundation and goal of the victims would be the Senate of the United States, the due order of our constitutional system, and popular respect for the authority of law itself. The ultimate victims would be the institutions of our Federal Republic. And I submit that the American people—the whole people—would end up paying the bill.

Mr. JAVITS. Mr. President, I oppose the Morse motion, on a very fundamental ground. I entirely reject the charge that we were the proponents of the bill and the opponents of the Morse motion wish somehow to transgress, avoid, step away from, or forget about the rules of the Senate.

Every rule of the Senate has the same standing as any other rule of the Senate. The Senator from Oregon [Mr. Mosey] invokes the rule which enables him to move to refer the bill to a committee when it became the pending business. We have Rule XIV which enables a bill, when it comes from the other body, to be placed directly on the Senate Calendar after a second reading, a rule which is used to avoid interminable debate, especially in regard to vital legislation which the people of the United States may need.

What is wrong with our using the rules for a change? Indeed, it is high time that we did. There is no lack of precedent for our use of the rules. The civil rights bill of 1957 was passed by the use of the rule, and it is the only meaningful civil rights law on the books. The 1960 bill, which went to committee, turned out to be a weak and emasculated piece of legislation. What did the committee do with it? I hold up the report of the committee on the 1960 bill—one short page of paper which only says, in effect, "We send it back to you."

What does that do to the argument of the Senator from Oregon [Mr. Mosey] about how much the Supreme Court is concerned about how much the Supreme Court is concerned about how much the Supreme Court is concerned about the Judiciary Committee? It blows that argument out of the water. This short paper, which is the report of the Judiciary Committee, and nothing more.

There is talk about legislative intent. Senators already have a report on this bill from the Judiciary Committee of the House of Representatives. Over 150 amendments were considered by the House when the bill was on the floor—39 of them were adopted. I have little doubt that a good many of those will be incorporated in the law. If we are seeking to ascertain the intent of Congress, we must look to the debates in the House; we must look at the committee report of the House, just as we must look at the debates in the Senate, especially of the proponents of Senator in charge of the bill.

This is traditional. There is nothing unusual about it. The only thing that could result from adoption of the motion would be a report of a rule by the Senate Judiciary Committee which, according to the promise of 1960, will contribute nothing to the record.

So much for the rules of the Senate. We are obeying them. We are invoking a rule. Rule XIV is just as good as any other rule in the book.

The other argument is that it is somehow good for the proponents of the bill to have the committee consider the bill. Let us see how good it is for the proponents of the bill. We have been debating for 10 days the motion to take up the bill. On various occasions, motions to take up civil rights bills have been defeated by opponents of the bills for 8 or 9 days or more.

According to the rules of the Senate, if the bill is to be in the Judiciary Commitee, as proposed, when the bill comes back to the Senate it will go on the calendar. It will lie over for 1 day. Then what will happen? It will again be subject to a motion to take up; and who is to tell us how long consideration of that motion will take?

The pending motion is in reality a motion to reargue the point of order with respect to the procedure under rule XIV, on a controversial bill which has painstakingly examined the bill line by line over a period of months. When such a bill comes from the committee to the Senate, it is still subject to all kinds of amendments which can be adopted. The People can take his choice of any complex bill on the calendar, whether it came from the Judiciary Committee or the Commerce Committee, or whether it was the satellite communications bill or any other complex bill. I say as a lawyer, without the remotest disrespect but with the highest regard for views of others who are lawyers, that many of the questions raised as to uncertainties in the construction of the bill, before the Senate, are not justified by the terms of the bill itself.

I shall give a few illustrations. For example, it is said there are some doubts in respect to title IV, relating to public school desegregation, as to whether the language in any way encompasses a private school, or deals solely with public schools.

I respectfully submit, on reading section 401(c), that it is crystal clear that the title relates only to a school which is "operated by a State, subdivision of a State, or governmental agency." There can be no question whatever about the construction of the bill, or until the courts decide it. It can apply only to a public school. The Constitution will not let us apply it to anything else. The fundamental point is made clearly in the legislation itself.

Another question raised is, Does the power of the Attorney General to institute suits, in respect of achieving desegregation in public education, become complicated and uncertain by reason of the fact that desegregation is defined not to mean assignment of students to public schools in order to overcome racial imbalance? All the Attorney General is given power to do is to sue. The courts will determine the substantive issues or questions of the Constitution present. Therefore, the intention of Congress, as clearly set forth in the statute, seems to be adequate in order to give the court itself constitutional guidelines on which to proceed.

Another point, of some interest to me, is the question raised with respect to the severability clause in the speech of the
Senator from Illinois [Mr. DREIER]. The severability clause is "boiler plate" which appears in many Federal statutes—founded on hornbook law—so that the act is severable in its various parts which is not struck down, as applied to a specific state of facts. The Supreme Court, contrary to popular impression, cannot declare a section of a law unconstitutional except in a particular case. Someone else may suffer on a different state of facts, and the Supreme Court might conceivably come to another decision as to the constitutionality of that section held unconstitutional on the first state of facts.

There are many others. The concern, the doubts, the fuzziness of the issues stated to be present in the bill are of a nature always present in legislation which ultimately will have to be battled out on the floor of the Senate, by amendment, debate and discussion, which will clearly set forth what the Senate had in mind.

We are engaged in this process already. Judging from previous experience, we will not be bound forthwith by sending the bill to the Judiciary Committee.

It is said that a committee report is essential in order to give the Supreme Court an opportunity to understand what Congress intended in writing a piece of legislation which may be subject to more than one construction. It is true that the Supreme Court will take a committee report into consideration. I have already pointed out that there is a committee report on this matter in the other body. But the Supreme Court will also take many other things into consideration, especially the authoritative statements made on the floor by Senators in charge of the bill, and in the case of amendments, by the assertions made by the proponents of an amendment himself.

In a recent Supreme Court case, Southern Railway Co. against North Carolina, which was decided on February 17, 1964, in which both the majority of the Court and the dissenters did me the honor of quoting me it is fair to point out that I was the proponent of the particular amendment which was before the Court on that occasion. That is a personal experience, which after all is the best teacher.

In closing, the final and conclusive argument with respect to not referring the bill to committee is the question of what it will mean to the country, what will go out to the United States today if we refer the bill to the Judiciary Committee—the traditional graveyard, as the country knows, and as the occupants of the galleries know, of previous civil rights measures. It will be written down as a fait accompli for civil rights in the Senate, and the precursor of emasculation of the bill.

There is not enough value to the Senate in this referral to outweigh any such conclusion being drawn from the action which might take place. That conclusion will be drawn inevitably by the ladies and gentlemen in the gallery, if no one else will draw it, that this is the first test of strength with respect to a determination of the Senate to enact a meaningful civil rights bill in this session of Congress.

Much has been said about the fact that we should not legislate under any threat of demonstrations or violence. I thoroughly agree that we should not legislate under any threat that we should not legislate in order to meet a threat, if the legislation is designed for that purpose and is not in itself a valid exercise of the legislative authority of the United States in our honest conscience and our best judgment. But that is a far cry from answering legitimate grievances which people have every right to make, which are manifest and clear.

In many Southern States there are State laws on the statute books, or municipal ordinances, to that effect, which provide that a restaurant may not serve Negroes in the same place with whites without first erecting a solid 7-foot partition between them. In one State, telephone booths may not be used by whites and Negroes alike. There is a fundamental social order practiced in many areas of the United States.

The argument is made that, "New York is not so well off; it has its problems in the public schools." For the purposes of this discussion, I will be a lawyer for a moment. In a demurrer, we grant the statements of fact of the other side and still say they are wrong. That is what I say about this issue. Let us lay aside all the inequities in the New York situation for the moment. We will be bound by the law created by this bill. There are no two more ardent advocates of the law, national and international, than the junior Senator from New York [Mr. KEATING] and myself.

It is one thing to try to remind people that they are violating the law by demonstrations in the streets, which may involve violence because they do not feel they can do it any other way, and another thing to say to them, "Stay where you are. Do not do anything. We do not know whether you will get justice or not."

It is one thing to say that we will send the bill to the Judiciary Committee for 10 days and that when it comes back we will argue again whether it should be the pending business. It is quite another thing to say we are doing our utmost, within the rules of the Senate and the Constitution of the United States, to enact such laws as will bring the people justice. Only if we are doing our utmost do we have a right to say to any American citizen, whatever his color of his skin, "Keep your shirt on, sir. Give us an opportunity to do what the national interest requires."

Mr. SALTONSTALL. Mr. President, will the bill from New York yield? Mr. JAVITS. I yield.

Mr. SALTONSTALL. I have listened with interest to the Senator. I took the brief of the Senator from Oregon and the brief of the Senator from Illinois into my little room so that I could read them quietly.

The great problem in sending the bill to committee, as I see it, is that it will have only 5 active working days in which to accomplish any results. If there are to be any witnesses and any executive sessions, how can 5 days be enough to answer all the questions raised by the Senator from Oregon and the Senator from Illinois?

I cannot believe that those questions can be answered. I have great respect for members of the committee on both sides, but I cannot believe that those questions can be argued out and discussed, and a comprehensive report brought back by April 8. The committee will have only 5 active working days to do that.

For that reason, it seems to me that it would be more practical and practical to carry the matter forward at this time without sending it to committee, although there would be merit in sending it to committee, if it had sufficient time in which to bring out a comprehensive report. I do not believe that the time between now and April 8 can possibly be enough to bring one out and answer correctly the many questions raised by the Senator from Oregon and the Senator from Illinois. I believe the practical reason for voting not to send the bill to the Judiciary Committee at the present time.

Mr. JAVITS. I thank the Senator from Massachusetts. I am always pleased to find myself in agreement with him. I have great respect for him. His statement bears particularly on my statement which the Senator may have heard, that 2 weeks ago we placed our feet on a certain road which was the road of discussing the bill on the floor of the Senate. There is no real reason why we should change that direction. That is just as much in accord with the rules of the Senate as the course which the Senator from Oregon wishes us to follow.

I wish to sum up the reasons for which I oppose the motion of the Senator from Oregon.

I oppose the motion:

First. Because we, like him, are following the rules of the Senate. I see no greater force or greater tradition in following rule XIV than in following rule XXXII, or any other rule of the Senate. We are following rule XIV.

Second. I believe that reference of the bill to the committee would not strengthen our hand, as the Senator from Oregon argues, but would weaken our hand. It will be worse for civil rights if word goes out to the country that, after 15 days of discussion on the floor of the Senate, we are sending the bill back to committee. To be faced again with the question of bringing it before the Senate.

Finally, because the questions which are raised with respect to the proposed legislation will either be settled on the floor of the Senate, as many were in the House, or any other rule of the Senate. We are following rule XIV.
country to send the bill to committees. The bill is before the Senate. The Senate should stay with it. We should see it through. The Senate will vote closure, if it must, to bring it to a conclusion, because the national interest urgently requires it.

Mr. President, Mr. President. It has been said in support of the motion of the very able Senator from Oregon that the Senate is in need of further committee hearings, a fuller legislative record on the bill. Passing the question of whether such a commitment with instructions to report the bill on a day certain will in fact give us a helpful report, it is abundantly clear that the one thing the Senate does not need is another set of hearings. For this bill has been examined by more committees, in longer hearings, with more witnesses heard at greater length, than any bill within my memory.

The civil rights bill was introduced in the other body as H.R. 7152. Subcommittee No. 5 of the House Judiciary Committee held 22 days of public hearings over a period of 3 months—from May 8 to August 2, 1963; 101 witnesses were questioned, and the record of their testimony covers 2,475 pages. Of these 101 witnesses, 20 were from the South, 9 of these southern governmental officials. There were 51 additional statements submitted, which brought the total record to 2,649 pages. The subcommittee considered the bill in 17 days of executive session for 7 days. The Judiciary Committee heard 11 days of hearings with 280 witnesses, whose testimony covers 1,147 pages; and it presented a 58-page report.

In sum, since last May, 6 committees of the Congress have held 93 days of hearings; hearings; filled 6,438 pages of small type with hearings alone. Over 6,000 pages—enough to print over 3 years' reports of the Supreme Court; enough to print full-length biographies of our 10 greatest Presidents; more than enough to keep a conscientious Senator fully occupied for at least 2 weeks merely reading them.

Further hearings could be only a repetition of what has already been said. Some Senators contend that by refusing to refer the bill to the Judiciary Committee we would be depriving ourselves of the counsel and wisdom of its members. But surely, they and members of the other committees, will speak on the floor of the Senate during the course of the debate. Indeed, we have heard many of them already.

I think all are agreed that the debate on this bill will be unexplored and that it will be a long debate no matter what additional reports are made. In this case, referral to the Judiciary Committee would be wasted motion and, more importantly, a loss. So despite the high respect which I have for the Senator from Oregon, I urge Senators to vote against referring the bill to the Judiciary Committee.

Not only have I high respect for the Senator from Oregon, I am also trying to soften him up a little bit so that he will not "get after" me too much. Generally speaking, I share the views of the Senator from Oregon on the importance of referring the bill to the proper committees. The value of committees is that they usually save the time of the Senate, so we need not indulge in full dress and detailed debate on every bill. This is a unique situation. Therefore, I have made the decision to urge the Senate to vote against referral in this instance. Mr. McNAMARA. Mr. President, the Senate has spent 14 days on the question of taking up the civil rights bill. It seems to me that the pending motion to refer the bill to the Judiciary Committee makes no sense whatever. Therefore, I shall be very happy to vote in support of the majority leader's motion to table the motion to refer the bill to committee.

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

Mr. LONG of Louisiana. Mr. President, will the Senate withhold the request for a quorum call? Mr. McNAMARA. No. Mr. GRUENING. Mr. President, will the Senate withhold its request for a quorum call?

The PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

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Mr. McNAMARA obtained the floor.

Mr. MORSE. Mr. President, will the Senator from Illinois yield me the floor?

Mr. DIRKSEN. I yield to the distinguished Senator from Oregon.

Mr. MORSE. I intend to take only a few minutes to answer the Senator from New York; and I believe this is as good a time as any other to do so.

First, I wish to consider his argument that there is a House committee report on this bill. I point out that the House committee report contains only one brief paragraph in regard to the intent and purpose in connection with the bill; all the rest of the House committee report is an analysis of various sections of the bill, and such an analysis could not be used by a court in determining the legislative intent. I point out to the Senator from New York that the House committee report was of no use to a court in the Southern Railway case; but I point out that it involved both a House committee report and a Senate committee report.

In my speech this morning, I cited Supreme Court decision after Supreme Court decision after Supreme Court decision...
Court decision which show that when a committee report is available, the Court will relate to the committee report the statements made on the floor by the Members, and particularly the statements made by the Members charged with the management of the bill on the floor.

In short, Mr. President, the enthusiastic speech of the Senator from New York did not really deal with my motion. When we consider the entire speech of the Senator from New York, it is clear that his argument, basically, was, "Why can't we use the rules that they use the rules against us?" I shall tell him why. It is because the Senate should say to the majority of the Judiciary Committee, "Get busy and give us a committee report, because we are entitled to have a committee report for our use in connection with the bill; and, in addition, the courts are also entitled to have the benefit of a committee report.

Mr. President, I have checked with the Parliamentarian; and it is certain that there is nothing to prevent the majority of the Judiciary Committee from meeting and from making entirely clear that they are a majority of the committee; and then the majority could proceed to write a report, and those members would sign it, and could include in it a statement that it was the result of the decision by the majority of the committee whose signatures were attached to the report; and then they could make the report to the Senate.

So much for the speech of the Senator from New York. As for the speech of the Senator from Connecticut [Mr. Dodd], I point out that he is too good a lawyer to make the mistake he made in the course of his remarks on the floor of the Senate today, when he said many committees heard them, inasmuch as they used the rules against us?"

My final point is that I believe the course I propose will be the best one in the long run, in order to gain the public support that is needed and to obtain the number of votes to order the cloture, and also in order to place ourselves in a position in which no one could have justification for criticizing the position we have taken in this connection.

That is the way in which to pass a strong civil rights bill. I urge the adoption of my motion. That is the last statement I shall make on it.

Mr. DIREKSEN. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Louisiana without losing my right to the floor.

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

Mr. LONG of Louisiana. Mr. President, in the process of our debates during the past 3 weeks on this bill, I have been impressed by the fact that the trend is running in our favor and that indications to the contrary have somehow been conjured up by hate-mongers and "outside agitators." How could that be when the people of these States, without any outside help, have here and there held a great deal of weight to our argument that there is indeed a deep-seated movement against forced integration and in favor of the efforts of those of us who seek to defeat the segregationists?

Mr. President, I send to the desk and ask that it be printed at this point in my remarks a newspaper clipping from the Washington Post of Wednesday, March 25, concerning a recent Gallup Poll on the subject of the right of unlimited debate in the Senate.

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

**Fileburn Cutoff Views Split Evenly**

(By George Gallup)

PRINCETON, N.J., March 24—Sentiment among Americans is about evenly split over a proposal that would change Senate rules to enable a simple majority to call for an end to debate. The rules now in effect call for a two-thirds majority.

With the controversial Senate battle over civil rights bills to continue for many weeks, Gallup Poll interviews across the country asked these two questions of a representative sample of the Nation's adults:

"Will you tell me what the term 'filibuster' means to you?"

Percent
Correct --------------------------- 64
Incorrect and don't know------------- 46

Those persons who answered correctly were then asked the following question:

"It has been suggested that the Senate change its rules so that a simple majority can call for an end to discussion instead of a two-thirds majority. Is this the case? Do you approve or disapprove of this?"

The latest national findings among those persons who could correctly identify the term filibuster, and the trend since 1949:

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Mr. LONG of Louisiana. Mr. President, poll indicates that 40 percent of those Americans who understand the meaning of the term "filibuster" disapprove of it. 38 percent approve of it, and 22 percent have no opinion on the matter. But these figures do not tell the story of the trend which looms in the background.
Closener inspection of the statistics indicates that while in 1949 about 54 percent of the public favored an end to the right of unlimited debate in the Senate, that figure dropped to 49 percent in 1957 and to 43 percent by 1963.

The important thing to note is that there has been a marked trend over the past 15 years in favor of preserving the right of unlimited debate in the Senate. Among persons who understand what the term "filibuster" means, the percentage who want to abolish this legislative safeguard has dropped by 26 percent in those who want to abolish this legislative safeguard.

This surprising change is due to three main factors, all of which are directly involved in the forced integration bills now before the Senate.

First, I believe that there has been a general public reaction in the last decade against the unprecedented growth of Federal power, at the expense of States and individuals. The public has begun to sense that their Senators should preserve this safeguard against the power grab which is found in this bill and against similar power grabs in the future.

Secondly, millions of white citizens outside the South are growing weary of the extremist elements in the racial integration movement. These good people feel that they are registering a long overdue protest when they endorse the filibuster as a final means of blocking unreasonable demands by race agitators.

Finally, the trend described by the Gallup Poll indicates a growing tide of opposition to the forced integration proposals now before the Senate. Millions of people who have favored civil rights legislation in the past are awakening to the fact that this particular bill takes away more freedoms than it confers. For the first time in their lives they are able to appreciate the value of unlimited debate in our efforts to preserve the rights of privacy, property, and free enterprise for all Americans.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Arkansas, without losing my right to the floor.

The ACTING PRESIDENT pro tempore, without objection, is so ordered.

Mr. HOLLAND. Mr. President, I wish to support strongly the position taken by the distinguished Senator from Louisiana, and in addition, to point out what numerous important people in other sections of the Nation outside the South are saying with reference to the exceedingly dangerous provisions of the bill. I should like to quote from John Knight of the New York Times. In an editorial published in the Detroit Press, he states that he regards the bill as a measure which is socialistic insofar as the FEPC or the EEOE provision is concerned. He goes completely out to oppose the measure.

I cite such people as Mr. Arthur Krock, of the New York Times. I cite such people as a retired member of the U.S. Supreme Court, Mr. Justice Whittaker, who has written of his reservations relative to the FEPC provision spoke of it as a socialistic approach that would be destructive of the liberties which we regard as Americans.

Mr. DIETERICH. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Arkansas, without losing my right to the floor.

The ACTING PRESIDENT pro tempore, without objection, is so ordered.

Mr. FOLEY. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Idaho, without losing my right to the floor.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that this speech be treated with kindness. But we are entitled to this treatment. Apart from the constructive liberal role that he played in our domestic politics, his role in our foreign affairs was neither so negative, nor so limited nowadays. Indeed, we could profitably relate some of Borah's venturesome thinking in his time to some of the sterile, stereotyped notions which seem to currently prevail.

I recommend this lecture to my colleagues. It is a unique study of the personal and intellectual traits which made Senator Borah a highly respected and powerful figure in his time. Mr. President, I ask unanimous consent that this speech be printed in the Record at this point.

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

THE ROLE OF BORAH IN AMERICAN FOREIGN POLICY

(A Borah Foundation lecture by Senator FRANK CHURCH, Democrat, of Idaho, delivered at the University of Idaho, at Moscow, Idaho, on March 24, 1935)

Mr. CHURCH. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Arkansas, without losing my right to the floor.

The ACTING PRESIDENT pro tempore, without objection, is so ordered.

Mr. FOLEY. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Idaho, without losing my right to the floor.

The ACTING PRESIDENT pro tempore, without objection, is so ordered.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that this speech be treated with kindness. But we are entitled to this treatment. Apart from the constructive liberal role that he played in our domestic politics, his role in our foreign affairs was neither so negative, nor so limited nowadays. Indeed, we could profitably relate some of Borah's venturesome thinking in his time to some of the sterile, stereotyped notions which seem to currently prevail.

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Mr. CHURCH. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Arkansas, without losing my right to the floor.

The ACTING PRESIDENT pro tempore, without objection, is so ordered.

Mr. FOLEY. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Idaho, without losing my right to the floor.

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Mr. FULBRIGHT. Mr. President, I ask unanimous consent that this speech be treated with kindness. But we are entitled to this treatment. Apart from the constructive liberal role that he played in our domestic politics, his role in our foreign affairs was neither so negative, nor so limited nowadays. Indeed, we could profitably relate some of Borah's venturesome thinking in his time to some of the sterile, stereotyped notions which seem to currently prevail.

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Mr. CHURCH. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Arkansas, without losing my right to the floor.

The ACTING PRESIDENT pro tempore, without objection, is so ordered.

Mr. FOLEY. Mr. President, I ask unanimous consent that I may yield to the distinguished Senator from Idaho, without losing my right to the floor.

The ACTING PRESIDENT pro tempore, without objection, is so ordered.

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THE ROLE OF BORAH IN AMERICAN FOREIGN POLICY

(A Borah Foundation lecture by Senator FRANK CHURCH, Democrat, of Idaho, delivered at the University of Idaho, at Moscow, Idaho, on March 24, 1935)
cried the little boy, "I have just seen Senator Borah down at the Owyhee Hotel!"

"Don't be ridiculous," replied the father, "What would a big man like Borah be doing way out here in Boise, Idaho?"

The little boy, "I have just seen Senator Borah for lunch with newspapermen, and he announced his intention to speak on the morrow."

Still, if Borah's preeminence in foreign affairs was due to the work of the Press, he had an equally high regard for the press. He was ardent in his belief in the rights of the American people, and so he held that diplomacy should be conducted in full view of the public.

This led him to leave his own door ever open to the press. It was a common practice to lunch with newspapermen, and he at once offered to be an open book. The journalists reacted in kind, giving him generous coverage, thus enlarging his influence in the Senate and in the country.

In these exchanges, Borah was not reluctant to challenge the State Department's facts, as well as its policies, and he depended at times on his own separate sources of information. The most glaring case came late in his career, when, in the summer of 1939, he flatly predicted that there would be no front to the Constitution, which has as yet neither been forgotten, nor forgiven, to this day.

Besides a good press, Borah was able to popularize his causes through skilful oratory. He was judged by many to be the best debater in the Senate. He spoke with an emotional appeal, for he did not take the floor, he drew attention. It was his practice to announce on the previous day his intention to speak on the morrow. So it was, from 1924 to 1933, during the decade that Borah served as chairman of the Foreign Relations Committee, that the President, with a good degree of justice, referred to Borah the role of the country's foremost spokesman in matters of foreign policy.

It is hard to believe this could happen in these days of massive American involvement in the world at large, particularly when one considers that the Constitution vests something close to plenary power in the President to direct the country's external policies.

But in the twenties the climate was very different. It is what we know today. The disillusionment which set in after the cheering for Wilson stopped; the return to isolationism upon the return from the war; that our involvement in the war itself had been a mistake; the naive notion that conditions of normalcy had been restored again; all these were the country's frequent list of foreign affairs. Into the gap thus created, stepped William E. Borah.

Even after Franklin D. Roosevelt became President and the Idaho Senator had to surrender his committee chairmanship to Key Pittman, of Nevada, the influence of Borah over the American people remained very great. Roosevelt was preoccupied with the critical domestic problems brought on by the depression, during his early years in office, and he did not exercise vigorous leadership, and they did not greatly concern themselves with foreign affairs. The pull between the wars accounted them the luxury of detachment. Woodrow Wilson's three Republican successors in the Presidential office were men who did not exercise vigorous leadership, and they did not greatly concern themselves with foreign affairs. The lull between the wars accounted for it. Roosevelt did not exercise vigorous leadership, and they did not greatly concern themselves with foreign affairs. The lull between the wars accounted for it.

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For example, it is now accepted doctrine in both the United States should persist unconditionally in its policy of non-recognition of the Communist government of China. This is nothing new. For 15 years following our official recognition of the Russian government we refused to recognize the Soviet Government, Borah, however, vigorously dissented from this negative view. He said that the note of the United States to the government in Moscow was a popular stand; on no other issue did Borah incite so much criticism. But he remained steadfast through the years, sometimes as the only voice to advocate, until the country finally admitted that the Soviet Government was there to stay, whether we liked it or not, and he was vindicated with the thunder of the world. In 1931, when the United States approved, then we would deal with pre-emp tionally recognized were also tyrannies, and many of the foreign governments we traditionally recognized were also tyrannies, and if that were in relationship to the government. Borah, however, would always deal with the Russian people a new sense of hope, and had released them from the bondage of "the old, despot, hopeless past" that was the czarist period.

He contemptuously rejected the argument of the day that the rigid recognition of the Soviet Union would mean an increased internal danger from the Communist conspiracy. As Professor Claudio O. Johnson put it in his eulogy of Borah:

"The grim conviction of the great majority of Americans that the Red should be exterminated wherever found least Americans woke up one morning to find the Red flag flying from the Capitol, the Senate considered abased and childish. His own Americanism was such that he knew no Soviet theories could contaminate it; his faith in the Americanism of the young country was such that he knew no amount of Soviet propaganda would mean them from it."

I think that the persistent opposition of the Borah to Communist doctrines has since given abundant proof to the validity of Borah's view.

When I consider our predicament in Fanna these days, where anti-American resentment erupts in ugly violence, or when I scrutinize the clever way Fidel Castro has managed to exploit deep-seated hostility in Cuba toward the United States, using it as a lever with which to consolidate his own power, I wish that this country had heeded the warnings of Borah earlier in our history.

Latin America was a main arena of concern to Borah. He was the friend and champion of the smaller countries. He sympathized with their efforts to achieve social progress, using as his maxim for United States-Mexican relations: "God has made us neighbors; let justice make us friends." In the years after the First World War, he deplored our tendency to use military force in our dealings with the smaller countries. He advised that we should make friends, and he wrote an article entitled, "The Fetish of Force." Borah pleaded:

"We have been impatient. We have not been patient, nor have we waited for long and without sufficient cause appeared to force * * * Possessing great power, we have used it without adequate justification."

Borah realized that in Latin America the United States was unnecessary and therefore immoral. Who can contemplate without sorrow and humiliation a great and powerful nation, inexhaustible in wealth and unmatched in manpower, imperiously invading a perfectly helpless country. I think our conduct toward Santo Domingo and Haiti equally indefensible."

On another occasion he commented, "We have formed the habit of rushing marines hither and thither in Central America and imperiously dictating to those people." Nor was he any more critical of our policy toward the new Latin American states that borh the Monroe Doctrine as a moral cover for our forceful intervention in Latin America. As he stated in a letter written in 1898, "The Monroe Doctrine laid down the Monroe Doctrine out of all relation with its original pronouncement."

Oddly enough I easily borrow from these statements of Borah, made 30 years ago, in answer to much of my daily mail. Perhaps there is truth in that old French saying that the more things change, the more they remain the same. To those who still cannot see that we are today harvesting the bitter fruits of our earlier "gunboat diplomacy" in the Caribbean, and who seem to think American bayonets will stifle, rather than spread, the seeds of communism, I offer with a slight modification of the words of a defying anyone to gain the mysterious quality of the warnings he sounded so many years ago. Those who now proclaim the progressive role of Borah conveniently overlook his affirmation efforts to advance world peace. It is true, of course, that Borah opposed American participation in the affairs and decisions of the World Court—a position which I personally think was mistaken—but he did not do so; not because he was against peacekeeping initially, but because he believed that it was still possible for the United States to pursue a neutral course in world affairs, and that membership in the Court and the League would automatically involve us in the disputes of other nations.

Nevertheless, Borah was a zealous advocate of treaties of peace that would promote the cause of peace. He played an important role in initiating the Washington Disarmament Conference of 1921, which resulted in a reduction of naval forces by the leading naval powers. Between the wars, Borah was a strong advocate of disarmament, and often voted to reduce arms appropriations.

The peace plan with which Borah's name is most closely identified was his proposal for the creation of an international court: the League of Nations of the former World Court. He sponsored the plan during the midtwenties. The idea gained momentum when French Foreign Minister Briand called the out- lawy-of-war pact between France and the United States, in April of 1927. The American Secretary of State, Frank B. Kellogg, then became interested in the plan, which was later expanded to include Britain, Germany, Italy, and Japan. Borah guided the treaty through the Senate, and it was ratified by both opponents; it was ratified in 1929.

It is easy to look back and ridicule the Briand-Kellogg Pact, but one must judge it in light of the times. It was realistic as was the idealism with which we fought the First World War, so equally was the idealism which cloaked our quest for peace after- ward. We rejected the Versailles Treaty, because it did not conform to our standard of justice, but in the end of the van- quished; we withdrew to our own shores; we drastically reduced our military forces, because we suspected munitionsmakers, but did not try to root out the cause of war. Merchants of Death" we called them. To make certain that no Presi- dent would ever again make the same mistake we passed a neutrality act, which forbade the shipment of American arms to either side, whenever a conflict abroad occurred, as though we could by statute pre-
The outcasts of Europe presided over the subdual of their former taskmasters, until dictator 2 years to conquer continental happened; Hitler and Stalin signed their frontier, no matter how remote, as our re-man's burden to take over the Philippines? imperialism, and his toleration for diversity main applicable to our life and times. I of his which are now irrelevant, but to those constantly been attracted, not to those views when he was proved wrong.

What great validity these premises still have. Who now defends those short-lived attempts to establish an American colonial empire? Who now thinks it was our white man's burden to take over the Philippines? And, in today's world, where we have immersed our- selves in the world, to become so massively in- volved that we regard every little country's frontier, no matter how remote, as our re- sponsibility? Who now would say that we haven't extended our commitments beyond our capacity to fulfill? Was there not some wisdom in Borah's attempt to limit the American man's burden to take over the Philippines?

In my own study of Borah's life, I have constantly been attracted, not to those views of his which are now irrelevant, but to those premises he held so strongly which still remain applicable to our life and times. I think of his reluctance to use force, his anti-imperialism, and his toleration for diversity in the world at large.

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by a lack of legislative history for their guidance. Their difficulties, if any, will result from legislative history so lengthy and cumbersome as to be judicially useless.

I have the feeling also that the suggestion of the Senator from Oregon may be unrealistic. Under all of the applicable circumstances, I doubt so highly that this committee would file a report helpful to the Senator from Oregon may be. The subject matter of the bill, the structure of the committee, and the history of its performance—as recently as this Congress—all point to this conclusion.

For all of these reasons, I submit, the need for an additional legislative report to guide the courts is not a sufficient excuse for procrastinating 10 days more. Mr. DIREKSEN. Mr. President, I ask unanimous consent that I may yield to the Senator from Kentucky without losing my right to the floor.

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

Mr. COOPER. Mr. President, I shall vote for the motion of the Senator from Oregon to refer the bill (H.R. 7152) to the Committee on the Judiciary, with instructions to report it back to the Senate by April 8, 1964. I shall cast that vote as one who supports the purposes of this bill. In considering our vote on this motion, we should remember that we are concerned not only with the eventual passage of a civil rights bill at this session, but also.The way in which it will be interpreted and enforced in the future, and, as I shall point out in a moment or two, the measure of acceptance and consent that it will receive by the people of our country.

In casting this vote, I know that I shall be voting for a motion which, if accepted, will delay consideration of the bill by the full Senate for 10 to 20 days. The delay might be 30 days. I also realize that the referral of the bill to the Committee on the Judiciary may be an exercise in futility, because the committee may not take any action, and it may not make a report on the bill which would inform the Senate and make clear its legislative intent. Nevertheless, we should assume that the committee will not act, that it will not improve the bill, and that it will not make a report, now lacking, in explanation of the bill and its legislative intent.

The courts have held that it is only the report of a committee, and the statements made by the managers of a bill in connection with the report, which can afford evidence of legislative intent. That does not mean that opinions of Senators who speak on the bill do not have great significance in explaining their views and convictions; but the courts have held that the opinions have very little significance in the judicial interpretation of legislative intent with respect to various sections of a bill. My chief reason for voting for the motion to refer is that long after a civil rights bill is passed—and I hope it will be passed this session—we shall have to deal with its enforcement and accept ance. We can expect litigation over its provisions. The courts, including the Supreme Court, have had enough trouble in the past 10 or 20 years and have been required to make important decisions on civil rights, without guidelines from the Congress, because the Congress has failed to act upon civil rights issues, except in 1957 and 1960.

A report of the committee—with changes, if necessary—will give to the courts a record of legislative intent, and to the people a greater understanding of the bill. Many people have made up their minds that they are against any kind of civil rights legislation. There are many others who believe, as I do, that we must come to grips with the proposition that every citizen must be assured by law of his full civil rights. But there are many who, while conscientiously desiring that steps be taken to assure full civil rights, may not yet understand or may be misinformed about the constitutionality, or the power of the courts to determine the meaning or need for this bill, or any other civil rights bill which we may have before us.

One of the great elements in our system of government is that law shall be enforced. But also, a great element is the consent of the people to law—that it shall be accepted and obeyed. Consent comes about in many ways—through the demonstration of experience that it will also come about if the people believe that the Congress has acted on legislation after the fullest possible consideration.

As I have said, the reference of the bill to the committee will delay passage of civil rights legislation from 10 to 30 days, but that is not as important as making the full effort to secure the best possible bill. For we are legislating not only for this year; we are legislating for the future, for history, and for the full and equal rights of all the people of this country.

Mr. DIREKSEN. Mr. President, I yield to the Senator from Missouri [Mr. Long].

Mr. LONG of Missouri. Mr. President, I am opposed to the motion to send the bill back to the Judiciary Committee. I am certain I do not have to remind any Member of this body that 16 days have passed merely as the preliminary matter of whether we should discuss the merits of H.R. 7152. The bill itself is some 55 pages long and contains 11 titles. The 1960 civil rights bill was much shorter. It was designed merely to refine the 1957 act. Yet the Senate spent some 37 days considering the merits of that bill, 9 of those in around-the-clock sessions. This period even lengthens debates over the merits of this bill. Yet we are asked to add 10 more days to this endurance course.

By this time, it would be well-nigh impossible to require any Senator who did not know that the principal weapon of the opponents of this bill is delay. I ask, then, why should those in the Senate who favor this bill acquiesce in another maneuver for postponement of discussion? Why should opponents of the bill be handed a new maneuver for postponement? Why should opponents of the bill have shown their concern to be not with orderly procedure but with stalling any consideration of the bill? And, as others have so aptly pointed out, deference to procedure could bear only fruitless results. The real question then, it seems to me, is whether for the sake of a barren formality, those who favor the bill are willing to add 10 more days of delay.

It is also said that to send the bill to the committee would weaken the arguments of the opponents of the bill. But the possibility of weakening their arguments would come only at the cost of strengthening their tactical defenses.

In view of the immediate need for legislation in the field of civil rights and the irreparable harm that continued delay can cause, I urge that this body move promptly to consider the passage of this crucial bill.

Mr. DIREKSEN. Mr. President, I yield to the Senator from Iowa [Mr. HICKENLOOPER].

Mr. HICKENLOOPER. Mr. President, I wish to make a brief statement for the record. I shall support the motion to send the bill to the committee. I know of no legislation, in the time I have been in the Senate, that has had more far-reaching, ramified potentials in its effect on the American people and our American system of government.

Many features of the bill have not been considered by the committee. It came from the House. Amendments were put in the bill on the floor of the House that were not considered by the Senate committee. Regarding the merits or demerits of the bill, the proposals that came over from the House have not been considered by the Judiciary Committee.

If the bill does not go to committee we shall be up against a problem—which may make the true even more intriguing. That committee—in that we shall be face to face with far-reaching amendments offered on the floor of the Senate, in the motion of debate, and in the full light of publicity that always takes place. That is an emotional situation which in this case must not prevail.

Whether the committee will see fit to consider the offering of amendments to the bill or not, I do not know, but at least the committee's historical record historically proves that a great deal more calmness and justice can be brought to bear in considering the merits of proposed legislation than in the forum which is the floor of the Senate, in the glare of publicity.

One reason we cannot escape as to why the committee should have consideration of the bill for a limited period of time is that our system should be given a chance. Senators have pointed out, and will be pointed out in the future, the bill contains a number of provisions which I believe have some omissions and shortcomings. Such provisions, if they were to serve in effect, would exactly weaken the provisions of the bill claim they are trying to stop. In other words, some of the provisions of the bill could create discrimination on
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the other side of the question to the same degree, or perhaps to an even greater degree, than it is asserted now exists, and which discrimination is the basis for the bill.

I have in mind specifically a provision that has been referred to previously. I refer to the power given to the Attorney General or any other particular Attorney General, but the office of the Attorney General—
themselves or capriciously support civil suits all over the United States, based upon the complaint of someone who has suffered discrimination because of alleged discrimination.

If that provision remains in the bill, I predict that the office of the Attorney General will be so flooded with complaints of all manner of people alleging that they have been discriminated against because of some particular classification into which they fall, racial or otherwise, that it cannot possibly obtain enough lawyers in that office to service claims all over the United States.

I have known many who have been fired from jobs. I have known of many who have been refused employment in jobs that they believed they could like. I have frequently heard anyone admit the real reason why he was either refused employment or fired. Usually he has been incompetent or unable to hold the job. Most of them say they did not get the job because they were discriminated against, or were fired because the boss did not like them, or because they said some picayune thing which resulted in their being fired.

The real reason for their firing is never given as the excuse. But under this bill, anyone could claim he was discharged because of religious prejudice, or because of color or some other reason. He could, if the Attorney General saw fit, get a civil suit started, with provision for attorney's fees. What a happy hunting ground that would be for some lawyers. I am a lawyer, and I have as much to do with a legal profession as anyone, but what a happy hunting ground that section of the bill would be for many lawyers who would want to get into lawsuits in the hope that they would receive the attorney's fees which would be awarded as a part of the cost of the litigation.

We got away from this principle a good many years ago because we thought it was bad. Now it is proposed to go back to it.

The coercive powers contained in the bill, to coerce people into certain actions which would cut down their basic responsibilities under a free administration, must be studied, and recommendations should be made thereon.

I have said time and again that I firmly and fully support any Federal legislation needed either to establish equality of rights for all people, or needed to preserve and maintain the rights already established. I support legislation for all people on the basis of equality of opportunity. But we have had up until now in the United States a system of freedom of action and of individual responsibility which has made this the greatest private free enterprise system in the world. I want to be careful that in the emotion of the moment—because indignities have been suffered, and certain injustices have occurred which I could not defend and which I thought were wrong—we do not say to Senators that they must take this legislation without this "crippling amendment," a cliche which has been developed in the past few years, to try to coerce the bill into a form which someone who offers an amendment or any correction to legislation that the advocates' support is offering a "crippling" amendment. Many amendments are strengthening and beneficial amendments. There are amendments which would cut down their basic responsibilities under a free administration, which would cut down their basic responsibilities under a free administration, which would cut down their basic responsibilities under a free administration, which would cut down their basic responsibilities under a free administration.

Mr. President, let us make no mistake. We have established precedents in the past, and this may be another precedent. A piece of legislation as far reaching as this, if it does not receive the general acceptance of the American people, will not be obeyed. Ways of circumventing it will be found, as was found during the prohibition era, during the "noble experiment" of that time which was thrust down the throats of the National Legislature. It was a failure because it did not achieve what the American people wanted; and it was circumvented. We have established precedents in the past, and this may be another precedent.

A bill involving human emotions to the extent this bill does, if its provisions do not gain general acceptance by the American people, with a willingness on their part to cooperate in a reasonable way under reasonable conditions, will fail in its purpose, and we shall have more trouble after it is passed, over a period of time than we had before.

That is why I believe we should give every consideration to a reasonable approach on amendments to this bill. I cannot see that a delay of 10 days or so would do anything except give an opportunity for study of certain questionable features in the bill—a study which the Senate is in an advantageous position to make, and which the American people should have the advantage of.

The bill is not passed as yet, although I believe it probably will be.

I thank the Senator from Illinois for yielding to me to gratulate him.

Mr. GRUENING. Mr. President, will the Senator from Illinois yield?

The ACTING PRESIDENT pro tempore. Does the Senator from Illinois yield to the Senator from Alaska?

Mr. DIRKSEN. I am glad to yield to the Senator from Alaska.

Mr. GRUENING. Mr. President, I shall support the early passage of the strongest possible civil rights measure. Such legislation is long overdue—at least 101 years overdue.

I am determined to support a strong bill designed to achieve the specific objectives sought in H.R. 7152. I am not wedded to the exact language of that bill and shall, accordingly, lend my support to any other bill designed to strengthen, clarify, and improve its provisions. By the same token, I shall oppose any amendments designed to weaken or cripple the bill.

I am determined to support the field of civil rights. Almost a quarter of a century ago, as Governor of the then territory of Alaska, I faced the problems of discrimination in public accommodations. I felt it was wrong then—I feel it is wrong now. I found at that time in Alaska signs in restaurants reading:

We do not cater to native or Filipino trade.

Other signs were more abrupt:

No natives allowed.

The word "native" in Alaska designates Indians, Eskimos, and Aleuts.

As the able and distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN] has recommended, I first tried the voluntary method of seeking to obtain equal accommodations for natives and whites alike.

My remonstrances and my power of persuasion met with some but limited success. I came to the inevitable conclusion that the voluntary method of securing equality in public accommodations would not work, primarily because those restaurateurs of good will were placed at a disadvantage by their competitors who refused to institute similar practices.

When I discussed the need for legislation to cure this disgraceful situation, I was told—as we have been told here on the Senate floor repeatedly—that discrimination against natives—that is Indians, Eskimos, and Aleuts—was the custom of the territory and that legislation to change that custom was not the proper course of action. I was told that ultimately, through education, that custom might change.

That solution was unacceptable to me. It made no sense to me a quarter of a century ago to say to an American citizen that he or she must tolerate being discriminated against in the enjoyment of rights guaranteed under the Constitution until those practising the discrimination could be educated. It makes no sense to me now.

I then determined to obtain legislation guaranteeing equality without accommodations. It was not an easy fight, but it was won in the Alaska Territorial Legislature in 1945. The equal accommodations law was implemented in Alaska without a ripple or an incident, and the result has been better feelings between all Alaskans regardless of race.

This legislation has of course extended its beneficent protection to Negroes in Alaska who were few in numbers when it was first introduced.

However, my wholehearted support of the earliest possible enactment of a strong civil rights measure does not prevent me from supporting the need for orderly procedures in the Senate.

Mr. H. R. 7152 was introduced in the Senate on February 28, 1964. After the bill was placed on the Senate Calendar, our able and distinguished majority leader, the Senator from Montana [Mr. MANSFIELD], asked unanimous consent that the bill be referred to the Judiciary Committee "with instructions to report back, without recommendation or amendment, to the Senate not later than noon, Wednesday, March 4."

The majority leader took this step, he said, because of the legitimate arguments advanced by a number of Senators, including myself. It was obvious at the
time, and the majority leader so stated, that if his unanimous consent request had then been accorded to the Senate, there would be no delay in the consideration of the civil rights bill since it was the leadership's intention to proceed to the consideration of the military procurement authorization bill and the wheat-cotton bill before the civil rights bill.

It is regrettable that he did not withhold his objection and permit the bill to be referred to the Judiciary Committee with strict instructions to return it to the Senate by March 4. For the majority leader was correct. After the objection, the civil rights bill remained on the Senate Calendar and the Senate proceeded to consider the military procurement authorization bill and the wheat-cotton bill.

It was not until March 9, 1964 that the majority leader made his motion to call up the civil rights bill. It is obvious now, having reviewed the speeches of those who urged the referral on February 26, 1964, that nothing would have been lost but the unanimous consent request of the majority leader been agreed to on February 26, 1964.

On the other hand, much would have been gained. Much of the debate, although not all of it by any means, since the majority leader made his motion to call up the civil rights bill on March 9, 1964, has been devoted to arguments regarding the benefits to be derived from hearings on H.R. 7152 before the Judiciary Committee and from a report on that bill by the members of that committee.

To refer H.R. 7152 to the Senate Judiciary Committee for hearings on specific language. It is the 10th consecutive day of Senate debate on a motion to take up rather than on the Senate bill. It is the 10th consecutive day of Senate debate on a motion to take up rather than on the Senate bill. The Senate is now considering the civil rights bill and the military procurement authorization bill.

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position. No such demonstration was necessary. The more important demonstration is the error of the leadership's decision to bypass the normal process of referring the bill to committee. Had the bill been referred to the Senate Judiciary Committee, with its distinguished membership, it would have been debated within 10 days, as urgently advocated by one of its supporters, Senator Morse of Oregon, it could now have been before the Senate with a Senate report and perhaps clarifying amendments.

Senator Morse pointed out some legal complications that could result from failure to refer the bill to committee. As important as these may be, the chief damage of this failure is to lend more credence to the impression that the Senate is the "house of the dead" through the Senate, an impression created by its legislative history in the House. If, as Senator E Orrin believes, the opposition mail he is receiving from New York is based on misinformation about what the bill contains, no effort should be spared to make its content clear and to emphasize the degree of deliberation behind it.

When the bill finally is taken up by the Senate, Senator Morse plans to renew his efforts to have the bill referred to committee. It should be referred, even if it means a further delay added to one that might have been avoided in the first place.

Mr. DIRKSEN. Mr. President, I have listened carefully to most of the discussion that has occurred on the motion of the Senator from Oregon to send the bill to the Judiciary Committee for a limited period of time, under a mandate to report it to the Senate.

This discussion leads me to believe that we have put all the emphasis on the clock and on the calendar, and that there must be haste and acceleration in dealing with the matter now before us.

Mr. President, if this is as important as the zealots would have us believe, that is all the more reason why the Senate should be most careful about a bill of this kind.

I recall an incident when Phillips Brooks, the great preacher, was pacing up and down in his study one morning, and a neighbor dropped in to see him and said, "Why, Dr. Brooks, what is the matter?" He replied, "I am in a hurry and God is not." There seems to be great haste and hurry, but when we stop to think of the importance of this measure and what its impact on the country would be, we can afford to take some time and be careful in our scrutiny.

As I think about what the bill would do, I think about an article in the Readers' Digest written some years ago by a distinguished Member of this body, Senator O'Mahoney, of Wyoming.

I went out to Wyoming to make a speech to defeat him for office, despite the fact that we were the best of friends and that we served together on the Judiciary Committee.

On my way out from Washington to Omaha, Neb., I puzzled before I found the text for my speech, and then by one of those ticks of memory and recollection, it popped out of my mind; and that article came back to me. I thought of the first line, which had seemed so indelibly in my mind. What the distinguished Senator had written that day was this:

They are remaking America, and you won't like it.

The bill would remake the social pattern of this country. Let no one be fooled on that score. Its impact would be profound. That is a further reason why it deserves the most careful deliberations and the most careful scrutiny on the part of the U.S. Senate.

I heard the discussion about the Judiciary Committee, and what a traditional burial ground it is for civil rights legislation. It ought to be little more than a hothouse. I am an old Republican on the committee, in point of service. For ought I know I may be the oldest in point of age. In some quarters it is not popular to say this, but I have never seen the time when a vote was given to the distinguished chairman of that committee with a suggestion or a request and did not receive attentive consideration to his request. That is always happening. By volume, that committee produces more legislation, or at least it has in other years, than any other five committees of the Senate combined. It expedites its work. It has an excellent and competent professional staff. I could go to Mr. Ezlarin, if the time was right, and say, "Let us divide the time between open hearings and markup in the committee to consider amendments," and my request would receive sympathetic consideration. He has never failed in that respect. My notion about the motion is that we devote some of the time, to calling a few selected witnesses, and take a look at some of the things that are bothering me in the pending bill. The rest of the time we could use to sit behind closed doors to consider the mark-up and the amendments that are necessary.

It has been said, "Look what the House did." Yes, I know. I know that 155 amendments were introduced in the House. On the floor 34 amendments were written in. But we should be in a hurry. We should plow the furrow with double speed in our time. One of the amendments that was written into the bill on the floor of the House—and Senators will find it on page 35 of the bill—provides:

(1) Notwithstanding any other provision of this title, it is unlawful for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs.

We discriminate if we take account of the color of his hair, or his eye color, or his brother's, or his sister's, or his uncle's. The court's decision is: if there is a job, we see fit to discriminate if there is something in his cranium that we do not like. If we say to him, "Do you believe in God?" and he says, "No," he is out; he does not have to be hired. I thought that under the Bill of Rights perhaps unbelief or disbelief was a creed unto itself. That amendment got into the bill on the floor of the House.

We could do no better than to take the language of the bill, its subject, section by section, and examine it carefully. I have noted in the little memorandum which I have had placed on the desk of every Senator some of the things that have occurred to me. I have noted many.

It is said the bill went sailing through the House by a vote of 290 to 130. Is that not enough for Senators? What more consideration do they want?

Let me tell Senators that the one vote in my lifetime that I would undo if I could occurred when, with a hoot and a holler and gusto we rushed through the provision during the Truman administration to put striking railroad workers into the Army within 48 hours if they did not go back to work. If it had not been for Bob Taft in the Senate, that provision might have been put into the law of the land. That is one vote that I would undo. However, I was caught up in the vortex of emotionism, like everyone else at that time. We were in conflict, and something had to be done.

We said, "All right; if they do not go back to work, we will put them in the Army; we will put them into uniform." That is the only time that happened within my experience as a legislator. Therefore, we had better take a good look at this bill.

There has been great discussion about the intent of Congress. The courts will take a look at the language in the bill, and out of it they will finally come to a conclusion as to its intent. I believe that one of the most scholarly legal articles I have ever read on the subject of intent of Congress appeared in the Harvard Law School Journal. When the vote was taken, I had a very good job, because the very first line in that article was: The intent of Congress is a fiction.

The second sentence was: The intent of Congress is what the courts say it is.

Where do the courts go? They go to the language in the bill, and the courts go to the reports.

What I am concerned about is sending the bill to the Judiciary Committee is that we could sit around the table for a couple of days or so and go through the language, with everyone suggesting his amendment—that does not take too much time. Then bring the bill back to the Senate.

Senators might say, "Why not do it on the floor?" We have all had the frustrating and disheartening experience of addressing the distinguished President and saying, "Mr. President, I offer an amendment." To the author of the amendment it is world shaking, it is momentous, it is almost cataclysmic. Then we look around, and we see perhaps four or five Senators in the Chamber. Into the amendment the sponsor has dumped his heart, and he has done research work on it. Then the Senator addresses the Chair with all the eloquence he can command. He may insist on a yea-and-nay vote. If there is a sufficient second, yea-and-nay vote is ordered.

Then Senators come into the Chamber to make their various dissertation is asked, "How should I vote?" I make no exception for my own party. What do we know about the substance of the amendment? It is not there.

The distinguished chairman mentioned earlier, that in one right bill 20 amendments were added, because we could labor at it rather concertedly and do a concentrated job. We may differ as
to the amendments, but at least they receive a collective consideration, with 15 lawyers sitting around the table. A Senator cannot be a member of the Judiciary Committee if he is not an attorney and a member of the bar. At least, they will look at every word and decide what will have to be done. I have gone through the bill after a fashion to see what has occurred. The language of title I is:

The Attorney General or any defendant in the proceeding may have the clerk of such court request that a court of three judges be convened to hear and determine the case.

That is done in antitrust suits at times. But with the multiple suits which are bound to be brought, tell me how, on the request of the defendant there can be a three-judge court, and how we can expect the judiciary to discharge its functions and keep its dockets from over-clogging.

The purpose of this section appears to provide for an acceleration of the appeal procedure. I have some grave doubts as to the ultimate wisdom of bypassing traditional trial procedures. I refer to the number of actions brought under this section. From the reports of the Civil Rights Commission it appears that the number of suits brought under this title will be considerable and I am concerned about the immediate heavy case-load on our Federal courts of litigation brought under this section.

Each case requires a panel of three judges for its disposition. In all fairness, decent consideration must also be given to the defendants, and it is my belief that many of whom are required by reason of existing busy court calendars to wait, years in some instances, for compensation for personal injuries.

We cannot make the request, and it may be all right. But I want to be pretty sure that when we are through, there can be some delimiting language so that the courts will not be congested to the point where they will be frustrated and dissatisfied, and have to turn them over to other temporary title I that should receive study, but I want to vote for a bill.

I have told the people who come to me by the scores every day—my office has been filled constantly with preachers, rabble, priests, social workers, settlement workers—"The best you can do is to go and pray for me, and I will also be praying for you." Often they do not quite know what the bill provides. Then I have a little frustrated, and when the moral argument is advanced, I say: "I am a legislator. I am thinking about today, and I am thinking about tomorrow."

Perchance the answer might be: "Unless you hurry, unless you do something without delay, there will be violence; there will be demonstrations. The case will be taken to the streets."

A man is not fit to walk into this Chamber as a U.S. Senator if he is to be bilked and influenced by that kind of an argument to deter him from his duties under the laws and the Constitution.

The reason why the capital is on the banks of the Potomac, under the direction and control of Congress, is that when the Revolutionary War was over and the capital was elsewhere, the soldiers came. They wanted grants of land. They wanted pay. They began to demonstrate and to frighten the legislators. The Constitution makers in their wisdom said:

There must be an area under the control of the Federal Government—

Meaning Congress—where Congress can assert its power and be free from molestations and harassment and pressure in order to carry out its legislative duties under the Constitution.

Do we pay heed to intimidation and to pressure when we have a job to do? If we do, then I say we fall dismally in our responsibilities as Senators.

TITLe II

I have been and still am studying each and every aspect of title II of this bill and I will have a substitute for this title which I will introduce later.

TITLe III

This title provides a basis for law suits by the Attorney General to remedy denial of "access to or full and complete utilization of any public facility" operated by any State or subdivision thereof. I appreciate some very real and practical problems with respect to the determination of "full and complete utilization of any public facility" and feel the public interest would be better served for example by substituting words such as equal utilization of any public facilities.

Complaints under this section, I think, ought to be filed by the complainant who should set out under oath the particulars of the alleged violation so that any one defending an action brought against him under this title would be informed of the nature of the charge against him and the identity of his accuser.

Section 302 of this title is not limited to public facilities. It empowers the Attorney General for or in the name of the United States to intervene in an action "commenced in any court of the United States seeking relief from the denial of the right of any person at any time or place on account of race, color, religion, or national origin." It seems to me that the parties to the suit should have a chance to be heard with respect to such intervention before it takes place.

Title III deals with facilities and accommodations in public installations, such as parks. There is language that reads: "Full and complete utilization of any public facility." How would the Court interpret that? Suppose there was a demonstration. What about other people who are not under the protection of the legislation? Would that language be allowed to remain, or should we say: "To equal utilization of public parks, and all other public places and swimming pools?" It is said that that is a little item. Wait until it raises its ugly head in some public institution. Then it will be discovered that it is not such an inconsequential thing after all.

I shall continue with my analysis, but before I do, I wish Senators would give heed to me for a moment, for Senators may have missed an article to which I am about to advert. It is the best I have seen on this subject. It appeared in the Wall Street Journal on Thursday, November 7, 1963. It is entitled, "The Anatomy of a Compromise." The subhead is, "House Civil Rights Bungling Will Delay Final Action."

I do not know Joseph W. Sullivan, the author, but he must be quite sure of his ground. This is one of the most intriguing articles I have seen in a long time and it bears reading into the Record:

The Kennedy administration's civil rights "victory" in the House last week was, at best, a salvage job, slung together in the wake of persistent fumbling and miscalculation by both the administration and its emissaries in Congress.

While the President lauded the bipartisan House Judiciary Committee bill as "comprehensive and fair," the probability is that it emerged far too late to sustain his prime objective: enactment of civil rights legislation this year.

Mr. President, I ask unanimous consent to have printed at this point in the Record the article from the Wall Street Journal of November 7, 1963, by Joseph W. Sullivan.

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

ANATOMY OF A COMPROMISE—HOUSE CIVIL RIGHTS BUNGLING WILL DELAY FINAL ACTION

(By Joseph W. Sullivan)

WASHINGTON—The Kennedy administration's civil rights "victory" in the House last week was, at best, a salvage job, slung together in the wake of persistent fumbling and miscalculation by both the administration and its emissaries in Congress.

While the President lauded the bipartisan House Judiciary Committee bill as "comprehensive and fair," the probability is that it emerged far too late to sustain his prime objective: enactment of civil rights legislation this year.

Senate Democratic leaders were still pondering whether they don't even plan to take up the bill at this session of Congress, putting off the divisive struggle with the party's Southerners at least until the turn of the year.

Moreover, the price the administration had to pay for the hastily conceived compromise legislation was the loss of at least four provisions the administration has no yen for. Chief among them: Authority for the Justice Department to crack a Federal whip on local police and Southern State courts if they provide Negroes something less than the "equal protection of the laws." Attorney General Robert Kennedy has suggested that such a provision would require creation of a Federal police force.

More important, by adding other unneeded provisions to the administration's bill, the compromise raises the prospect that the administration will find itself in the embarrassing position of having to sacrifice these sterner measures in the Senate in full view of Negro leaders. The two-thirds majority required to pass a Southern compromise just isn't there for the fair employment practices code added to the House bill. The proposed ban on discrimination by businesses serving the armed forces remains in grave trouble with Republican leader Dirksen, of Illinois, still opposing it.

VICTORY MAY BE FLEETING

The real victors in the House struggle, through their triumph, were the Negro pressure groups and their ardent band of liberal House supporters. It was they who maintained the drumfire for more sweeping sanctions than the administration
would maintain and who eventually had their way. Despite the veil of indictments directed at the compromise bill by numerous Negro leaders, their legislative strategies are still an open book.

Moreover, the backers of the present bill are less disturbed than the administration over the prolonged legislative timetable. "Their opposition is about the futility of pressing for more militant measures. Mr. Donahue warned that the Republican negotiators were intent upon watering down the administration bill. This infuriated Mr. McCullock."

**Efforts Break Down**

That's when the administration effort broke down and Mr. Katzenbach found Mr. Celler receptive to the terms of their accord and, according to one participant at the hearing, agreed with Mr. Celler to move the bipartisan panel mem- bers mostly stayed home. If Democratic Members wanted to discuss an alternate pro- vision, it was a fresh approach for the White House -- a bipartisan enough, at least, to align Republican support. This required an atten- tion to what their State legislatures had done, indeed I would give up.

White Republican members of the Judiciary Committee and administration strategists dis- counted rights legislation aboard Robert Ken- nedy's yacht the Patrick J. Democratic mem- bers in a striking force big enough to crack Southern opposition. Because the Senate Judiciary Com- mittee under Mississippi's Senator Eastland never would report out a civil rights bill, the first order of business was the House and its Judiciary Committee.

In his first appearance before the House panel, however, Attorney General Robert Kennedy said the Republicans can't do it. Had the Justice Department studied the numerous GOP civil rights bills introduced in Congress prior to the administration's bill, Mr. McCullock and McCullock's firm would have been in an embarrassing position of having to sacrifice these sterner measures in the Senate in full view of Negro leaders.

The article continues, but first let me comment on one or two items:

From the time the administration put its set of civil rights proposals before Congress, in late June, its principal task was to corral Republican support. This required an atten- tive, bipartisan approach, bipartisan enough, at least, to align Republican support. This required an atten- tion to what their State legislatures had done, indeed I would give up.

Mr. Celler had decided it was "drastic," but Negro groups would tender its support. More important, it may yet cause the administration considerable embar- rassment when the civil rights skirmish- ing begins in the Senate.

Mr. Dinksen, Mr. Sullivan con- tinues:

More important, by adding other unwanted embellishments to the administration's bill, the compromise raises the prospect that the legislation will flounder in Southern opposition. Because the Senate Judiciary Com- mittee under Mississippi's Senator Eastland never would report out a civil rights bill, the first order of business was the House and its Judiciary Committee.

Let me explain about the Judiciary Committee. I am a member of the com- mittee. Nine of the fifteen members are Republicans from States with Jim Crow discrimin- 5ation legislation on the books. If those nine members should be so re- cent and remiss in their duty as to pay no at- tention to what their State legislatures have done, indeed I would give up. I am confident that the amiable and agreeable chairman of the committee (Mr. Eastland), who has always enter- tained every request and is always ready for an understanding, could solve the problem under the amendment that is now on the desk.

Can anyone imagine 9 out of 15 Sen- ators, who work in the shadow and in connection with the enforcement of anti- discrimination legislation in their own States, not taking action on the bill? If that does not answer all the argu- ment about the Judiciary Committee being a burial ground, then I have no answer.

In all fairness I must say for the chair- man of the committee that after nine appearances by the Attorney General-- and I was present at every one of them— that bill was sent to the subcommittee at the request of my good friend, the Senator from New York (Mr. Keating).
If I am in error about that, the chairman can rise and can scold me for it, and in that instance, it will make public confession of error. But I am quite sure that is what happened in the Judiciary Committee.

Mr. President, I suppose I was somewhat remiss in not having said that I would have said to the chairman, "Sam Evins has had too much time already, and I think it is up to us to divide the time a little, so as to let us get our teeth into the argument, too."

But what happened? Word went out that the House was to act first. So the interest on this side began to diminish that the House was to act first. So the argument, too."

I have had too much time already, and I think it is up to us to divide the time a little, and understandably so. But even in the subcommittee the hearings could have been continued, if there had been some insistence that that be done.

While the compromise was being worked out in the House, the distinguished Representative from Ohio [Mr. Mcculloch], had this to say about what they had tinkered up: He said he was not going to be in favor of subjecting Sam's Shoe Store, on the corner, to a suit by the Attorney General. But when next I saw the third version of the bill, the stump speech—three or four pages of it, dealing with the mobility of people and the difficulty of moving people, and the difficulties in their obtaining the right kind of accommodations in various southern cities—had been deleted.

It was completely deleted from the bill before the bill was sent up here by the late and beloved President Kennedy. So it is clear that at that time the bill was still in a process of transformation.

At that point, this is what Representative Sulllivan said:

When the bill reached the full Judiciary Committee, it was far too hot to handle. Mr. Mcculloch privately called it "a pall of garbage."

I do not say that; those words were used by a distinguished Republican Congressman from Ohio—and he is a distinguished Member. He said the bill was "a pall of garbage"; and he said somebody might have to take the responsibility for cleaning it up.

Then came the next session—in the Judiciary Committee? No, on the yacht Patrick J., and at the White House, and elsewhere.

Despite all the arguments, it is clear that the bill that is now before us did not receive even a 1-day hearing elsewhere. It was not received even a 1-day hearing before the Judiciary Committee. But the bill received a far greater degree of attention. And it would as the bill stands before the Senate today.

TITe IV

I turn now to title IV—school desegregation. Again I find difficulty in reconciling the language of the bill with what I assume the intent to be. Let me illustrate. I had understood that this title was not applicable to private schools in the grade and secondary level. Look at the definition on page 14, line 3:

(c) "Public school" means any elementary or secondary educational institution, and a nonprofit public or governmental agency of higher education or any technical or vocational school above the secondary level, operated by a State or subdivision of a State, or governmental agency.

Does this language encompass private schools through the 12th grade? I find it difficult to reach any other conclusion, although I am not certain that was the intent. Would the use of Federal funds and property by a private military academy in its ROTC program bring it within the broad language in lines 9 and 10, on page 14?

Consider the training institutes, in-service training, and employment of specialists to advise in problems incident to desegregation, all provided for in this title. Who would determine the cost and extent of such programs? The Commissioner. But what is the criteria? Where are the standards? None. Neither is there any estimate of the cost.

Individuals who attended such institutes could be paid stipends for their attendance, in amounts determined by the Commissioner, including allowance for travel. If this authority should be further defined. I should not like to see a repetition of the present practice of establishing an institute in one of the more popular summer campus towns, and then transporting teachers, and their dependents from other campus towns, for what one teacher has called a delightful vacation, all paid for by the U.S. taxpayers.

What must the complaint, to be filed with the Attorney General, set forth in the way of particulars? I find only a general allegation as a requirement. Is not the school board or other agency entitled to some opportunity to correct the situation complained of, before the Attorney General institutes suit? I would expect so. Certainly needless litigation would be avoided. The complaint could go far toward relieving this potential, if it contained a detailed description of the act or acts complained of. I stress the point that emphasis has been placed on the fact that in various parts of the bill we find—and this naked allegation has been made—that no oath is called for and no bill of particulars would be provided when a school board or an em-"
guards of the Administrative Procedure Act should not be made clearly applicable to the proceedings of the Civil Rights Commission.

### TITLE VI

Problems exist, as well, with respect to the meaning of language used in title VI relating to nondiscrimination in federally assisted programs. Does the phrase “notwithstanding any inconsistent provision of any other law” mean that other provisions of law that might in certain circumstances render any specific section of title VI ineffective could be ignored? What would be the situation if the contracts were entered into without any thought that such a provision would be applicable to them?

The difficulties of drafting legislation on the floor, instead of in committee where revision can be made to details and an explanation of language can be provided by way of a carefully thought-out committee report, are indicated also by the addition of the phrase “other than a State or local law” to section 10(a). Just how far does that extend? And does it extend far enough?

We really know very little about such a significant phrase. It may be as big as the whole outdoors, or it may be as small as the point of a pencil, in relation to the vast Government assistance programs.

I do not know whether a so-called economic grant for a housing project would properly be called a guaranty or insurance. In my book, it is a grant. If a person was unable to pay the usual rent, he would be able to qualify for occupancy of one of the low-cost housing units; and it is proposed that the Government help him and his family by providing assistance from the Federal Treasury so as to enable him to pay the economic rent. It is obvious that the total cost of such units would run into millions of dollars. The bill does not say whether that would be insurance. In my view, it would not be.

Instead, it would be an undertaking, by contract, of the Federal Government.

If, by means of the bill, the validity of contracts were destroyed and if their sanctity were ignored, after they had been signed by responsible officials, then I say frankly, we would be in a sad state. So far as I can determine, very little attention has been paid to that point.

Then, too, in section 603 we have an apparent intention to provide for judicial review of any action. It states that “any person aggrieved” may obtain judicial review in accordance with section 10 of the Administrative Procedure Act. I assume that what is referred to are only proceedings for enforcement of title in sections 10(b), (c), (d), and (e) of that act, because the provision in section 10(a) could well be interpreted to limit the right of review of “persons aggrieved” to the particular persons covered by section 10(a). So we should be more craftsmanlike in our reference to section 10 of the Administrative Procedure Act.

Again, this is the type of careful work which can be best done in committee, and should be done there.

### TITLE VII

What records are employers required to keep by title VII? Employers voluntarily maintaining records of the Presidents’ Commission on Equal Opportunity are apprised in detail of the records which they must keep; and the records are, I believe, more comprehensive than those which would be required by title VII. Are we to superimpose another set of records on the employer, in addition to a third set that he may be keeping for a State FEPC?

What of the conflict between State and Federal record requirements? Illinois prohibits any reference to color or religion in employers’ records. Title VII would require this information to be kept. Are we now to force an employer to violate a State statute or comply with a Federal statute, each of which has the same purpose?

Every employer is required to make and keep such records relevant to the determination of whether unlawful employment practices have been or are being committed, and to preserve such records for such periods as the Commission shall require.

In the wage and hour laws we clearly set forth the records to be kept and the prescribed periods for which they should be preserved. Why do not the same in this bill? Is there any compelling reason why this cannot be done? I know of no such restriction on the Senate or on the Judiciary Committee, where in fact it should be done.

Who would determine what were essential records and what were nonessential records? The Commission would be without advisory direction. An employer might well risk severe penalties if he destroyed records relevant to the determination of whether unlawful employment practices had been or were being committed. Who would determine what was relevant? Certainly the employer would not do so, unless he was willing to risk prosecution.

What protection is afforded to an employer from fishing expeditions by investigators, in their zeal to enforce title VII? Senators should examine section 709(a), on page 44:

The Commission or its designated representative shall at all reasonable times have access to, and the right to copy any evidence of any person being investigated or proceeded against that is not otherwise exempt from investigation or in question.

Could there be a greater grant of investigatory authority? I can recall none. Should the Commission be permitted to copy evidence? Should an employer be permitted to request a detailed list of the information the Commission has? Should the employer be permitted to go before a competent court in order to determine what records relate to any matter under investigation or in question? Or are we to allow the Commission carte blanche authority in its examination, in its copying of evidence, and in its inquiry? Should this examination be limited only by determination of the Commission. No private rights would remain.

On page 41, section 707(d) provides for relieving the Commission of any obligation to bring a civil action when the Commission has determined that the bringing of such action would not serve the public interest. I feel that the public interest should be more clearly defined for the purposes of this bill, and that the language should be changed to read “which would serve the interest of this title.”

Section 708 of this title vests in this Commission the authority to determine the effectiveness of State or local action in the field of fair employment. I do not believe such language would be appropriate. The people of the State should have the right to determine the effectiveness of their agencies, consistent with the expressed purpose of this section.

Now let us consider the ease of the operator of an establishment who has been determined to be in violation of one or another of the provisions of title VII, and who has been so ungracious as to refuse the gentle, persuasive efforts of the Commission, or perhaps the not-too-gentle arm-twisting of the Commission, toward conciliation.

The bill provides that within 90 days the Commission “shall”—and I emphasize the mandatory nature of the verb—bring a civil action to prevent the respondent from engaging in unlawful employment practice, unless by affirmative vote the Commission shall determine that the bringing of such an action would not serve the public interest. So he would find himself in the Federal district court.

If he operated in a State which had a fair employment practice statute, such as my State of Illinois does, he would be likely to have been brought in an administrative proceeding by the State commission, and the subject of an order requiring him to cease and desist from the employment practice complained of, and to take such further affirmative or other actions as would eliminate the effect of the practice complained of. And, if he did not comply, the commission “shall”—that is the word—commence an action in the name of the people of the State of Illinois, for the issuance of an order directing such person to comply with the commission’s order. For violation of that order, he could be punished, as in the case of civil contempt.

What a layering upon layer of enforcement. What if the court orders differed in their terms or requirements? There would be no assurance that they would be consistent. Would the Federal forces of justice pull on the one arm, and the State forces of justice tug on the other? Should we draw and quarter the victim?

If he had violated a valid law, he would have to be brought into line; but
should not we give consideration to the overlapping of jurisdiction and multiple suits against the same defendant arising out of the same discrimination? I know there is a provision, as I have mentioned, for the Federal agency, at its discretion, to enter into agreements with a State or local agency to refrain from bringing a civil action in classes of cases to which such an agreement did not come to pass. Where that agreement did not come to pass, where the bill is indefinite, and there have not been committee hearings, and we do not have a committee report. Could an employer readily ascertain from the language of the bill whether he was included? Employers with a large number of employees would have no difficulty, but what of the small businessman?

Most statutes, in defining an employer in relation to the number of employees he has, are rather specific. Contrast the language on page 28 of this bill:

The term "employer" means a person engaged in an industry affecting commerce who has 25 or more employees.

With the language from the Illinois Fair Employment Practice Act:

(a) "Employee" includes and means all persons, including any labor organization, labor unions, or labor association employing more than 100 persons within the State within each of 20 or more calendar weeks, within either the current or preceding calendar year prior to January 1, 1963.

Let us consider the operation of a medium-sized orchard. For 11½ months of the year the employer would have no employees, but during 2 weeks of the year he would employ 100 pickers. Would he be subjected to the provisions of this title? What of summer or winter resort operations with employment for only 2 or 3 weeks? Would they be covered by this title? Certainly we have no clear statement by which an employer could be guided. Is this the way to legislate?

If an employer obtained his employees from a union hiring hall, through the operation of his labor contract, would he in fact be the true employer, from the standpoint of discrimination because of race, color, religion, or national origin if he exercised no choice in their selection? If the hiring hall sent only white males would the employer be guilty of discrimination within the meaning of this title? Then further safeguards must be provided to protect him from endless prosecution under the authority of this title.

Would the same situation prevail in respect to promotions, when that management function was governed by a labor contract calling for promotions on the basis of seniority? What of dismissals? Normally, labor contracts call for "last hired, first fired." If the last hired were Negroes, would the employer be guilty of discrimination, or would he be protected by his contract requiring that they be first fired and if the remaining employees were white? If an employer was directed to abolish his employment list because of discrimination, what would happen to seniority? Would an unfair labor practice arise as a result of the operation of this discrimination provision in title VII?

These questions cannot be answered here properly before the committee. Witnesses should be called there to clarify these issues; testimony should be taken, views obtained, and a record made.

Now I turn to discrimination on account of sex. Frankly, I always like to discriminate in favor of the fairer sex. I hope the might of the Federal Government will not enjoin me from such discrimination.

But let us look further at this provision. Historically, discrimination, because of sex has been a protective discrimination, because we do not believe that women should do heavy manual labor of the sort which falls to the lot of the men. The States in countries where women work on the roads and in the mines. Then, too, we discriminate in favor of women, because of their nimble abilities in many fields, such as the assembly of radios and delicate instruments.

When the discrimination is not in the best interest of the fairer sex, we have approached the problem by specific prohibitions, such as the requirement of equal pay for women doing the same work as men.

I suggest, therefore, that we look at this problem with compassion and care. We do not want women to be discriminated against, but we do not want, through the ineptitude to remove the protection which is appropriate. In the Department of Labor there is the Women's Bureau; and I offer for consideration the thought that since discrimination on account of sex is a vastly different problem than discrimination because of race, color, or national origin, we should give further attention to the best manner to deal with that problem.

Section 704 provides that it shall be unlawful for any employer to fail or refuse to hire any individual because of such individual's national origin. This, as well as other restrictions on employers under this title, would tend to create difficulties for the defense contractors, for example, who are required, by reason of security clearance regulations, to practice what the Department of Defense provides certain exceptions; namely, where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

Or where a religious educational institution wishes to hire only employees of its particular religion. Subsection (e) of that section provides certain exceptions; namely, where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

Section 704 describes the employment practices which would be made unlawful by the bill. Subsection (e) of that section provides certain exceptions; namely, where religion, sex, or national origin is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

A religious institution which operates a hospital may have as great a desire to employ people of its own religious persuasion as any other employer. This bill does not prescribe who shall be employed in its educational institution.

Again, we need careful consideration and study.

Section 707 of this title provides for action to be taken by the Commission "on behalf of a person" when it received a complaint of an individual, not initiated by the Commission. Witnesses should be called there to clarify these issues; testimony should be taken, views obtained, and a record made.

Notwithstanding any other provision of this title, it shall not be unlawful employment practice for an employer to refuse to hire and employ any person because of said person's atheistic practices and beliefs.

This language was added to the bill in the House of Representatives, and would, if enacted into law, be, in my opinion, a subject of review by the Supreme Court. In view of recent decisions by the Supreme Court, I have some doubt that this section would be sustained.

At this point I wish to refer again, briefly, to the part of title VII which deals with the proposed Fair Employment Practices Commission. On a few complaints do not have a defense contract of some kind; so all the others are required to keep records for the President's Commission on Defense Contracts. In addition, on Title III, it requires to keep records. In addition, under the provisions of this bill they would be required to keep records. In short, they would be required to keep three sets of records.

Under the Illinois law, if I remember correctly, it is not permissible to show on the records whether a person is of color. But under the Federal requirement that is shown. So what would happen? It is said that under the bill, standards might well be compromised, that provision appears in title XI, in lines 14 through 21, on page 54.

But where would it leave the State Commission in the State of Illinois? Who is in the ascendency? Who will proclaim its power and finally win?

Still another problem would be the definition of "employer." Under the Wage and Hour Act there is one definition. Under the Illinois Fair Employment Practices Act there is another definition that requires that in order for an employee to be an employee he must work a given number of hours in a given quarter. No such provision appears in the bill. The bill merely provides that an employer would have 100 employees; then the number would drop to 75, then to 50, and then to 25.

But suppose an employer is operating a big peach orchard in Georgia, and for 11½ months of the year he needs only four or five people to prune and spray. At that time he would not be within the act. But when fruiting time came for those delicious Georgia Elberta peaches, and they would go to market, he brings in 300 or 400 pickers. What happens? Would he be under the bill or would he not?
Is it not about time for us to take a pretty good look and see who is an employer and who is an employee, and whether or not the provisions of the bill are integrated with State laws? There are approximately 30 State commissions. I believe the bill provides that a Federal commission or administrator would say whether the State law is effective and effective under the State laws.

Is that what we want? I desire a court to say whether the people in my State are effectively administering our FEPC Act or not.

I do not find title VIII relating to the gathering of registration and voting statistics objectionable except that we should protect the privacy of those who do not wish to give information as to race, color, and national origin and the like to survey groups or investigators. So, I would suggest that we provide that it shall not be an offense not to give such information to the Commission.

Title IX

Title IX of this bill provides:

Title 28 of the United States Code, section 1447(d), is amended to read as follows:

An order remanding a case to the State court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise."

This seeming innocuous amendment is a radical departure from traditional legal procedures which reserved this right to the Federal district court on a remand motion rather than to a party to the lawsuit.

Section 1447 of title 28 proposed to be amended by this section authorizes a Federal court to send back a case brought to it in which a party alleges he has been denied or cannot enforce his civil rights in a State court.

In the interest of orderly conduct of law, the business of the courts, I feel that allowing for an appeal to a higher court before a case comes to trial on the merits in the first instance would unnecessarily handicap State and local courts and would add immeasurably to existing delay in the enforcement of legal rights. The public, victims of crime, and witnesses, would be adversely affected by dilatory tactics made available under this section.

Title X

Title X establishes community relations service which I except to discuss more fully in connection with my proposals by way of a substitute for title II.

Title XI

This section indicates a lack of Intention to deny, impair, or otherwise affect any right or authority of the Attorney General or of the United States by any agency or official thereby under existing law to intervene in any action or proceeding.

It further states the intent of the Congress not to preempt State law on the same subject matter. In view of differencing opinions among lawyers on this, a clearer statement as to its effect should be given. Section 1103 provides for an open end authority of such sums as are necessary to carry out the provisions of this act. Certainly ordinary prudence, particularly at this time should indicate some limit to the amount of funds which can be authorized to be appropriated under this section.

Section 1104 of this title is similar to section 716 of title VII. It states:

If any provision of this title or the application of such provision to any person or circumstances is held invalid, the remainder of this title or the application of such provision to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

In my opinion limiting the decision of invalidity to a particular person or circumstance would only result in a multiplicity of suits. If the court should determine any provision or section of this act to be invalid, its decision in the invalidity ought not to be limited by Congress to a particular person or circumstance.

I shall not detain the Senate any longer except to say that if ever a case could be made for the support of the Morse motion to send the bill to the committee, this is the day to make the case.

We had better take a little time; otherwise we may be like the fellow in the jailhouse in my hometown to whom I said, as I walked through the courthouse:

"What are you in there for?"

He said, "Petty larceny."

I said, "How long?"

He said, "From now on."

The impact of the bill will be "from now on," and the social pattern of our country will be changed. Some time later I do not wish to lament and to rue the day when I did not take sufficient time to give sufficient scrutiny to the words, the phrases, the implications, the legal significance, and what its impact will be upon the economic and social fabric of our country.

There has been said for the motion of the distinguished Senator from Oregon. No one can say that he does not want a bill. He has been a white knight on a white charger in shining armor in the liberal cause, and everybody knows it. So no one can say that he is trying to hurt, to delay, or to postpone. The Senator from Oregon thinks as a great lawyer and a great law instructor. He knows his cases pretty well. Two of the cases he recited in his opening statement today were quite "on the nose."

That statement ends my discussion. The debate could go on for a long time, but I see no need for it. I shall vote for the motion. I think we can do some good in the Judiciary Committee when we stop to consider that 9 of the 15 members of the committee come from States which have FEPC's and nondiscriminatory legislation.

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

Mr. DIRKSEN. I yield.

Mr. MORSE. I thank the Senator from Illinois, the minority leader, for his support of my motion. I emphasize the fact that the Senator from Illinois is a member of the Committee on the Judiciary.

Mr. DIRKSEN. Yes.

Mr. MORSE. His argument today has utterly destroyed the rationalizing that we have heard on the floor of the Senate, to the effect that if we send the bill to the Committee on the Judiciary we will not get a committee report and we will not get a full 60 days of time for hearing during the 6 or 6 1/2 days of actual working time that my motion would allow.

The Senator from Illinois has made it perfectly clear that we have an opportunity to hold the Judiciary Committee to an accounting by giving it an opportunity to live up to its clear responsibility to the Senate; namely, to provide the Senate with a committee report and to give us the best set of hearings possible in the 6 1/2 days that will be allowed.

I close by saying that the proposed procedure is the way to prepare the way for legislation which, in his judgment, will enhance our prospects of invoking cloture.

We shall never get cloture, in my judgment, if we adopt the "end justifies the means" policy, and if we adopt the argument that was heard today, that our opposition has used the rules against us. Why do we not use the rules against them? I will state why: It is not fair; it is not the way to pass legislation in the Senate. I shall never be a party to a movement that we ought to adopt an "end justifies the means" policy because the end is what I am looking for.

The way to attain the end we all seek—a strong civil rights bill—is to follow a procedure that will stand up to the test in the light of history.

Mr. MORSE. Mr. President, I close my remarks by saying that I desire a strong civil rights bill. I wish to vote for a bill. I have said that about title II. I shall have a substitute that would take a large share of title II in the pending bill. But I want it to be fair, equitable, durable, and workable, so that it can never be said that by hasty action we have created pockets of prejudice in our country. One reason why the issue is before the country is that the force bills passed in the Reconstruction days were a prejudice, and in the present generation we are faced with a real dilemma. I surrender the floor.

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

Mr. DIRKSEN. I have yielded the floor.

Mr. HRUSKA. The Senator from Nebraska is a member of the Committee on the Judiciary. The debate which has occurred on the Morse motion today brings some thoughts to his mind pertaining to the next 10 days or perhaps the next 2 months. I do not know which it will be. One of those thoughts is as follows: Would not the limitation of referral to only 6 working days in the committee be in itself a form of cloture?
The subcommittee in the House devoted 22 days of hearings to the bill which it did not get to report. Following those 22 days there were 17 days of executive sessions to mark up the bill. Under the pending motion 6 working days would be allowed for the purpose of hearing witnesses, marking up a bill, and writing a report. It might be said that the House committee was a little verbose, and perhaps a little dilatory. I do not believe it was. That committee applied itself diligently. But let us turn to what one of the committees in this body did when it reported to the Senate the bill having to do with public accommodations—on title of the bill. Hearings on that one title occupied 17 days.

Under the pending motion we would send a bill to the Committee on the Judiciary, of which I am a member. I would participate in the deliberations of the committee. We would send it there for 6 days.

There has been mention of a denigration of the Judiciary Committee. If the bill were referred to the committee with instructions not to amend it, but merely to hold hearings, I say that under those circumstances, under the terms of the Morse motion, that action likewise would be a denigration of the committee. I do not like it. I do not know that it is going to do any good, but I thought I would bring it to the attention of the Senate, because it bears on the situation at hand. If there is an explanation for it, I shall be glad to hear it.

Mr. MURPHY. Mr. President, the Senate yield for a question?

Mr. DURENBERG. I yield.

Mr. MURPHY. Did I correctly understand the Senator from Nebraska to say that my motion would prevent the bill from being amended?

Mr. HURST. No. I said that during the discussion about 3 weeks ago, one of the requests was to send the bill to the Judiciary Committee for hearings, without authority to amend the bill. There was a discussion about that question. When that discussion arose, it was said that the subcommittee be blackmauling the committee and would be an affront to the committee and to the committee chairman, because, after all, committees are supposed to work their will on bills. Mr. MORSE. The Senator that I was in favor of the bill going to the committee with the full rights of the committee.

Mr. HURST. I understand. Mr. MORSE. The Judiciary Committee has these problems. It knows the witnesses it can call to make legislative history. The committee can make a record in 6 days, and submit a report. It is a very able committee. The staff can start to work and draft a report.

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

Mr. MANSFIELD. Mr. President, in view of the fact that I intend to move to take the motion of the Senator from Oregon at the conclusion of my remarks, and further in view of the fact that my remarks will not be too long, I should like to suggest the absence of a quorum, the call to continue for not to exceed 2 minutes. I ask unanimous consent to do so.

The PRESIDING OFFICER. Without objection, it is so ordered; and the clerk now calls the roll.

The Chief Clerk proceeded to call the roll.

The ACTING PRESIDENT pro tempore. The 2 minutes have expired, and further call of the roll is dispensed with.

Mr. MANSFIELD. Mr. President, the reason for suggesting the absence of a quorum was not that I had anything earthshaking to say, but in anticipation that, at the conclusion of these remarks, the motion which I intend to make, there will be a vote.

I can sympathize with the approach of the Senator from Oregon [Mr. MURPHY]. In urging that H.R. 7152 be referred to committees, I say that after H.R. 7152 was put on the calendar the majority leader was also prepared to refer the bill to Judiciary. A unanimous-consent agreement was offered to that effect, with the provisos that the bill be referred back to the Senate on a date certain and without change in text. Had the bill gone automatically to the committee, as it would have without the leadership's intervention, no such provisos could have been attached. Moreover, the House bill would have returned to the Senate without change in text so that the Senate as a whole, rather than a committee, would have had an opportunity to consider it in a form which the President of the United States had found most satisfactory. That is the reason why I think the majority leader is not a procedural radical. I think it ought to be abundantly clear that the majority leader prefers to stay as close as possible to usual procedure and still make the business of the Senate proceed. There is no joy, as I have known to my sorrow, in bypassing any committee. But there is a higher responsibility to see to it that whatever can be done by the leadership—and it is not much—is done, to the end that the proper and pressing business of the Senate is faced and disposed of by the Senate. I know of no Member who would contend that the civil rights bill is not the proper business of the Senate. It is an occasion that the Majority Leader and many other Members who would contend that the bill is not pressing business.

With all due respect to the chairman of the Judiciary Committee, I do not see any order or offense committed which can be inferred from the instructions which were contained in the unanimous-consent agreement professed by the majority leader some days ago. A committee is the creature, the agent of the Senate. Committees are referred to the Senate as a whole decides that it is best facilitated. The act of referral represents a trust of the whole Senate in several of its Members. It can be done by the majority leader, but it is entirely in the hands of all Members. Instructions of all kinds from the Senate to any committee are entirely in the hands of the Senate, and are not offensive, irrespective of the instructions which the Senate may give to its agent. Instructions of all kinds from the Senate to any committee are entirely in the hands of the Senate, and are not offensive, irrespective of the instructions which the Senate may give to its agent. Instructions of all kinds from the Senate to any committee are entirely in the hands of the Senate.

I go into this background, Mr. President, for no purpose other than to make my position entirely clear on the issue now before us. The fact is that the majority leader from Oregon. It was at the outset and it remains, today, the leadership's desire to stay as close to the usual procedure as is commensurate with reaching the point of decision on the civil rights bill without unreasonably delay.

May I reiterate the phrase "usual procedure" which I have just used. There has been some loose terminology in the debate of the past 2 weeks. There has been talk of the need for orderly procedure and even "legislative lynching," as though the majority leader had somehow advocated disorder or a disregard of the rules of the Senate or violation of the rights of any of its Members. I reject such implication.

Let me emphasize that the course which is being followed has in no way intruded on the rights of any Member of the Senate. The procedure may not be the usual, but it is entirely in order. It is entirely in accord with the rules of the Senate. Indeed, if it were not, the hue and cry, the points of order, would be such as to echo all the way—and properly so—from Florida to Hawaii.
to the Committee on the Judiciary, with in-
the bill in conformity with instruction of
REPORT BY MR. HENNINGS, FROM THE COM-
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 motion is that the Senate reconsider
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In the first place, it is a most unusual
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The committee considered numerous
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That, I repeat, is the whole report of
by 15

There is a difference between usual and
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But who in this body will say that

My reaction to the proposal is that it will not only take
us even from the usual procedure
than we are at, the same time, it will
introduce a most unconscionable delay
in facing this critical issue.
In the first place, it is a most unusual
procedure to debate the bill before the
entire Senate, amend it if that is the will
of the Senate and, in due course, to vote
on it.
To be sure, the Senate acted in an
usual fashion in placing the bill directly
on the calendar. But the Senate made
that decision, not in haste, but in a day-
long hearing, the procedural is-
sue involved and in accordance with the
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to challenge the procedure. It was chal-
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Georgia. The Chair's ruling on that the bill
shall be placed directly on the calendar and
the challenge was tabled by the Senate.
The bill stayed on the calendar, not by
some dictum of the majority leader or the
Presiding Officer, but by ruling of the
Chair, sustained, in effect, by a majority
vote of the Senate.
What is now being asked by the Morse
motion is that the Senate reconsider
what is has already, in effect, decided.
The motion, of course, is in order but it is
also unusual.
I acknowledge, Mr. President, that
there is much theoretical appeal in the argu-
ment of the Senator from Oregon that
the Senate should have the right to rec-
ognize the committee as directed by the
Chair. This is the report
which was supplied which presumably
was going to be of great help to the courts
in interpreting the civil rights bill of
1960. I now read to the Senate the whole
report, the entire report of the com-
mittee on that legislation, and I ask the Senate
to Judge what it might have to
to the courts in interpreting that law:

REPORT OF THE COMMITTEE ON THE JUDICIARY
(To accompany H.R. 8601)
The Committee on the Judiciary, to which
was referred the bill (H.R. 8601) to enforce
constitutional rights, and for other purposes, was referred
by the Committee on the Judiciary, with in-
struction to report back to the Senate not later than
midnight Tuesday, March 29, 1960.

The committee met in executive session
on March 28 and 29, 1960, during which time
it was attended by the Attorney
General of the United States, William F.
Rogers; the Deputy Attorney General, Law-
rence E. Walsh, and the special deputy at-
orney general of the State of Georgia,
Charles J. Bloch.

The committee considered numerous
amendments agreed to by the committee are
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The committee considered numerous
amendments agreed to by the committee are
set forth in the bill as reported to the

That, I repeat, is the whole report of
the Judiciary Committee on a previous
instructed referral of a civil rights bill.
I would say to the Senate, look at the
hearings on a Senate bill closely related
to the pending bill which was referred
last year to the judiciary. They consist
of 9 days of hearings in which one wit-
ness was questioned by one Senator and
that was all. I do not believe those hear-
ing give us a fraction of the insight into
the significance of this measure when
they are compared with the documenta-
tion already developed on the floor of the
Senate in its preliminary consideration
of the question and if and when we get
down to debate on the substance of the
measure, there is every reason to as-
sume that the additional documentation
which will be produced on the floor will
be extraordinary both in volume and in
erudition.
And, finally, I would say to the Sen-
ator from Oregon in his understandable
concern that the courts have the guid-
ance of a legislative record for purposes
of interpreting that law: the record which is just beginning to de-
velop on the floor? I do not believe that
the Senator from Oregon will hold for
one moment that a thorough legislative
record developed by all the members of
the Judiciary Committee plus the balance
of the 100 Senators will be held in less
esteem by the courts than one developed
by 15 committee members alone.
Mr. MORSE. Mr. President, will the
Senator yield to me on that point?
Mr. MANSFIELD. I yield to the Sen-
ator from Oregon.
Mr. MORSE. I merely wish to say
that the U.S. Supreme Court has so held
and will continue so to hold.
I also point out the first time I had an
opportunity to make my motion was to-
day, because the bill was on the Calen-
dar. That is the regular course of pro-
der
Senator's motion would allow to the Ju-
diciary Committee and we will be at it
once again the pending business-to get H.R. 7152
motioned up the first time and laid down as the pending business.
It will be in committee for the next 14
days if the Morse motion carries. For
how many days after, then, will we have
to wait for the order of business and
for a half weeks in order to make H.R. 7152
once again the pending business-to get it
once again to the point in the legis-
lative process where we are today—
where we can debate the issues of the bill
and not the question of whether there is
an issue to debate? Unconscionable delay?
I do not know how others may regard it.
But to me, Mr. President, that sort of
delay would be most unconscionable.
Let me underscore what I have just said
by propounding a series of parlia-
mentary inquiries. Let me make clear
that there is a difficulty in this motion,
an invitation to unconscionable delay
which some of those who now support
this motion may have overlooked.
Mr. President, I wish to propound a
parliamentary inquiry.
The ACTING PRESIDENT pro tem-
. The Senate will state it.
Mr. MANSFIELD. Am I correct, in
stating that if the Morse motion is
adopted, H.R. 7152 will be referred to the
Judiciary Committee and that no later
than 14 days hence it will be re-
ported to the Senate?
The ACTING PRESIDENT pro tem-
. It will have to be reported back
on the day stipulated, not later than April 8.

Mr. MANSFIELD. Mr. President, a further parliamentary inquiry.
The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. After H.R. 7152 is considered in committee and reported to the Senate, will the bill be in its present present pending status? That is, will it become again automatically, on being reported from the committee what it is now—that is, the pending business before the Senate, or will it revert on return of the legislation to the calendar?
The ACTING PRESIDENT pro tempore. It will revert to the calendar and will have to lie over 1 legislative day before a motion to take it up will be in order.

Mr. MANSFIELD. Mr. President, a further parliamentary inquiry.
The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. After H.R. 7152 is reported from the Judiciary Committee and reverted to the calendar, it would have to lie over 1 legislative day and then it would be in order, would it not, to move to proceed to consider it again?
The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MANSFIELD. And that motion to take up would be, except in the morning, debateable, would it not?
The ACTING PRESIDENT pro tempore. The Senator is correct.

Mr. MANSFIELD. A final parliamentary inquiry, Mr. President.
The ACTING PRESIDENT pro tempore. The Senator will state it.

Mr. MANSFIELD. After H.R. 7152 is reported from the Judiciary Committee and reverted to the calendar, it would have to lie over 1 legislative day and then it would be in order, would it not, to move to proceed to consider it again?
The ACTING PRESIDENT pro tempore. The Senator is correct.

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word “nay.” This illustrates the need for clarification.

I suggest to the majority leader, although he has already taken his position, that a few days of careful consideration now by a committee of lawyers—a committee of which only 4 are southerners—might well save weeks later. I should like to know the meaning of the terms with some more specific reference as to the legislative intent. We have seen repeatedly in the Senate the southerners might well save weeks later.

I further announce that the Senator from New Mexico [Mr. Anderson] is necessarily absent.

I further announce that, if present and voting, the Senator from New Mexico [Mr. Anderson], the Senator from Oklahoma [Mr. Moss], and the Senator from Utah [Mr. Moss] would each vote “yea.”

Mr. KUCHEL. I announce that the Senator from Colorado [Mr. Allott] and the Senator from Kansas [Mr. Pearson] are absent on official business.

The Senator from Utah [Mr. Bennett], the Senator from Nebraska [Mr. Curtis], the Senator from Wyoming [Mr. Simpson] and the Senator from Texas [Mr. Towers] are necessarily absent.

The Senator from New Hampshire [Mr. Corrion] is absent to attend the funeral of a relative.

On this vote, the Senator from Colorado [Mr. Allott] is paired with the Senator from Texas [Mr. Towers]. If present and voting, the Senator from Colorado would vote “yea,” and the Senator from Texas would vote “nay.”

On this vote, the Senator from Utah [Mr. Bennett] is paired with the Senator from Wyoming [Mr. Simpson]. If present and voting, the Senator from Utah would vote “yea,” and the Senator from Wyoming would vote “nay.”

On this vote, the Senator from Nebraska [Mr. Curtis] is paired with the Senator from New Hampshire [Mr. Corron]. If present and voting, the Senator from Nebraska would vote “yea,” and the Senator from New Hampshire would vote “nay.”

The result was announced—yeas 50, nays 34, as follows:

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So the motion to lay on the table was agreed to.

Mr. INOUYE obtained the floor.

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

The ACTING PRESIDENT pro tempore. Does the Senator from Hawaii yield to the Senator from Georgia?

Mr. INOUYE. Mr. President, I yield with the understanding that I shall not lose my right to the floor.

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

Mr. INOUYE. I yield.

Mr. RUSSELL. Mr. President, unfortunately today, by the vote that has been taken in the battle for constitutional government, we have lost a skirmish. A battle has been lost. We shall now begin to fight the war.

The great odds against us are clearly apparent. Washington has not seen such a gigantic and well-organized lobby since the legislative days of Volstead and the prohibition amendment. Even the society section of one of Sunday's newspapers was devoted to various activities attended by ladies and visiting on Capitol Hill. Outbursts of ministers from all over the Nation arrive in relays, demanding that Senators solve all constitutional doubts, however genuine they may be by voting in favor of the bill.

As these people undertake to make a moral issue of the pending question, the politicians are having a field day sanctimoniously moralizing over what is essentially a political question. We in the minority have much greater difficulties than did the minority in the Volstead fight. In this case the President of the United States, leaders of both political parties, and the most gigantic bureaucracy ever supported by tax money are using every available pressure to influence votes for the bill. Tax-paid representatives—lawyers—of the Department of Justice, in large numbers, have either been tooting the whistle in shifts or scattered throughout offices assisting Senate employees, including those of the Democratic policy committee, in furnishing ammunition to Senators who support the bill.

I again state that those who are advocating the bill with the slightest hope that even this far-reaching and sweeping proposed legislation will begin to satisfy those who are supposed to be its beneficiaries are in for a rude awakening. Even if the bill is enacted, these groups will be back here next year with new and increasing demands. Senators may resolve to fight the war in shifts or scattered throughout offices assisting Senate employees, including those of the Democratic policy committee, in furnishing ammunition to Senators who support the bill.

First, it was temperance; then it was the Anti-Saloon League; then it was total prohibition. Senators will see that course followed in respect to the proposed legislation.

There are many ethnic groups among our diverse population which, by their own mental efforts, have earned acceptance, equality, and leadership. Many individual Negro citizens have accomplished this for themselves. But for the first time in our history a group of American citizens are resorting to force and intimidation and demanding special legislation as a means to achieve these
shall have to object.

Mr. President, I will withdraw my objection to any statements.

The ACTING PRESIDENT pro tempore. The Senate from Delaware withdrew his objection. The Senate from Wyoming, Mr. McGee, Mr. President, the Commerce Committee has just concluded the first 3 days of hearings on a resolution, Senate Joint Resolution 71, which I have the honor to authorize the Federal Trade Commission to conduct an investigation into the purchasing, processing, marketing, and pricing practices of the large food chainstores. This resolution grew out of some unusual and highly suspicious market changes on the beef market beginning about 15 months ago. Perhaps the dirtiest of the allegations being made is the threats of retaliation against many suppliers who dared to criticize the major purchasers of foods.

Mr. President, fear and intimidation are ugly words. They are words that should not be used in describing business practices in our American free enterprise economy. Such practices have been used, in direct testimony, by men who have witnessed attempts by large food chainstores to threaten reprimals against cattle suppliers who might testify concerning some of the tactics used to control and manipulate the American beef market.

An official of the Denver Union Stock Yards declared that, in his presence, one operator in the Denver area had said that he didn't dare appear at a witness stand because the big chains would put him out of business. An official of a Rocky Mountain farmers' organization testified that a cattleman of his acquaintance in the Denver area had already been threatened by the refusal of chains to buy his cattle because of his criticism of chainstore marketing methods. And a third witness, Mr. James G. Patton, president of the National Farmers Union, reported that a member of a Farmers Union cooperative told him that he did not dare testify because he was dependent upon the chains for most all that his group marketed.

Mr. President, these are serious charges. If true they reflect an unconvincing use of concentrated economic power. I serve notice now that the Congress dare not neglect such pressures with indifference. They threaten the search for a duly commissioned committee of Congress for the facts. They jeopardize the operations of a free society. The plight of the captive suppliers for the chains is one of Howe's choice of slowly going broke because of continued low prices and being put out of business because the major markets for their produce seek to destroy them through retaliation. It is appropriate to add at this point that since the hearings have been underway, several other groups have come to me privately describing similar threats from the large chains.

It may be that the Congress, when it finally looks into this matter, should look at the pressure economics and pressure politics of the gigantic marketing agents in the country.

One other development of interest in the committee hearings has been the strange activity on price lines. It was reported to the committee in testimony that, very soon after the announcement of the committee's intention to investigate chainstore marketing practices, there suddenly appeared a flurry of meat sales which reflected sharply cut beef prices. Curiously enough, 3 or 4 days later—it was reported—the beef price to the housewife was back up to its old, high level. The information made was that we can expect further concentrated efforts on the part of the food chains to alloy the housewife's suspicions and misgivings by giving her temporary relief from high meat prices in "quickie" weekend sales for as long as the 'congressional heat' remains on this question. If this be true, I for one want to assure these predators of a free market that 'congressional heat' is not going to be permitted to die down until the marketing conditions have been cleaned up.

What the committee is asking essentially is: Who repealed the law of supply and demand in the United States? For as the price to the stockman has gone through precipitous drops on the one hand, the price to the housewife either remains static or, in many instances, has steadily risen. Beef producers in our country have lost in excess of $2 billion in the last year in skidding prices. These losses in some of our areas represent price drops of as much as 30 or more per cent to the grower, but the retail price across the country has reflected the savings to the chain stores.

The amount of concern that has manifested itself over a study of chain store marketing practices, the nationwide interest from all sections of the country that is now begging the Congress to go ahead with a searching examination in this field, and the desperate plight of many of our independent producers in varied economic groups all demand that a substantive investigation in depth be launched without further delay.

What this may require in the form of new legislation and examination is yet to be seen, but it does say that the Congress must demand the facts—all of the facts. It is now time that we ask the right questions without being afraid of the right answers.

Mr. President, Napoleon said that an army travels on its stomach. That statement could not be more true at this particular time. It has not gone unnoticed that an army travels, period. In fact, our whole Defense Establishment is keyed to the ability to transport men and materials with speed and efficiency to the places where they are needed.

It is very encouraging to know that this Nation is prepared to meet its transportation needs in case of an emergency. The extent of this preparation was outlined recently by C. K. Faught, Jr., Deputy Director, Office of Emergency Transportation, in a speech before a group of OET regional executive reservists in St. Louis, Mo., on March 24. I would add, Mr. President that Wyoming is proud to claim Mr. Faught as a native son.
Mr. President, I ask unanimous consent that the speech be printed in the Record.

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

REMARKS OF C. K. FAUGTY, JR., DEPUTY DIRECTOR, OFFICE OF EMERGENCY TRANSPORTATION, THE OET REGIONAL LEVEL EXECUTIVE REPRESENTATIVES, ST. LOUIS, MO., MARCH 24, 1964

This is a very dangerous world. It is sobering to note the measures that will be required to provide for the survival and maintenance of the economic capability of the United States under emergency conditions.

History has well emphasized the importance of transportation in emergencies.

By Presidential order the Secretary of Commerce is responsible for coordinating plans for the centralized direction of civil transportation in a national emergency. His assignment includes all land, water and air transport, whether foreign or domestic. He is to determine the proper allocation of all civil transportation resources between essential and non-essential transportation. The Under Secretary for Transportation created the Office of Emergency Transportation within his office to do this job.

There is more, even with respect to centralized control of civil transportation, than any before given to a single agency. In World War II the emergency transportation function was divided into three parts: Domestic surface transportation to the Office of Defense Transportation; ocean shipping to the War Shipping Administration, and air transportation to the Military Director of Civil Aviation. Now it is to be all one, and in which is much that there is basically only one national transportation system. Efficient utilization demands centralized control.

To this end the Office of Emergency Transportation coordinates current emergency preparedness functions in the Federal transportation agencies. These include the Maritime Administration and the Bureau of Public Roads, within the Department of Commerce, and the independent agencies—the Interstate Commerce Commission, the Civil Aeronautical Board, and the Federal Aviation Agency. The Office of Emergency Transportation relies on these transportation agencies for information and support. The Office of Emergency Transportation would assess the essential civil and military movement requirements against available civil transportation capability and direct allocations and priorities.

The relative urgencies of competing claims would be determined by the Executive Office of the President. It is important to note that the Department of Defense, being responsible for both military and civil defense, is nevertheless a claimant for civil transportation resources and not a controller of civil transportation services and facilities.

In developing our plans for the coordinated implementation of the national emergency system, the emphasis has been on ensuring and utilizing the capability of the Emergency Transportation Service in an emergency on an efficient basis. The Office of Emergency Transportation (OET) would have been authorized and established by the national emergency order which would have directed the Secretary of Commerce to establish transportation priorities. The Federal transportation agencies and private transport companies, having functional or resource responsibilities involving requirements for movement of personnel or freight were alerted and ready to implement the priority system which, in effect, would have limited traffic to that essential to defense programs or to the public interest. The system established by OET with Office of Emergency Planning concurrence, would have been supplemented by the regulatory agencies through the Federal agencies, will enable OET to control the utilization of all modes of transportation in a national interest. It involves these steps:

Step No. 1 is the accumulation of data to give us the capability of plans for all modes. This would be compiled by Federal regulatory and promotional agencies.

Step No. 2 is the gathering of phase transportation requirements, from the claimant agencies, including Department of Defense for military requirements and for civil defense; Department of Agriculture for food resources, equipment, fertilizer, and food resource facilitation; Department of the Interior for petroleum and gas, solid fuels and minerals; and Business and Defense Service to inform the Office on other materials and production facilities.

Step No. 3 is the analysis and evaluation of these requirements with respect to relative essentiality and, finally:

Step No. 4 is the apportionment and allocation of the total civil transportation capacity.

These allocations will be issued in bulk to the major claimant agencies who will then issue suballocations down to the actual shipments. They will manage their own movements through their own internal controls, including a standard priority system.

OET's efforts are primarily directed toward a war emergency but it might well be called upon to provide the framework of centralized transportation control to cater for the national need. The Federal funds, the concentration of forces, whether by road, rail or water, or by air to the interior, the allocation of the transportation system to the essential agencies, and the national defense against work stoppage will give some insight into the way we would function in a war emergency.

The broad outlines of the emergency documents drafted in preparation for a railroad strike will give some insight into probable future emergency procedures.

The documents were directed to transportation agencies, to all executive branch agencies, and to the Congress. It is necessary that the Federal agencies, will enable OET to control the utilization of all modes of transportation in a national interest. It involves these steps:

Step No. 1 is the accumulation of data to give us the capability of plans for all modes. This would be compiled by Federal regulatory and promotional agencies. These agencies—ICC, Maritime Administration, Bureau of Public Roads, Federal Aviation Agency, CAB, and Department of the Interior—would continue to perform their normal functions as established by statute or Executive authority.

Step No. 2 is the gathering of phase transportation requirements, from the claimant agencies, including Department of Defense for military requirements and for civil defense; Department of Agriculture for food resources, equipment, fertilizer, and food resource facilitation; Department of the Interior for petroleum and gas, solid fuels and minerals; and Business and Defense Service to inform the Office on other materials and production facilities.

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This concludes my remarks. I shall be pleased to respond to any questions.
ALLEGED FORGERIES ON TAX RETURNS IN THE ROBERT BAKER CASE

The ACTING PRESIDENT pro tempore, the Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. Mr. President, I wish to discuss for a couple of minutes the recent investigation of the Senate Rules and Administration Committee into questionable activities of several Senate Members, its employees, or former employees.

Yesterday I referred briefly to the fact that Mr. Hauft, an accountant, had on March 12, 1964, transmitted through me to the chairman of the Rules Committee an affidavit to the effect that his signatures on certain income tax forms of Mr. Baker's and his partnerships were forgeries.

As I understand, this point is accepted by the Rules Committee, and an official of the Treasury Department last Friday confirmed that the signatures of the accountant appearing on the Carousel Motel tax return, as well as Mr. Baker's personal tax returns, were not bona fide signatures of the accountant, but were forgeries.

The accountant further charged that at no time had he ever taken part in the preparation of Baker's partnership returns upon which his forged signature appeared.

The question as to whether or not the final tax return as filed with the Treasury Department is more or less accurate in matters of income for Baker's or his partnerships' income is immaterial. The question as to whether or not the accountant would have signed the revised version of Mr. Baker's return had it been presented to him is likewise immaterial.

Forgery is forgery.

There can be no contradiction of the fact that forgeries have been made; and both the committee and the Department of Justice have a responsibility to determine who forged the signatures, when, and for what purpose it was done.

At this point, Mr. President, I refer again to a letter which I placed in the Record yesterday from Mr. Colin F. Starns, in which he confirmed the fact of the penalty provisions applicable to a situation in which a tax return had been filed involving a forged signature in the preparation of a return. That letter was printed yesterday in the Congressional Record, and I am making it a part of the official record today.

There is another angle to this transaction which gives me great concern; and that is, the procedure which was followed in the case of Mr. Baker.

On Monday, the Senate Committee on Rules and Administration arranged an off-the-record meeting between Mr. Hauft, the accountant who had first presented charges of forgery to the committee, and Mr. Edward Bennett Williams, the attorney for Mr. Baker.

This meeting was arranged at Mr. Bennett Williams' office. Mr. Hauft, the accountant, indicated that he had not been present at the committee, and Mr. Edward Bennett Williams, the attorney for Mr. Baker.

He was told by the chief counsel that the committee wished him to keep this appointment which had been arranged with Mr. Baker's lawyer in order to examine and bring back to the committee his original works papers from which he had prepared the tax returns.

Prior to going to the meeting Mr. Hauft insisted on talking to Major McLendon and on getting his instructions direct from him.

Mr. Hugler and Mr. Hauft arrived at Mr. Bennett Williams' office at approximately 4 p.m. Monday afternoon, and they were immediately taken into his office. Mr. Williams asked Mr. Hugler, the committee staff member, to sit on the far side of the room while he and Mr. Hauft reviewed certain papers which he had originally used to prepare Mr. Baker's tax returns. Mr. Hugler not only stayed in the room throughout the conference, but upon entering the room he had presented to Mr. Baker's attorney his credentials as a staff investigator.

After reviewing the papers which Mr. Williams handed over to Mr. Hauft he personally identified them as his original worksheets. A copy of these papers was then given to Mr. Hauft. Mr. Hugler and Mr. Hauft then left Mr. Williams' office and returned to the Senate Rules Committee where additional copies of the works papers were made by Mr. Hugler, and those copies were left with the committee.

At this meeting the 1961 personal tax returns of Mr. Baker were the only ones which were reviewed by Mr. Baker's lawyer, Mr. Bennett Williams, with Mr. Hauft and Mr. Hugler. It should be noted that the partnership returns for the Carousel Motel which likewise bore the forged signatures of Mr. Hauft were not mentioned in the subsequent press release.

Furthermore, these documents which were sent to the committee by Mr. Baker were the same papers for which the committee had earlier issued a subpoena. Mr. Baker, upon the advice of his lawyer, ignored that subpoena and invoked the fifth amendment.

Personally, I seriously question the propriety of the Senate Rules Committee sending one of its witnesses to the office of Mr. Baker's attorney for a personal interview before he had even been called by the Rules Committee to give his testimony concerning these forgeries—but since Mr. Baker, through his lawyer, has not seen fit partially to comply with the Senate Rules Committee's request for official records as named in the original subpoena, I do not see how Mr. Baker can further refuse to furnish the remaining portion of his business records.

Mr. President, there is one report which I believe is the incident which is quoted in an article in the New York Times today, and I am quoting from the article:

A staff investigator for the committee said later that there were 24 returns of the former Secretary of the Democratic majority of the Senate for a period of 4 years before 1962 had failed to reveal anything of a suspicious nature.

Spokesmen for the Internal Revenue Service also took the witness stand today to testify guardedly about their investigation into Mr. Baker's tax situation.

They explained that secrecy safeguards established by statute prevented unauthorized disclosure of tax information, and successfully blocked several lines of inquiry by members of the panel.

I do not know just what was proved by this statement. I did not understand that the Rules Committee was reporting anything in a wholesale manner. I thought that was something for the Treasury Department to do. Whether Mr. Baker's returns are in order or not, members of the Rules Committee themselves can express their own opinions. However, I was interested to note that in the papers which were included as a part of the official committee record there appears some rather interesting items. Most taxpayers are called upon to itemize such deductions, but the reports were furnished to the committee, I see no mention of itemization.

I am not unmindful of the fact that Mr. Baker, as an employee of the Senate, at a salary of $18,528.65, had at his disposal a Lincoln car. This car was at his disposal 24 hours a day for use in his official duties.

In addition to that is interesting to note that he claimed depreciation of $560 on a 1,057 Cadillac. Allegedly he was using this car also for official duties since he claimed $560 depreciation.

In addition I noticed on the report that he claimed for taxi fares and parking a deduction of $264.

In addition, there was an amount for personal air travel. As an employee of the Senate he is reimbursed by the U.S. Government for his travel on official business. But, in addition, we find Mr. Baker, according to the report furnished the committee yesterday, claims a deduction of $2,565.93 for air transportation.

Altogether this makes quite a little trip since his job requires on full-time duty in the Senate who has a car at his disposal all the time.

I merely list these items for what they are worth.

In a business deduction, Mr. Baker claimed $511.30, in entertainment expenses. In his official status in the Senate he claimed another $1,521.24 as entertainment expenses. I notice another item for flowers in the amount of $115.33; for meals and lodgings while out of town he claimed $427.33. Deduction for club dues, which I understand includes the dues for the Quorum Club, amounted to $490.71.

In addition to these deductions I understand on his 1962 tax return there is a $40,000 item which he admits receiving as a fee from somewhere. Mr. Baker took the fifth amendment as to who paid this fee and I am told Mr. Baker did not pay this fee.

In the light of these nonitemized deductions I wonder how anyone could say within any degree of accuracy that all of this has now been accounted for and that there is nothing wrong with his tax returns. I fail to draw any conclusion. Mr. Baker has taken the fifth amendment before the committee and has flatly refused to cooperate. Now, unless there has been some more off the
Does the Senator think it would be necessary to round up Senators from the majority side to the extent that it would require Mr. Baker to spend that much money? I may say that from my experience I would not expect it would be necessary, with two automobiles at his disposal.

Mr. WILLIAMS of Delaware. In view of the fact that Mr. Baker had an official Government car at his disposal 24 hours a day, I do not know how he found time to spend $824 for taxi fares, and do all the entertaining—over $2,000—which is alleged he had done. It must have been rather expensive entertainment and far above what we are accustomed to.

I make one further point. Offically, I talked with a representative of the Treasury Department who indicated:

Well after all, these signatures of the accountant on the returns are not Mr. Hugler's, where he is unfamiliar with the name of some person unknown, but it is not a criminal forgery.

I never heard that there were two types of forgeries.

I asked what he meant; he said that Mr. Baker did not try to write the name in the same manner. In the same style. I fail to see that there is any difference. If a man's signature appears on a tax return along with the forged name of an accountant, obviously it has been done with the intention of creating the impression that the accountant had audited his income and expenditures for the year.

I submitted this question to Mr. Colin F. Stump, chief of staff of the Joint Committee on Internal Revenue Taxation, and Mr. Stump's letter was placed in the RECORD yesterday. Mr. President, for continuity, I ask unanimous consent that Mr. Stump's letter again be printed in the RECORD at this point.

This is an important point in this case. There being no objection, the letter was ordered to be printed in the RECORD as follows:

CONGRESS OF THE UNITED STATES, Joint Committee on Internal Revenue Taxation, Washington, March 25, 1964.

Hon. John J. Williams, U.S. Senate, Washington, D.C.

DEAR SENATOR WILLIAMS: This is in response to your inquiry regarding the penalty provisions applicable in a situation where a tax return is filed with a forged signature of a preparer of the return.

Under the Internal Revenue Code, such an offense may be prosecuted under section 7206(1) or under section 7207. Section 7206(1) provides:

"Any person who—"

"(1) Declaration under penalties of perjury—willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or—"

"shall be guilty of a felony and, upon conviction thereof, shall be fined not more than $5,000 or imprisoned not more than 3 years, or both, together with the costs of prosecution."
Mr. WILLIAMS of Delaware. That is correct. Mr. Starn also stated it appears under section 7207 of the Internal Revenue Code, which is tied to the penalty provision of section 1001 of title 18.

Mr. SCOTT. Is the Senator from Delaware further aware of the fact that yesterday the Senate, with respect to the income tax returns allegedly signed by Baker, with the name of Mr. Hauft and incidentally, Mr. Hauft's initials are M. L.—as to whether they had in fact been signed by the same man, and whether they had been signed by Mr. Baker's own handwriting, and I asked the committee to consider calling in a handwriting expert to determine that point. I think they are all the questions we can ask under the internal revenue laws, and I was advised by counsel that that would be considered, but counsel said there might be other ways in which we could get the same information.

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

Mr. SCOTT. I am not finished. I do not want this investigation to close—I do not want it to end on this time—but I do not want it to close without our having ascertained whether or not Mr. Baker signed the name of Mr. Hauft on the return and whether he signed the name of Mr. Hauft on the return of the Carousel Motel.

Mr. WILLIAMS of Delaware. It is important to find out who forged the name of the accountant on the returns. However, the advice I received was that whatever was done on the returns bears the false signature and assumes the responsibility. Mr. Baker filed these returns. He therefore assumed the responsibility for the forged signatures. Conceivably, he could say, "That is a forged tax return; I did not sign it." He could say, "I did not even sign my own name to the report." In that event Mr. Baker would have no tax return filed, and there would be two forgeries and a tax evasion. However, the burden of proving the returns bears the false signature rests with the taxpayer; he has verified all this information on the return and he has certified the signature when he signed it. Mr. Baker has to do more than take the fifth amendment and get out of this case.

This is a clear-cut case for the Department of Justice.

Mr. SCOTT. Is the Senator aware of the fact that when the Committee on Rules and Administration, under the direction of Mr. Scott, went to various banks having made loans or having had other transactions with Mr. Baker, certain of those subpoenas were carefully drawn to contain in the demand for the records from the banks a blanket demand for any records pertaining to the tax return or any papers that were related to the tax returns of Mr. Baker and his wife; but—and I repeat this and I ask Senators to give careful attention to it—I call on any records pertaining to the tax return or any papers that were related to the tax returns of Mr. Baker and his wife, even though Mr. Baker, and not the banks, would be expected to know the most about his tax returns. Why could he have no information whatever on it. Was the Senator from Delaware aware of this strange omission?

Mr. WILLIAMS of Delaware. I was not. I have not seen the subpoenas. Mr. Scott, I do not think, as this witness, counsel said there might be other ways in which we can get the same information.

Mr. SCOTT. Is the Senator aware of the fact that inasmuch as we are circumscribed in the inquiries we can ask under the Internal Revenue Code, we may be prevented from learning something because of a line of questioning as to what gifts of campaign contributions, if any, either Mr. Baker or his wife may have received, and particularly what he did in apparently misappropating campaign funds. I do not see how the minority members of the Committee have been frustrated and denied the opportunity to hear the testimony of the very people who worked with Mr. Baker, who would know the most about his operations, and whom the committee and the House of Representatives, by vote of 6 to 3 in the Committee on Rules and Administration and are, therefore, prevented from asking Mr. Baker's petitions, so far as those employees could cast light on them?

Speaking for myself, I am further prevented from learning something I am pursuing, so far fruitlessly, with respect to a line of questioning as to what gifts of campaign contributions, if any, either Mr. Baker or his wife may have received, and particularly what he did in apparently misappropriating campaign funds. I do not see how the minority members of the Committee have been frustrated and denied the opportunity to hear the testimony of the very people who worked with Mr. Baker, who would know the most about his operations, and whom the committee and the House of Representatives, decided not to call, by a vote, as I recall, of 6 to 3? Is the Senator aware of that?

Mr. WILLIAMS of Delaware. I have read in the press that a decision has been made to call the witnesses. I deeply regret such a decision having been made. I do not think we have answers to him or anyone for his benefit; all records, correspondence, memorandums, and agreements between Robert G. Baker and Joe Benitez or Andres Lopes or Marshall F. Dancy. 3. All correspondence, memorandums and documents relating to business or financial transactions with Fred Black, Thomas Webb or Francis Lawless, either as individuals or representatives of others.

9. All correspondence, documents, and memorandums relating to chainstores, or association chainstores, or organizations with persons registered as lobbyists with the Secretary of the Senate or the Clerk of the House of Representatives.

10. All documents, leaflets, and other communications with and visits to the North American Aviation Corp., and documents having defense contracts with the U.S. Government or agencies thereof.


12. All bills, vouchers and evidence of expenditures for equipment and furnishings installed into the Town House located at 306 N Street NW, Washington, D.C.
to the many questions which have been advanced during the course of this investigation.

We can be satisfied with nothing less than full disclosure regardless of who may be involved.

Mr. President, without in any way making a judgment on Mr. Baker's tax returns or usurping the responsibility which clearly lies with the Treasury Department in any prosecution that may be necessary from any error that might be in these returns, there are a few points that I think the Record should show in response to some of the questions raised by the Senator from Delaware [Mr. Williams] and the Senator from Pennsylvania, and Food plan.

The reason why it was decided in the Committee on Rules and Administration yesterday not to engage an expert or consultant to make a handwriting analysis was that this is already being done by handwriting experts at the Internal Revenue Service. This is a matter of public record in the open hearings.

Another point was that the rather general $624 deduction for taxi fares was, according to Mr. Baker's records, made to the law office of Tucker & Baker, but was not an individual transaction, and did not involve an official function of the secretary of the majority.

The reason why the income tax returns of Mr. Baker were not subpoenaed was that they were made available to Rules Committee investigators by the Internal Revenue Service, and the committee has copies of them in its files.

PESTICIDE BUILDUP IN WATER SOURCES

Mr. RIBICOFF. Mr. President, this will not be a silent spring insofar as the pesticide problem is concerned.

On March 19, the U.S. Public Health Service and the State of Louisiana announced that water pollution involving toxic synthetic organic materials—pesticides, fungicides, and growth-regulating materials—was the cause of the large-scale fish kills in the lower Mississippi drainage basin and its estuarine waters in the Gulf of Mexico.

On March 24 the British Ministry of Agriculture, Fisheries and Food placed three widely used pesticides under "severe restrictions."

The pesticide involved in the Louisiana fish kill—endrin—is closely related to two other pesticides—aldrin and dieldrin—placed under restriction by the British.

Today it is reported in the New York Times that Louisiana authorities have informed the Public Health Service that shrimp as well as fish have been killed by the pesticide buildup in the Mississippi River.

According to available evidence, the use of endrin, aldrin, and dieldrin is responsible for the largest part of the damage, and the extent of damage was not accidental, excessive, or in any way extraordinary. It was business as usual, and the complacency that has existed up to this point is now replaced by a new, hard look at the facts.

Mr. President, the Louisiana fish kill presents a whole new dimension to the pesticide problem. Information furnished me to date indicates unbelievably low levels of toxic material found in the dead and dying fish. These materials are found not only in the fatty tissues of the fish but in the blood as well. There is no evidence to date of accidental spills or unusually high runoffs that would account for the high fish mortality.

The kill continued at the same rate at the same time of year each year for the past 4 years.

The Louisiana fish kill should silence the pesticide apologists once and for all. I recall a recent advertisement illustrated entitled, of all things, "The Life-Giving Spray" which assured and persuaded hunters and fishermen of a continued large stock of fish and game. This advertisement would silence those who repeat the "read the label!" litany since all evidence points to the fact that fish kills are occurring despite use of the toxic materials as directed.

Finally, this matter raises many serious and urgent management questions. What of other river basins? Is a pesticide buildup occurring now in every major water source in the United States? I have asked the Public Health Service to find this possible.

I have asked the Public Health Service and the Food and Drug Administration for definitive answers. What of the Government's power to act in this matter? Is it adequate? Which agency is best equipped to cope with the problem? Are the agencies working together toward a solution? These and other questions demand prompt answers. I am announcing, therefore, that the Subcommittee on Reorganization and International Organizations will resume its hearings on the use of pesticides in 2 weeks in order to get them.

I ask unanimous consent to have printed in the Record a copy of the Public Health Service announcement on the Louisiana fish kill, an article from the New York Herald Tribune entitled "Science Tracks Down a Fish Killer," an article from the Washington Post entitled "Pesticides Fatal to Gulf Shrimp," and a copy of the letter to the Public Health Service from the Louisiana Health Department.

The position of no objection, the announcement, articles, and letter were ordered to be printed in the Record, as follows:

U.S. DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, PUBLIC HEALTH SERVICE.

WASHINGTON, D.C.

The U.S. Public Health Service and the State of Louisiana announced that water pollution involving toxic synthetic organic materials appears to be the cause of the mass scale fish kills in the lower Mississippi drainage basin and in the estuarine waters in the Gulf of Mexico.

Several chemical compounds have been found in significant quantities in dead and dying fish in the water environment, including at least two substances so far unidentifiable and two pesticides, endrin and aldrin.

The announcement followed 3 months of investigations carried out by a team of engineers and scientists from the Public Health Service's Division of Water Supply and Pollution Control. The studies were made at the request of the State of Louisiana because of a series of fish deaths involving millions of fish which have taken place in the river and the gulf each fall and winter since 1960.

Both the Public Health Service and the Food and Drug Administration within the Department of Health and Welfare are intensifying their food and water protection surveillance activities in the Mississippi River Basin.

Some quantities of organic chemicals are normally present in drinking water supplies; levels found in the lower Mississippi fan do not present any immediate health problems.

Aquatic life is particularly sensitive to pollution from certain synthetic organic wastes; the presence of some of these substances in proportions less than one part per million is lethal to some fish and game. The intermittent samples will identify any potential hazards to health from the consumption of fish in which toxic substances may be concentrated.

Examination of dead and dying fish, of mud, and of the river water has shown the presence of a number of synthetic organic materials. Recently developed measuring techniques enabled Public Health Service scientists to detect and measure these substances in quantities as small as parts per trillion. The analyses were independently by five teams of investigators, four within the Public Health Service and one from commercial research laboratories.

Biologists of the Fish and Wildlife Service of the U.S. Department of the Interior have ruled out parasitic or bacterial disease as the cause of the fish kills. Microbiological and environmental conditions such as low dissolved oxygen and drastic temperature changes have also been ruled out as causes of these deaths. In cooperation with the Public Health Service, the Lower Mississippi Basin, the Division of Water Supply and Pollution Control of the Public Health Service, the continuing study to determine the water pollution control measures necessary to protect these waters for all legitimate uses. Scientists and engineers are being assigned to the area and will be supported by several laboratories of the Public Health Service. Other Federal, State, and local agencies are expected to participate in this effort.

The Public Health Service's studies are now being reviewed by other Federal agencies, including the Department of Agriculture, and the Department of Interior's Bureau of Sport Fisheries and Wildlife and the Commercial Fisheries of the Fish and Wildlife Service.

[From the New York Herald Tribune, Mar. 29, 1944]}

SCIENCE TRACKS DOWN A FISHER KILLER—MISSISSIPPI PLAGUE BLAMED ON PESTICIDE

(Pro Hart St. LOOY)

WASHINGTON—Dead fish by the millions. Louisianians along the bayous and levees of the lower Mississippi and Atchafalaya basins last winter could see the bloated bodies of catfish, menhaden and speckled and white trout in the banks and floating on the water as far as the eye could see.

Tugboat captains said the strange fish kill had worked up the Mississippi River. The kill even spread into the Gulf of Mexico. Ducks were dead. There were reports that the higher orders of water life—turtles, crocodiles and whales—had also found dead, but these were never confirmed.

"The great fish kills were almost expected and it's a repetition of 'Man at the Man River,'" continuing another year in its eternal wandering, slowly and grew shallower. Rudyard Kipling had described the same phenomenon in 1950, 1961, and 1962.

What had brought the great silence to the waters of the river? In the first 3 years, when Rachel Carson's book, "Silent Spring," was sparking fervent debate in the Nation—Louisiana health and wildlife authorities investigated.
They looked for some strange spillage into the river—of a poison accidentally—and they found none.

They looked for pollution of raw sewage and found nothing more than normal.

They look for change in water temperatures and found none.

They looked for a bacterial and viral disease and found none. This year, they looked for botulism after the Great Lakes whitefish scare but found none.

**CRITICAL TESTS**

They even considered pesticides but tests found none of the toxic bug killers in the water. They raised pennisilium, the new test, that was 3 years ago and since then, chemists have grown more sophisticated in the way of discovering new substances.

Three years ago, trace amounts of pesticides were measured in parts per million. Now they can be found if their quantities are as small as parts per quarter cent. The mystery is unraveling.

Last week, the commission found there was enough pesticide endrin in the blood of the dying fish. In addition, the scientists established that the pesticide diedrindrin also in the fish as well as DDT, DDE, another pesticide, and two unidentified compounds that are by-products of the pesticides action within the fish.

**THE CLINCHER**

Using newly developed analytical methods, the scientists found almost unbelievably small amounts of endrin, dieldrin and DDT, and even hop acting up and down the Mississippi River. Then they took samples of dead and dying fish, froze them and shipped them to the Taft Sanitary Engineering Center in Cincinnati. At the laboratory, they found that fish took the pesticides in, but did not excrete them. Concentrations of the chemicals in the fish, and still stunned by the unbelievably small quantity of pesticides that got into the water.

Dr. Leon Weinberger, chief of the water pollution division's branch of applied science, is not yet ready to say that endrin or dieldrin killed the fish. "There should be more to it than that, though, enough points in that direction."

"This is just the beginning of our investigation," he said. "There are lots of unanswered questions."

A carefully worded press release from the Public Health Service says:

"Small trace quantities of organic chemicals (such as pesticides) are normally present in drinking water supplies; levels found in the lower Mississippi basin do not present any immediate health problems."

The key word in that committee-written statement is "immediate." The people of New Orleans and the Mississippi River water today, which contains some endrin. It won't kill them. But Dr. Weinberger and his colleagues are frankly worried about the future.

They want to establish whether the Mississippi—definitely unsafe for fish—is safe for other drinking water uses, recreation, or commercial use. The fact is that catfish—the bottom-feeding species that suck food out of the river all and the fish most important part of the diet in the Gulf coast region.

**DIET PROBLEM**

"We are all concerned about people eating fish," James B. Coutier, an official in the Division, said last week.

The Food and Drug Administration is also concerned—and not only about catfish. Clams and other shellfish in the river bottom have been poisoned with pesticides has been found. The FDA has previously ruled that no foods can be marketed with any amount at all of endrin. But that was prior to the new tests, which allow detection of far smaller quantities.

The FDA is now investigating to determine whether action should be taken. Possibilities include a ban on the use of endrin, regulation of its use, or a ban on any foods containing it. Such actions would, of course, have far-reaching repercussion in the fishing and farming industries.

There are still more unanswered questions for example:

Where did the pesticides come from?

Suggested answer: The Mississippi drains one-quarter of all the farmland in the United States. The water carries with it many controlling menaces to grains. Some find their way into the river by simply washing off the land in a rain. Others are dumped in by careless airplane spraying operations, and still others when farmers wash out pesticide containers for reuse and let the water run out sewage systems that drain into the river.

**LETAL WINNER**

Why do they concentrate on the river bottom and why do the fish only die in the winter?

Suggested answer: It could be that in the river, the winter slows down and the pesticides can act on the river bottom. Or maybe it's diffused throughout the water and the fish, which concentrate the chemicals in their fatty tissues, use up more fat to keep warm in the winter, allowing the pesticides into their bloodstream.

What are the dangers to humans?

The scientists don't know. Why are salt water fish in the gulf—where the pesticide concentrations are even smaller than those in the river. The answer given is that some may have been sent out on a research ship, others when farmers wash out another chemical and another.

As man tampers with his environment more and more; the desperate need for some basic understanding of the scientific principles involved becomes even more apparent. That's the real lesson 'Old Man River's' dead fish have brought home in earnest.

**MANUFACTURERS DISSENT**

The committee, he said, found no evidence of any "serious immediate hazard" to humans from the use of DDT or to wildlife, apart from certain species of predatory birds.

They rejected the suggestion that these chemicals "many be severe liver poisons or that they can be condemned as presenting a carcinogenic hazard to man."

"On the other hand," he said, "the committee regard it as a matter of concern that traces of the chemicals are being found in so many situations and express the firm opinion that accumulative contamination of the environment by the more persistent organo-chlorine pesticides should be curtailed."

By "curtailed" the Minister meant that fertilizers, seed dressings, sheep dips and garden products containing aldrin, dieldrin and heptachlor would no longer be available in a few months, except in one of two specific instances such as in the precision drilling of coal.

The Minister said that the manufacturers of aldrin and dieldrin had informed him they "disagreed strongly with the committee's conclusions. Their research and that of other researchers suggested that, after reaching a certain harmless level of concentration, the chemicals ceased to have any further cumulation and that the loss could be reduced to about 75,000 tons by the use of less harmful chemicals."

Fears about the side effects of aldrin, dieldrin and heptachlor were first expressed in 1957 by various bird and animal protectors. Since then, millions of acres of vegetable beds and field crops are treated with the chemicals. It is now known that many species of predators have been poisoned with these organo-chlorine pesticides, and that no specific chemical tests for their presence are available.

A separate Government report on endrin and four other pesticides reputed to be dangerous (endosulfan, chloroanil and hexachlorobenzene) is expected later this year.

The Government expects that restrictions on aldrin, dieldrin and heptachlor will be imposed as a result of DDT. The committee expressed hope that the pesticide industry "will do its utmost to produce less persistent alternatives."

The committee found that "DDT is at least as persistent as dieldrin in the soil" that and the half the original amount of it applied could be detected between 3% and 2% years later.

The persistence of an alternative pesticide recommended called BHC (benzene hexachlo- ride) is less than that of DDT, the committee's investigators said.

**NEW ORLEANS**

March 25.—Louisiana authorities said today that shrimp as well as
Louisiana State Board of Health, New Orleans, La., March 20, 1964

Dr. R. J. Anderson,
Assistant Surgeon General, Chief of Bureau of State Services, Environmental Health, Washington, D.C.

Dear Dr. Anderson: I am sure you are familiar with the tragic fish kill that occurred in March 19 by your division of water supply and pollution control regarding the presence of insecticides in the lower Mississippi River; however, I am inclosing a copy of the release for your ready reference.

The finding of insecticides in the Mississippi River raises a problem which appears to be beyond the capability of state boards of health and other state agencies to solve.

Endrin has been found in dead and dying bottom-feeding fish in concentrations up to 7 parts per million; endrin has been found in raw water by carbon filter extraction in concentrations ranging from 0.054 to 0.134 part per billion, and dieldrin in concentrations ranging from 0.011 to 0.034 part per billion; endrin has been found in New Orleans finished water in trace quantities of 0.025 part per billion and dieldrin at least at 0.0027 part per billion.

Heptachlor, DDE, DDT, dieldrin, and endrin have been found in shrimp.

The areas in which we need help are as follows:

A. Determination of the specific sources of insecticides found. Although the concentrations seem to increase in reaches of the Mississippi River in Louisiana there really is no drainage to the river from Louisiana soils and there are no Louisiana industries discharging insecticide wastes into the river.

B. Technical assistance in the analysis of water and food samples.

C. Technical assistance in the evaluation of water treatment plant operations to effect maximum insecticide removal.

Please consider this a formal request to your agency for the earliest possible assistance in solving these and related problems.

Very truly yours,

James R. Strain, M.D., M.P.H.,
State Health Officer.

The Passover

Mr. Dodd. Mr. President, at sundown Friday, March 27, Americans of the Jewish faith will begin an 8-day observance of Passover, one of the most important holidays of the year. Passover is known as the Feast of Liberation because it commemorates the delivery of the ancient Israelites from the bondage of Egypt.

While the bondage was a cruel one, Jews generally pay particular attention to the right of deliverance. And this is not unrelated to the teachings of the Hebrew prophets who were concerned more with preventing new episodes of enslavement than with the slavery of the past. In this prophetic view, man can make sure of his own freedom only if he seeks to protect the liberties of those around him.

Man can be secure only if he opposes tyranny and the condition of slavery whenever and wherever he confronts it.

This is the true meaning of the Old Testament statement that "if a stranger sojourns with you in your own land, you shall do him no wrong. The stranger shall be as the native-born among you."

This is also the meaning of the Judeo-Christian maxim:

Do unto others as you would have them do unto you.

Passover, then, has meaning for all Americans regardless of their faith. Its basic purpose is to extol freedom and to make freedom an instrument of social justice.

Yet, today, there are all too many people who have neither freedom nor justice. Passover is a plea to heed the cries of all who are deprived of their birthright so that the American people may secure that the American people may have the freedom and human dignity that the American people have the freedom and human dignity that our Constitution guarantees.

Thus, we meet with the spirit of the Hebrew prophets and with the spirit of the Judeo-Christian tradition:

"Man cannot live by bread alone," said Jesus.

"No man is an island," observed Dr. Samuel Johnson.

The struggle for freedom is a universal one, and the roots of it lie in the deepest and most ancient of human experiences. It is a plea that we all who are deprived of our birthright understood in the spirit of the Old Testament and Fresh Testament, and with the spirit of the Hebrew prophets and with the spirit of the Judeo-Christian tradition:

Do unto others as you would have them do unto you.

Passover, then, has meaning for all Americans regardless of their faith. Its basic purpose is to extol freedom and to make freedom an instrument of social justice.

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Do unto others as you would have them do unto you.
If ye do not feel the chain
When it works a brother's pain,
Are ye not base slaves indeed.
Slaves unworthy to be freed?

No; true freedom is to share
All the chains our brothers wear,
And with his heart and hand to be
Earnest to make others free.

On this day, as Christians prepare
for their own Easter holiday, there are many
to recall that there is such a thing as the brotherhood of man and the
fatherhood of God. There is good reason
for a call for resolution in strengthening the
foundations of freedom in the future. We
must heed that call, demanding though it may be, if we are to assure the
durability of our own free way of life.

SILVER ANNIVERSARY OF VERY
REV. MSGR. DONALD CARMDY

Mr. CANNON. Mr. President, on
March 19, the Very Reverend Monsignor
Donald Carmody, the first native Ne-
Vadan ever to be elevated to the Catholic
priesthood, celebrated his silver anni-
versary.

Monsignor Carmody was born in Reno,
Nev., educated there, and was graduated
from the University of Nevada. On
March 19, 1939, he became a priest in
ceremonies held in St. Thomas Aquinas
Cathedral with the Most Reverend
Thomas K. Gorman, then bishop of Reno,
presiding.

During the next 25 years, Monsignor
Carmody was to distinguish himself
with a zeal and dedication which almost
claimed his life. It was after World
War II, while teaching and directing
welfare activities in Reno, that he suf-
fered a heart attack and hovered near
death.

Miraculously, he recovered and went
to Las Vegas where his dedication and
enthusiasm contributed significantly
to the growth of the Catholic Church, and
his contributions in the field of welfare
won for him the respect and esteem of
persons of all faiths.

It seems especially significant, Mr.
President, that Nevada's first native son
to be ordained is celebrating his silver
jubilee in the same year that Nevada
celebrates the 100th anniversary of
statehood. Monsignor Carmody is rep-
resentative of the young men who are
born in Nevada, who grow up knowing
of the problems and goals of her people,
who answer the call of God, and who re-
turn to do His work in the State of their
birth.

The Reverend Leo E. McFadden, edi-
tor of the Nevada Registry and assured
with beauty and simplicity the story of Mon-
signor Carmody's 25 years of priesthood,
and I ask unanimous consent to have
printed in the Record Father McFad-
den's article entitled "Two Plain Cents."

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

TWO PLAIN CENTS
(By Leo E. McFadden)

The little boy gave his 50 cents. It was
for a gift for his teacher who was going
together by bus to buy the principal a gi-

rant. The principal was a priest.

Twenty-five years. A very drab existence.
In fact, the world wouldn't give 2 cents for
any one of those years. But a little boy did.
His gift of 2 cents for each of those 25 years
somehow made it all worthwhile.

Fact is, it made everything priceless.

JUSTICE AND CIVIL RIGHTS

Mr. INOUEY. Mr. President, the
greatest wrong our Nation has ever
perpetrated, in a history perhaps un-
matched for honor and generosity to-
ward mankind, is one we have inflicted
on a part of our own people.

Since the days when the settlers first
came to this new and wild land, Amer-
icans have been consumed with an idea
that departed entirely from the thought
and custom of all previous history. This
idea involved a new way of looking at the
character of man.

Our Government, also for the first
time in history, was built on this princi-
pole. As Abraham Lincoln once said:

"Most governments have been based, prac-
tically, on the denial of the equal rights of
men. Ours began by affirming those rights.
We said "some men are too ignorant and
vicious to share in government." "Possibly
so," said we, "and by your system you would
alone be allowed to vote and speak in
public." We propose to give all a chance; and we expect
the weak to grow stronger, the ignorant
wiser and all better and happier together."

Yet here in the first country of the
world which was dedicated to this idea,
in the country which has been respon-
sible for keeping it alive in times of
darkness ever since, and is responsible
today, we have not worked or cared to see
it scrupulously applied among our
own people.

We have given reasons, some of us,
and others have closed their eyes and
turned their backs upon laws, practices,
and attitudes which we should long ago
have fought to have abolished. It has
never been easy for men to forgive
others for being different from them-

selves, whether in some superficial fea-
ture like shape or color or even in less
noticeable differences, such as the minor
tenets of one's religion. Laws cannot
change the hearts of men, and we will not
change the hearts of men by this law
if indeed we are able to enact it.

Some have said to me, the Negroes have
ever earned full citizenship; they have not
won the right by their virtues or any
possibility to be good citizens. I answer that it is
hard enough just to earn a living with-
out education, without justice in the
protection of the laws, without self-
respect, without hope, without freedom,
and without hate and repugnance their all too
constant welcome.

What effect would these surroundings
have on any man? I do not know but I
believe the Negro people have, on the
whole, returned our two-plus centuries
of injustice with almost miraculous for-
givenness and restraint.

To change these living habits of so
long a time does not come easy, and we
must do all within our power to see that
the change is as little disruptive, and as
little painful as it can possibly be. This
will require still more restraint on the
part of those who have already waited
so long. But change we must, and this
requires restraint on the part of those
who must endure the change. This re-
mak is not directed at the South, for
what section of the country can say that
it has not fought and worked to remove
the Negroes in every area of human ac-
tivity and in the way that must be done
if they are ever to become truly members
of the community.

I feel, however, that this attitude is
changing. Many factors lead me to be-
lieve so, from the inspirational march in
Washington last summer to the new de-
sire for tolerance on the part of all
Americans since the death of our martyr
President. Injustice is, after all, alien to
our natures; and its exist-
ence has exacted a price from the con-
sciousness of those who have allowed it to
go on, as well from those who have suf-
f ered under it. The treatment of the
Negroes and other minority peoples in
our country has been, as the poet Archi-bald MacLeish once said:

"Antithesis of America—the passion-
ate resistance to the American proposition,
and thus the implicit rejection of America
itself."

If the American proposition is no longer
the only one that the American heart
and mind were committed at our beginning,
then America is finished, and the only ques-
tion left is when she will fall.

I do not believe America will fall
either now or in the future; and I further
believe this one great infirmity, this in-
consistency in our national character and
in our view of ourselves, will in time be
healed.

Although new law is not the only solu-
tion, it is part of the solution; and it is the
part that we, the lawmakers, are
responsible to provide. The rest must
be provided in the churches, in the
schools, and in the consciences of the
people. As this long debate begins, let
us consider that no special privileges are
being sought here. This bill attempts
to give by law which should have been,
but has not been provided by practice—
an even chance—a chance to go to
school and vote and hold a job; simple
things which the rest of us have enjoyed
without a moment's thought. It is time
for all Americans to be included in the
American dream.

Justice Holmes once said that a de-
sire for the superlative seemed to him to
be "at the bottom of the philosopher's
effort to prove that truth is absolute," and
that those who believed in natural law
made the mistake of accepting what was
true as opposed to something which
must be accepted by all men everywhere.
I do not know whether such a thing
as justice exists outside of the mind of
man. But I am impressed by the fact
that through the centuries, the over-
whelming number of men have longed
for it, have recognized its absence or
presence without being told, have fought
for it, and have sacrificed their lives to
attain it for posterity.

Whether it exists in the mind of man
only, or whether justice is, in fact, a
being of its own, its attraction seems
irresistible.

Each man knows in his own heart
what he believes justice to be. Let us
each follow this inner dictate in the
debate we have begun.

Mr. HUMPHREY. Mr. President, will
the Senator from Hawaii yield?

Mr. McNAMARA. The PRESIDING
OFFICER (Mr. BAYH in the chair). Does the Senator
from Hawaii yield to the Senator from
Minnesota?

Mr. INOUYE. I am very happy to
yield to my leader.

Mr. HUMPHREY. Mr. President, I
am very happy that it was my privilege
to be here on the floor of the Senate
when the able and distingished Senator
from Hawaii made his opening address
on the civil rights bill. Without any
lack of reverence, but in the spirit of
true reverence, I wish to characterize his
speech as an invocation to the proceed-
ings which will follow.

The Senator from Hawaii has made
a marvelous statement, filled with state-
ments much more important than mere
egalitarianism. His speech was filled with
a sense of justice, compassion, understand-
ing, and truth.

So as the Senate begins this long,
yet necessary and, I am sure, at times pain-
ful, ordeal in connection with the debate
on the civil rights bill, I am very much
pleased that the Senate has been given
the inspiration of the brief but powerful
statement by the Senator from Hawaii.
The beauty and the spirit of his remarks
are most impressive. I commend him
highly for his remarkably fine and in-
spirational statement.

Mr. INOUYE. Mr. President, I thank
the Senator from Minnesota for his kind
words.

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

Mr. INOUYE. I yield to the Senator
from Oregon.

Mr. MORSE. Mr. President, those of
us who have had the privilege of hearing
the speech of the Senator from Hawaii
are certainly better persons for having
heard it.

I congratulate the Senator from
Hawaii not only for his eloquence, but also
for the beauty of his expression. I feel
that he made a great contribution on the
civil rights bill, his words will be
quoted again and again by many persons.

Mr. INOUYE. I thank the Senator
from Oregon for his kind words.

Mr. McNAMARA. Mr. President, will
the Senator from Hawaii yield to me?

Mr. INOUYE. I am glad to yield to
the Senator from Michigan.

Mr. McNAMARA. Mr. President, I
am very happy to have had the privilege
of hearing the very fine speech of the
Senator from Hawaii.

Over the years, the general principles
to which he has addressed himself have
been stated again and again on this
floor; but never before have I heard them
stated so ably, so briefly, so beautifully,
so clearly, and so much from the heart.

I congratulate the Senator from
Hawaii on the very great sincerity and
patriotism of his words.

Mr. INOUYE. Mr. President, I am
greatly grateful to the Senator from Michi-
gan for his kind words.

Mr. MAGNUSON. Mr. President, I
join the other Senators who have spoken
in commending the Senator from Hawaii
for his excellent speech, which probably
is much more important to me than to
many other Senators, because I come
from an area where many people of Jap-
inese ancestry live. They have lived
there as good citizens, and for many,
many generations they have been an
important part of America. At one time
discrimination was practiced against
them; so they understand this prob-
lem. They also understand what it means
to live without discrimination.

So I congratulate the Senator from
Hawaii for his powerful words, which
to me are much more important than just
a Senate speech.

Mr. INOUYE. I thank the Senator
from Washington for his kind words.

TRANSACTION OF ROUTINE
BUSINESS

By unanimous consent, the following
routine business was transacted:

MESSAGES FROM THE PRESI-
DENT—APPROVAL OF BILLS

Messages in writing from the President
of the United States were communicated
to the Senate by Mr. Miller, one of his
secretaries, and he announced that on
March 25, 1964, the President had ap-
proved and signed the following acts:

S. 1781. An act for the relief of Antonio
Credenza.

S. 1783. An act to amend the act providing
for the admission of the State of Alaka into
the Union in order to extend the time for
the filing of applications for the selection of
certain lands by such State;

S. 1784. An act for the relief of Dr. Gabriel
Antero Sanchez (Hernandes).

S. 1963. An act for the relief of Giuseppe
Coccati; and

S. 2085. An act for the relief of William
Maurer Traylor.

EXECUTIVE MESSAGE REFERRED

As in executive session, the ACTING
PRESIDENT pro tem-pore laid before the Senate a message
from the President of the United States
submitting the nomination of Taylor B.
Belcher, of the District of Columbia, a
Foreign Service officer, to be Ambassador
Extraordinary and Pleni-
potentiar to the Republic of Cyprus, which
was referred to the Committee on
Foreign Relations.

MESSAGE FROM THE HOUSE

A message from the House of Repre-
sentatives, by Mr. Hackney, one of its
reading clerks, announced that the
House had passed the following bills, in

CONGRESSIONAL RECORD — SENATE 645
which it requested the concurrence of the Senate:

H.R. 6858. An act to amend the act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative nature for more effective conduct of its research and development activities; and

H.R. 10456. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes.

HISTORICAL BILLS REFERRED

The following bills were each read twice by their titles and referred as indicated:

H.R. 6858. An act to amend the Act of March 3, 1901 (31 Stat. 1449), as amended, to incorporate in the Organic Act of the National Bureau of Standards the authority to make certain improvements of fiscal and administrative nature for more effective conduct of its research and development activities; to the Committee on Commerce.

H.R. 10456. An act to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and administrative operations, and for other purposes; to the Committee on Aeronautical and Space Sciences.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON TITLE I AGREEMENTS: UNDER AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

A letter from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a report on title I agreements under the Agricultural Trade Development and Assistance Act of 1954, for the month of February 1964 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON GUARANTEE ISSUED BY EXPORT-IMPORT BANK OF WASHINGTON

A letter from the Secretary, Export-Import Bank of Washington, Washington, D.C., reporting, pursuant to law, on a guarantee issued by that Bank to Julius Schimmel, Inc., New York, N.Y., relating to dry milk to be imported by Hungary; to the Committee on Appropriations.

REPORT ON DEFENSE PROCUREMENT FROM SMALL AND OTHER BUSINESS FIRMS

A letter from the Assistant Secretary of Defense, Installations and Logistics, transmitting, pursuant to law, a report on defense procurement from small and other business firms, for the period July, 1963—January, 1964 (with an accompanying report); to the Committee on Banking and Currency.

REPORT ON CHARGES TO BE PAID TO PRESCRIBED GOVERNMENT POLICIES NOT ASSESSED AGAINST RECIPIENTS OF GOVERNMENT SERVICES

A letter from the Commissioner General of the United States, transmitting, pursuant to law, a report on charges required by prescribed Government policies not assessed against recipients of Government services, Federal Aviation Agency, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON UNNECESSARY COSTS INCURRED UNDER SEMIAUTOMATIC FLIGHT INSPECTION PROGRAM

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on unnecessary costs incurred under the semiautomatic flight inspection program, Federal Aviation Agency, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON GRANTS FOR BASIC SCIENTIFIC RESEARCH

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on grants for basic scientific research to nonprofit institutions, covering the calendar year 1963 (with an accompanying report); to the Committee on Government Operations.

PROPOSED AMENDMENT TO CONCESSION CONTRACT IN YOSEMITE NATIONAL PARK, CALIF.

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, a proposed amendment to the concession contract with Best's Studio, Inc., Yosemite National Park, Calif., (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON APPLICATION FOR LOAN UNDER SMALL RECLAMATION PROJECTS ACT OF 1956

A letter from the Assistant Secretary of the Interior, transmitting, pursuant to law, an application for a loan under the Small Reclamation Projects Act of 1956 from the St. John Irrigation Co. of Malad, Idaho, (with accompanying papers); to the Committee on Interior and Insular Affairs.

REPORT ON EXTRAORDINARY CONTRACTUAL ACTIONS TO FACILITATE THE NATIONAL DEFENSE

A letter from the Administrative Assistant Secretary of the Treasury, transmitting, pursuant to law, a report on extraordinary contractual actions to facilitate the national defense, for the calendar year 1963 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF NATIONAL INSTITUTE OF ARTS AND LETTERS

A letter from the assistant secretary-treasurer, the National Institute of Arts and Letters, New York, N.Y., transmitting, pursuant to law, a report of that Institute, for the year 1963 (with an accompanying report); to the Committee on the Judiciary.

REPORT OF GIRL SCOUTS OF THE UNITED STATES OF AMERICA

A letter from the president and national executive director, Girl Scouts of the United States of America, New York, N.Y., transmitting, pursuant to law, a report of that organization, for the fiscal year ended September 30, 1963 (with an accompanying report); to the Committee on Labor and Public Welfare.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, and referred as indicated:

By the ACTING PRESIDENT pro tempore:

A petition signed by Mrs. Louis E. Podolak, of Rochester, N.Y., praying for the enactment of the civil rights bill; ordered to lie on the table.

By Mr. MAGNUSON, from the Committee on Commerce:

C. A. Selin, to be a member of the permanent commissioned teaching staff of the U.S. Coast Guard Academy, with the grade of lieutenant commander: Laurence Wairath, of Florida, to be an Interstate Commerce Commissioner.

Mr. MAGNUSON. Mr. President, also from the Committee on Commerce, I report favorably the nomination of Virginia Mae Brown, of West Virginia, to be an Interstate Commerce Commissioner, and I submit a report (Ex. Rept. No. 7) thereon. I ask that the report be printed, together with the individual views of Senators Morton, Corr once, and Howard Scott.

The ACTING PRESIDENT pro tempore. The report will be received and the nomination will be placed on the Executive Calendar; and, without objection, the report will be printed, as requested by the Senator from Washington.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT:

S. 2685. A bill to amend title I of the Housing Act of 1949 to provide that relocation payments to persons displaced from urban renewal areas shall also include compensation for any diminution in the value of their land occasioned by the subsidence or collapse of the basement of the home occasioned by the subsidence or collapse of the basement of the home.

S. 2686. A bill to provide for the certification of the Secretary of the Interior to the Committee on Banking and Currency.

By Mr. YOUNG of Ohio:

S. 2686. A bill to make permanent the district judgeship for the northern district of Ohio created by section 2(e)(2) of the Act of May 19, 1961; to the Committee on the Judiciary.

By Mr. HOLLAND:

S. 2697. A bill to increase the amount of domestic beet sugar and mainland cane sugar which may be marketed during 1964; to the Committee on Finance.
Mr. LAUSCHE: S. 2698. A bill for the relief of Linus Han; and
S. 2699. A bill for the relief of Marija Pust; to the Committee on the Judiciary.

Mr. RIBICOFF: S. 2700. A bill for the relief of Missie Arcache, and Miss Verduin Arcache; to the Committee on the Judiciary.

By Mr. MAGNUSON (for himself, Mr. PASTORE, Mr. MONROEY, Mr. THUR- MOND, Mr. LAUSCHE, Mr. YARBOR- DUGH, Mr. ENGLE, Mr. BARTLETT, Mr. HARTKE, Mr. McGEE, Mr. HART, Mr. CANNON, Mr. COTTON, Mr. MOORE, Mr. SCOTT, Mr. PROUTY, and Mr. BEALL): S. 2701. A bill to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans; to the Committee on Commerce.

Determination of Site for Construction of a Sea Level Canal Connecting the Atlantic and Pacific Oceans

Mr. MAGNUSON. Mr. President, or before the committee, and the members of the Committee on Commerce, Senator PASTORE, Senator MONROEY, Senator THURMOND, Mr. LAUSCHE, Mr. YARBOROUGH, Mr. ENGLE, Mr. BARTLETT, Mr. HARTKE, Mr. McGEE, Mr. HART, Mr. CANNON, Mr. COTTON, Mr. MOORE, Mr. SCOTT, Mr. PROUTY, and Mr. BEALL, I introduce, for appropriate reference, a bill to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans.

The bill (S. 2701) provides for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans, introduced by Mr. Magnuson (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Commerce.

Mr. President. I call the attention of the Senate to this bill, which authorizes the President of the United States to appoint a commission to study the feasibility of, and determine the site for, a second canal to connect the Atlantic Ocean and the Pacific Ocean.

The committee held long hearings on the subject. The members of the committee were practically unanimous in the report, as Senators will read when the report is placed in the Record.

The necessity of moving ahead with the project at this time is paramount.

I reiterate what was said by committee members in committee, Senator on the floor of the Senate, and witnesses who appeared before the committee.

Timewise, the proposal is not a move directed at or done in connection with the present problem we have with Panama.

The subject has been one of long standing in the Congress. Were there no problem with Panama at all, and were the Panamanian situation to be all cleared up—which I am sure it will be in the near future—there would still have to be another canal anyway, because all projections of shipping between the two great oceans of the world dictate that within the next 8 to 12 years a second canal, which would be a sea level canal, would be necessary and would have to be built.

Some interesting testimony was given at the hearing before the committee to the possibility of the use of atomic energy to dig the canal. That testimony will be laid before the Senate when we consider the bill. It is estimated that to build the canal with atomic energy would cost from 40 percent to 60 percent less than would other methods. A canal built in such a manner would be almost defense proof, because any bomb landing on such a canal might make it an even better one if the bomb was driven through dirt out.

The Atomic Energy Commission, the Army Engineers, and other experts are now working on the great possibility of the peaceful use of atomic energy for explosive purposes. The proposal would open new possibilities throughout the world for the use of atomic energy and for nuclear power.

The testimony was very optimistic, and I am sure that when the Commission reports and we get ready to pick a site and get ready to deal with the nations that may be involved, we shall also be ready to show the world some real practical peaceful uses of atomic energy.

Additional Cosponsors of Bills, Joint Resolution, and Resolution

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bills, joint resolution, and resolution:

 Authorities of March 16 and 19, 1964: S. 2642. A bill to mobilize the human and financial resources of the Nation to combat poverty in the United States: Mr. RYAN, Mr. ENGLE, Mr. HART, Mr. INOUYE, Mr. KENNEDY, Mr. LONG of Missouri, Mr. LONG of Louisiana, Mr. MAGNUSON, Mr. MONROEY, Mr. MITCHELL, Mr. MCBRIDE, Mr. McGEE, Mr. McGOVERN, Mr. METCALF, Mr. MORES, Mr. MOSS, Mr. MUSKIE, Mr. NEL- SON, Mrs. NEUNERGER, Mr. PASTORE, Mr. PULL, Mr. RANBOURGH, Mr. ROOFF, Mr. SMATHERS, and Mr. YARBOROUGH.

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Address, Editorials, Articles, etc., Printed in the Record

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Record, as follows:

By Mr. SCOTT: Three reports relating to debates on civil rights.

Extension of Agricultural Trade Development and Assistance Act of 1954—Correction of Bill

Mr. ELLENDER. Mr. President, on March 25, I introduced a bill (S. 2687). Through an error, on line 6, page 4, the word "more" was printed, instead of the word "less."

I ask unanimous consent that in future printings of the bill, the word "more" be changed to the word "less" on line 6, page 4.

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

Communication from Clarence Mitchell, Director of the Washington Bureau of the NAACP

Mr. MORSE. Mr. President, last week I introduced into the Congressional Record a telegram which I considered to be critical—and it was critical—from Clarence Mitchell, the director of the Washington bureau of NAACP. Clarence Mitchell and I have been friends for many years. But we have been friends whose friendship has always been able to withstand honest differences of opinion, for over the years I have differed with Clarence Mitchell several times in regard to what I considered to be the proper procedure and policies to follow in seeking to enact the best civil rights legislation possible.

I disagreed in 1957. As I have been heard to say, the civil rights bill of 1957 which was passed by the Congress was not worth the paper it was written on. It was so bad that I voted against it.

I disagreed in 1960, because again I thought the Senate threw away a great opportunity to pass an effective and desirable civil rights bill.

I disagreed with Clarence Mitchell in connection with the issue that has just been settled by a majority in the Senate. It was in regard to that issue that I received from him last week a telegram to which I took exception, and which I introduced into the Record.

Yesterday Mr. Mitchell came to me to make his last plea to persuade me to change my mind on my motion to refer the bill to committee. He failed, as did others, to change my mind on my motion to refer the bill to committee. He failed, as did others, to change my mind on my motion to refer the bill to committee. He failed, as did others, to change my mind on my motion to refer the bill to committee.
is typical of his spirit and broadmindedness.

I ask unanimous consent that the telegram I received from Mr. Mitchell be printed in the Record at this point.

There is no objection, hence the telegram was ordered to be printed in the Record as follows:

WASHINGTON, D.C.,
March 25, 1964.

Hon. WAYNE MORSE, Senate Office Building, Washington, D.C.: Thank you for our constructive discussion this morning. It is a tribute to the greatness of our country that a U.S. Senator and a citizen who have differing views on a policy of forest policy are, nevertheless, united and determined to win on the issue of substance. In this case, the substantive question is passage of a strong and effective civil rights bill. As you know I earnestly hope that the motion to render the bill to committee will be defeated but it is a great source of comfort to know that when that motion is disposed of your wisdom, strength, and clear voice of reason will be working both early and late for a great human rights victory.

CLARENCE MITCHELL, Director, Washington Bureau, NAACP.

IMPROVEMENT IN TERMS OF LOANS ON THE BASIS OF GROWING TIMBER

Mr. MORSE. Mr. President, I rise in support of Senate bill S. 2259, which would permit national banks to make loans up to 60 percent of the fair market value of growing timber, land, and improvements in forest tracts. The bill would allow these terms to be extended for 15 years with yearly payments, or to 3 years, if unamortized.

This measure was introduced by Senator McIntyre, together with Senators Aiken, McCarthy, Muskie, Proctor, and Sparkman, on October 24, 1963. It has passed the House of Representatives and is now before the Senate Committee on Banking and Currency, which held hearings on March 4, 1964, and received favorable testimony from several witnesses.

At present, the governing legislation in the Federal Reserve Act, 12 U.S.C. 371, limits to 40 percent of the fair market value of timber which is marketable, and extends terms of from 2 to 10 years, depending on whether or not the loan is amortized. These provisions are unduly restrictive and outmoded, since State banks in many cases have far greater freedom, and in some cases have no restriction at all in this area.

This bill will thus utilize the capacity of national banks for granting loans based on timber and will introduce a competitive factor which will make it easier for smaller forest owners and developers to obtain financing in the timber business. Testimony at the hearings emphasized the valuable role of this proposal to the small businessman in the timber industry, pointing out that the large operators are often able to secure long-term financing from a variety of sources based on their general financial condition.

In fact, legislation of this sort can greatly strengthen the “family farm” method of timber cultivation and, at the same time, encourage sound planning in forest development.

The present short-term credit arrangements discourage the small investor and operator, and because they must be based on only marketable timber, may lead to the harvesting of forest products before they have reached full maturity. The short-term nature of a loan may arrive at a time when the market is depressed, thereby causing not only monetary loss to the businessman, but economic waste to the Nation.

In Oregon it is well known that standing timber is an appreciating asset and that the supply of better grade marketable timber is declining, while the prospective long-term uses of forest products are expanding. There is thus a stable market for timber products, making timberland an attractive investment for both businessmen and banks on the basis of their long-term increases in value.

As is equally well known, the small businessman does not possess ready access to capital. This legislation would thus be very helpful in increasing the liquidity in timber operations.

The bill has the support of the American Bankers Association and the Comptroller of the Currency, and I urge its passage by the Senate.

OBLIGATION TO COMMITTEE MEETINGS DURING CONSIDERATION OF THE CIVIL RIGHTS BILL

Mr. MORSE. Mr. President, turning to the last item that I shall place in the Record, I have been asked this afternoon whether the senior Senator from Oregon is still adamant in his announcement that he would object to any committee hearings being held while the Senate is in session during the debate on civil rights.

I wish to make it very clear that I am not only adamant, but I am immovably so. Mr. President, I am convinced that any agreement which I have made with the Senate will satisfy anyone who would classify it as stuborn; but I am also sincere and determined about it. I am convinced that we shall never get a good civil rights bill, in a reasonable period of time, and we shall never get cloture, which will be essential to get a civil rights bill, until we bring the business of the Senate to a dead halt, except for the consideration of the civil rights bill, and until the people of the country understand the seriousness of the issue before the Senate.

A few moments ago I spoke about what I think to be the underlying principles in the civil rights bill. It is the Golden Rule of doing unto others as we would want others to do unto us. That is what this great controversy is all about, when all is said and done. There is nothing more important to our domestic tranquility.

As I have said before as a member of the Foreign Relations Committee, there are few things more important to our standing in the world, from the standpoint of American foreign policy prestige, than the attitude of the members of the Negroes of this country. It has never been done, because we have never delivered the Constitution to them in the 100 years since the Emancipation Proclamation.

The Senate could well afford to devote its full time to the civil rights bill. So I say to the majority leader and the majority whip, through their assistants present on the floor, that I shall object to any committee of the Senate meeting while the Senate is in session, under the rules of the Senate, in Appropriations Committee, during the course of the consideration of the civil rights bill, until cloture is obtained.

ANSWER TO THE SECRETARY OF DEFENSE

Mr. Morse. Mr. President, I turn now to the last matter. Earlier today I announced that on Monday I would answer the comments of the Secretary of Defense made at a coffee hour this morning in the Foreign Relations Committee, and the speech he has announced will be made to the American public over radio and television tonight.

The Secretary of Defense will try once again to propagandize the American people into accepting what I consider to be a totally unacceptable foreign policy vis-a-vis South Vietnam.

Since I made that announcement I have been briefed about what the Secretary of Defense said to the Foreign Relations Committee this morning. It was even more unsound than I thought he could concoct by way of a chain of fallacies. Also, since I made the announcement earlier today, I have been visited by a Marine Corps officer of substantial rank. This Marine Corps officer expressed the view to me as to his complete agreement with the position that I have taken in regard to South Vietnam. So do some of the high-rank ing officers in Vietnam who are charged with directing the local troops in their operations against the Vietcong. I have received some interesting correspondence from some of them.

He made a few points that I wish to repeat. This Marine officer said to me, "Senator, the morale of the American forces in South Vietnam is at a seriously low ebb, because, due to the unsound policy we are conducting in South Vietnam. We are acting as though we are at war, but we are killing men as though we were at war, and we are killing men because those men under the operation that we are conducting in South Vietnam are not being given the protection that they would be given if we recognized that we were at war and proceeded to act as though we were at war. The kind of operation we are conducting in Vietnam is jeopardizing the lives of American Armed Forces in South Vietnam. That would not be necessary if we were conducting a different type of operation."

I have been heard to say on the floor of the Senate, in my criticism of the administration's policy in South Vietnam, that they ought to make up their minds whether they will fish or cut bait. They know that the American people will not support an all-out war in South Vietnam. Therefore, by subterfuge and the pretense that we are not at war, we nevertheless are conducting operations
PHILIPPINES PRESIDENT URGES UNITED STATES 
TO STAY IN VIETNAM 

(BY ROBERT RUSHON) 

MANILA, March 24.—Withdrawal of American forces from Vietnam "could lead to disaster," President Diosdado Macapagal of the Philippines said today. But he cautioned the United States against intervention in Asian affairs and said the current crisis between Malaysia and Indonesia should be settled by the nations concerned.

The President made the statements at a private audience at Malacanang Palace with Wes Goldberg, president of Associated Press, who is on a tour of Asia.

Describing the Vietnamese war, where 16,000 U.S. troops are involved in the fight to wipe out Communist-backed Vietcong guerrillas, Macapagal said he believed "withdrawal of Americans or neutralization of Vietnam would affect all the countries of Asia.

"It could lead to a disaster, especially for those countries that have blood in their veins," he said.

Macapagal was the third Asian leader who has told Gallaher in the last 10 days that the United States should retain military forces there until the war is won. Prime Minister Hayato Ikeda, of Japan, and Gen. Nguyen Khanh, of South Vietnam, expressed similar beliefs.

Asked what the United States should do in Asia, Macapagal smiled, his brown eyes twinkling:

"I hesitate to walk, how is it you say, where angels fear to tread, but there should be more projection of American aid. It should be made clear that aid will not be used as a club, a weapon—to constrain the action of a country to act as the first country desires.

"A decision should be made on the type of aid needed," he said. "The effect should be allowed to come out naturally."

The President said the United States should not expect Indonesia or Malaysia, both much younger countries, to react in the same manner, internationally speaking, as the Philippines.

"The Philippine Government is now 18 years old and the United States should be proud of the eyes of the world because of the Philippines," he commented. "We are making democracy work. Democracy is here to stay.

SEATO, the Southeast Asia Treaty Organization, is still useful and could lead to an expansion among other Asia nations. SEATO will hold its 10th anniversary meeting in Manila on April 25.

Macapagal, who has been striving for 6 months to resolve differences between Malaysia and Indonesia, said he was hopeful for a summit meeting which would bring President Sukarno, of Indonesia, face to face with Tunku Abdul Rahman, of Malaysia, with Macapagal in between.

"Indonesia would be ready to accept Malaysia if it follows the doctrine that Asian nations settle Asian affairs," he said.

MR. MORSE. Mr. President, the article leaves no room for doubt that the President of the Philippines wants us to stay in South Vietnam. I should like to ask the President of the Philippines, from my desk in the Senate this evening, "How many Philippine boys do you have in there, available for dying?"

I should like to ask the President of the Philippines, "How much of your largesse are you willing to spend for the operations in South Vietnam?"

The answer is none.

We are picking up 92 percent of the bill and the other 2 percent from within South Vietnam. Let me point out to the President of the Philippines: "Your country's signature is on the SEATO treaty. You have walked out, Mr. President of the Philippines; you have not lived up to your signature."

There will be a meeting of SEATO in Manila in the not too distant future. Will there be an agenda to the topic that calls for a recommitment of the SEATO signatories? Will there be the obligations of others in respect to the operations in South Vietnam? Mr. President, watch them run, if that is on the agenda.

The only possible reel on which we can lean so far as any international law rights are concerned about operating in South Vietnam is the SEATO treaty. It was in that treaty that the signatories undertook that protocol agreement that the South Vietnamese could carry out mutually consented action to the signatories to the treaty. It carried the clear implication that because it was an area of mutual concern and interest, all signatories to the treaty would join in any program, whatever it was to be, in respect to the defense of South Vietnam.

We take a look at the signatories: Australia, Pakistan, Thailand, the Philippines, Great Britain, France, and the United States. The only country which is carrying out any obligation—and I think it is a moral obligation—that could possibly be implemented in the SEATO Treaty is the United States.

But the President of the Philippines thinks we ought to stay there. I am trying to keep right on asking 'Australia, where are you? Pakistan, where are you? Thailand, where are you? The Philippines, where are you? Great Britain, where are you?' Where are they with respect to the SEATO Treaty? It is a little more difficult to ask such a rhetorical question of France. For a long time it was possible to do so. However, at least of recent date De Gaulle has recognized that something ought to be done about its involvement in Indochina. France learned the hard way, as we are about to learn the hard way, that the Western powers cannot win in Asia. France sacrificed the flower of her manhood for years through the years in Indochina to no avail. France was poured a billion and a half dollars into Indochina when France was sacrificing its men, trying to help France. But France sacrificed the flower of her youth, until finally the French people said, "We have had enough," and they brought down the French Government. In the meantime, French law forbade the use of drafted men in Indochina. Only volunteers were allowed to fight there.

The war seems doomed to warn again today, and I shall warn from the platforms of America in the weeks ahead, for I intend to discuss this issue from coast to coast in the months ahead. This is a basic foreign policy problem about which the American people need to know the facts. I am satisfied that once they know them, they will say to the Johnson administration, "You either change the program or we will hold you to an accounting for a foreign policy that is resulting in the unnecessary killing of American boys."

With the killing of each American boy in South Vietnam, the flag on the White House should be lowered to half-mast, and on the State Department, on the Pentagon Building, and on the Capitol Building, because they are unjustified and unnecessary killings. I believe that at least the flag should be lowered on the four edifices on which the responsibility for this unjustifiable policy rests—the White House, the State Department, the Pentagon, and the Capitol, because that is where the policy has been planned which permits these unjustifiable killings of American boys in South Vietnam.

Mr. President, I believe we had better take note of the fact that our need of international law is a weak one, based upon the SEATO treaty. We had better take note of the fact that our SEATO allies have walked out on us, even to the point where the President of the Philippines said today that we ought to stay there, in spite of the fact that the Philippines is carrying no obligations under the SEATO Treaty. It is a little more difficult to ask such a rhetorical question of France.
Mr. President, President de Gaulle may be right—I do not know—but we should not use that situation. I hope that the next SEATO meeting in Manila, in the near future, will explore it.

I close by saying, unpopular as it is, that the place for the South Vietnam issue is before the United Nations and not the United States. In my judgment, under the pacts and treaties, including the United Nations Charter, which we have signed, we do not have the slightest justification for unilateral action in South Vietnam.

But it is said that, the government invited us in. Whose government?

Our puppet government. For it was the United States in 1954 which in fact established the puppet government of South Vietnam.

I am a good enough lawyer, and I know enough about international law to know that we do not obtain rights for unilateral action based upon in

professional patriots and the emotionalists are always anxious to wave the flag into tatters and proceed to misconstrue my position. According to my sights and the basis of my knowledge of the situation as a member of the Foreign Relations Committee of the Senate, we should be willing, when we are satisfied the
tion as a member of the Foreign Relations Committee of the Senate, we should be willing, when we are satisfied the facts support it, to stand up and admit that there is dead wrong on any issue about which it is mistaken.

In my judgment, the Government of the United States is dead wrong on the policy it is pursuing in South Vietnam, and all the rationalization, all the alibs, all the propagandizing by the Secretaries of State and Defense will not change that fact.

We should seek to bring the whole issue before the United Nations because South Vietnam and the happenings there are a threat to the peace of that area. The United Nations was set up to intervene wherever the peace was threatened. If we got out of South Vietnam, we should be surprised at how quickly the situation would be resolved; for as I stated yesterday, it is, for the most part, a civil war. There is a great deal of news propaganda about forces from outside South Vietnam being responsible for the condition, but if we moved out of our orbit into the other orbit, the charge would then be that U.S. forces are responsible.

I want to get all U.S. forces out of South Vietnam if they are in. I want to get the issue before the United Nations. People constantly ask, "What does Mr. Morse propose? He only criticizes. What does he propose?" I have never been active without propounding, and if anyone wishes, he can check my record on any controversy in which I have been involved, concerning foreign policy or any other major policy of my government. There are three places to explore, if we really believe in trying to resort to the rule of law, instead of the jungle law of force. Too frequently, the United States talks a good game of resorting to the rule of law, but at the same time it hypocritically applies the rule of force. Much of the military aid is sought but an application of the rule of force around the world.

My proposal is that we should take the leadership in trying to obtain a SEATO resolution of the United States bringing in France in. That would also bring in Great Britain, Australia, Pakistan, Thailand, and the Philippines. We might be able to arrive at an acceptable program.

Say what we will, to some the word "neutralization" is an ugly word. But there are all degrees of neutralization. When I talk about neutralization in respect to South Vietnam, I am not talking about the type of neutralization that we have in Laos. If I read De Gaulle's suggestions correctly, he was not, either. But we shall never know until we explore it. The undeniable fact is that the officials of the Government of the United States are not seeking to explore the possibilities through SEATO or making an honorable accommodation for the bringing of peace to South Vietnam.

My second proposal is, if we cannot act through SEATO, to try to act through the United Nations. Here again, we will not know to what extent we might succeed until we try.

I cannot imagine the people of this country supporting such long the kind of propaganda that the Secretary of Defense is trying to propagandize the American people into accepting, of American intervention on a unilateral basis in a civil war in South Vietnam.

Next Monday, I shall discuss the problem further. I intend to continue to discuss the matter until we get a broader based understanding of it both within the Government and within the

Mr. President, I yield the floor.

PROGRAM FOR NEXT WEEK

Mr. HUMPHREY. Mr. President, I wish to make an announcement with reference to the program for next week.

When the Senate completes its business today, it will stand in adjournment until 12 o’clock noon on Monday next.

On Monday, it is expected to have the Senate remain in session into the evening—I should say, most likely, until 8 or 9 o’clock.

On Tuesday, and also on Wednesday and Thursday, it is proposed to have the Senate convene at 11 o’clock a.m. At what hour the Senate will adjourn will depend on what earlier hour for convening may be desirable for the remainder of the week.

There will be a session of the Senate on Saturday, April 4. Senators should be on notice of that. That is not the previous Saturday, but Saturday of the following week.

The Senate will hold evening sessions all week. By that I mean that it is not proposed to have the Senate recess earlier than 8 o’clock but more likely to have it continue until 10 o’clock or later.

I desire to have the staff of the Senate notify every senatorial office of these arrangements, so that Senators will not have to rely entirely upon the Reporting for this information. I am sure that if these are not noticed, there will be a good attendance in the Chamber.

Starting on Monday, March 30, the proponents of the civil rights bill will attempt to open the debate and place before the Senate and the public the arguments in behalf of the 31 titles of the civil rights bill. It will be my intention on Monday, when I can gain recognition by the Chair, to open the debate for the proponents or supporters of the bill, the pending business, H.R. 7153.

I am not for the bill, nor am I against the bill. I do not want to get all U.S. forces out to South Vietnam. I want to get all the officials of the

U.S. FOREIGN POLICY

Mr. HUMPHREY. Mr. President, during the past week we have heard three speeches which have done much to

The people of this country and the world expect more from their leaders than just a show of brute force.

On Wednesday, the distinguished chairman of the Senate Committee on

I congratulate the Senator upon being a provocative and thoughtful teacher. Senator Fulbright has challenged some of the cherished assumptions we have been making about U.S. foreign policy in recent years.

On Wednesday, the distinguished chairman of the Senate Committee on
and especially appropriate that it be led by the chairman of the Foreign Relations Committee.

In his introduction on reexamination of our foreign policy, Senator Fulbright has fulfilled the highest responsibility of a Senator. Under our system of separation of powers, a Senator has a vital and important, a self-sufficient responsibility to know that the position he takes will have an impact on the U.S. Government's position in various parts of the world. I believe that the chairman of the Foreign Relations Committee has shown both independence and responsibility in his examination of the problems confronting the United States in the world today.

While I will not attempt to go into the detailed discussion of individual issues in the Senator's speech, I would like to add one comment about his remarks on Latin America.

Without commenting on the merits of the Senator's position on the Cuban and Panama issues themselves, I believe the Senator is right in insisting that a preoccupation by the public and U.S. policymakers with these two issues has tended to obscure some of the other problems we face in Latin America today. We have as the Senator says "become so transfixed with Cuba" that our foreign policy in this hemisphere has often become narrower. While Cuba is important— and in my view will continue to be for some time to come—we should never forget that Brazil is of much greater consequence to U.S. interests in this hemisphere than Cuba will ever be.

Brazil represents the largest land mass of any nation in this hemisphere. It represents half of the population of South America. Therefore it would appear to me that American foreign policy concerned with Brazil would be of the utmost importance.

While Cuba will retain considerable significance as long as it remains an outpost of the Soviet Union in this hemisphere, I do not think that the effectiveness of the organization will be determined to a great extent in Brazil and Argentina, in Chile and Mexico, in Peru and Ecuador— all of Latin America is deserving of our continuous and thoughtful education.

Bearing this in mind, the Senator's remarks about social revolution in Latin America and the United Nations, which are particularly pertinent. He has raised one of the most troublesome questions about our Latin American policy today—are we prepared to deal with social revolutions in Latin American countries that do not follow the gradual, peaceful evolutionary pattern that has been characteristic of the development of Anglo-Saxon societies? Are we prepared to anticipate events in certain countries by identifying emerging political forces that will lead and control any social revolution that might occur? I do not know. I do know that the Senator from Arkansas (Mr. Fulbright) is right in his concern about the "winds of revolution"—as he puts it—blowing in Latin America today. Regardless of our own preferred pattern of hemispheric relations, we must be prepared to face the fact that in some instances in this hemisphere in the coming decade, we may be forced to deal with revolutionary situations.

It is my hope that we shall be prepared. I do believe we shall be better prepared to face up to these situations if we, as Senators, courageously, thoughtfully, and respectively assess what is going on in the world and make a judgment as to the relevancy of our present foreign policy to these respective areas. It is in this spirit that we will do much to strengthen our Nation, and at the same time have a feel for how and, I believe, successful foreign policy.

Mr. PELL. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. PELL. For the past few minutes, I have been listening to the remarks of the Senator from Minnesota in regard to our foreign policy and to his congratulation of the Senator from Arkansas (Mr. Fulbright) for what he has done to engender more forward thinking and increased emphasis upon all of our foreign policy and upon introducing it in an element of flexibility. I congratulate the Senator from Minnesota for his remarks, and I wish to associate myself with them.

Mr. HUMPHREY. I thank the Senator from Rhode Island. Such words from him—one of our leading experts and most knowledgeable Members in the field of foreign affairs— are very much appreciated.

Mr. President, I referred to the address delivered by the U.S. Ambassador to the United Nations, the Honorable Adlai E. Stevenson. I ask unanimous consent that his Dag Hammarskjold Memorial Lecture at Princeton University on March 23, 1964, be printed in the Record.

There being no objection, the lecture was ordered to be printed in the Record, as follows:

**FROM CONTAINMENT TO CEASE-FIRE AND PEACEFUL CHANGE**

(Dag Hammarskjold Memorial lecture by Ambassador Adlai E. Stevenson, U.S. representative to the United Nations, Princeton University, March 23, 1964)

The United Nations and therefore the world has been fortunate to have three young Secretaries General—Trygve Lie of Norway, Dag Hammarskjold of Sweden, and U Thant of Burma. While serving on the American delegation in London in the first days of the United Nations, and laterly in New York, I had something to do with the selection of Trygve Lie and U Thant. And while I have never met the Secretary General of the day, I do know Dag Hammarskjold well, and my sad lot to attend his funeral in the lovely old cathedral at Upsala. Like the others who came from all over the world, I walked behind him to the cemetery through the streets of the ancient town, lined with thousands of silent, reverent people. Upsala was the world that day when he was laid to rest in the northern autumn twilight, for he was a hero of the community of man.

Norman Cousins tells a story that says a lot about Dag Hammarskjold as a peacemaker: he scheduled a dinner with a magazine writer one evening. The writer suggested that they have dinner at a restaurant which the Senator general accepted. He further suggested that they take his car, which the Secretary General also accepted.

Upon leaving the building, the writer recalled to his embarrassment that he had driven into town in a battered old jeep. The General then said, "Why, the General? Sometime I think I was born in one," he said.

But the writer's embarrassment had only begun. Four blocks away, a taxi cab darted in front of the jeep and there was a harmless collision.

I don't have to suggest the reaction of the cab driver or the quality of his prose. But the Senator from Arkansas was not forever hindered by his own self, or the prose to match the cab driver. It looked as though the disagreement was about to break into a feud. At this point, Hammarskjold climbed out of the jeep and stepped around to the cab driver.

"You know," he said, "I don't think anyone quite knows how to drive a cab in New York City. I don't know how you fellows do it—ten, twelve, fourteen hours a day, day after day, with all the things you've got to contend with, people weaving in and out of traffic and that sort of thing. Believe me, I really have to take my hat off to you fellows."

The cab driver refused immediately. "Mister," he said, "you really said a mouthful."

And that was the end of the incident.

But it wasn't the end of the story. A few blocks later the unfortunate writer ran out of gas. And who should drive by? The same cab driver pulled up and said, "What's the matter, chum, any trouble?"

"Out of gas," said the disgruntled writer.

Well, you can guess the end of the story: The cabbie offered to get some gas, invited the writer to have a nice frie— well, I'll leave you with him, and drove off with the Secretary General of the United Nations in the front seat, leaving the writer in the role of the peacemaker in today's tense society.

I

No one ever doubted Dag Hammarskjold's selfless dedication to peaceful settlement of any and all disputes among men and nations. None questioned his deep personal commitment to the principles of the Charter of the United Nations, whose first business in the peaceful settlement of disputes was an "act of peace.

But this can be said of other men: Hammarskjold was unsurpassed, but he was not alone in his devotion to peace. What distinguished his service to the United Nations is that he came to see it for what it is: A specific piece of international machinery which can be made to work— but which can only be recognized by the action of the members and the Secretariat working within its constitutional framework.

There was no doubt in Dag Hammarskjold— nor is there in many others—that the United Nations is the most remarkable institution ever conceived. But Hammarskjold also understood that the machinery not only needs lofty goals and high principles but it has to work in practice—that it has limited, not unlimited functions; that it has finite, not infinite capabilities under given circumstances.

He saw that the effectiveness of the organization is measured by the best consensus that can be reached by the relevant majority.
of the relevant organ—and that reaching consensus is a highly pragmatic exercise.

Understanding all this, Dag Hammarskjold—himself a key part of the machinery—helped make the machinery more workable, more adaptable, more relevant to current affairs, and thus to world peace.

He helped expand the capacity of the machinery-helped make the machinery more controllable nuclear arms race—while everyone held his breath lest the "balance of terror" get too far out of balance.

Making this as a continuing—almost natural—state of affairs which would continue until one side collapsed or the other died in world war III.  We now know that if there is a transitory and unhealthy condition of the world body politic.

The cold war has not sunk out of sight, but it is likely that the threat may be shifting radically—and for the better.

The nuclear arms race has not passed into history, but at least it has, for the first time, been brought within a first stage of control.

For these and a large variety of other reasons, the world is a very different world from that which existed when Dag Hammarskjold was born. But his death in a cruel crash in Africa 2½ years ago. We therefore will be wise to tailor our thinking about the United Nations so that it will be served so well today to our world of 1961 but to our world of 1964—which is to say: A world which is no longer bipolar but in which multiple centers of power and influence—two of the swirling labels identifies at least one of the swirling phenomena of our times, but none of them will do as an overall title.

II

We should try to come to grips with the central theme of our times—with that which gives them their characteristic stamp and flavor—with that label which may not tell all but puts its finger on the most important thing that is going on.

You will recall that back in 1947 a certain "Mr. X"—who turned out to be my friend George Kennan—wrote an article in Foreign Affairs in which he introduced the famous label, the "Policy of Containment." He invented the phrase but he did not invent the doctrine. He merely was busily, heavily, expensively, and dangerously involved in containing the ruthless, heavy-handed foreign policy of Stalin's Russia—wherever he might strike or lean.

This was the main pattern of world events for a number of years and "containment" was a meaningful description of the main purpose of U.S. policy. It was therefore a great public service, for in the free world effective foreign policy is difficult without the understanding and appreciation of the public. How can one rally support for a policy if one can't even describe it? In the absence of a suitable description, each individual act of government is dangerously exposed to attack and suspicion, but if it is known to be part of a larger and well-understood design, it will appear to be simple, quick and coherent. However, this is not a lecture on the glorious virtues and crippling vices of foreign public opinion in a genuine democracy.

When we look back with pride on the great decisions that President Truman made, we can now see their invaluable advantage of public understanding. He could react to Korea quickly because he didn't have to stop and explain policy up along the way. It was quite clear to all that this was but another phase of containment, just like the Berlin airlift and the guerrilla war in Greece, and NATO.

Up until the postwar years, Americans had been brought up on the idea of fighting every conflict to a decisive finish—to total victory, to unconditional surrender. But when the nuclear age revealed the hazards of this course, it was neither easy nor popular to introduce a new kind of action, primarily to preserve the status quo. This nuclear necessity went against the American grain: it was not something many Americans were used to, and so it was met with considerable and frustrating. It took patient explaining, and all of us can be grateful that Mr. X gave identification and illumining identification to a policy which has been so jammed by violence, by disorder, by quarrels among the nations—an era so lacking in law and order. But I do not speak wishfully; I speak from the recent.

It is precisely the fact that so much violence and so many quarrels have not led to war that puts a special mark on our times.

Only a few decades ago, if a street mob organized by a government sacked and burned the embassy of another govern-ment—if rioters tore down another nation's flag and spit upon it—if hoodlums hanged or burned in effigy the head of another state—if ships or planes on lawful missions were attacked—you would expect a war to break out forthwith. Lesser excusses than these before, and of course, the two sides collided in world war III. We led into opposing and rigid military alliances, which at once makes breathtaking new disasters possible.

But as unquestioned leader of an alliance continuously threatened by external military pressure, which we so count on in order to weather some for the war; we had to stand firm; we had to confront force with force until the tanks marched down the front. But as any reader of this paper will have noticed, along Friedrishstrasse in Berlin—until the Korean invaders had been thrown back across the 38th parallel—until the Navy drew an armored noose around Soviet missile sites in Cuba—and until, at last, Soviet leaders became convinced that free men will answer and that we thus avoided nuclear war.

During this whole period the positions and actions taken by the U.S. Government to contain aggression had broad public understanding and support. In a sense the policy of containment was too easy to understand. It tended to reinforce a simplistic view of a black-and-white world peopled by good guys and bad guys; it tended to induce a fixation on military borders to the exclusion of other phenomena, and it ignored the deep trends and radical changes which even then were restructuring the world.

And the policy of containment—being a reaction to Soviet Communist aggressiveness—necessarily had a negative and static ring to it. This had the unfortunate effect of placing the positive and progressive purposes of U.S. policies in support of the United Nations, in support of regional unity in Europe and else-where and in support of economic and social growth throughout most of the world where poverty was a century-old way of life.

Nevertheless, the doctrine of containment was relevant to the power realities of the times—to the struggle to protect the inde- dependence of nations and from Stalinism and to the defense of peace—which is quite a lot.

Indeed, the doctrine may not yet have outlived its usefulness. If the present Soviet push for a world where the two incomparable centers of power and authority are led to the left, and if their policies in support of the United Nations, in support of regional unity in Europe and elsewhere, and where support of economic and social growth throughout most of the world where poverty was a century-old way of life, is still not over, then the doctrine of containment was relevant to the power realities of the times—and to the struggle to protect the independence of nations and from Stalinism and to the defense of peace—which is quite a lot.

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III

What, then, is the dominant theme that marks the character of contemporary world affairs?

I would suggest that we have begun to move beyond the policy of containment; that the general trend of events is the emergence of what, for lack of a better label, might be called a policy of cease-fire, and peaceful change. I would suggest, further, that we may be approaching a point where a policy of containment is too close to a world consensus on such a policy.

No analogy is ever perfect, but if the present development in the field of international affairs is an extension of the containment doctrine; the United States already was trying to apply containment to the former Soviet satellite countries, and now in Cuba as well. We do not, of course, face the Berlin airlift and the guerrilla war in Greece, and NATO. We do not face the long, drawn-out, bloody struggle for a whole continent's freedom of which the Berlin airlift and the guerrilla war in Greece, and NATO. We do not face the long, drawn-out, bloody struggle for a whole continent's freedom.
to the victors. That was in the nature of the institution called war. This is how it was.

But this is not the way it has been for well over a decade now and I think we should begin to notice that fact. Scores and scores of leaders—over a hundred, if I remember correctly—have been killed in political or military battles.

Chess, not war, has been played fairly far too many of them—have occurred around the world without leading to hostilities or even ultimatums. The fact is that the era we believe in, nearly 30 years ago, partial war, incipient war, and threat of war, has either been halted or averted by a cease-fire.

It is still a very foolish and dangerous thing to insult another nation or desecrate its property or take potshots at its citizens or take advantage of them. There are other forms of penalty than mass slaughter and, happily, the world is beginning to avail itself of them. Firing has started and then stopped—organized hostilities have been turned on and then called off—without victory or defeat, without surrender or peace treaty, without signatures or swords.

This is what seems to be happening. If so, it is perhaps the most important and certainly the most hopeful news for many a month. Perhaps As I said last week, "Let's look at the record."

Just after the last war, the Soviet Union sent a few armored divisions into Iran toward the Turkish and Iraqi frontiers while Bulgaria massed troops on its southern frontier to form the other prong of a huge front. A war again seemed imminent.

Then the Security Council of the United Nations met in London for the first time, and presently the Soviet troops were back into the Soviet Union. Not a shot had been fired.

Since that time there have been some 20 occasions when the armed forces of two or more nations engaged in more or less organized, formal hostilities, which in another day would have been accompanied by declarations to be fought to the death—"victory" was attained by one side or the other. Eight of these could be classified as outright invasions, in which the armed forces of one nation marched or parachuted into the territory of another; only one of them— the mismatched affair between India and China—was launched as a traditional way in which wars have been settled in the past.

On at least 20 occasions there has been some fighting breaks out, sometimes between the defending forces, or armed revolts which usually involved the national interests of an outside state. Any of them would have qualified as a cause bellicosity.

At this very moment the agenda of the Security Council of the United Nations lists 57 international disputes. Some of them have been settled, some are quiescent, and others could flare again at any moment. The point here is that more than half a century has passed since Al Smith kept saying, "Let's look at the record."

The question is what can be done to make sure that this is in fact an era of peaceful settlement of disputes among nations.

For one thing, we can pursue this consensus on recourse to nonviolent solutions. Most of the world is in agreement right now—though there are a few who would make a small exception for his own dispute with his neighbor. Yet we hope that the aggressors are extending their doctrine of no nuclear war to a broader doctrine of no conventional war—on the grounds that you cannot have a nuclear war unless you are sure there will be no conventional war either.

For another, we can get on with the urgent business of expanding and improving the peacekeeping machinery of the United Nations. Most of the cease fires I have been speaking about have been arranged by the United Nations and the regional organizations. Most of the truces and negotiations and solutions that have come about have come about through the United Nations. Even if the will had existed, the way would not have been found without the machinery of the United Nations.

Violence—which there will be—without war—which there must not be—is unthinkable without an effective and reliable system of peacekeeping.

How should we and how can we improve the peacekeeping machinery of the United Nations?

Cyprus has avidly exposed the frailties of the existing machinery: The Security Council, by an impressive unanimous vote, first saved the situation with a cease-fire resolution providing for a U.N. peacekeeping force, but shortly afterward war nearly broke out again before the U.N. could put the resolution into effect.

There were no troops immediately available, and the Secretary General could not marshal the U.N. force with the speed so urgently required. Then there was no assurance of adequate funds to pay for the operation. While these things happened, the Secretary General has not yet found a mediator of the conflict. While I am confident that he will, it took over 2 weeks (instead of 2 days or 2 hours) to get the peacekeeping operation going, and then only because armed intervention appeared imminent.

In short, when time is of the essence, there is a dangerous vacuum during the interval while military forces are being assembled on an air-on-missile basis.

And we further risk an erosion in the political and moral authority of the U.N. There are no troops trained for peacekeeping. There are no units, no forces that can be thrust without special training into situations unique to the purpose and methods of the United Nations. For a U.N. soldier in his blue beret is like no other soldier in the world—he has no mission but peace and no enemy but war.

Time and again, we of the United States have urged the creation of a United Nations International Police Force, trained specifically for the keeping of the peace.

But it is too soon to contemplate a fixed U.N. international force which would be permanently maintained for use for any emergency. Yet it might be possible to create a force of a few hundred units which could be sent in at a moment's notice and that could provide a permanent presence in a troubled area. We might call it a "U.N. Peace Home." This is what seems to be happening. This record of violence without war suggests, then, that we may have slipped al-
the advisory opinion of the International Court of Justice in 1962, and the opinion was accepted by a declaim vote of the General Assembly that fall. Yet the Soviets are still refusing to pay.

What can be done about it?

Article 19 of the United Nations Charter provides that a member whose arrears are not paid shall lose some of its rights in the United Nations. It has 9 million of its members, it will have no vote in the Assembly.

The United States, and I believe all the members want to avoid such a situation—in the payers it can be met by a Soviet payment—in whatever form. We think the best way to avoid the penalty and preserve the United States' financial integrity is for us to make it abundantly clear that they support peacekeeping operations, that they want all members to help bear the cost. And that the Charter must be applied in accordance with its terms, and without fear or favor.

It is our earnest hope that the overwhelming sentiment of the members will prevail, and that the Soviet Union and other contributors to the cost of peacekeeping operations, in one way or another, to provide funds that will make unnecessary any article 19 confrontation. At the same time, the United States and others are exploring the possibility of adjustments to avoid the recurrence of this unhappy situation. Not many members would agree with the United Nations' position that the General Assembly has no right to recommend a peacekeeping operation and that the Security Council should have to initiate such operations. Nor would many agree to abolish the General Assembly's exclusive right, under the Charter, to apportion and assess expenses.

But it should be possible to give new emphasis to the position of the Security Council by providing that all proposals for initiating a peacekeeping operation should first be presented to the Council, and that the General Assembly should not have the right to initiate such an operation unless the General Assembly had shown that it was unable to act.

Also when it comes to the apportionment of the cost among the members by the General Assembly, we are exploring possible arrangements whereby the viewpoints of the major powers and the viewpoints of the minor powers are being discussed to make clear that the system of order must be one which helps parties to settle their differences by negotiation and consultation and not by threats or by force. It is easier in prescription than to fill it. But if conflicts are to be resolved and not just frozen, it is manifest that only through the United Nations, the community of nations, will peace and peaceful change evolve. The United Nations is a shared enterprise; it speaks for no nation, but for the common interest of the world community. And most important, the United Nations has no interest in the status quo.

To conclude: I believe there is evidence of new beginnings, of evolution from containment to cease-fire, and from cease-fire to peaceful change. We have witnessed the first concerted and successful effort to avoid the confrontation of naked force. The Cuban crisis has been followed by the nuclear test ban and a pause in the arms race. We see growing up in the interstices of the old power systems a new readiness to test the feasibility of international peacekeeping. The sheer arbitrament of force is no longer possible and less lethal methods of policing, controlling and resolving disputes are emerging. We perceive, perhaps dimly, the world groping for, reaching out, to the fuller version of a society based upon human brotherhood, to an order in which men's burdens are lifted, to a peace which is secure in justice and ruled by law.

As I have said, I believe now, as in the days of the Founding Fathers, even the faintest possibility of achieving such an order depends upon steadfast faith. In their day, too, democracy in an age of monarchs and freedom in an age of empire seemed the most remote of pipe-dreams. Today, before our very eyes, which repeat at the international level the solid achievements of law and welfare—of our domestic society must seem audacious to those who regard the grim fact that survival itself is inconceivable on any other terms.

And once again we in America are challenged to hold fast to ouraudacious dream. If we revert to crude nationalism and separatism, every present organ of internationa.

Mr. HUMPHREY. Mr. President, I also refer to the address delivered by the President of the United States before the Ninth National Legislative Conference of the Building and Construction Trades Department of the AFL-CIO, at Washington, D.C., on March 24. This address merits the careful attention of every citizen of the United States; in it the President says it supports the United Nations and indeed, carries forward the spirit of the great speech delivered on June 10, 1963, at American University, by our late and beloved President Kennedy. Therefore, Mr. President, I ask unanimous consent that the speech delivered by President Johnson be printed at this point in the Record.

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


Mr. Chairman, Mr. Haggerty, distinguished and beloved Secretary of Labor, Mr. Wirtz, ladies and gentlemen, it is my high honor and very great privilege to come here this morning to fraternalize and visit with not only the great workers of this country, but, I am very proud to say, the great builders of this land.

I have been asked to perform a very pleasant task—to present the Distinguished Service Award of the President's Committee on Employment of the Handicapped to a most distinguished American. When we talk and work for the employment of the handicapped, we should all be reminded of the text "Inasmuch as ye have done it unto one of the least of these my brethren, ye have done it unto Me." So it is a great honor to me as President and a great privilege to me as a human being and as one who has been honored with this Distinguished Service Award to Mr. Walter Mason.

Mr. WALTER MASON. Thank you very much, Mr. President. I greatly appreciate this honor. If I can assure you that it will rest with me always.

The President. I would be less than human if I did not tell you that I observed
and enjoyed your welcome to this meeting. I am a preacher down on the country when he showed up at his congregation one Sunday morning and much to his surprise the congregation had gone out on the lawn and played all the hymns they had for a present. The preacher was so frustrated he got up to acknowledge the congregation and the new folks, and said, "I do deserve it, but I don't appreciate it." I don't deserve it, but I do appreciate it.

As we meet here today, I think we should be reminded that the job situation is not necessarily better than at any time in the history of America. In the past 12 months, we have lost 1.6 million jobs for the first time in our history. National production over $600 billion—for the first time in our history. Average earnings in industry over $65 billion for the first time in our history. Over 1.6 million new homes in a year—for the first time. New construction over $6 billion—for the first time.

By all these measures, our prosperity continues to grow. In new construction, we should exceed $65 billion this year. The growing economy should add a million new jobs. There are still industry's problems. But it is still not enough. It is not good enough because the prosperity of which I speak is shared by every American. I will not be satisfied until it is.

Many people have jobs, but too many don't. Many families are living well, but too many don't. In 1964, this Nation, by an act of their Congress, made a solemn national commitment to full employment for every American. We must not be satisfied until that is accomplished. These two goals—full employment and an end to poverty—depend on one another. As long as there are not enough jobs, there will be needless poverty, and as long as children and young people are raised in deprivation, not the chance to live a full life, not the equal chance for education and training—then we will not be satisfied.

The tax cut just enacted is one of the most important achievements of this Congress. It will make another and equally solemn national commitment: To abolish poverty in these United States of America. We must not be satisfied until that is accomplished. These two goals—full employment and an end to poverty—depend on one another. As long as there are not enough jobs, there will be needless poverty, and as long as children and young people are raised in deprivation, not the chance to live a full life, not the equal chance for education and training—then we will not be satisfied.

The minimum wage laws should be extended to millions who are not now covered, and unemployment insurance should be strengthened.

The Economic Opportunity Act which I submitted to the Congress last week will offer education and training opportunities to 125,000 Americans by the end of this fiscal year. Twice as many will be given training next year.

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The recent progress toward complete integration has been greatly encouraging, and I am glad to have the presidents of the international unions affiliated with the building and construction trades department of the AFL-CIO as allies. The call last year for an end to discrimination, because of race or creed or color in hiring lists, in referral systems, in apprenticeship programs, or in membership, was a progressive advance and a welcomed announcement.

As good citizens and as good friends, we mean to work together in carrying it out. We can all take pride in the success of the Missile Sites Commission. It is a vivid demonstration of what can be done when we pull together in the national interest. The problem of work stoppage at missile bases has been minimized. It has been done by the voluntary cooperation of management and labor. You recognize that that national interest was greater than any individual interest was.

The retired, the elderly, the senior citizens of our land—they all deserve and are going to get a better deal. They need a program to more than half a million young people and adults each year.

These training programs will in no way diminish the chance for those already skilled, such as the craftsmen in your unions. They will not lower the skill requirements of jobs, but they will make employment opportunities for Americans simply because they have no equipment for today's complex world of work. So neither unemployment nor poverty can be conquered unless we resolve also their ancient ally, discrimination.

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that he sent to the then President is one that I could take in complete honesty today, and that is that we stand ready to help the Vietnamese preserve their independence and retain their way of life and keep from being enveloped by communism.

We, the most powerful Nation in the world, can afford to be patient. Our ultimate strength is clear, and it is well known to those who would be our adversaries, but let's be reminded that power brings obligation. The people of this country have more blessed hopes than bitter victory. The people of this country and the world expect more from their leaders than just a show of brute force. So, every purpose is to employ reasoned agreement instead of ready aggression; to preserve our honor without a world in ruins; to substitute if we can understanding for conflict.

My most fervent prayer is to be a President who can make it possible for every boy in this country, loving his country instead of dying for it. Thank you.

ADDRESS BY PRESIDENT JOHNSON TO THE UNITED AUTO WORKERS OF AMERICA

Mr. HUMPHREY. Mr. President, the President of the United States addressed the 19th constitutional convention of the United Auto Workers of America, at Atlantic City, in March 23. I have inquired to ascertain whether the text of the address has already been printed in the Record. I understand that it has not been.

Therefore, because the speech touched upon the legislative program of this administration and also on some of the problems which will be facing our economy in the months ahead, particularly in connection with prices and wages and price control, I seek to have the text of the address printed in the Record. I understand that it has not been.

The President, Senator Williams, Senator Bayh, Mrs. Peterson, my good friends of this great convention, I am unaccustomed to such large crowds and such unrestrained enthusiasm. I have been addressing some of these $100 victory Democratic dinners down in Washington, and after a fellow pays that much for a ticket, he doesn't have quite as much enthusiasm.

As a matter of fact, a little boy down in our neighborhood has been addressing some of these conventions, and he says: "Dear Lord, I want to say much obliged for send mother for to help you get all your P's out of the way.

"So let me speak to you earnestly this morning and quite sincerely. What I say is not for you, gentlemen. It is what I say to you I say to the Nation. I come to you seeking your help, asking your counsel. I have set a course for myself and I intend to follow it, and I trust the history will treat me as a President. However much time I am given to lead this Nation, I shall have for the sake of my country. I was and am and with the sure knowledge that if I try to do what is right, our Nation, in God's mind and in history's imprint will ultimately be stronger.

I am here to tell you that we are going to do those things which need to be done, public and private, but I see my obligation as a President not only because they are right. We are going to pass a civil rights bill if it takes all summer. We are going to pass it because no nation can long endure a permanent class of slaves. The poor citizens are barred from their purpose and are denied the use of their talent. We are going to give the logjam of pent-up skills and unused opportunities, because until education is blind to color, until employment is unaware of race, emancipation may be a proclamation, but it will not be a fact. That is why I care about this civil rights bill, and that is why I am here today.

We are going to pass a medical assistance bill for the aged, no matter how many months it takes. The sensible, prudent, and businesslike way to do this is to take the social security system in. In every county of this land there are older folks who don't ask much. They simply want to keep their dignity. They simply want to depend on the government, not because they lack the technology and the capital, and the scientific attitudes to
break through into the modern world. We must seek to do for them what we want to do for our own people, to give them the skills to help themselves. This surely is the essence of the policies of economic assistance and development. Again, it is not doles and it is not handouts, assistance and development. Again, it is must seek to break through into the modern world. We... unhappy in their fruits can be counted. We want free enterprise and free collective bargaining to support each other. They stand as the cornerstones of the labor policy of this administration. All our experience teaches us free collective bargaining must be responsible. So long as it is responsible, it will remain free.

I hope that responsibility will be present on both sides at the automobile industry bargaining, and that peaceful and responsible policy of this administration is the policy of this Government today. It is the policy of this administration. It is the policy of this Government today. All our efforts and our talents to make our high responsibility within the labor movement in the world, it means much to this land and it means much to our people. But it is also our wish and hope that free competitive bargaining is the principle interest today, more than ever, requires that they are served only as the broader... national emergencies. Where applicable, we... not rise. We must not to do beyond our borders, demands that our prices and our costs not rise. We must not to do beyond our borders, demands that our prices and our costs not rise. We must not to do beyond our borders, demands that our prices and our costs not rise. We must not to do beyond our borders, demands that our prices and our costs not rise. We must not to do beyond our borders, demands that our prices and our costs not rise. We must not to do beyond our borders, demands that our prices and our costs not rise. We must not to do beyond our borders, demands that our prices and our costs not rise. We must not to do beyond our borders, demands that our prices and our costs not rise. We must not to do beyond our borders, demands that our prices and our costs not rise. We must not to do beyond our borders, demands that our prices and our costs not rise. We must not to do beyond our borders, demands that our prices and our costs not rise. We must not...}

GREEK INDEPENDENCE DAY

Mr. KENNEDY. Mr. President, let us turn our eyes toward the most ancient land of freedom and the first democracy, Greece, which yesterday marked its Independence Day. Since 1821, when the independence was declared, Greece has been the cradle of many of the...

THE WHEAT PROGRAM AND MEAT IMPORTS

Mr. HRUSKA. Mr. President, yesterday, at a press conference, Secretary of Agriculture Freeman took occasion to blame the American Farm Bureau Federation and the Republicans in the House of Representatives for the delay in final congressional action on the wheat-amendment bill.

In the course of his comments, the Secretary made specific criticism of my distinguished colleague, the Senator from Nebraska (Mr. CURTIS) and this Senate, because of our efforts to secure legislative quotas on imported foreign beef and pork. Because of the... the so-called, but misnamed, "voluntary" wheat program. He is reported to have said that the drop in cattle prices caused by meal imports would knock about $12.5 million off Nebraska farm receipts—which apparently he did not consider very important; whereas, he claimed, the wheat program would add about $35 million to the incomes of Nebraska farmers.

Let me deal first with his figures on beef. In 1963, Nebraska farmers and ranchers sold, in the aggregate, about 2,473 billion pounds of cattle and calves on the hoof, for estimated total cash receipts of many millions of dollars. This was a unique wheat program. It is reported to have said that the drop in cattle prices caused by meal imports would knock about $12.5 million off Nebraska farm receipts—which apparently he did not consider very important; whereas, he claimed, the wheat program would add about $35 million to the incomes of Nebraska farmers.

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As previously noted, total sales of Nebraska cattle and calves in 1963 amounted to 24,730,000 hundredweight, in terms of all types of those cattle and calves were depressed by import competition in the amount of $3 per 100, the total loss to the industry in Nebraska alone would be about $74,000,000, not $12,500,000, as the Secretary stated.

Mr. President, I ask unanimous consent to have printed in the Record at the conclusion of my remarks an excerpt from the Livestock and Meat Situation of November 1963, published by the Department of Agriculture, and also a letter from the Administrator of the Economic Research Service, with reference to the magnitude of the impact of imports on the domestic price of choice steers at Chicago.

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

(See exhibit 1.)

Mr. HRUSKA. It appears, however, that the Secretary's calculation does not take into account the total magnitude of imports. Apparently, he is figuring primarily on the basis of a calculation of the decline in cattle prices from 1962 to 1963 and the analysis of the causes of that decline. According to his calculation, beef-cattle prices declined only $3.71 per hundred pounds from 1962 to 1963; and only about 15 percent of that decline does he attribute to imports.

Two things are wrong with that particular computation. First of all, when a comparison involving annual average prices is made, it should be recognized that a single commodity cannot be translated into cash as much as it reveals. The annual average price of choice slaughter steers at Chicago in 1962 was $27.67 per hundred pounds, and in 1963 was $23.96—a decline of about 15 percent, which certainly was painful enough. But that was not the worst.

The market declined through most of the year, and closed for the year a good deal below that annual average figure. The decline went on down some more. The latest market quotation published by the Department of Agriculture, for the week ending March 19, 1964, was one of the worst yet—$21.53 per hundred-weight. That is a further fall of over 10 percent more from the 1963 average.

The cattlemen were hurting before, at the 1963 prices; but at these recent price levels, they are facing ruin, Mr. President.

The other misleading point about the Secretary's computation is that it takes account only of the increase in 1963 imports over those in 1962. The 1963 increase was not very great, for the simple reason that 1962 imports were already so huge.

Certainly the combined impact of these 2 years, 1962 and 1963, with their tremendous imports, helped break the market. As recently as 1956, imports amounted to only 284 million pounds, or carcass weight equivalent. In 1962, they were 1,725 million; and in 1963, they were 1,859 million. In other words, the imports increased between 600 and 800 percent, while domestic production between 1956 and 1963 was increased from 16,094 to 17,360 million, or only about 8 percent. That increase in imports, by the Department's own formula, is easily enough to account for a price decline of about $3 per 100, a difference in the neighborhood of $60 million to Nebraska's cattle industry.

Turning now to the scare talk about what will happen to the wheat farmer if this bill is not passed, let us recognize that it is a scare talk, the same kind of scare talk in which the Secretary engaged a year ago when he forecast wheat at $1 per bushel if the wheat referendum vote was not favorable. We then didn't feel it at all. We also know that the new forecast is conjectural, and highly supposititious at best, whereas the financial losses of the farmer who has been raising cattle or feeding them have been, and are, a harsh and cruel reality right now.

As an antidote for the Secretary's present forecast of loss of income to the wheat farmer, I suggest a rereading of the analysis of this situation made by the Senator from Vermont (Mr. Aikin) during the debate last month on the wheat bill.

The distinguished Senator from Vermont made perfectly clear that the Secretary of Agriculture has the power under present law to maintain a highly satisfactory price for wheat growers. He stated in part:

It is perfectly obvious to anyone engaged in business that with the CCC owning all the old wheat available on July 1, and the new crop which is 2 or 3 million bushels below requirements for the coming marketing year, and with a support price of $1.89 C, the Secretary may require compliance with the 1965 crop, there would be a scramble for the 1964 crop which would probably guarantee the best prices that the wheat growers have had in years.

The foregoing is the situation with regard to the crop year 1964. As to 1965 and following years, Senator Aikin pointed to the provisions of present law and their operation and opportunity, as follows:

Section 332, paragraph C, of the Agricultural Adjustment Act, provides that when there is a "national emergency", the Secretary may require compliance with acreage allotments as a condition of eligibility for price support and, therefore, he has the authority to establish acreage allotments for the 1965 crop, in the event that he does not proclaim a marketing quota.

If the marketing quotas are terminated, the Secretary may require compliance with acreage allotments as a condition of eligibility for price support and, therefore, he has the authority to establish acreage allotments for the 1965 crop, in the event that he does not proclaim a marketing quota.

If a marketing quota is not proclaimed, the Secretary may require compliance with acreage allotments as a condition of eligibility for price support and, therefore, he has the authority to establish acreage allotments for the 1965 crop, in the event that he does not proclaim a marketing quota.

If a marketing quota is not proclaimed, the Secretary may require compliance with acreage allotments as a condition of eligibility for price support and, therefore, he has the authority to establish acreage allotments for the 1965 crop, in the event that he does not proclaim a marketing quota.

If the Secretary- that is a 1-pound-per-capita change in steer and heifer production results in a change in the opposite direction of about 50 cents in the price of choice steers at Chicago. As we have previously stated, that 1-pound-per-capita change in steer and heifer production affects the price of choice steers by only 15 to 20 cents.


HON. ROMAN L. HRUSKA, U.S. Senate, Washington, D.C.

DEAR SENATOR HRUSKA: We appreciate your having called to our attention an inaccurate statement on page 41 of the Livestock and Meat Situation for November 1963. The statement "A 1-pound change in the cow-beef-plus-import aggregate affects the choice steer price by only 15 to 20 cents," should read: "A 15 to 30-cent change in off-farm construction will appear in the forthcoming issue of this situation report."

This error occurred even though our situation reports are subject to very intensive review. It was due to a computational error which does not affect the validity of the underlying statistical analysis presented in this particular article, nor the explanation of the drop in the average annual price of choice steers at Chicago from 1962 to 1963.

If the price of wheat drops to the dire levels predicted by the Secretary, that will be his doing, not that of any Member of this Senate. This is clear from the analysis and the presentation made by Senator Aikin, as they appear in the February 24, 1964, CONGRESSIONAL RECORD, at pages 3383 to 3385.
As you know, the Department is concerned with the price problems of the cattle industry, including the influence of meat imports. We are making every effort to provide the best possible appraisal of the factors affecting cattle prices so that all concerned will have the benefit of analyses that are accurate and objective.

Sincerely yours,

NATHAN M. KOFFENY,
Administrator.

THE EASTER MESSAGE

Mr. CARLSON. Mr. President, for some years past I have prepared a short statement in keeping with the season which we are about to enter. As we enter the concluding days of Holy Week, we again remind ourselves of that dark and dismal Friday and we approach Easter Sunday with hope, light, and life. This gives us strength and courage to carry on in a world that is fraught with distrust, unrest and deep trouble.

The heart of the Easter message is a victory out of defeat. Life would have been without hope had it not been for what happened on that first Easter morning. The resurrection changed everything.

The Master's earthly life was devoted to persuading all men to become one family of brethren.

His pure and lofty lessons were intended to insure the happiness of mankind.

He came to set truth in the place of error, and loving kindness in the place of hatred and persecution.

He taught that every man shall do that only unto his brother which he would wish his brother to do unto him.

He endeavored to deliver his brethren from the bonds of tyranny, to protect the weak and feeble, and to bring back to the paths of duty the oppressors of humanity, but they listened not unto Him and His word, and as such, He sealed His Gospel of Love with His life.

His life was the embodiment of love, self-denial and self-sacrifice. Truly, "Greater love has no man than this; that he lay down his life for his friends."

At this Easter season, I think it is most fitting to recall the beautifully written poem on the resurrection by Dr. Phillip Brooks:

Tomb, thou shalt not hold Him longer;
And while sunrise smites the mountains,
Pouring light from heavenly fountains,
Then the earth blooms out to greet
Once again the blessed feet;
And her countless voices say:
"Christ has risen on Easter Day."

Mr. MORSE. Mr. President, I am so glad that the Senator from Kansas has made the remarks that he has made.

In these turbulent times it is good that the Senate is taking off until Monday. The intervening days constitute a period which, in a very real sense, are the high holy days for Christians.

It is good that during those 3 days we shall be reflecting upon spiritual values. We should never forget that temporal values are bottomed on spiritual values. It is particularly fitting and fortunate that, as individuals, we shall be contemplating the symbolism and the significance of spiritual values over this long weekend as a fitting preparation for our proceeding on Monday to discuss a great social challenge that confronts religious America—not Christian America alone—but religious America. After all, the teachings of the Bible, the Torah, the Koran, and the other great books of religion, when all is said and done, contain a common, uniform teaching based upon that principle, which each one of us as parents has tried to instill in our children, of doing unto others as we would have others do unto us.

That is the whole essence of the civil rights fight. We talk about it in temporal language. We talk about it in terms of constitutionalism. We talk about it in terms of legislative rights. But, after all, the whole civil rights question rests on the rightness of the Golden Rule. As we undertake this historic debate on Monday, we should never forget that it is based upon the Golden Rule, which all the great religious leaders of all religions sought to teach their disciples.

ADJOURNMENT TO MONDAY

Mr. PELL. Mr. President, if there is no further business to come before the Senate, I move that the Senate stand in adjournment until noon on Monday next.

The motion was agreed to; and (at 5 o'clock and 10 minutes p.m.) the Senate adjourned until Monday, March 30, 1964, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate March 26 (legislative day of March 9, 1964):

DIPLOMATIC AND FOREIGN SERVICE

Taylor G. Belcher, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

Results of 1964 Questionnaire

EXTENSIONS OF REMARKS

Richard A. Ports Killed in Senseless Accident

EXTENSION OF REMARKS OF HON. FRANK T. BOW OF OHIO IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. BOW. Mr. Speaker, I would like to take a moment to pay a last tribute to a young man who once served as a member of my staff, Richard A. Ports.

Dick Ports was killed in a senseless automobile accident Tuesday near Tucson, Ariz., at the age of 32. Despite his youth, he had already risen to positions of importance and responsibility in the Republican Party and with the Garrett Corp., of Los Angeles, of which he was a public affairs executive.

Dick Ports had lived in Southern California since his release from active duty in the U.S. Marine Corps in 1959. As a concerned citizen, he was active in the Republican Party and a member of the California State Republican Central Committee. He was an officer in State and National Young Republican organizations, and served with distinction on the presidential and gubernatorial campaign staffs of Richard M. Nixon.

Despite his vigorous Republicanism, Dick had the respect and friendship of men in the Democratic Party as well, as Charles Wilson, Augustus Hawkins, Ken Roberts, and others of our colleagues in that party will testify.

No one who knew him doubts that Dick Ports was destined to be one of the Nation's leaders in business and politics. I find it difficult to describe my shock and my grief that one so young and vigorous, so promising and talented, should be taken in this manner.

That talent and vigor were characteristic of Dick from early youth. He was a leader in high school and college activities in Alliance, Ohio. I came to know him later when he was a radio reporter for WFAH and later for the Massillon Evening Independent, and I invited him to join my staff in 1954. Later he enlisted in the Marine Corps, successfully completed officer's training, and eventually served as aide to Maj. Gen. A. L. Bowser.

His death is a loss not only to his family and friends but to the Nation as well, for there was no limit to the contribution Dick Ports could have made to his party and his country.

EXTENSION OF REMARKS OF HON. E. Y. BERRY OF SOUTH DAKOTA IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. BERRY. Mr. Speaker, under leave to extend my remarks, I wish to include in the Record the results of the final tabulation of my 1964 questionnaire.

The questionnaire, which was sent to all boxholders in the Second Congressional District, covers a wide field of subjects ranging from pending domestic issues to international affairs. I feel sure
my colleagues will be interested in the response, which generally reflects the sound, conservative thinking of the people of western South Dakota whom it is my privilege to represent in Congress. The results are as follows:

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<th>Question</th>
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the world that their aspirations for liberty have not diminished. The Byelorussian-American Association, Inc. is very active in bringing this point home. Mr. Speaker, it is an honor for me to join my colleagues in tribute to these brave people, and to reassure them that we cherish the hope, as they do, that Byelorussia shall regain its freedom, and that that time shall not be long in coming.

Annual Questionnaire

EXTENSION OF REMARKS
OF
HON. CHARLES RAPER JONAS
OF NORTH CAROLINA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. JONAS. Mr. Speaker, the best way I know to keep up with the thinking of the people down home is to circulate a questionnaire from time to time and ask them to respond to questions about some of the important issues. In addition, I have found that circulation of a questionnaire stimulates thinking and discussion among constituents. This is all to the good because I believe the more the people think about these issues and discuss them with their neighbors the better informed they will become. I have great confidence in the ability of the people I represent to come up with the right decisions if they become acquainted with all of the facts.

This year I am asking my constituents to respond with a yes or no answer to 19 questions. Since many of these questions are difficult to answer categorically, I am providing space on the questionnaire for those who wish to do so to extend their remarks. As soon as the returns are all in, I shall have them tabulated on an IBM machine and will then publish the results. Following are the questions I am asking this year:

1. (a) Do you approve this country selling wheat to Russia?
   (b) If you answered yes, would you favor extending credit to Russia to finance such purchases?

2. Would you approve a constitutional amendment making prayer and Bible reading permissible in the public schools when conducted on a voluntary basis?

3. Do you favor the Civil Rights Act now under consideration by Congress?

4. Do you believe private and parochial schools should be included in any programs of Federal aid to education?

5. Would you approve a Federal income tax credit or deduction for all or part of college expenses?

6. If you answered "yes" to question 5 please answer (a) or (b) following and (c) or (d) following:
   (a) Would you favor a credit against the tax? or
   (b) Would you limit it to a deduction?
   (c) Would you limit it (credit or deduction) to a taxpayer who pays college expenses of a dependent? or
   (d) Would you extend it (credit or deduction) to a taxpayer who pays college expenses of a student who is not a dependent?

7. The national debt of the United States is now approximately $510 billion. Under existing circumstances, do you favor increasing Federal spending above current levels even if it requires additional borrowing?

8. Do you pay a tax raise for Government employees—including Cabinet officers and executive officials, Federal judges, and Members of Congress? or

9. Do you believe our Government should agree to renegotiate the Panama Canal Treaty?

10. On the whole, do you think this country's foreign policy is succeeding?

Labeling of Foreign Made Motion Pictures

EXTENSION OF REMARKS
OF
HON. EVERETT G. BURKHALTER
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. BURKHALTER. Mr. Speaker, I would like to take this opportunity to commend the Subcommittee on Finance and Commerce of the House Committee on Interstate and Foreign Commerce for the outstanding work of the chairman, Mr. Staggers, of the subcommittee, that hearings will commence following the Easter recess on legislation requiring the labeling of foreign made motion pictures exhibited in the United States. I feel that this is an important area for the Congress to look into for all of the country, and particularly for my State, California, since the motion picture industry has been one of the major factors for the influence of the southern California community.

The climate for the passage of my legislation or that of Congressman Cvrck, King which would amend the Federal Trade Commission Act to halt the showing or advertising of foreign films without proper identification has never been better. For the first time we shall present a united front to the lawmakers asking their protection from low-grade pictures made under labor is cheap and taste is low or vulgar.

It is most heartening to find the Tidings, a weekly newspaper published in Los Angeles under the sponsorship of the Archdiocese of Los Angeles, bringing to the attention of the faithful the fact that Red propaganda in movies has been supported by the Committee To Promote American Made Motion Pictures of men employed in the Los Angeles studios and by religious and youth groups critical of the low standards of pictures produced outside the country.

The climate for the passage of my legislation or that of Congressman Cvrck, King which would amend the Federal Trade Commission Act to halt the showing or advertising of foreign films without proper identification has never been better. For the first time we shall present a united front to the lawmakers asking their protection from low-grade pictures made under labor is cheap and taste is low or vulgar.

Another factor in the more favorable climate for protection of the Hollywood industry is the demand of the management committee in the industry which suddenly shifted its position with respect to elimination or reduction of foreign film subsidies.

This means that the men working in the industry in Hollywood will no longer have to fight their associates who seek other means of reducing the foreign threat and that the industry can go forward together in support of legislation which will expose the evil and brand all movies with their country of origin.

Byelorussian Independence Day

EXTENSION OF REMARKS
OF
HON. GLENARD P. LIPSCOMB
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. LIPSCOMB. Mr. Speaker, March 25 marks the day which gives all people of Byelorussian ancestry no matter where they live, a strong glow of pride, because March 25 is National Independence Day for all free and freedom-loving Byelorussians. It marks the day in 1918 when the people marched shoulder to shoulder into the streets to fight against misery and slavery. It marks the day when the Byelorussian people cast off their chains.

Since March 25, 1918, the Byelorussian people have fought against cruel Bolshevik suppression for their honor and their happiness. In 1919 their armed resistance was overwhelmed by the superior numbers and weapons of the Red army, which once again smothered the exciting spark of freedom.

Before 1918, the Communists had never gained many followers in Byelorussia. They were aloof people. When the czar fell, Byelorussians made their true feelings felt by declaring their independence. The history of Byelorussia since has been one of trying to achieve that independence which it deserves. So far it has not succeeded against the old Russian imperialism thrust upon it anew by the Communists. But continuous agitation against communism has brought severe persecution to the Byelorussians. Strikes, passive resistance, and apathy have thwarted the Russians at every turn for many years.

The Byelorussians resisted with every possible means such as patriotic schemes as farm communes, nationalized industries, and fake elections. That
A Political Poster

EXTENSION OF REMARKS
OF
HON. FRANK J. HORTON
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. HORTON. Mr. Speaker, today's New York Times announces a new White House project that raises serious questions. The project concerns the printing and distribution of posters with the traditional pose of Uncle Sam and the caption, "I Want You To Vote For Me." This is the most thinly disguised piece of personal ambition. I have no objection to the Government raising money to advertise the President. I want to know what is behind this precampaign project which uses taxpayer money to advertise the President. I want to know how many of these posters are being printed, where they are being distributed, and what heavy bureaucracy will arrange their prominent display.

I have no objection to the Government reminding our citizens that we need to support our efforts in support of our forces in South Vietnam. It should be obvious that we entered this conflict to win and to save a strategic area from a Communist takeover.

But, it is shameful when less than 8 months prior to our national elections the administration seeks to exploit a situation in which American men are fighting and dying for political purposes. This is a strong statement, but I feel strongly about it. Mr. Speaker, and I regret and resent the insinuation that our fellow citizens are guilty of causing a slowdown that should give them uneasy sleep.

If the President is truly in need of help in order to cope with the Vietnam situation, let him go before the public and state his case directly. To date, there has been no substantial information on this important foreign policy matter given to the public or to the Congress. In fact, there is mounting evidence of news suppression concerning South Vietnam.

I cannot recall when the country has been so much in the dark on a matter of grave international importance. How the President can now launch a public appeal in behalf of the South Vietnam conflict when we really know little about that conflict can be credited only to personal ambition.

Mr. Speaker, if such poster projects are allowed to go unchecked, can you imagine the extent to which they could conceivably be carried? Now that our national defense effort in South Vietnam has been chosen in order to advertise the President, I would not be surprised to see the next batch of military recruiting posters with the traditional pose of Uncle Sam replaced by the present White House occupant. Of course, the option then would read: "I Want You To Vote For Me."

Byelorussian Independence

EXTENSION OF REMARKS
OF
HON. JOHN D. DINGELL
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. DINGELL. Mr. Speaker, the Byelorussians are among the earliest Slavic peoples known in the West. The recorded history of these stalwart and sturdy inhabitants of the borderland in northeastern Europe, east of Poland and west of Moscow from the 12th century. Soon after they were Christianized and then organized their own diocese and cultural centers around the historic capital city of Smolensk. They had also organized their own state and managed to survive the deluge of Asiatic invasions during the 12th, 13th, and 14th centuries. They held their own against all comers and maintained their freedom. Then in the 15th century, when they faced the "barbaric Muscovite hordes," they were gradually submerged in the future Russian Empire. By the 16th century they were all but lost in the then bottomless sea of czarist Russia.

Thenceforth for more than 300 years Byelorussia was no more, its inhabitants goal, for the odds against them were independence. All their efforts, how-suffering under the czarist autocracy. But during all that time these doughty fighters for freedom did not lose heart and they faced the "barbaric Muscovite hordes," they were gradually submerged in the future Russian Empire. By the 16th century they were all but lost in the then bottomless sea of czarist Russia.

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WeShould Support and Urge a "No Money, No Vote" United Nations Policy

EXTENSION OF REMARKS
OF
HON. ED FOREMAN
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, March 26, 1964

Mr. FOREMAN. Mr. Speaker, the world can no longer afford the luxury of coddling Russia and her satellites who refuse to pay up in support of the United Nations. Russia's repeated threats to withdraw from the U.N., if the claim for money she owes is pressed, are the shallowest form of dominance through fear. The Soviet Union would lose power and influence overnight were it not for her membership in, and veto power over, the U.N. Here is her best listening post, her best propaganda forum, and her largest stage on which she can strut and play her role.

Russia assumes the character of protector of the rights of nations, and demands U.N. peacekeeping units, as in Cyprus, and then refuses to pay her share of the cost. The International Court of Justice, in fair and full hearings, ruled the assessments legal and binding. The Court found Russia liable for the costs of the international court and the other costs. Russia's repeated threats to withdraw from the U.N., if the claim for money she owes is pressed, are the shallowest form of dominance through fear. The Soviet Union would lose power and influence overnight were it not for her membership in, and veto power over, the U.N. Here is her best listening post, her best propaganda forum, and her largest stage on which she can strut and play her role.

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champions of freedom, honor, and dignity among men and nations will continue to bow to gangsterism and flagrant abuse of the systems of debt and payment. There is a simple policy: "No money, no vote"—let the U.N. enforce it.

Well-Deserved Tribute to Angela Bambace and Sam Nocella

EXTENSION OF REMARKS OF HON. EDWARD A. GARMATZ OF MARYLAND IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. GARMATZ. Mr. Speaker, rarely do we find persons who are outstanding in several areas of activity, but last week it was my privilege to be present at an affair honoring two outstanding personalities in the Baltimore area who have won distinction in the labor field and in the field of social services, through their humanitarian interests. They are Miss Angela Bambace and Mr. Sam Nocella.

Miss Bambace has been active in the International Ladies' Garment Workers' Union since she became a member in 1917 and has risen to the position of vice president and manager, upper south department, International Ladies' Garment Workers' Union. In addition, she has served as a delegate to the Democratic National Convention, is a member of the Italian-American Labor Council, the ADA, the American Civil Liberties Union, and is on the board of directors of the Baltimore Symphony Orchestra.

Mr. Nocella has been active in union activities since 1919 when he joined the Amalgamated Clothing Workers of America. He has served as manager of the Maryland, Virginia, and Pennsylvania regional joint board, and under his direction a geriatric center for the joint board's retired workers was constructed. He has recently sponsored a program of eye and health examinations for the members of the union. He is now vice president, manager of the Baltimore Regional Joint Board, Amalgamated Clothing Workers of America.

On the occasion of the 40th anniversary of the Israel Histadrut campaign, an organization which helps support a network of vocational schools, provides scholarships for underprivileged youth, makes grants for research scientists and maintains cultural and youth centers, among its other activities, Miss Bambace and Mr. Nocella were honored for their work over the years for the improvement of the economic and social conditions of their fellow citizens.

In tribute to them, the proceeds of the testimonial dinner will go toward the Sam Nocella Histadrut Scholarship Fund, to aid worthy teenagers in Israel to obtain a secondary or vocational education.

A notable group was present at the dinner in their honor, including Mayor Theodore McKeldin; Maryland's Attorney General Thomas Finan; City Councilmen Jacob J. Kahn, who served as toastmaster; the Reverend Frederick Helfer; Father Dunn; Rabbi Abraham Shusterman; Under Secretary of Labor John F. Henning; Moe Fulkin, chairman of the American Trade Union Council for Histadrut; Jacob Potofsky, general president of the Amalgamated Clothing Workers of America; Dominic N. Forzano, president of the Baltimore Council of AFL-CIO Unions; Charles Krolndier, Hyman Ehrlich, and Gus Tyler.

The high honor bestowed on Miss Bambace and Mr. Nocella will, I am confident, inspire them to continue their outstanding services to their fellow men for many more years, and inspire those present to follow their good example.

The Importance of Civil Rights

EXTENSION OF REMARKS OF HON. HUGH SCOTT OF PENNSYLVANIA IN THE SENATE OF THE UNITED STATES

Thursday, March 26, 1964

Mr. SCOTT. Mr. President, for 2½ weeks we have been discussing on the floor of the Senate a motion to consider the civil rights bill. As a co-sponsor, I am particularly interested in having the bill becoming law. I ask unanimous consent that three reports supporting this position be printed in the Record.

There being no objection, the reports were ordered to be printed in the Record, as follows:

FROM the Philadelphia (Pa.) Tribune, Feb. 29, 1964

Rights Bill May Pass With the Help of God and Senators Clark and Scott

The U.S. Senate will be the battleground. On one side are northern and southern Democrats and Republicans pitting against southern Democrats and Republicans.

At stake will be this long civil rights bill which, if passed by the Senate, will strike at the core of discrimination, segregation, and prejudice in this so-called land of the free—northern and southern. The citizens who have been, and are being, denied the inalienable rights supposedly guaranteed them by the Constitution for the simple reason that their skin is darker than the skin of others.

Fortunately for freedom fighters and civil rights advocates, however, two formidable champions have been named by the liberal Democratic and Republican leadership to direct the battle for the legislation on the Senate floor. These champions are Pennsylvanians who hail from Philadelphia: Jose P. Clark, Jr., Democrat, and Hugh Scott, Republican.

Senators Clark and Scott are famous for taking up the cudgel in defense of underdogs. Their standing and support for liberal legislation has won them the praise of Negroes and other minority groups. That they are prepared by training, knowledge, and dedication to take on—and best—the "cream" of the southern crop of Senators sworn to defeat civil rights legislation at any and all costs.

These two gentlemen may differ on matters pertaining to foreign policy and some domestic policies. But they see eye to eye on the issue of civil rights for Negroes—now.

They are as vehemently opposed to the anti-Negro antics of the Governor of Mississippi and the Governor of Alabama as they are opposed to the anti-American actions of Khrushchev and Castro.

Passage of the civil rights bill in the Senate will not be easy. It will be a task almost as difficult as digging a stone wall with a human fist. For there are powerful southerners intent to use in their efforts to scuttle the bill. Leading the men from below the Mason-Dixon line who are fostering their strategy will be Senators Richard Russell, of Georgia; James O. Eastland, of Mississippi; and Allen Ellender, of Louisiana.

Still, with the help of God—Mr. Clark and Mr. Scott—there is excellent reason to believe the forces of good will triumph over the sectional forces that seek to keep Negroes mired in the morass of second-class citizenship.

AN EDITORIAL BY DAVID POTTER OVER WNAE RADIO, WARREN, PA., MARCH 15, 1964

This is David Potter, manager of WNAE, editorially speaking. On one of our broadcast rounds of world news last week, we carried a recorded statement by Senator Hugh Scott. In it, the Republican of Pennsylvania set forth in no uncertain terms his stand on the civil rights bill. In an editorial we print this statement should be repeated. He said:

"A filibuster has just closed in around the Senate. The rules which permit unlimited debate will now be abused by those who seek to defeat essential civil legislation. This is the legislation recommended by the late President Kennedy and I am a principal co-sponsor. The opponents of this bill can filibuster for weeks or for months. If the Senate goes into 24-hour session, I have in my office a cot, a coffee pot and some canned goods. I'm going to be a filibuster and at the end of it I'll be on the Senate floor ready to fight for the civil rights bill all—every provision of every word. This legislation is right and I know it. And let me make a prediction. We're going to pass it.

Politicians are sometimes accused of placing moral grounds last in their considerations of issues. Such is not Senator Scott's priority in this vital matter. He has placed moral grounds above all for the passage of the bill, not merely waiting to vote for it if it can ever be brought to a vote by the Senate.

You may recall that early in the year one of these editorials was in the form of an open letter to Representative Alason Johnson soon after he took his oath of office as U.S. Representative from this district. In that letter, Representative Johnson was urged to begin his service by supporting the civil rights bill in the House. His response was: "You can state on your broadcast that I intend to vote for a civil rights bill when one finally comes up for a vote in the Congress."

I believe it's important to emphasize that Representative Johnson kept that promise. History is among the "cream" in both personal and legislative history in the House of Representatives.

It is good to know that our new Congress and Pennsylvania's veteran Senators are in agreement on this critical issue.

This is David Potter editorially speaking.
BYELORUSIAN DAY

EXTENSION OF REMARKS

OF HON. EMILIO Q. DADDARIO
OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. DADDARIO. Mr. Speaker, the date of March 25 marks the anniversary of the proclamation of independence of the Byelorussian people. In annually commemorating the events of 1918 we honor the valiant courage and determination of the Byelorussian people who were forced to struggle against the Byelorussian Democratic Republic. And to-day in the minds of too many people, Byelorussia is an unknown or confused concept. The events as recorded in history are swiftly tragic for that brave nation, but these brief recordings must be appreciated in the light of their full significance.

In 1918, the Slavonic people of Byelorussia consolidated their culture, their territory, and their people into an independent nation. From the moment of this declaration, the territory of Byelorussia was no longer subject to annexation but could only be gotten by invasion; her culture could not be merely absorbed but had to be oppressed, and her people could not be occupied but had to be enslaved and redistributed. These were the prices that had to be paid because the Byelorussian people chose to exercise a right that is inherent in all man. These are the sacrifices that called forth in the Byelorussian people the deeds of courage that have made of their nation an exceptional symbol of resistance to the flood of Communist oppression.

It is therefore proper that we join the Byelorussian people in all areas of the world in a rededication to their goals of a free and independent nation.

SOFTWOOD LUMBER STANDARDS

EXTENSION OF REMARKS

OF HON. FRANK T. BOW
OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. BOW. Mr. Speaker, inasmuch as there are many Members interested in the subject of softwood lumber standards, I wish to insert in the Record for their information a copy of my letter of March 10 to Secretary of Commerce Luther Hodges and a copy of the Secretary of Commerce's reply of March 15.

DEAR MR. SECRETARY: As you know, I have long been interested in the proposed new lumber standards and have been hopeful that this issue would be settled promptly and without further unnecessary delay.

I am, therefore, rather surprised that I read a press release by Representative James Roosevelt last week indicating that a settlement of the matter is being postponed perhaps for many months.

Mr. Roosevelt speaks of having received various "assurances" from your Department which, he says, are abdicating your authority in this field to his subcommittee. I think it important to my constituents in the industry that we have a better understanding of the meaning of these assurances, and will appreciate an answer to the following questions:

1. Does reopening of the list of those to whom the proposed new standards will be sent for comment mean that the same 20 percent of membership restriction which has previously been imposed upon other organizations submitting names of prospective acceptors, will still apply?

2. Does the Department of Commerce contemplate any modification of previously determined "weighting" procedures for various categories of acceptors?

Mr. Roosevelt notes in his press release that "the most careful consideration will be given to the comments in view of the interests making them." Further, he states that "the Department is not seeking mere yes or no answers. It desires affirmative suggestions and information regarding the workability, equity, and economic impact of the proposed standard." What, then, does it mean that responses not bearing specific suggestions by either proponents or opponents
will be evaluated at a lesser weight than those bearing the highest weight.

3. Does Mr. Roosevelt's report of "assurances" that his subcommittee and the ALSC itself would also be consulted concerning the makeup of the committee indicate that the Secretary of Commerce will seek court sanction of what appears to be a surrender of his powers of appointment under procedures previously approved by the district court? Does the "concrete proposal for reconstitution (of the ALSC) being developed," mean that consideration of the proposal for reconstitution will be left to the subcommittee on Distribution of the House Select Committee on Small Business Matters?

4. Those of us who are earnestly concerned with improving the standards of quality for softwood lumber, whether it be green or dry, need to know the full extent of agreements reached by Mr. Roosevelt with officials of the Department of Commerce so that we can anticipate further delays and gear the industry and the consumer to deal with them.

Sincerely,

FRANK T. BOW
Member of Congress

THE SECRETARY OF COMMERCE
Washington, D.C., March 17, 1964

Hon. FRANK T. BOW,
Member of Representatives, Washington, D.C.

Dear Mr. Bow: Your letter of March 10, 1964, inquired about a recent press release on softwood lumber standards by Representative James Roosevelt of the Select Committee on Small Business.

In the past several weeks, we have made considerable progress and are now preparing to circulate the proposal widely within the industry and interested public for comment.

The assurances of this Department to the House Select Committee were just as firmly given. Under the specifications of the procedures which the Department has been and is following in getting representative industry comment on the proposed standard, the assurance was given to you specific questions follow in sequence:

1. The 20-percentage membership restriction of the two committees was just as firmly given. Under any trade organization asking for inclusion on the mailing list. The mailing list is mainly opened to individuals or individual firms who request their names to be placed on the list to receive a copy of the proposal for individual comment. Until the last week in February, all individual requests were honored in the same way. The Department of Commerce originally solicited participation by organization but we do not intend actively to solicit participation by organizations any further. I do not think there will be an opportunity to receive a proposal for comment. They would have to indicate on the response form the nature of their interest so that their comments would be analyzed properly.

2. Our procedure for weighing the various comments received has not been changed. We plan to make a careful analysis of the responses according to geographic location, amount of production, interest. Those responses will be both by number and by comment for each segment. Much confusion has arisen from the misconception that we were conducting a referendum on a standard not yet taken in that position. The assurance to Congress that Roosevelt was simply an explanation of the fact that the responses would not be by total number for and against, but would be made according to segment and interest. It is possible, for example, that producers would have different comments and percentage of acceptance than carpenters. The National Bureau of Standards would treat one category greater "weight" than another.

3. Last fall we announced that we were reviewing generally the membership and procedures of the existing committee. These changes are to be recommended to the court having jurisdiction. We have assured Congressman Roosevelt that any comments of his subcommittee on the constitution of the committee will be taken into account in making our recommendations. This Department has not surrendered any of its authority or responsibility for appointing members of this committee.

4. We are enclosing with the proposal, in addition to majority and minority reports, a brief statement of what the existing standard is and what the differences are between it and the proposed standard. I also plan to add my own letter urging the proposal to the industry and interested public for comment.

5. We have not postponed any action pending full hearings by the subcommittee. As you know, Congressman Roosevelt had originally planned to have hearings beginning March 3. After hearing an explanation of our procedures, he concluded that any hearings he has can best take place after the comments have been received. The interested public have been received by this Department and analyzed. We have always intended to make a careful analysis of the comments. They would have to indicate on the form if they wish to have their comments received. We would be happy to consider the results in making our decision. We have no procedures for seeking the prior approval of the Subcommittee on Distribution prior to the promulgation of this or any other standard. However, the Congress always has had an interest in what our Department does and will be interested in the views of one of the committees of Congress desires to express its views, we would be happy to study them just as we would consider the views of trade organizations.

As I have repeatedly emphasized to members of both sides of the lumber standards issue in past hearings, I now reconsider that any proposed legislation consistent with our obligation to get the views of all will receive approval.

Sincerely yours,

LYNN J. HODGES,
Secretary of Commerce.
transquility, retaining our Nation's economic and political progress, and weakening the respect with which the rest of the world regards us."

There should be no partisan politics here; Congress must enact legislation to lay the guidelines for solutions to the various phases of this problem. Failure to do so will weaken the fabric of this Nation at a time when it needs its full strength.

Legislative relief is needed in the areas of voting, education, employment, and public accommodations. It has been in these phases of activities that the American Negro's struggle for full equality has been a frustrating one.

The struggle is not that of the Negro alone. No American should be denied his basic rights to work, eat, vote, to learn, and to live where he chooses. Effective action must be taken by Congress to assure justice and equality for all of our citizens. Legislation cannot change a person's prejudices. If color discrimination were to disappear overnight, the Negro's low economic status would not assure him upward mobility. Legislation can work to eliminate conditions that handicap the Negro. And this is where we have a responsibility in the U.S. Congress.

This bill, Mr. Chairman, attempts to remove the barriers which some of our citizens have faced the past 100 years—their prejudice in the enjoyment of full citizenship, to which every American is entitled, and which is guaranteed in his birthright.

There are those who regard the President's proposals as too much, too soon, as too ambitious an undertaking, especially in terms of success. I think not. They offer the Congress an opportunity that should be acceptable to all men and women of good will. They are not designed because of mere economic or diplomatic considerations. They are designed out of the knowledge that to assure the blessings of liberty to all is the primary prerequisite in a democracy, in a government, of, and by, and for the people.

Our basic commitments as a nation and a people, our conscience, our sense of decency and human dignity, demand that we try to eliminate discrimination due to race, color, and religion. To eliminate it is (1) not to practice discrimination or to tolerate it on the part of others. If we are successful in eliminating discrimination in our great country, other countries will look to us for having given substance to the dream of freedom and equality. If we do not, then we have lost our dignity and leadership both at home and abroad.

Limitation of the exercise of that right to vote according to race serves no other purpose than to put into doubt the rendition of justice to the Negro citizen and the protection of his rights. A government not elected by the people of a segment of the nation citizenry, seriously jeopardizes the very essence of our representative democracy and the political life of the Nation as a whole.

Under the provision of our civil rights bill, Mr. Chairman, voting protection in Federal elections would be strengthened by providing for the appointment of a Federal voting referee, and by speeding up voting suits. For States having the literacy test, the bill would provide for a special testing of voters. It has been the case that the completion of the sixth grade by any applicant. The constitutionality of such a provision is beyond question, but it is not without its purpose. Congressional powers the power to regulate the manner of holding Federal elections. Mr. Chairman, regarding to this provision—unreasonable literacy requirements for voting, I would like to quote from my testimony before your committee in the 87th Congress: "It is a known fact that unreasonable literacy tests have been used unjustly to deny the right to vote. Education is a reliable gage of literacy, but how much education is required? Who is to be graduated and who is to be graduated with the standard set? My bill establishes the minimum line at the completion of the sixth grade in schools. This is a reasonable line to draw. It is the most simple, the most effective device is the one in my bill. It consists of establishing an objective standard of who shall have the privilege of voting. This eliminates the intrusions of bias or prejudice; it requires the determination of fact, rather than a judgment of opinion."

Title II of our omnibus civil rights proposal would further require that if a litigant applies for voting, in Federal elections, it shall be written upon the applicant shall be furnished, upon request, with a certified copy of the test and the answers he has given.

Title II of our bill proscribes discrimination in public establishments such as hotels, restaurants, theaters, and the like, which serve as transit, a presumption of qualification to vote, and (2) not to tolerate it on the part of any applicant. The constitutionality of such a provision is beyond question. It provides for the apportionment of tempo-ration of his rights.

Equality. If we do not, then we have lost the communication and cooperation between the races. By so doing, the Service would go a long way in helping to preclude occurrences of racial crises.

I have already addressed the Civil Rights Commission; title V will extend and broaden its powers. With regard to title VI, our Federal Government provides financial assistance to states and local governments, and to private enterprises. As a matter of fact, President Truman has set a precedent by requesting Congress to authorize Federal aid to eliminate discrimination in our great country.

Perhaps the most momentous provision is contained in title VII. Mr. Chairman, the President has already addressed the Commission on Civil Rights; the Congress has already passed the Federal housing act; and the courts in upholding laws against discrimination in our Federal housing. The bill does not set up racial quotas for job or school attendance. The bill does not do that. It simply requires that children be admitted to public schools on a nondiscriminatory basis. It provides that industries involved in interstate commerce not deny a qualified person the right to be employed. America, the world to which our democratic society is dedicated.

Mr. Chairman, thank you for letting me appear before your committee. I urge prompt and favorable action by the Judiciary Committee, and pledge my support when the civil rights bill comes to the floor of the House of Representatives.

CIVIL RIGHTS SPEECH OF CONGRESSMAN JAMES G. HEALY, February 5, 1964

Mr. Speaker, I rise in support of the Civil Rights Act of 1964. I need not discuss in detail the nine substantive sections which will help assure to all our citizens the equal enjoyment of their rights under the Constitution of the United States. These rights include the right to vote, to hold a job, to have equal access to places of public accommodation, public schools, and other governmental facilities. Surely, no one can begrudge such rights to his fellow citizens on account of their color or race. Surely, no one can demand the destruction of our great ideals to which our democratic society is dedicated.

Critics of the public accommodations section level the charge that legislation of this kind is unconstitutional and is an unconstitutional hindrance to property rights. The soundness of this argument is tenuous to say the least, for when was the right to property considered to be absolute? President Kennedy answered his critics by saying that: "The argument that such measures constitute an unconstitutional interference with property rights has consistently been rejected by the courts in upholding laws enacted to protect the public interest."

The bill does not set up racial quotas for job or school attendance. It does not do that. It simply requires that children be admitted to public schools on a nondiscriminatory basis. The bill does not deny a qualified person the right to be employed. America, the world to which our democratic society is dedicated.

Racial prejudice and discrimination are fundamentally wrong. Our Judeo-Christian heritage—our sense of how man should treat his fellow fellow citizen on account of their color or race. Surely, no one can demand the destruction of our great ideals to which our democratic society is dedicated.

Mr. Chairman, thank you for letting me appear before your committee. I urge prompt and favorable action by the Judiciary Committee, and pledge my support when the civil rights bill comes to the floor of the House of Representatives.
Under the power to regulate commerce Congress has the authority—and, I submit, the duty—to enact such legislation. The same constitutional basis underlies our right to regulate in certain business establishments which are connected with interstate commerce and which hold themselves open to the public at large. Most such places are already under some type of Federal regulation—the Pure Food and Drug Act, for example, the minimum wage law, antitrust laws. The bill has no effect on a private homeowner who wants to rent a room to a "paying guest." In fact, it does not apply to owner-occupied establishments which offer five units or fewer for rent. The bill does not circumscribe private social contacts in any way.

It is clear that State-supported segregation is unconstitutional. This is the mandate of the school segregation cases and the numerous cases involving parks and other governmental facilities. It is high time, therefore, to enable our Negro citizens to enjoy the rights denied to many on account of race, color, or national origin.

Mr. Chairman, in sum, the provisions of H.R. 7158 are fully grounded in the Constitution of the United States. They provide for fair and equitable procedures in the courts and before administrative boards. They do not usurp or diminish the rights and duties of State and local governments or of private individuals. They would simply assure that all citizens have the same constitutional rights without favoritism.

Mr. Chairman, in sum, the provisions of H.R. 7158 are fully grounded in the Constitution of the United States. They provide for fair and equitable procedures in the courts and before administrative boards. They do not usurp or diminish the rights and duties of State and local governments or of private individuals. They would simply assure that all citizens have the same constitutional rights without favoritism.

Of distinguished citizens, Members of Congress, jurists, organizations such as the National Customs Brokers & Forwarders Association of America, Inc., the Air Transport Association of America, the National Customs Service Association, and others are all equally welcome. The tasks of each of us can contribute his or her own perennials. At times I feel the same way. I feel that we're doing a job that we have always done, that we have always done well, that we have always done efficiently, that we have always done economically. But that doesn't mean that we can't do better. It means that we can do better, that we must do better, that we should do better. And I think that is what our predecessors of 176 years would have wanted us to do. It is

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The 175th Anniversary Dinner of the U.S. Customs Service, February 22, 1964

EXTENSION OF REMARKS

HON. HAROLD D. DONOHUE
OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. DONOHUE. Mr. Speaker, one of the Federal agencies of which we can all be proud is the U.S. Customs Service which has been in existence for 175 years. In 1789, the first Congress passed an act to create a Collector of Customs. The cornerstone of the U.S. Customs Service was laid in 1790.

In keeping with this legislation, the Bureau of Customs held an anniversary dinner-dance on Saturday, February 22, 1964, in a Washington hotel where close to 1,000 people assembled to launch the anniversary program for this year. Among those in attendance were a number of distinguished citizens, Members of Congress, jurists, organizations such as the National Customs Brokers & Forwarders Association of America, Inc., the Air Transport Association of America, the National Customs Service Association, and others.

The following is an excerpt from the speech delivered by Commissioner Philip Nichols, Jr., at the banquet by Commissioner of Customs Philip Nichols, Jr., who has taken the leadership in streamlining and simplifying the customs service since his appointment to this post in 1963. Mr. Speaker, at this point I would like to include excerpts from speeches made at the banquet by Commissioner of Customs Philip Nichols, Jr., Mr. John J. Mercer, President Lyndon B. Johnson and the Honorable John W. McCormack, Speaker of the U.S. House of Representatives. They were:

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Mr. Chairman, Mr. Secretary, Chief Judge Oliver, ladies and gentlemen, I bid you a warm welcome to the 175th anniversary celebration of the U.S. Customs Service which we celebrate this evening along with the birthday of George Washington. He by signing a bill into law brought our service into being 210 years ago.

We are grateful for the presence here this evening of so many distinguished friends. We have come to honor not us but the men and women who, for over 175 years have contributed to the customs service their integrity, their energy, and capability—in fact, their lives, and all they possessed.

From every part of the country, and from many foreign ports, there have come messages from those who could not be here in person.

Let me refer to one of many. The other day, an ordinary birthday card was received from the anonymous address of San Diego, Calif. On it was screwed simply: "Happy 175th birthday." You may be surprised, Mr. Secretary, to learn from this that our incoming mail does not consist entirely of abusive letters.

The other day I planned on Alan Pottinger a 50-year service pin, the first such I had ever presented—or even seen. Forty-five-year pins are common, however, in Customs, and a 40-year man is a mere neophyte. It is not surprising that our presidentially appointed collectors, told me she often felt like a petunia in a bed of perennials. At times I feel the same way, but whenever I see someone in the Customs uniform, I think of the customs service as an institution in the Government.

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The U.S. Treasury has benefited from the customs anniversary.

On the initiative of the Bureau of Customs, the Post Office Department has issued a commemorative postal card with a U.S. customs design for the 4-cent stamp. Assistant Postmaster General Ralph W. Nicholson stated at the banquet that 40 million of these have been printed and are on sale at post offices throughout the country. The demand on the part of the collectors for first-day covers is so brisk that Mr. Nicholson indicated that the print order was increased before the stamp was placed on sale. It is anticipated that the Post Office will realize $1,400,000—less expenses—from the sale of the customs commemorative postal card.

This is typical of our customs service. They always do things with an eye to how the United States can benefit. Secretary of the Treasury Douglas Dillon, who delivered the principal address at the anniversary banquet, summed up the feelings of most of us when he said:

Your determination to continue seeking ways to improve your service to the traveling public, and to the international business community, is to be commended. After 175 years, you carry on.

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The U.S. Treasury has benefited from the customs anniversary.

On the initiative of the Bureau of Customs, the Post Office Department has issued a commemorative postal card with a U.S. customs design for the 4-cent stamp. Assistant Postmaster General Ralph W. Nicholson stated at the banquet that 40 million of these have been printed and are on sale at post offices throughout the country. The demand on the part of the collectors for first-day covers is so brisk that Mr. Nicholson indicated that the print order was increased before the stamp was placed on sale. It is anticipated that the Post Office will realize $1,400,000—less expenses—from the sale of the customs commemorative postal card.

This is typical of our customs service. They always do things with an eye to how the United States can benefit. Secretary of the Treasury Douglas Dillon, who delivered the principal address at the anniversary banquet, summed up the feelings of most of us when he said:

Your determination to continue seeking ways to improve your service to the traveling public, and to the international business community, is to be commended. After 175 years, you carry on.

From every part of the country, and from many foreign ports, there have come messages from those who could not be here in person.

Let me refer to one of many. The other day, an ordinary birthday card was received from the anonymous address of San Diego, Calif. On it was screwed simply: "Happy 175th birthday." You may be surprised, Mr. Secretary, to learn from this that our incoming mail does not consist entirely of abusive letters.

The other day I planned on Alan Pottinger a 50-year service pin, the first such I had ever presented—or even seen. Forty-five-year pins are common, however, in Customs, and a 40-year man is a mere neophyte. It is not surprising that our presidentially appointed collectors, told me she often felt like a petunia in a bed of perennials. At times I feel the same way, but whenever I see someone in the Customs uniform, I think of the customs service as an institution in the Government.
what they did themselves. Besides being deserving public servants, they were good company, too. As the evening goes along, let’s hoist an extra one for them. Thank you.

REMARKS OF JOHN J. MURPHY, NATIONAL PRESIDENT, NATIONAL CUSTOMS SERVICE ASSOCIATION

I am honored indeed to represent employees of the customs service. This is the first time, as far as I am aware, that a representative of this group of employees has been able to join with top management at such an affair.

The idea of organizing customs employees into one homogeneous group was conceived during World War I at this time. A small but determined group of Chicago customs employees had conceived the plan of forming their own organization; dedicated to the welfare of all employees of all occupations and pay levels, and directed and guided by the employees themselves.

The response by other employees was extraordinary: branches sprang up all over the country and interest was so strong that the first NCSA convention was held in the city of Chicago in August 1925.

This birth of the National Customs Service Association, an organization resolute in its purpose to unite the scattered thousands of customs employees into a single organization, was welcomed by customs employees and thoroughly familiar with the needs and aspirations of customs personnel. An organization determined to build in every legitimate way their interests and welfare.

When President Kennedy issued Executive Order 10988, the order setting up official relations between employee organizations and management, NCSA petitioned for recognition. Accorded countenance formal recognition as representative of employees in the Bureau of Customs by both the Bureau and the Treasury Department. NCSA is the only organization to receive this recognition.

The employee-management cooperation program will not work without the affirmative willingness to cooperate that President Kennedy urged when he issued the order. Lip service and going through the motions are not enough, we must have the respect and confidence that must be present. We have never had such incidents in our relations and we are confident that we never shall. It is our view and I believe that together we can make the Customs Service a model for other agencies.

NCSA is a responsible, reasonable organization. As a matter of policy we refer to top management only those problems that cannot be solved at the local level. We prefer to work cooperatively at all levels but are prepared to fight vigorously for what we believe is right and proper. We have never shirked our responsibility to defend our point of view.

It is a far cry from the bad old days of 1925 to find at this 175th anniversary dinner a representative of an employee organization on the dais standing beside the distinguished Secretary of the Treasury. This is certainly as it should be and is in keeping with the spirit of the Kennedy Executive Order that employee organizations and management should be equal partners in carrying out the public interest. In like manner, NCSA has endorsed this principle and as the days pass many of our dreams of meaningful cooperation will become a reality.

Our National Customs Service Association, I express my appreciation for the opportunity to address such a distinguished audience. I pledge myself to do all in my power to protect and perpetuate the fine reputation and good name of the Customs Service in which so many of us have invested a lifetime of labor. Thank you.

TEMPORARY WHITE HOUSE, Palm Springs, Calif.

HON. PHILIP NICHOLS, Jr., Commissioner of Customs, Washington, D.C.

Please convey my congratulations to the men and women of the U.S. customs service on this memorable occasion which marks one and three-quarters centuries of service to the American people. The Nation joins me in saluting the Bureau of Customs for its efficiency, for its devotion, for its economy and for the unwavering support which it gives to other Government agencies in carrying out the laws of the land. The Bureau has played a historic role in the growth of modern administration and the development of our revenue system.

With best wishes,
LYNDON B. JOHNSON
WASHINGTON, D.C.

HON. PHILIP NICHOLS, Jr., Commissioner of Customs, Washington, D.C.

I deeply regret my inability to be present tonight to attend the dinner in honor of the U.S. Customs Service. Throughout the years I have had the highest personal regard for the men and women in the customs service. Their integrity, ability, devotion to duty, and record of achievement through these years is unsurpassed and has brought honor and glory to the profession of the Government worker. The work of customs is complex and difficult to administer, but the customs people have carried out their tasks with superb skill and unfailing integrity. It is a pleasure for me to salute the customs service. It has the confidence of the people. It will continue to have the confidence of the people whom it has served so well.

JOHN W. MCCORMACK, Speaker, U.S. House of Representatives.

New Dynamism for the Alliance

EXTENSION OF REMARKS OF HON. WILLIAM S. BROOKFIELD OF MICHIGAN IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. BROOKFIELD. Mr. Speaker, on Monday, March 16, at the Pan American Union, the Council of the Organization of American States installed the new Inter-American Committee of the Alliance for Progress.

The Committee, called CIAP from its initials in Spanish, has the difficult task of appraising the development performance of the 19 Latin American countries and of recommending the allocation of external financial resources among them.

With the installation of the eight members of CIAP, who are now at work, the Alliance gains new impulse, new strength, new talents, new dynamism.

As President Johnson said at the CIAP installation ceremonies, special significance of CIAP is that from now on the Alliance will be guided by the advice and wisdom of men from the entire hemisphere. No longer does the United States have to bear the burden of making major decisions alone. That does not mean that the United States will take a back seat—it means that the Latin American nations and the United States all have front seats.

Members of Congress should be pleased to know that all the members of CIAP are distinguished men with solid experience in economic development in diverse fields in various parts of the hemisphere.

The chairmen, Carlos Sanz de Santamaria, of Colombia, is an economist, economist, and diplomat known in his own country as an indomitable fighter for basic reforms.

Reforms are not always popular, no matter how badly needed, even for those who are supposed to benefit from them. President Johnson has endorsed this principle and as it should be and is in keeping with the Alliance will be guided by the advice and wisdom of men from the entire hemisphere. No longer does the United States have to bear the burden of making major decisions alone. That does not mean that the United States will take a back seat—it means that the Latin American nations and the United States all have front seats.

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Assistant Secretary for Economic and Social Affairs of the Organization of American States. He is now adviser to the permanent office of the Treaty of Central American Economic Integration and consultant to the Central American Bank for Economic Integration.

Named to the Committee by Peru and Argentina, Caso Juan Pasquale Goulart, economist who achieved an international reputation from 1946-48, and 1958-60. He has also been elected to the Inter-American Economic and Social Council in 1963. Now the Chilean representative to the International Monetary Fund, he is also a member of the executive board of the Latin American Institute for Economic and Social Planning.

Serving for Uruguay, Paraguay, and Bolivia is Gervasio de Posadas, an Uruguayan industrialist, lawyer, educator, and author of books on law, economics, and finance. He was associate professor of commercial law at the University of Uruguay from 1929 to 1933 and associate professor of political economy until 1952. Since then, he has held the chair of economics. He is the author of books and articles on law, economics, and finance.

De Posadas served as Uruguayan Minister of Industry and Labor from 1939 to 1941 and as Senator from 1941 to 1942. He was president of the National Chamber of Commerce from 1956 to 1963.

Named by Mexico, Panama, and the Dominican Republic is Rodrigo Gómez, an internationally known figure in banking who has been director general of the Bank of Mexico since 1952. He has served two terms as Executive Director of the International Monetary Fund, 1946-48, and 1958-60. He has also been a Senator, representing his native State of Nuevo León.

Named by Brazil, Haiti, and Ecuador is Celso Furtado, 43, the noted Brazilian economist who achieved an international reputation as chief architect of the ambitious plan to develop Brazil's poverty-stricken Northeast and regions.

As head of Sudec—Superintendency for the Development of the Northeast—established in December 1959, Furtado directed a program calling for investments of almost $500 million from national and international sources for the rehabilitation and development of industry and agriculture in Brazil's most desperate region. In 1962, President Goulart asked him to serve as minister without portfolio to draw up a national development program for 1963-65. He returned to full-time duty with Sudec early in 1963 after proposing a $1.5 billion program.

Furtado holds the degree of doctor of economics from the University of Paris. He served for many years on the staff of the United Nations Economic Commission for Latin America and with the Economic Development Center, a joint project of ECLA and the Brazilian National Bank for Economic Development. He has also been a director of the bank.

I would hope that Members of Congress will have the opportunity to meet informally from time to time with the members of CIAP for an exchange of views. Their great diversity of experience should be of great value to the Members of the House and Senate who are concerned with making U.S. participation in the Alliance as effective as possible. Let us wish them all success in their difficult and important tasks.

A Tribute to the Veterans of Foreign Wars

EXTENSION OF REMARKS

OF

HON. JAMES A. BURKE
OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 26, 1964

Mr. BURKE. Mr. Speaker, the annual Veterans of Foreign Wars Washington Conference was held on Tuesday, March 10, 1964. The affair was the biggest and most successful since its inauguration 16 years ago. Highlight of this conference was the banquet honoring Members of Congress who served in the Armed Forces. More than 400 Members of Congress attended as guests of department commanders to honor their colleague Senator Carl Hayden, of Arizona, senior Member of Congress and dean of the Senate. On March 10 the Senate received the first Annual Congressional Award given by the VFW Commander in Chief Joseph J. Lombardo, of Brooklyn, N.Y., host at the dinner.

The Department of Massachusetts Veterans of Foreign Wars comprises 239 posts in 18 districts covering 9 counties and has a total standing of approximately 43,000 members. The Massachusetts delegation was well represented and included Representative John E. Anderson of Scituate, State Adjutant Allen E. VonDette, and Department Quartermaster William L. McCarthy.

The following past department commanders were in attendance at the conference and banquet: John A. Tyman, of Brookline; William R. Turnbull, of Jamaica Plain; Edward W. Hartung, of Springfield; Joseph A. Scerra, of Gardner; Emilio F. Marino, of Brighton; James J. Delaney, of Beacon Hill; Paul A. Mallela, of Brockton; Bernard Croteau, of Pittsfield; Thomas Macdonald, of Quincy; Wilfred Guibault, of Quincy; John Bror, of Quincy; William Macdonald, of Walpole; John F. Dargan, Jr., of Dorchester.

The following projects and programs are to be conducted and sponsored by the Department of Massachusetts VFW for the year 1963-64:

Construction of hospitals programs, blood donor program, crippled children's programs, veterans homes for Christmas program, voice of democracy program in which over 10,000 Massachusetts students participated;

Miss Teenager pageant, the little-a-bike safety program for the youth of the Commonwealth, the community service program in which all of the Commonwealth's towns participated.

A TROUBLED TO VETERANS OF FOREIGN WARS

There is much that is unusual about our country, not only in terms of wealth and promise, but in terms of a broad, historical perspective. That is to say, in creating this Nation of nations, our forefathers managed to do so in a manner out of keeping with most historical tradition. One of the most remarkable aspects of our national career, in this regard, is the way in which there has been a blending of the civil and the military viewpoint, to the extent that we as a nation can benefit from one without rejecting the other. This blending is not the only requirement for a successful democratic republic; it is, however, one of the requirements, and a vital one.

Since first the struggle for democracy began, centuries ago, many hopeful republican governments have risen to view, full of bright promise and fade into the realm of the forgotten dream. Political causes for these disasters are numerous. And yet, of all causes, two stand out as paramount. These would be, one: That a newly formed republic repeatedly attempts to protect itself with a strong army, and in time it is taken over by that army, lock, stock, and barrel. Two: That a newly formed republic, seeking to avoid military dictatorship, frequently spurns its military might and soon falls prey to an aggressive neighbor state, which in turn divests the republic of its sovereignty.

Indeed we, ourselves, have not been immune to the threat of the very developments in our history. From recall, following the American Revolution, the way in which certain American Army officers developed a plan for military dictatorship, in which General Washington was to be named as dictator, under these circumstances, Washington's heroic and historic refusal to go along with the plan was all that saved us from disgrace in the eyes of history. On the other hand, you also will recall the efforts of...
Thomas Jefferson to go the other way, to such an extent that he practically reduced our Navy to the point of non-existence. Before the War of 1812, he reasoned—"our sea power was not strong enough, and navies can start wars. So he cut our Navy down to insignificant size, and built a little gunboat fleet, designed exclusively for defense and not for attack. But when the War of 1812 began, the anti-Navy policy backfired. For most of the glory we won in that war was gained on the high seas, by what few full-size ships we had left in our Navy; while the gunboats, which had no offensive power, turned out to have no defensive power, either, and Admiral Barney had to scuttle the whole lot of them, virtually in one fell swoop.

So it went, throughout the 19th century: One group of Americans fearful of a strong military component, another group fearful of one too weak for national defense; one group holding sway for a time, demanding the creation of a large standing army and/or a big navy; another group, seizing power politically, demanding the reduction of military and naval might, in the name of civil authority, unfettered by military influence.

And then, at last, a balance was struck; a balance between the justified fears and possible excesses of both extremes. The balance in question appeared at the turn of the century—at the close of the Spanish-American War—when for the first time, American veterans began to unite with an eye to something more than their own personal benefit. What the veterans wanted, and what they began to demand, was not merely financial remuneration; not merely reward for service. Indeed, what they demanded were many things, not in the name of personal gain, rather in the name of the national good. Their campaign in this regard began October 11, 1899, when a charter was granted by the State of Ohio to an organization by the name of the American Veterans of Foreign Service. After a brief period of activity, the founding chapter in Ohio became dormant, but was later revived. Meanwhile, another veterans' organization had begun to flourish in Denver, Colo., under the name of the Colorado Society of the Army of the Philippines; and still another, in Altoona, Pa., under the name of the Veterans of Foreign Services. These three organizations merged forces in 1913, to become the Veterans of Foreign Wars, and in so doing set the stage for a new development in American political life. Henceforward, there was to be a large body of civilians, with knowledge of military affairs, organized and ready to act in all matters involving the political security of the country. Here, at last, was a force that could serve the strong civil- and militairy—with the object of pulling the Nation together, both in times of peace and times of war; a group with full knowledge of civilian needs and purposes, yet fully cognizant of military and naval requirements as well.

Moreover, there was to be about this new veterans' group a special kind of aura, emanating from the eligibility qualifications of the organization itself—a unique qualification requiring actual service in a foreign war, insurrection, or expedition—that is, none but fighting men could join.

The official objects of the VFW, as prescribed by Congress and the VFW constitution, are "fraternal, patriotic, historical, and educational; to preserve and strengthen comradeship among its members; to assist worthy comrades; to perpetuate the memory and history of our dead; and to assist their widows and orphans; to maintain true allegiance to and defend the United States from all her enemies, whomsoever."

All these objects, set forth, a half century ago, have been fulfilled, beyond question, by a diligent, intelligent, and forward-looking leadership, concerned not only with self but with the full, unqualified success of the American way of life. Nor have we seen fit to limit its activities to any marked degree. On the contrary, VFW projects have plunged into battle time and again, in two World Wars, the Korean controversy and many lesser conflicts, including the Boxer Rebellion, Philippine Insurrection, Cuban pacification, the Haitian campaign of 1919-20, the Yangtze River campaigns of 1926-27, and the Nicaraguan campaign of 1933.

In all instances, the VFW has supported the demand for military might, in the knowledge that the time for action was at hand and lack of action could only serve to stimulate our adversaries. On the other hand, the VFW has also worked, constantly and with equal fervor, to maintain the supremacy of civilian power in American political life. In both regards—from the military and the civil standpoint—the VFW has achieved so notable a record that it stands today the center of national admiration, unqualified and wholly justifiable.

May it live on, the better to achieve its purposes in the days and years ahead, for the benefit of all.
LIMITATION OF DEBATE DURING MORNING HOUR

On request by Mr. Humphrey, and by unanimous consent, statements during the morning hour were ordered limited to 3 minutes.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the following letters, which were referred as indicated:

REPORT ON AIR FORCE RESERVE CONSTRUCTION PROGRAM

A letter from the Deputy Assistant Secretary of Defense (Properties and Installations), transmittal, pursuant to law, a report on the Air Force Reserve construction program (with an accompanying report); to the Committee on Armed Services.

PERMANENT AUTHORITY FOR FLIGHT INSTRUCTION FOR MEMBERS OF RESERVE OFFICERS' TRAINING CORPS

A letter from the Assistant Secretary of the Air Force, transmitting a draft of proposed legislation to amend title 10, United States Code, to make permanent the authority for flight instruction for members of Reserve Officers' Training Corps, and for other purposes (with an accompanying report); to the Committee on Armed Services.

REPORT ON USE OF UNSUITABLE MATERIALS TO CONSTRUCT AIRFIELD PAVEMENTS AT SELF-RIDGE AIR FORCE BASE, MOUNT CLEMENS, MICH.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the use of unsuitable materials to construct airfield pavements at Selfridge Air Force Base, Mount Clemens, Mich., Department of the Air Force, dated March 1964 (with an accompanying report); to the Committee on Government Operations.

REPORT ON CONTRACTS NEGOTIATED FOR EXPERIMENTAL, DEVELOPMENTAL, OR RESEARCH WORK

A letter from the Acting Administrator, General Services Administration, Washington, D.C., transmitting, pursuant to law, a report on contracts negotiated for experimental, developmental, or research work, during the 6-month period ended December 31, 1963 (with an accompanying report); to the Committee on Government Operations.

AUDIT REPORT OF AMERICAN SYMPHONY ORCHESTRA LEAGUE, INC.

A letter from George H. Jones, Jr., certified letter from the Comptroller General of the United States, transmitting, pursuant to law, an audit report of the American Symphony Orchestra League, Inc., for the fiscal year ended May 31, 1963 (with an accompanying report); to the Committee on Government Operations.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

The ACTING PRESIDENT pro tempore:

"Concurrent resolution of the Legislature of the State of New York; to the Senate, or presented, and referred as indicated:

"Resolved (if the Senate concur), That the Legislature of the State of New York hereby respectfully urges the Congress of the United States to enact appropriate legislation to incorporate or charter the organization known as the Italian American War Veterans of the United States, Inc.; and be it further,

"Resolved (if the Senate concur), That the clerk of the assembly transmit copies of this resolution to the Governor and to the Senate, or presented, and referred as indicated:

"Resolved, That the Clerk of the House, Clerk of the Senate, and Secretary of the Senate.

"In Senate, March 23, 1964, concurred in, without amendment by order of the Senate.

"ALBERT J. AMANA, Speaker of the House.

A joint resolution of the Legislature of the State of Alaska; to the Committee on Labor and Public Welfare:

"HOUSE JOINT RESOLUTION 44 OF THE LEGISLATURE OF THE STATE OF ALASKA

"Joint resolution requesting the establishment of a veterans' hospital in Alaska

"Be it resolved by the Legislature of the State of Alaska:

"Whereas there is not available in the State of Alaska a veterans' hospital for the care of sick and disabled veterans and it is necessary to send these veterans far away from their homes and families to other States for hospital and domiciliary care; and

"Whereas it is both an unnecessary expense to the taxpayers to transport our veterans in and out of Alaska for treatment and care because of the lack of facilities at home;

"Resolved, That the Congress is requested to authorize the Veterans Administration to plan for and construct a veterans' hospital in Alaska; and be it further,

"Resolved, That copies of this resolution be sent to the Governor and the President of the United States, the Chairman of the Senate Committee on Labor and Public Welfare, the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable Robert B. Moorman, Secretary of Defense; the Honorable John G. McClenahan, Representative from Alaska; and the Honorable B. Borkowski, Clerk of the House.

"Passed by the House March 12, 1964.

"BRIAN KENNEDY, Speaker of the House.

"FRANK PERATOVICH, President of the Senate.

"Whereas it is a needless and unnecessary expense to the taxpayers to transport our veterans in and out of Alaska for treatment and care because of the lack of facilities at home; and

"Resolved, That the Congress is requested to authorize the Veterans Administration to plan for and construct a veterans' hospital in Alaska; and be it further,

"Resolved, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable Robert B. Moorman, Secretary of Defense; the Honorable John G. McClenahan, Representative from Alaska; and the Honorable B. Borkowski, Clerk of the House.

"Passed by the house March 12, 1964.

"BRIAN KENNEDY, Speaker of the House.

"FRANK PERATOVICH, President of the Senate.

"Resolved by the Mississippi House of Representatives, the Senate concurring therein, That the Congress is urged to amend the District of Columbia home rule amendment providing that the District of Columbia shall have the same rights and powers as the States of this Union; and be it further,

"Resolved, That true copies of this resolution be sent to the Governor and the President of the United States; and the Members of the Mississippi congressional delegation;

"Passed by the House of Representatives, March 10, 1964.

"WALTER SLENSK, Speaker of the House of Representatives.

"Resolved by the Senate,

"Whereas the President of the United States has called upon the Congress to pass a bill to authorize the Department of the Interior to establish a national park and to complete action on the authorization-sponsered civil rights legislation;

"Whereas the pending legislation has been before the Congress for more than a year; and

"Whereas it is the general consensus of the Nation that civil rights legislation is essential to our progress and survival as a Nation and our standing as the leader of the free world: Be it

"Resolved, That copies of this resolution be sent to the Honorable Lyndon B. Johnson.

"Resolved, That the Congress is urgently requested to take final action on the major civil rights legislation now pending before it at the earliest possible date; and be it further

"Passed by the Senate March 12, 1964.

"CARROLL MARTIN, President of the Senate.

A concurrent resolution of the Legislature of the State of Mississippi; to the Committee on Labor and Public Welfare:

"HOUSE CONCURRENT RESOLUTION 42 OF THE STATE OF MISSISSIPPI

"Concurrent resolution of the Legislature of the State of Mississippi memorializing the President and Congress of the United States to do all things necessary and pertinent toward keeping control with the States in the licensing and supervision of dual control of nuclear materials as defined under section 1(e) of the Walsh-Healey Public Contracts Act: to take immediate action to defer enforcement of the U.S. Labor Department assumption of control by amendment to part 50-204 of title 41 of the Code of Federal Regulations and to control by amendment to part 50-204 of title 41 of the Code of Federal Regulations;

"Whereas the control of X-ray, radium, and particle accelerators historically has been under the regulatory jurisdiction of the several States; and

"Resolved, That the Congress is urged to amend the District of Columbia home rule amendment providing that the District of Columbia shall have the same rights and powers as the States of this Union; and be it further

"Resolved, That copies of this resolution be sent to the Governor and the President of the United States; and the Members of the Mississippi congressional delegation;

"Passed by the House of Representatives, March 10, 1964.

"WALTER SLENSK, Speaker of the House of Representatives.

"Resolved by the Senate,

"Whereas the President of the United States has called upon the Congress to pass a bill to authorize the Department of the Interior to establish a national park and to complete action on the authorization-sponsered civil rights legislation;

"Whereas the pending legislation has been before the Congress for more than a year; and

"Whereas it is the general consensus of the Nation that civil rights legislation is essential to our progress and survival as a Nation and our standing as the leader of the free world: Be it

"Resolved, That copies of this resolution be sent to the Honorable Lyndon B. Johnson.

"Resolved, That the Congress is urgently requested to take final action on the major civil rights legislation now pending before it at the earliest possible date; and be it further

"Passed by the Senate March 12, 1964.

"CARROLL MARTIN, President of the Senate.

A concurrent resolution of the Legislature of the State of Mississippi; to the Committee on Labor and Public Welfare:

"HOUSE CONCURRENT RESOLUTION 46 OF THE LEGISLATURE OF THE STATE OF ALASKA

"Joint resolution expressing support for the national civil rights legislation pending in Congress;

"Be it resolved by the Legislature of the State of Alaska:

"Whereas the President of the United States has called upon the Congress to complete action on the administration-sponsored civil rights legislation; and

"Whereas the pending legislation has been before the Congress for more than a year; and

"Whereas it is the general consensus of the Nation that civil rights legislation is essential to our progress and survival as a Nation and our standing as the leader of the free world: Be it

"Resolved, That copies of this resolution be sent to the Governor and the President of the United States; and the Members of the Mississippi congressional delegation;

"Passed by the House of Representatives, March 10, 1964.

"WALTER SLENSK, Speaker of the House of Representatives.

"Resolved by the Senate,

"Whereas the President of the United States has called upon the Congress to pass a bill to authorize the Department of the Interior to establish a national park and to complete action on the authorization-sponsered civil rights legislation;

"Whereas the pending legislation has been before the Congress for more than a year; and
Petitions, signed by Koki Nakamine, chairman, University of Oregon, Takeo Yamagata, mayor, Kunigami-Son, Shoel Yamashiro, chairman, Association of Owners of Military-Used Lands in Kunigami-Son, and Jenko Shinzato, chairman, Municipal Assembly of Kunigami-Son, all of the island of Okinawa, praying for a quick solution of the prepease treaty compensation issue; to the Committee on Armed Services. A letter in the nature of a petition from the American Heart Association, Inc., of New York City, to the Committee on Interstate and Foreign Commerce by A. L. Kendall, president, relating to the research support program of the National Institutes of Health; to the Committee on Labor and Public Welfare. A letter in the nature of a petition from the Crown Heights Christian Church, of Oklahoma City, Okla., signed by Richard P. Sampson, M.D., and F. J. Th. D., minister of christian education, praying for the enactment of the pending civil rights bill; ordered to lie on the table.

**BILL INTRODUCED**

A bill was introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPARKMAN (by request):

S. 2702. A bill to extend and improve the laws regulating companies which own savings and loan institutions insured by the Federal Savings and Loan Insurance Corporation; to the Committee on Banking and Currency. (See the remarks of Mr. Sparkman when he introduced the above bill, which appear under a separate heading.)

**EXTENSION OF LAWS REGULATING CERTAIN COMPANIES INSURED BY THE FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION**

Mr. SPARKMAN. Mr. President, by request, I introduce, for appropriate reference, a bill to extend and improve the laws regulating companies which own savings and loan associations insured by the Federal Savings and Loan Insurance Corporation. This is the so-called Savings and Loan Holding Company Act, which is incorporated in title IV of the National Housing Act.

The holding company law was made permanent in 1960. The law simply prohibits the formation of new holding companies in the savings and loan business. The Federal Home Loan Bank Board is studying the question of holding companies in the savings and loan business and, undoubtedly, will make recommendations for supervising and regulating these companies.

This bill is introduced for purposes of study. Many people in the industry feel that the holding companies in the savings and loan field should be under stricter supervision and regulation by the Federal Home Loan Bank Board. At the present time, there is little or no authority to regulate these companies. In view of the fact that these companies own or control billions of dollars of the public's savings, I feel that Congress should be able to extend and improve this supervision and regulation for the protection of these funds of the public which are insured by the Federal Savings and Loan Insurance Corporation. I ask unanimous consent that the bill be printed in the Record.

The Acting President pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will be printed in the Record.

The bill (S. 2702) to extend and improve the laws regulating companies which own savings and loan institutions insured by the Federal Savings and Loan Insurance Corporation, introduced by Mr. Sparkman, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the Record, as follows:

S. 2702

A bill to extend and improve the laws regulating companies which own savings and loan institutions insured by the Federal Savings and Loan Insurance Corporation.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 406 of title IV of the National Housing Act (12 U.S.C. 1730a), as amended, is amended to read as follows:

"Sec. 406. (a) As used in this section, the term 'company' means an insurance company, a mutual insurance company, a business trust, or association, or similar federal instrumentality, but does not include the Federal Home Loan Bank, any partnership, or any company the majority of the shares of which is owned by the United States or by any State, or by any subsidiary or affiliate, or by an officer of the United States or of any State, or of an instrumentality of the United States or any State.

"(2) For any company to retain control of any uninsured institution when it holds the control of any insured institution the principal office of which is located in a State other than the State in which the savings and loan business of such company is conducted;

"(3) For any company to retain for longer than three years the control of any insured institution the principal office of which is located in any State other than that State which such company shall designate by writing filed with the Board within sixty days after the date of the enactment of this amendment of the State in which the savings and loan business of such company is conducted;

"(4) For any company which controls an insured institution to engage in any activity which is specifically prohibited by law or regulation to any insured institution, whether or not such institution could itself engage in such activity under applicable law and regulations. Notwithstanding the provisions of the preceding sentence, acting as an escrowee or as a domestic receiver in the management of a national insolvency, the H.U.A. or any other institution, which owns or controls any uninsured institution, may not engage in any activity which is specifically prohibited by law or regulation to any uninsured institution.

"(5) For any company which controls an uninsured institution to engage in any activity which is specifically prohibited by law or regulation to any uninsured institution, whether or not such institution could itself engage in such activity under applicable law and regulations.

"(6) For any company which controls an uninsured institution to engage in any activity which is specifically prohibited by law or regulation to any uninsured institution, whether or not such institution could itself engage in such activity under applicable law and regulations.

"(7) For any company which controls an uninsured institution to engage in any activity which is specifically prohibited by law or regulation to any uninsured institution, whether or not such institution could itself engage in such activity under applicable law and regulations.

"(8) For any company which controls an uninsured institution to engage in any activity which is specifically prohibited by law or regulation to any uninsured institution, whether or not such institution could itself engage in such activity under applicable law and regulations.

"(9) For any company which controls an uninsured institution to engage in any activity which is specifically prohibited by law or regulation to any uninsured institution, whether or not such institution could itself engage in such activity under applicable law and regulations.

"(10) For any company which controls an uninsured institution to engage in any activity which is specifically prohibited by law or regulation to any uninsured institution, whether or not such institution could itself engage in such activity under applicable law and regulations. Notwithstanding the provisions of the preceding sentence, acting as an escrowee or as a domestic receiver in the management of a national insolvency, the H.U.A. or any other institution, which owns or controls any uninsured institution, may not engage in any activity which is specifically prohibited by law or regulation to any uninsured institution, whether or not such institution could itself engage in such activity under applicable law and regulations.
sections, the term 'Judicial district' shall have
judicial district in which the principal of-
被 consider as nonadministrative expenses.

promptness, Any such action shall be
tained over such company, include such or-

tion of the United States. In any such ac-
(4) to make any loan, discount, or exten-
directors or officers or any other as-
(2) or (d), acquire stock pursuant to a pledge or hypothecation to secure a loan or

'organization' means a corpo-

any company, or who owns more
than 10 per centum interest in the stock of any such company, or insured institution
controlled, by or affiliated with such

or other reports and information from any

cept, the Board In its discre-

it shall give such company notice that

31, 1962.

it shall be unlawful for any such

be the llinnunation of a loan, but it shall be unlawful for any such

the acquisition of which by such

or from any Individual, company, or organi-

at any time, or from any Individual, company, or organi-

("(g) (1)

"(f) If, in the opinion of the Federal

any company, or insured institution located in that State;

within any district wherein such party has

any Insured institution which is controlled

rice of process in actions under this section.

the court the record made before the

order, a petition

ruptcy or otherwise, with re-

or from any Individual, company, or organi-

regulation or otherwise provide, be irrevoca-

'pledges or hypothecations to secure a loan or

the provisions of subsection (b), (c), or (d) of such section.

See rule 36.4062 (other than actions under subsection (h)) as

and property of any kind or description without the

nuals and subpenas duces tecum to

jurisdiction of which such investigation or

or to sell to any such company, or any affiliate thereof

of any regulation, re-

or from any Individual, company, or organi-

is, empowered to grant exemptions from the

("(j) The Federal Home Loan Bank Board

may examine the books and records of any company, or registered

of such section, and no such

pany which has control of another

any company, or insured institution con-

inviolation of any provisions of subsections

any Individual, company, or organi-

ted security for debts contracted prior to the ac-

er or other reports including subpenas or subpenas duces tecum to

the Board may apply for the enforcement of

sor or material to the inquiry or proceeding, and the Board may apply for the enforcement of

of provisions of subsection (b) of this section, and of any company controlled by such registered

or otherwise, with respect to its financial conditions, its oper-

its discretion, extend at any time, or from

for debts contracted prior to the ac-

("(j) The Federal Home Loan Bank Board

any company, or insured institution without the prior ap-

for debts contracted prior to the ac-

the purposes of subsections (c)

against any company, or insured institution which has not other-

when for more than three years the control of any such insured institution which has been acquired after December 31, 1962.

or other ways necessary to
tion may allow, said Board shall, without re-

gar to any statute of limitation, Institute in the United States district court for the

in the discretion of said Board such examina-

the discretion of the Board, which shall include such in-

of any regulation, or otherwise

the record or from any Individual, company, or organi-

any Individual, company, or organi-

any Individual, company, or organi-

or to sell to any such company, or any affiliate thereof

or otherwise, with respect to its financial conditions, its oper-

in the discretion of the Board, which shall include such in-

the term 'organization' means a corpo-

sion, association, partner-

"(3) The Federal Home Loan Bank Board shall have power by or otherwise to require any registered company which is

of the court, and thereupon the Board shall file

the court record made before the

any insured institution which is controlled

(1) to invest any of its funds in the stock, bonds, debentures, or other obliga-

(2) to pledge or hypothecate to secure a loan or

sor or other reports including subpenas or subpenas duces tecum to

the purpose of the section. Insofar as pos-

any insured institution which is controlled

the dissection of said Board, the Board shall have the meaning ascribed to it by section 451 of

tion with respect to a registered company or registered companies, as the Board may deem necessary or appropriate to carry out

any insured institution which is controlled

company, as collateral security for ad-

uty or otherwise, with respect to its financial conditions, its oper-

the discretion of said Board, said

shall have jurisdiction of all actions

any Individual, company, or organi-

or other reports and information from any

the purposes of this section. The Board, or any officer thereof designated by it, is empowered to administer oaths and af-

the purposes of this section. Said Board may at any time or from any registration therefor made by such company, under the terms of which agree-

or of any regulation, or otherwise

any Individual, company, or organi-

involving dishonesty or breach of trust shall

the provisions of subsection (g) (1) of this section and of any company controlled by such registered

the purposes of this section. Insofar as pos-

a corporation, or any person or persons con-

as a corporation, and disposed of the proceeds thereof, or providing such other relief, as may be prayed for

by the Board or granted by the court on its

own motion. In any such action any company

the names and addresses of such actions with all reasonable

promptness. Any such action shall be brought in the Federal Home Loan Bank

its name and may, in the
discretion of said Board, be prosecuted through its own attorneys. As used in this section, "tendered under this section" shall be considered as nonadministrative expenses.

("(f) It shall be unlawful, on or after the
date of the enactment of this section, for

the State supervisory agencies, for the pur-

the purposes of this paragraph.

("(i) The Federal Home Loan Bank Board may from time to time require the regis-

any company or companies and re-

the record or from any Individual, company, or organi-

any company, or insured institution located in that State;
BOARD. Upon the filing of such petition the court shall have jurisdiction to affirm, set aside, modify or remand the order of the Board and to require the Board to take such action with regard to the matter under review as the court deems proper. The findings of the Board as to the facts, if supported by the weight of the evidence, shall be conclusive.

INVESTIGATION OF SOLICITATIONS OF CERTAIN CONTRIBUTIONS FROM GOVERNMENT EMPLOYEES—ADDITIONAL COSPONSORS OF RESOLUTION

Mr. Pearson, Mr. President, I ask unanimous consent that, at its next printing, the name of the Senator from Kentucky [Mr. Cooper] be added as a co-sponsor of the resolution (S. Res. 293) to investigate solicitation of certain contributions from Government employees for charitable purposes, which I submitted on February 3, 1964.

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

ADDITIONAL COSPONSORS OF BILL AND JOINT RESOLUTION

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional co-sponsors for the following bill and joint resolution:

Authority of March 20, 1964:

S. 2671. A bill to redefine the silver content in silver coins: Mr. Bartlett, Mr. Bible, Mr. Cannon, and Mr. Cooper.

Authority of March 23, 1964:

S. J. Res. 163. Joint resolution authorizing the recovery of war claims against foreign governments: Mr. Anderson, Mr. Bartlett, Mr. Biddle, Mr. Byrd of West Virginia, Mr. Cotton, Mr. Engle, Mr. Hartke, Mr. Inouye, Mr. Jackson, Mr. Kuchel, Mr. Long of Missouri, Mr. Randolph, Mr. Williams of New Jersey, and Mr. Young of Ohio.

ALASKA'S DISASTER

Mr. Gruening. Mr. President, the State of Alaska has suffered a catastrophe which, in my reasoned judgment, surpasses in magnitude that suffered by any State of the Union in our Nation's entire history.

With my colleague, Senator Bartlett, I have just returned from there, and saw the incredible destruction wrought by earthquake and tidal waves.

In Anchorage, about 1,500 homes have either been totally destroyed or seriously damaged. In the business section, whole blocks have been destroyed. The two apartment house skyscrapers, which dominate the urban landscape have been so badly damaged that they will have to be demolished. Typical of the destruction is that of the 8-story, block-sized brandnew J. C. Penney building. A $1 million school was destroyed. One of the two high schools was so badly damaged that it cannot be used without extensive repair. The school destruction alone in Anchorage is estimated at $70 million. The superintendent of schools, Don Dafoe, Sewers and water mains have been wrecked. The city is largely without heat and in many cases is without light.

The city of Valdez has been virtually destroyed. In Seward, the port of entry to western and central Alaska, all the waterfront structures—the breakwater, the docks, the small boat harbor, all but four of 70 fishing vessels, and the cannery, have been destroyed. A tidal wave, 40 feet in height, swept over the town with such force that it carried one of the Alaska Railroad's locomotives 200 yards. The oil tanks are burning.

Seward is connected with the interior by highway and railroad. There is now no telephone service. Many of the bridges on the highway have gone out, and the railroad is likewise impassable.

Kodiak has lost most of its business district, its breakwater, its small boat harbor, most of its boats, all but one cannery, its airway facilities, and scores of homes. The water and telephone systems are also out of commission.

Several native villages have been wiped out.

The only consoling feature—if there is one—is that the death toll is not as large as was first reported. At present, we know of the deaths of people in excess of 80, although we can expect that this total will mount as bodies caught in collapsed houses and buildings are uncovered and there is further information on those missing at sea.

The impact of the quake and the area struck are unprecedented in size. Damage was wrought over an area 1,500 miles from east to west and 300 miles from north to south. The damage wrought by the quaking was compounded by seismic waves—so-called tidal waves.

What impressed all of us who went around to the stricken communities was the wonderful spirit of the people of Alaska in the face of unprecedented calamity. The leaders of the community, of course, their loss is just as serious as the thousands. Certain areas in Oregon have been damaged. We have a clear obligation to do so; we have a patriotic obligation to do so; we have a national self-interest obligation to do so.

The heaviest part of the blow struck central Alaska; but Alaska is not the only area on the west coast that has been damaged. I am awaiting a report from my Governor, which I requested this morning, in regard to the damage done in Oregon. Certain areas in Oregon have been damaged by tidal waves. There is also damage to areas in California, including Crescent City.

To the individuals who suffered loss, of course their loss is just as serious as that which occurred anywhere else, insofar as the individuals are concerned. I suggest—although I am sure the President would do so anyway—that a national program be considered from the standpoint of the entire tragedy, wherever the earthquake and the resulting tidal waves have done damage.

I wish to have the Senator from Alaska know that both the junior Senator from Oregon and the senior Senator from Oregon stand shoulder to shoulder with him in their determination to do whatever we possibly can do that needs to be done for the adoption of a program to bring the needed relief to the communities which have been stricken by this horrible catastrophe.

Mr. Gruening. I thank the Senator from Oregon, and I know that my colleague [Mr. Bartlett] and indeed all the people of Alaska will share my gratitude for his encouraging statement in behalf of Alaska.

Mr. Johnston. Mr. President, first, I thank the Senator from Alaska for proceeding at the first possible opportunity to bring this tragedy to the attention of the Senate and to the attention of the Nation as a whole.

I hope the President and a committee will immediately look into the situation there, and will provide the necessary relief and aid to Alaska, one of our 50 States, so as to expedite the necessary assistance and repairs throughout Alaska, and especially in and around Anchorage.

If this tragedy had struck some other nation—I know the Senator from Alaska will agree with me on this point—aid by the United States would have been rushed there immediately. In view of the fact that Alaska is one of our 50 fine States, it is clear that aid should be sent to Alaska all the quicker, for Alaska is an important part of our Nation. I sincerely hope that immediate steps will be taken to relieve this immediate economic situation, as well as in the remarks of the Senator from Alaska and those of the Senator from Oregon.

Immediate consideration should also be given to the provision of whatever help is needed in other parts of the western coast of the United States. Assistance should be given all along the line, for all those areas are important parts of the United States. I stress this
point, and call it to the attention of the entire Senate.

Mr. GRUENING. I thank my friend from South Carolina for his very helpful comments.

Mr. ROBERTSON. Mr. President, I wish to express to the distinguished Senator from Alaska and, through him, to the brave people of his home State, my deepest sympathy in the great tragedy which occurred. With other Senators who have done so, I offer to him my cooperation.

Mr. Senator from Alaska will recall that last September, in connection with the study of a warning system in Alaska, I first visited Anchorage. That was our first stop. I still have the very clear mental picture of that large city in Alaska. I have seen pictures of the destruction, and they reveal terrible damage.

I sympathize with the people of Alaska. The Senator can depend on my cooperation to do what aid the Federal Government is capable of rendering to help people in those circumstances.

Mr. GRUENING. I thank my friend from Virginia very warmly.

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

Mr. GRUENING. I am happy to yield to the distinguished Senator from California.

Mr. KUCHEL. The hearts of all Americans go out to the people of Alaska in the tragedy and suffering which they have sustained in this recent onslaught of the fiendish agents of nature. I believe that a Californian should like to add my statement to those which have been made earlier.

I shall do whatever I can do to assist the able Senator from Alaska and his able colleague in organizing and mounting a maximum effort at resuscitation by the Federal Government. In the backwash of the sudden fury my State and its people, too, were damaged. In the area of Crescent City, Calif., people were suddenly drowned. The loss of life was severe in that small community. Private property owned by people in the area of Crescent City Harbor in great part was swept into the sea. The event represented a tragic loss for those of our fellow citizens who make their livelihood in and have enjoyed the northern coastal area of my State.

It is rather difficult for one who only reads, but who did not see, to recall what took place in my State in 1906, when suddenly, with an awful din and roar, the whole city of San Francisco was pummeled. Buildings toppled, and the great fire which followed inflicted a tragic damage.

Now, as I am sure my able friend from Alaska has correctly said, the sudden fury in Alaska is the greatest that the world has ever seen since the tragedy in San Francisco generations ago.

I can only repeat that the hearts of those whom I have the honor in part to represent on the floor of the Senate go out to the people of Alaska and those whom they represent. I desire to enlist my services in assisting in any fashion what the Senator from Alaska desires to have accomplished on the part of the Federal Government to resuscitate the people of his State.

Mr. GRUENING. I am deeply grateful to my friend from California. Of course, in trying to estimate the extent of the damage, the catastrophe which struck San Francisco in 1906 came to mind. I could justify it, but I was to begin with in making the statement that I considered the earthquake in Alaska and resulting tidal waves the worst calamity that had struck any State in the history of the country. But in relation to the economy of the State of its small population, and the widespread area affected, I am confident the statement was not an exaggeration but demonstrably true. The State of California, as a vast State with many resources. If I am not mistaken, that 1906 earthquake was largely confined to the San Francisco area. In the case of Alaska the earthquake extended over an area of 1,500 miles to the north and 300 miles from north to south although its most destructive manifestations were within an area of 30,000 square miles. It has taken the economy out of the area of the greatest concentration.

Much of the economy of Alaska was largely concentrated in that area, which has been damaged inconceivably.

The income of the State will be seriously affected by the cessation of business activity over a large area. The destroyed business cannot contribute tax revenue. Great unemployment has become instantaneous. In the cities of Kodiak, Seward, and Valdez the economy has been reduced to that of entry to central and western Alaska. That is where most of the ships came. It is the ocean terminus of the Alaska Railroad.

All of Seward's docks have been swept out. The breakwater and small-boat harbor has been destroyed. All but 4 of the 70 fishing boats are lost. Much the same thing has happened in Kodiak, which a few weeks ago was the brightest spot in Alaska's economy.

The Senator from Alaska has a period of unemployment. Efforts will be made to reconstruct what has been destroyed. But I was greatly heartened by the wonderful spirit of the people of Alaska in the stricken communities. Not one complained. They faced the calamity with courage and determination. People who had lost both their homes and their businesses said, "Somehow we will rebuild." Of course, they are entitled to Federal help. With Ed McDermott, whom the President dispatched to Alaska as his personal representative and for whom I have conceived the greatest admiration as a result of the efficient way in which he handled the situation, we will prepare a program to present to the President and the Congress. I am confident that the Congress will do whatever is necessary under the circumstances.

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

Mr. GRUENING. I yield.

Mr. CARLSON. I wish to associate myself with the Senator with regard to the tragic disaster which has occurred in Alaska. We in Kansas have a special interest in the tragic event because the Governor of that great State, Governor Egan, is from the State of Kansas. I am sure that he is well aware of the situation. I am confident that we as Senators will do anything we can to assist in this tragic and unfortunate circumstance which has befallen a people at a time when they least expected it. The Senator has told us the extent of the disaster, but I think our Nation can well afford to be generous in taking care of the situation. I compliment the Senator from Alaska for bringing it to the attention of the Senate today.

Mr. GRUENING. I thank the Senator from Kansas, now my colleague in the Senate, and formerly my colleague as Governor, who has always shown a great interest in the welfare of our State.

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

Mr. GRUENING. I am happy to yield to the distinguished Senator from Florida.

Mr. SMATHERS. I join other Senators who have spoken expressing my deepest sympathy and greatest concern about the great tragedy which has struck the State of Alaska. As one who comes from a State which is as far distant and as removed geographically as any other State in the Union, I wish the Senator to know that the people of Florida assure the people of Alaska that there is no lessening or diminution of their concern, the desire to be of assistance, if there is any possible way in which they can be of assistance. We, too, have from time to time been struck by the forces of nature. I do not believe that those occurrences have been more terrible to what has hit Alaska. But in every instance we have been gratified by the great cooperation which has been given to us by the Federal Government, by all other State agencies, and by the people of other States. In this particular instance, the people of Florida are most eager that they be given an opportunity to help, if there is any way in which they can help.

I want this Senator, wish to help in the Congress to try somehow to ameliorate the great tragedy which has struck the fine people of Alaska.

Mr. GRUENING. I am very grateful to the Senator from Florida for his encouragement and offer of help.

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

Mr. GRUENING. I am happy to yield to the majority whip, my good friend the Senator from Minnesota.

Mr. HUMPHREY. I wish to join the many Senators who have expressed their sympathy to the people of Alaska and the officials of the Alaskan State government, and to the distinguished Senator and his colleague, and also to pay tribute to the people of Alaska for what seems courage beyond human expectation.

I listened on the radio and viewed reports on the television relating to the tragedy, which occurred both in terms of property and of human life. It was nothing short of sensational to hear the expressions of confidence and courage on the part of the people of the State. The damage is beyond our comprehension. The Senator tells us in rather graphic terms what the damage could be in a major conflict in which nuclear energy was used, because the
force of the earthquake was in terms of megatons, and gives us some indication of the powerful forces which man, as well as nature, can unleash.

The earthquake in Alaska can be measured by the magnitude 9.2 on the Richter scale, which gives us some indication of the force of the earthquake was in terms of megatons, and gives us some indication of the powerful forces which man, as well as nature, can unleash.

As the Senator has noted, the President of the United States acted promptly and effectively. Mr. McDermott, the President's personal representative, has demonstrated effective leadership and cooperation.

While we note that agencies of the Government have already moved into action we are particularly reminded of the importance of civil defense and its wholeness to the national security in these moments of emergency, and we are also reminded of the interdependence of our Nation. The tragedy which befell Alaska was not confined only to Alaska; it went up and down the west coast.

Not only did it affect the west coast and the areas adjacent thereto, but the entire Nation, if only by sentiment and emotion.

So the Senate may rest assured that Members of the Congress who voted for Alaskan statehood are primarily concerned for Alaska, and have been, and are, and we are proud to have them. They have been fine citizens of Alaska.

Mr. Humphrey. I am proud of the way they have conducted themselves.

There is no question in my mind that the rebuilding will take place rapidly. There is no question that there will be cooperation between the State and the Federal Government and that, with the help of private initiative and enterprise, Alaska can get back on its feet in short order.

I am confident that out of this tragedy will come a revitalized economy for Alaska, because many improvements are needed in Alaska. This moment of tragedy and sadness can now give the Congress and the people of the United States and of Alaska an extra opportunity to do the job that needs to be done with the help of our great Nation.

I assure the Senator that I shall wholeheartedly continue with what I hope will be effective cooperation in carrying out whatever programs may be recommended to meet the needs of the people.

Mr. Gruening. I am deeply appreciative of the help and cooperation offered by my friend the Senator from Minnesota, which is characteristic of him whenever people are in trouble and whenever there is a clear need for help.

I thank him.

Mr. Williams of Delaware. Mr. President, will the Senator yield?

Mr. Gruening. I yield to the Senator from Delaware.

Mr. Williams of Delaware. I wish to join my colleagues in expressing sympathy and admiration for the people of Alaska for the courageous way they have conducted themselves in the face of this great catastrophe.

I take this opportunity to call to the attention of the Senate and the people of this State at point which they may have overlooked.

In 1962 we had a disaster of a lesser degree along the eastern seaboard which, although not similar, was nevertheless magnific, I refer to the damage caused by the March 1963 storm along the Atlantic coast. Following that disaster both Houses of Congress unanimously passed a bill of which I was proud to sponsor. Under this law, when a major disaster strikes an area between the date of January 1 and the final date prescribed by law for the filing of income tax returns and when such area is subsequently declared by the President of the United States by Executive order to be a disaster area, the taxpayers suffering the losses of property as the result thereof can elect to deduct such losses for the taxable year immediately preceding such disaster.

This is now the law. If any of the constituents of the Senator from Alaska have already filed their returns, under this provision they can file amended returns to claim their loss and get a refund for the taxes which they paid or will owe for 1963.

The law also extends to each citizen who is affected by such a catastrophe the same carryback provisions which ordinarily apply to casualty losses. Such losses can be carried back 3 years. In other words, the taxpayers will get the tax benefits of such casualty losses as if they had happened in December or earlier last year.

This will be of some immediate benefit to help the affected people. I suggest to those who have not filed their tax returns that if they cannot get an estimate of their losses in time for filing their returns by April 15, they should request of the Internal Revenue Service an extension of time for filing their returns. I am sure they will have no trouble in obtaining the necessary extension. By doing this they will have the advantage of this provision of the law.

With the permission of the Senator from Alaska, I ask unanimous consent to have printed in the Record at this time the 1962 act itself. Also, I have asked the staff to prepare a memorandum showing what each taxpayer should do in order to take advantage of the benefits of this law. I ask unanimous consent that this memorandum be printed at this point in the Record.

There being no objection, the act and memorandum were ordered to be printed in the Record, as follows:

[Public Law 91-425, 91st Congress]

An act to provide for the free entry of an intermediate lens beta-ray spectrometer for the use of Tulane University, New Orleans, Louisiana, under section 165 of the Internal Revenue Code of 1954 with respect to treatment of casualty losses in areas designated by the President as disaster areas.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to admit free of duty one intermediate lens beta-ray spectrometer imported for the use of Tulane University, New Orleans, Louisiana.

Sec. 2. (a) Section 165 of the Internal Revenue Code of 1954 (relating to losses) is amended—

(1) By redesignating subsection (b) as subsection (1), and

(2) By inserting after subsection (g) a new subsection (b) as follows:

"(b) Disasters.—Notwithstanding the provisions of subsection (a), any loss attributable to a disaster which occurred in the period beginning on the final date prescribed by law for filing the income tax return for the taxable year (determined without regard to any extension of time), and

(2) occurring in an area subsequently determined by the President to involve personal, business or income-producing property—which occurred after the year of tax liability but before the time for filing a return for such year—shall be deductible if the property was affected by such a determination in the case of the Federal Government under sections 185-1855g of title 42, at the election of the taxpayer, may be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred. Such deduction shall not be in excess of the loss as would have been deductible in the taxable year in which the casualty occurred. If an election is made under this subsection, the deduction in the loss will be (1) deemed to have occurred in the taxable year for which the deduction is claimed."

The amendments by this section shall be effective with respect to any disaster occurring after December 31, 1961.

MEMORANDUM ON DISASTER LOSSES

An amendment to the Internal Revenue Code—resulting from an amendment offered by Senator John Williams of Delaware in 1962—amendment to H.R. 641 in the 87th Congress—provided that persons who sustained disaster losses such as the Alaska earthquake—whether the loss involves personal, business or income-producing property—which occurred after the year of tax liability but before the time for filing a return for such year—shall be deductible if the loss occurred after the year of tax liability but before the time for filing a return for such year.

In the case of the Alaska earthquake, such a determination in the case of the Federal Government under sections 185-1855g of title 42, at the election of the taxpayer, may be deducted for the taxable year immediately preceding the taxable year in which the disaster occurred. Such deduction shall not be in excess of the loss as would have been deductible in the taxable year in which the casualty occurred. If an election is made under this subsection, the deduction in the loss will be (1) deemed to have occurred in the taxable year for which the deduction is claimed."

The amendments by this section shall be effective with respect to any disaster occurring after December 31, 1961.
as to the amount of the loss to file the amended return. In such a case the taxpayer may ask for an extension of time to file his amended return. The extension to be effective must be approved on or before the regular due date for filing the return by April 15, 1964, for 1963 returns for individuals.

If the casualty loss exceeds the taxpayer's income for the tax year, then there is, after certain adjustments, a net operating loss. A net operating loss may be the basis for a refund of the prior year's taxes or may reduce taxes for the next 5 years. The loss is first carried back to offset income from the third preceding year. Any loss not used to offset the income of the third preceding year is then carried forward to the second preceding year. Any loss not used to offset income from those years is carried to the following year. The balance is still not entirely used up, the balance is carried forward to each of the 5 tax years following the loss year in the order of their occurrence.

An individual computes a net operating loss in the same manner as he computes taxable income except that for this purpose certain adjustments are made. Among these adjustments are the denial of personal exemptions and the deduction for 80 percent of the long-term capital gain over a net short-term capital loss. If a net operating loss exceeds the taxable income of the year to which it is carried, some adjustments are also required to determine the unused portion of the loss which may be carried to another year.

A taxpayer may claim a refund by filing a claim for credit or refund or overpayment resulting from a carryback of a loss to a prior tax year. Such a claim may be made either by using form 843 or by filing an amended return. However, a taxpayer may apply for a quick refund of prior year taxes, by filing form 1139 in the case of a corporation for a tentative adjustment of taxes which are affected by a net operating loss carryback.

The Commissioner of Internal Revenue has just issued a special pamphlet on this subject entitled “Disasters, Casualties, and Thefts”—U.S. Treasury Document No. 5174, March 1964. It is being distributed free at all local Internal Revenue offices. The Commissioner in his release on this pamphlet has announced that taxpayer service and other assistance, his local Internal Revenue office will be glad to help.

Mr. GRUENING. I thank the Senator from Delaware. I am grateful not only for his remarks, but for his very constructive suggestions in having printed in the Record this helpful piece of legislation, in which he played so important a part.

Mr. GRUENING. I yield to the majority leader.

Mr. MANSFIELD. First, I wish to alline myself with what has been said on the floor relative to the tragedy suffered by the people of Alaska and along the west coast. I was happy to listen to the remarks of the distinguished Senator from Delaware, because he has had experience, though on a minor scale, comparably speaking, in what nature can do to humankind. If the people of this area have been worthy of the most serious consideration of Senators, I am certain, so far as Congress and the administration are concerned, that whatever assistance is needed will be forthcoming and will be given wholeheartedly.

Mr. GRUENING. I thank the majority leader for his unflagging helpfulness on other occasions, and now on this one. Mr. MANSFIELD. The Senator should realize that there is a great difference between Montana and Alaska, that many of our people are helping to make a great State a greater one.

Mr. GRUENING. The Senator is correct.

DECLINE IN CATTLE AND BEEF PRICES PERSISTS

Mr. MANSFIELD. Mr. President, in the West and Middle West, the one dominant issue continues to be the persistent and continuing decline in the prices of cattle and beef. This is in addition to the price of wool. Little has been done which can give the ranchers of this country any real hope that there will be a turn for the better. It is for this reason that we are continuing our efforts to bring about a realistic import quota system. This is now before a very carefully reviewed by the Senate Finance Committee. After hearings, which are continuing, this week, thanks to the distinguished chairman, the Senator from Virginia (Mr. Byrd), I am hopeful that a realistic program of relief may be worked out and recommended in the very near future.

In recent months, there has been a concentration on the cattle and beef import problem. However, I am sure that the vast majority of the livestock interests and other concerned interests recognize that this is not the only cause of the present drop in prices. The prices of cattle and beef have dropped some 20 percent, but there has been no such drop in the price of beef, veal, or lamb in the grocery stores and meat markets. The consumer is somewhat puzzled by the talk of depressed market prices when he sees no change at the local markets.

There is a solution. Let us find it.

Mr. GRUENING. I thank the Senator. I think his proposal is a most constructive one. I think it should be considered regardless of the present disaster. There will be other disasters in the future, with the same uninsured losses. Mr. MANSFIELD. Mr. President, will the Senator yield?

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Mr. GRUENING. The Senator is correct.
If, on the contrary, we knew, for example, that the Senate this week would not meet on any day before 11 o'clock, let m., then I would choose the same committee for Wednesday or Thursday. I know of no objection to the bill—at least we have received no objections but it would not be logical to mint any more silver dollars unless we cut the silver content. We cannot afford to make a silver dollar which contains a dollar's worth of silver, and that is what we would be doing if we made silver dollars now, with silver at $1.29 an ounce. I believe we would also have to reduce the silver content of smaller silver coins, but, in any event, before we could undertake to make any more silver dollars, we must cut their silver content under the provisions of the Metcalf bill.

If we knew the time of meeting of the Senate a meeting could be called for either Wednesday or Thursday. We must find out whether witnesses can be brought to Washington by that time.

The people of the State of Virginia are keenly interested in the Senator's cattle bill. We found that imports last year amounted to 1,850 million pounds. As far as we can ascertain, that resulted in a reduction in price of 3 cents a pound. The 6-percent cut is undoubtedly the 70-percent increase in the population and the corresponding increase in consumption; so we are hurt. The 6-percent cut is a farce from our point of view.

I wrote the Secretary of State about this matter, but I have not received a reply. I wrote the Secretary of State about this matter, but I have not received a reply. I wrote the Secretary of State about this matter, but I have not received a reply. I wrote the Secretary of State about this matter, but I have not received a reply.

Whatever the Nation and the Government need to know are the following: Are Australian imports depressinng beef prices, or is it a matter of proper distribution of beef? Is this the supply of heavy beef depressing the market; or are beef prices falling under the control of a few giant buyers?

**SILVER CONTENT OF SILVER COINS—THE METCALF BILL**

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

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

Mr. MANSFIELD. Mr. President, there is no doubt that our gold supply is being consumed in the preparation of various sausages and hamburgers. In this country. It is a unique commodity. It is, for example, the "bread and butter" of the American beef industry. More beef is consumed in the form of hamburger than in any other form. However, hamburger can be deceptive. It can be—and frequently it is—just a preparation of ground beef scraps. Australian beef is being ground, fat and other scraps added, and it is being sold by the ton.

The livestock industry is convinced that the quantities of Australian beef going into hamburger are depressing the price of beef sold on the market. It is, for example, the "bread and butter" of the American beef industry. More beef is consumed in the form of hamburger than in any other form. However, hamburger can be deceptive. It can be—and frequently it is—just a preparation of ground beef scraps. Australian beef is being ground, fat and other scraps added, and it is being sold by the ton.

It is an interesting and significant argument. It invites oversimplification. But there is now a quorum out at 8 o'clock or 7 o'clock and that on Tuesday, Wednesday, and Thursday next. That will be a meeting of the full Committee on Banking and Currency. It will be called to act on this subject.

Mr. MANSFIELD. I thank the Senator, and appreciate his unfailing courtesy and consideration.

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

Mr. MANSFIELD. I yield.

Mr. MANSFIELD. I have suggested a reduction in the silver content of silver coins. Any persons who wish to testify or to submit statements should advise the Committee's chief of staff, Matthew Hale, at room 5300 New Senate Office Building, Capitol 4-3121, extension 3921, as soon as possible.

Mr. MANSFIELD. I ask unanimous consent that I may proceed for 1 additional minute.

Mr. ROBERTSON. I have checked with my staff. We have not received a report on the bill, and we must get in touch with the witnesses. I will call a meeting of the full committee, not merely of the subcommittee, on Thursday. That will be a meeting of the full Committee on Banking and Currency. It will be called to act on this subject.

Mr. MANSFIELD. Could the Senator make it Wednesday?

Mr. ROBERTSON. I have checked with my staff. We have not received a report on the bill, and we must get in touch with the witnesses. I will call a meeting of the full committee, not merely of the subcommittee, on Thursday. That will be a meeting of the full Committee on Banking and Currency. It will be called to act on this subject.

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the minds of the individuals who are in charge. The printing of money will be left to the experts, and the distinction from prescription by law.

In the discussion which I had on the subject, I was joined by a group of Senators who expressed like apprehension about the gold standard. For once it came to my attention that William McChesney Martin, Jr., the Chairman of the Board of Governors of the Federal Reserve System, on November 5, 1963, in a reply to a letter written him by the Honorable Paul H. Douglas, Chairman of the Joint Economic Committee, expressed his opposition to the then considered proposal to repeal the existing law providing a gold support for the currency issued by the Federal Reserve bank and for the deposits which it receives from its customers.

I was extremely delighted to learn that Mr. Martin is not joining those who expect him to believe to a fantastically most dangerous course, to repeal all the anchors from the printing of paper money. That is what I am afraid will happen if the law is repealed.

The letter of Mr. Martin is very illuminating. I think his letter, along with the enclosures be printed in the Record as a part of my talk.

I thank the Senator from Montana for yielding me. I assure the Senator of my support on the other matter.

There being no objection, the letter and enclosures were ordered to be printed in the Record, as follows:

**Board of Governors, Federal Reserve System, Washington, D.C., November 5, 1963.**

Hon. Paul H. Douglas, 
Chairman, Joint Economic Committee, 
Washington, D.C.

Dear Mr. Chairman: This is in reply to your letter of October 21, 1963, in which you asked for certain information regarding the 25 percent discount rate differential requirements specified in section 16 of the Federal Reserve Act, with particular reference to action which the Federal Reserve might take if the reserves should fall below the required amounts.

Paragraph 3 of section 16 provides that each Federal Reserve bank shall maintain in reserve gold certificates of not less than 25 percent against its deposits and reserves in gold certificates of not less than 25 percent against its Federal Reserve notes in actual circulation." The Board of Governors has authority, under section 11(c) of the Federal Reserve Act, to suspend these requirements. In order to provide time for corrective adjustment, should the reserves fall below required levels. Section 11(c) of the Federal Reserve Act provides that the Board may impose a graduated penalty tax on Reserve banks experiencing a reserve deficiency. The Board could apply with this requirement by imposing a nominal penalty tax, so long as System holdings of gold certificates did not fall below 25 percent of Reserve bank liabilities on Federal Reserve notes outstanding. For any deficiencies of reserves below this level, the law requires the imposition of a tax equal to the amount by which the reserve requirements of this Act may be permitted to fall below the level prescribed by this Act.

That when the reserves held against Federal Reserve notes fall below 25 percent, the Board of Governors of the Federal Reserve System shall add an amount equal to said tax to the Reserve banks' reserve against notes, with a consequent increase in the required reserve against Federal Reserve notes fall below this point. That when the reserve held against Federal Reserve notes falls below 25 per centum, the Board of Governors of the Federal Reserve System shall establish a graduated tax of not more than 1 per centum per annum upon such deficiency until the reserves fall to the level required by law. The tax would be levied at a rate of not less than 1 per centum per annum above 5 per centum on each 2 1/2 percent of the required reserve shortfall.

That when the reserve held against Federal Reserve notes falls below 22 per centum, the Board of Governors of the Federal Reserve System shall establish a graduated tax of not more than 1 per centum per annum upon such deficiency until the reserves fall to the level required by law. The tax would be levied at a rate of not less than 1 per centum per annum above 20 per centum on each 2 1/2 percent of the required reserve shortfall.

That when the reserve held against Federal Reserve notes falls below 20 per centum, a tax at the rate increasingly of not less than 1 1/2 percent per centum per annum upon each 2 1/2 percent or fraction thereof of the required reserve shortfall at 20 percent. The tax shall be paid by the Reserve bank, but the Reserve bank shall add an amount equal to said tax to the rates of interest and discount fixed by the Board of Governors of the Federal Reserve System.

This suspension authority, together with the penalty tax provisions, was part of the original Federal Reserve Act, as enacted in 1913, essentially the Act of which the Reserve requirements were 40 percent against notes and 35 percent against deposits, and the higher rate became mandatory when Reserve requirements fell below 25 percent. The reduction from a 40 percent requirement against notes and 35 percent against deposits to 25 percent in each case was made effective by the act of March 4, 1933, (59 Stat. 237). Since you have expressed an interest in the origin of the gold cover requirements, I refer you to the library of your Committee, which contains an analysis of the statute and its legislative background and intent prepared by our staff.

The Board has exercised its authority under section 11(c) to suspend reserve requirements on three occasions. On November 7, 1919, the Board authorized Govern-person Harding to suspend reserve requirements of the Federal Reserve Bank of New York for a period of not exceeding 10 days. On March 15, 1920, the Board suspended reserve requirements for all Federal Reserve banks for 10 days. On March 3, 1933, the Board suspended reserve requirements for all Reserve banks for 30 days. None of these suspensions was renewed.

Penalty tax rates have been established at varying levels over the years under section 16 of the Act. They have always been graduated according to the size of the deficiency, but three different beginning rates have been fixed. From the inception of the System until 1933, the rate was 1/2 per centum for each 2 1/2 percent of the required reserve shortfall. Since the inception of the System until 1963, the Board has increased the penalty rate for deficiencies below 25 percent down to 1/2 percent on each 2 1/2 percent of the required reserve shortfall. If the gold certificates fell all the way through the first "layer" of these taxes, they would simply be divided into two parts adding to the same total, one part labeled "tax on reserve deficiencies" and the other labeled "tax on Federal Reserve notes." In the example, the total tax would still be $800 million, but $300 million would be in the form of a tax and $500 million would represent interest on notes.

If reserves continued to fall, so that a deficiency occurred in the reserve against Federal Reserve notes, with a consequent additional penalty tax for that deficiency, the statute would require the Reserve banks to pay an "add tax" to the rate the charges on advances to borrowing member banks. While the statute is at all clear on the mechanics of imposing the penalty tax, a reasonable method would be to raise the discount rate by the same number of percentage points as the penalty tax rate on the note reserve deficiency. For example, if the gold certificate reserves fell to 20 percent of Federal Reserve notes— or to about $8 billion— the penalty tax under present requirements for the note reserve deficiency would be one-half of 1 percent (or $10 million). Adding the penalty tax rate to the present discount rate of 3 percent would result in a discount rate of 4 percent. Again, it should be understood that the Board could establish a different discount rate or make the statute more reasonable. The statute simply requires that it be "not more than 1 percent per annum." The statutory minimum penalty tax rate would come into effect only if reserves fell below this point.

It seems reasonable to conclude that if this country's gold losses should continue to the point where we are unable to comply with the 25 percent statutory reserve requirement, there is ample authority under the present act to meet the situation by raising the discount rate, widening the international payments mechanism, and to provide time for Congress to consider legislative action.

In response to your question about the arguments for and against keeping the gold reserve requirement, I doubt that I can add anything more to the testimony your
committee has already received. In my judgment, no change in the requirement should be undertaken at this time, because the risks such an undertaking would entail are outweighed by the benefits to be gained. The principal risk involved in a move under current conditions is that the public might interpret it as a sign of weakness on the part of the Government's efforts to maintain the value of the dollar. I see no need to run this risk, because the gold cover requirement does not pose the same problem as gold reserve in defense of the dollar, and the best way to deal with worries on that score is to lay before the public a full explanation of what the statute requires and the procedures for meeting its requirements. I appreciate this opportunity to contribute to that end.

Sincerely yours,

WILLIAM MCC. MARTIN, Jr.

Attachment A—Application of Federal Reserve gold certificate reserve requirements, October 30, 1963

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CANADIAN TARIFF REBATES SERIOUSLY THREATEN U.S. AUTO PARTS INDUSTRY—JOB LOSS ALREADY GROWING AS PLANTS MOVE TO CANADA

Mr. SYMINGTON. Mr. President, the Canadian Government has devised a very clever scheme of tariff rebates on automotive parts and accessories, which is now gathering momentum. The provision of a penalty for reserve deficiencies appeared to be drawn from European central bank regulation, most specifically the German central bank. Inclusion of a penalty is confirming evidence that the congressional authors of the act were not prepared to functionally the “real bills” doctrine with its attendant implications that Federal Reserve discounting of “real bills” would automatically provide the right amount of money. This conclusion is so new its impact has hardly been felt. The provision of a penalty for reserve deficiencies is one of our large employers. We are already feeling the effect of this rebate offer in Missouri, even though the scheme is so new its impact has hardly been felt. One of our leading Missouri automotive parts manufacturers, Jack Whitaker, president of the Whitaker Cable Corp. of North Kansas City, saw the handwriting on the wall, and called this whole matter to the attention of Secretary of Commerce Hodges over 6 months ago, September 18.

Mr. Whitaker also asked the Treasury Department to apply a countervailing duty to automotive parts imported from Canada so as to counteract “an actual subsidy by the Canadian Government to its manufacturers who increase their exports to the United States.”

Failing to get any action of any kind whatever, Whitaker, with his trade association, the Automotive Service Industry Association, to adopt a resolution at its February annual convention in San Francisco. On March 6, acting as chairman of a newly formed joint committee of auto parts manufacturers and wholesalers concerned with the Canadian tariff rebate scheme, Mr. Whitaker wrote President Johnson setting forth his actions to date, the announced “aims, present success, and future scope of the Canadian tariff rebate” and the conclusions of the joint committee of which he is chairman.

I ask unanimous consent that the resolution and the letter to the President, along with included exhibits to be inserted at this point in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

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ATTACHMENT B—LEGISLATIVE BACKGROUND AND INTENT OF GOLD RESERVE PROVISIONS OF FEDERAL RESERVE ACT

The House report on H.R. 7837, 83d Cong., the 1918 bill which became the Federal Reserve Act, contains the following statement: “In the interests of imposing reserve requirements on the proposed central banks:

In a general way the committee believes that required but fixed reserve is not a wise or desirable thing as viewed in the light of scientific banking principle. It believes, however, that in a country accustomed to fixed reserve requirements the prescription of a minimum reserve may have a beneficial effect.”

Since the “real bills” doctrine formed the theoretical basis for the original Federal Reserve Act, the members of the House Banking and Currency Committee evidently believed that limiting central bank credit expansion over the proposal to remove gold backing from Federal Reserve notes. I can give him assurance that we are meeting on Thursday a bill to which no opposition has been expressed. With respect to bills on which there is opposition we will not meet for some time. The bill he has referred to is one the Senator from Ohio is opposed to, and to which the chairman of the committee is also opposed; and, I might say, to which many other people are opposed also. There will not be an early meeting on bills of that kind.
There have been other communications with the Commerce Department and the Treasury Department, with Robert E. Simpson, the Undersecretary of Commerce, Regional Economics, with John S. Stillman, Deputy for Congressional Relations and with the Secretary of Commerce. It should also be noted that Senator Stewart Symington requested, and received, permission on about January 16 to place my original copy of the letter in the Congressional Record.

The exhibits to this point have been included to demonstrate that a tangible effort has been made to acquaint the appropriate officials of the administrative branch of the Federal Government with the situation and to further demonstrate that we have asked for corrective action.

AIMS, PRESENT SUCCESS, AND FUTURE SCOPE OF THE CANADIAN TARIFF REBATE

The following exhibits are enclosed to illustrate the aims, the degree of success to the present and the expressed intent of the future scope of this Canadian tariff rebating plan:

Exhibit No. 4: A copy of an article from the Kansas City Star dated September 23, 1963, stating that Canadian automotive parts production and engine assembly in Canada should increase 500 jobs, thus reducing competition for the American automotive parts manufacturer.

Exhibit No. 5: A copy of an article from the Kansas City Star dated November 24, 1963, reporting that the Canadian Minister of Industry, Charles M. Drury, stated that the 3-year tariff incentive program has increased automobile parts production and reduced Canadian imports by $200 million.

Exhibit No. 6: A copy of an article from the Chicago Tribune dated February 2, 1964, emphasizing that Canada is stepping up the program on automotive parts. Economic factors include lower labor costs, the low exchange rate of the Canadian dollar, special tariff concessions and relatively low American tariffs. Car parts exports are up 560 percent in the United States. A copy of an article from the Chicago Tribune dated February 2, 1964, emphasizes that Canada is stepping up the program on automotive parts. Economic factors include lower labor costs, the low exchange rate of the Canadian dollar, special tariff concessions and relatively low American tariffs. Car parts exports are up 560 percent in the United States.

Aid to the automotive parts manufacturer is given only to the car manufacturer. The big get bigger, as the scheme is open only to the car manufacturers. This competitive advantage given to the car manufacturer will lessen competition, increase monopoly and strike a decisive blow at the free enterprise system.

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Wednesday at the Mayflower Hotel in Washington.

You can imagine my dismay when, on returning home, I find a serious, critical problem which will not only drastically curtail the sale of automotive parts to Canadian plants in the United States but will, in turn, substantially increase the sale of automotive parts from Canada to the United States.

The Whitaker Cable Corp. manufactures electrical wiring harnesses, an automotive part for the original equipment manufacturers of cars, trucks, and other motive equipment. We have, among our competitors in the United States, one who has just purchased a Canadian plant—the Whitaker Wire Corp. This competitor is now going to our U.S. customers who have plants in Canada and advising them they can save over 60 percent of the duty they are now spending in the shipments of automotive transmissions from the United States into Canada by buying their wiring harnesses in Canada for shipment to the United States.

Please let me go into a little more detail as to just what is happening:

1. Whitaker is shipping $10 million worth of automotive transmissions from the United States to their Canadian plant on which Studebaker pays a 25-percent Canadian duty, or $2.5 million.

2. The Canadian Government will rebate the Canadian duty paid on the automotive transmissions to Studebaker on any automotive parts they will purchase in Canada and ship to the United States.

3. Studebaker uses approximately $1 million worth of wiring harnesses in the United States annually, which they are purchasing from us in the United States.

4. If Studebaker now buys these wiring harnesses in Canada ($1 million worth) and ships them to the United States, Canada will rebate Studebaker $250,000 of the duty paid on the automotive transmissions, or 25 percent of the dollar value of the wiring harnesses.

5. Studebaker will pay 9.5-percent duty on the Canadian automotive parts shipped into the United States. Therefore, Studebaker pays $95,000 duty to the United States.

6. Savings to Studebaker by buying in Canada and shipping to the United States are $250,000 minus $95,000, or $155,000—15.5 percent.

This is an impossible competitive disadvantage that in order, Whitaker Cable Corp. to protect their business in the United States, we must put a plant in Canada if this rebate practice is allowed to continue.

Whitaker Cable Corp. does approximately $6 million of this business in the United States. Whitaker would have to lay off 200 people in the United States and locate in Canada. The United States would have lost $6 million worth of business to its trade balance and thus 200 people could be caught in this same trap.

I humbly request this problem be given your immediate attention.

Respectfully,

Whitaker Cable Corp.,

President.

EXHIBIT No. 2

Whitaker Cable Corp.,
North Kansas City, Mo.,
November 11, 1963.

Mr. JAMES A. REED,
Assistant Secretary,
Department of Commerce,
Washington, D.C.

Dear Mr. Reed: This letter is written to emphasize our deep concern over the Canadian Government’s policy pursuing a tariff rebate on automotive parts as expressed in a wire sent on October 31, 1963.

Attached is a copy of a letter I wrote to Secretary of Commerce Luther H. Hodges immediately following my attendance at the White House conference on export expansion. At that time, Secretary Dillon strongly expressed the need for increased exports to enable the United States to achieve a favorable balance of trade.

As you know, since my letter to Secretary Hodges was written, the Canadian Government has broadened the number of items on which they will rebate tariff from engines and automatic transmissions only to all automotive parts. This, of course, makes the impact on our industry much more severe.

We certainly cannot protect our national balance of payments if a foreign government is permitted to so subsidize its manufacturers that it is wholly impossible for a manufacturer in the United States to compete in his own domestic market.

We do not wish subsidies. For that matter, we would like to see all tariffs eliminated—as long as it is a two-way street. We are enthusiastic about free world trade.

However, in this instance, we request that a countervailing duty be placed on automotive parts imported from Canada to counteract an actual subsidy by the Canadian Government to its manufacturers.

If it is necessary for a formal complaint to be filed with the Department of the Treasury to start the countervailing duty, please accept this letter as that formal complaint.

Your consideration and assistance is truly appreciated.

Respectfully,

Whitaker Cable Corp.,

President.

EXHIBIT No. 3

Whitaker Cable Corp.,
North Kansas City, Mo.,
December 18, 1963.

The Honorable Luther H. Hodges,
Secretary of Commerce,
Washington, D.C.

Dear Mr. Secretary: We sincerely appreciate your acknowledgment letter dated October 21, 1963, with your letter of September 18, 1963, pertaining to the Canadian tariff rebate situation.

Your letter of October 21, expressing concern and implied action was being seriously considered.

Attached is a copy of a report sent to us by Studebaker. We have lost the Studebaker business and are in the process of laying off 125 people.

We fully realize a number of major factors lead to Studebaker’s decision to move to Canada. It cannot be denied after reading the “Economic Aspects” section of the report, “tariff rebating” was one of these major factors.

Are we going to get off our hands, stop looking the other way and do something about this? For the want of a nail, the shoe was lost.

Sincerely,

Whitaker Cable Corp.,

President.

A SPECIAL REPORT ON CANADIAN AUTOMOBILE MANUFACTURING

In order that all concerned may have a clear picture of Studebaker’s future position in the automobile manufacturing business in Canada, Mr. Grundy, president of the division, has prepared the attached detailed outline which I think you will find interesting.

It covers the economic factors involved, the manufacturing and procurement facilities and procedures, marketing aspects and the policies that will be followed in the future.

If you have any questions, Mr. Grundy or I will be glad to provide additional information.

B. A. BURLINGAME,
President.

A SPECIAL REPORT ON CANADIAN AUTOMOBILE MANUFACTURING, Studebaker Corp.,
December 18, 1963.

(By Gordon E. Grundy, president, Automotive Division, Studebaker Corp.)

MANUFACTURING IN CANADA

CORPORATE EFFECT

In one stroke we will turn a Studebaker division that is currently losing in excess of $10 million per year into one with a high profit potential.

It is hoped in its first year there may be some minor losses due to changeover expenses and resourcing of parts, it will be most beneficial to the corporation. It will be the means of holding together an efficient field staff, a dealer body and that hard core of faithful and loyal Studebaker owners and customers which we have always enjoyed, all of these will insure the continued profitability of our chain of parts depositories and provide an ideal base on which to grow profitably.

ECONOMIC ASPECTS

Background: The idea for the possibility of expanded operation in Canada was born about 12 or 3 years ago when that the Royal Commission on Canada’s Automotive Industry brought down the Bladen report. This report advocated the adoption by the Canadian Government of a number of tax and tariff changes, incentives, etc.—all designed to bring about in Canada an economic climate encouraging the growth of the industry in Canada. Prime attention was given to cost savings resulting from volume production and the utilization or better combination of Canadian components with those made in the United States. Good examples of items for which we should continue to look to Canada were suppliers would be frames, large stampings, certain specialized components, and automatic transmissions.

Dr. Bladen’s tax and tariff incentives were designed to permit or encourage the importation into Canada of such important components as these, plus any others that might be necessary or desirable. For example, he envisaged that a Canadian plant such as Studebaker’s might be used solely for the corporation’s world wide requirements of one or two particular items so that all of these cars could be exported to other countries, including the United States, credits would be granted on duty-free sale in the United States of these necessary component parts not available economically in Canada.
The Government did not immediately give full implementation to the Bladen report. Some of the tax relief suggestions, such as the dropping of the 7 1/2 percent Federal excise tax, for example, but it was understood that September 1962 that the Government put into effect in modified form some of Dr. Bladen's most important recommendations. One was the well-known automatic transmission engine duty remission program under which Canadian manufacturers were permitted to bring in their requirements of these components free of duty (at a duty rate of 25 percent) provided they exported an equivalent value of parts or cars.

This was worked so successfully (South Bend, under this plan, sourced in Canada over 40 parts having an annual volume of over $2,500,000) that on November 1, 1963, the Government extended, for two years, the remission to all automotive components and finished cars both imported and exported. Legislation has been enacted to assure continuance of this program for at least three years with every indication that it will be continued permanently.

The plant in Canada thus established and, of course, the timing, were tailor-made for our move to Canada. No manufacturer ever before has tried successfully to export cars from Canada to the United States. This is true because never before has the opportunity existed as it does now, effective November 1, 1963.

**ADVANTAGES**

This means in effect that we will enjoy the following benefits unhampered by anything but import duties into the United States, which are of minor significance (8 1/2 percent on the lowest dealer price in Canada less full credits for U.S. material content—or about $40 to $70 on a car retailing at $2,200):

1. A 7 1/2 to 8 percent stabilized favorable exchange rate.
2. Lower labor rates.
3. Lower costs for primary materials, including steel and many manufactured components.
4. Lower overhead costs.
5. Ninety-nine percent drawback of any duties paid on component parts when cars are exported.
6. Under the duty remission program, full flexibility of sourcing components either in Canada or United States, according to which is the most competitive.
7. Favorable transportation costs due to Hamilton's location in the St. Lawrence Seaway, and only 40 miles from Niagara Falls, N.Y. Some studies we have made indicate the probability of lower freight costs from Hamilton with South Bend, to the majority of U.S. dealer points and foreign countries.
8. By contemplating no major styling changes in the immediate future, large cost savings can be accomplished.
9. Advantage of preferential duty treatment in export markets in all Commonwealth countries.

**MANUFACTURING AND PROCUREMENT ASPECTS**

The Hamilton operation is a modern, fully integrated facility performing substantially the same operations as other larger Canadian auto plants. It takes care of the majority of South Bend, with many hundreds of suppliers in both the United States and Canada. South Bend only takes care of Canada requirements for only the engine, some of the stampings not presently supplied by Buick, and some front end machining forgings. All other supplies will be continued with the exception that the South Bend source may be phased out, as other sources are obtained for engines, small stampings, and the few machined parts. This presents no major problem as there are other alternative sources of supply for engines. The dies for the stampings can be readily transferred to other press shops and outside machining operations can be set up for the forgings. Using another engine will mean some engineering changes, but this can readily be done within the usual short time. Meanwhile, sufficient blocks and cylinder heads will be run at South Bend to take care of full requirements during the transitional period.

In addition to Hamilton, a division of Studebaker Corporation, Hamilton, at vendors' plants and at South Bend, are capable of producing all of the Canadian plant's requirements for many years to come. This is based on the assumption that the bulk of the one-shift plant's production will be run at South Bend to take care of full line of optional equipment and changes to existing equipment, the program of extra material handling facilities and the recruitment and training of additional supervisory staff and workmen to handle the second shift, the plant's capacity can be greatly increased. This is in progress.

The plant was located in the heart of Canada's richest farming and oil producing areas, with most of its products shipped to Canada, and mostly to U.S. except for a small portion going to South Bend. The plant's requirements for many years to come. The modern equipment used includes a six-story, corner-domed assembly building with 25,000 square feet of floor space covering just over 7 acres of land. There is an additional 11 acres of land area available for expansion.

The plant which was built by the Canadian Government in 1942 at a cost of then $2,500,000 (the equivalent of about $60 to $70 on a car retailing at $2,200)

1. A 7 1/2 to 8 percent stabilized favorable exchange rate.
2. Lower labor rates.
3. Lower costs for primary materials, including steel and many manufactured components.
4. Lower overhead costs.
5. Ninety-nine percent drawback of any duties paid on component parts when cars are exported.
6. Under the duty remission program, full flexibility of sourcing components either in Canada or United States, according to which is the most competitive.
7. Favorable transportation costs due to Hamilton's location in the St. Lawrence Seaway, and only 40 miles from Niagara Falls, N.Y. Some studies we have made indicate the probability of lower freight costs from Hamilton with South Bend, to the majority of U.S. dealer points and foreign countries.
8. By contemplating no major styling changes in the immediate future, large cost savings can be accomplished.
9. Advantage of preferential duty treatment in export markets in all Commonwealth countries.
Meeting the bulk of the demand will be the southwest Ontario plants of subsidiaries of the Big Three manufacturers—General Motors and Chrysler. Added to this will be the output of the Canadian branches of Studebaker and American Motors.

**SOME FROM EUROPE**

Judging from 1962 statistics, about 75,000 new cars will be imported from Britain, Germany, Sweden, Italy, and elsewhere.

Canada's imports have been conditioned substantially if not entirely, the balance-of-payments situation. This is just about the amount of Canada's international deficit in commodity trade and services.

Practically every economic move by Prime Minister Lester B. Pearson's liberal government since it took office last April has been conditioned to correct, substantially if not entirely, the balance-of-payments situation.

To put it bluntly, how they intend to go about it. They say they cannot look to widening overseas surpluses to offset the huge deficit with the United States and they are against higher tariffs. They have aimed at increased Canadian production of manufactured goods for the U.S. market.

Industry minister Charles M. Drury's announcement after talks in Washington—of a 3-year tariff incentive program to increase Canadian automotive production and sales, despite American complaints, it went into effect Friday.

**DOLLAR FOR DOLLAR**

The system will give car manufacturers in Canada a remission of import duties on imported vehicles and parts to the same extent that they increase exports of Canadian-made vehicles and parts beyond the volume of the preceding year. It is a dollar-for-dollar plan.

The Canadian subsidiaries of the Big Three have welcomed the scheme. A similar policy was adopted by previous conservative governments a year ago on automatic transmissions and certain car engines. It boosted exports of Canadian auto parts from $10 million to $50 million.

The new plan will apply to the entire range of imported vehicles and parts, except for tires and tubes.

Drury said that if the industry takes full advantage of the plan, it could lead to increased production and exports of between $150 million and $200 million annually.

A key provision is that car manufacturers in Canada will be able to earn duty remissions on imports through increased exports of parts by Canadian producers to parent United States auto companies.

It is expected to be about a year before the program begins to have an impact on Canada's balance of trade.

**SOME FROM EUROPE**

Meanwhile, it likely will do nothing to improve the snappish exchanges between Washington and Ottawa on this and other Canada-United States issues in recent weeks.

**OPPOSED BY HODGES**

U.S. Commerce Secretary Luther Hodges has tried to rally U.S. auto companies against the plan. He has said the United States will retaliate if the Canadian plan violates the General Agreement on Tariffs and Trade (GATT).

Drury in his announcement said no new taxes would be involved and that plan will be carried out "entirely within the context of Canada's trade agreement commitments."

Said finance minister Walter Gordon last week: "The same sort of thing must be tried in other sectors of the economy."

**EXHIBIT No. 6 CANADA READY TO PUSH AUTO PARTS EXPORTS: CONSIDER TYPICAL EXAMPLE OF CAR OUTPUT**

(By Eugene Griffin)

**OTTAWA, February 2—**The Canadian automotive industry is geared to expand exports of cars and parts to the United States and other countries.

Within the industry there is belief that the time is right to step up production. Economists say this includes lower labor costs, the low exchange rate of the Canadian dollar, special tariff concessions, and relatively low American tariffs.

The trend to manufacture automotive products in Canada for sale in the United States has been highlighted by Studebaker Corp.'s move from South Bend, Ind., to Hamilton, Ontario.

**WASN'T FIRST, HOWEVER**

Studebaker was not the first car manufacturer, however, to see an advantage in a Canadian base. Volvo, of Sweden, exports Canadian-assembled cars to the United States from a plant opened last year at Dartmouth, Nova Scotia, on Halifax Harbor. Wages are lower there than in Hamilton.

Greyhound Corp. produces buses at a subsidiary plant at Winnipeg, Manitoba, for final assembly across border at Pembina, N. Dak., 70 miles away.

About 200 buses will be turned out this year, which, gives work to 500 Canadians in Winnipeg and 50 Americans in Pembina. North Dakota offers State tax inducements to encourage such Canadian programs.

**PUSHING PARTS EXPORTS**

Canada is pushing the export of automotive parts to Detroit and other car assembly centers.

Canada exported $2,897,828 worth of car parts to the United States last November, up from $1,075,599 in November 1961. Sales of Canadian car parts to all countries increased to $6,014,652 in November 1961, from $5,358,781, a year earlier.

In the first 11 months last year, exports of automotive parts to the United States were up to $17,054,652, from $4,745,109 in 1961, and sales to all countries rose to $29,354,500 in the corresponding period in 1961, from $17,054,652.

Canadian automobile manufacturers, almost entirely American owned, are encouraged to obtain parts, components and equipment from Canadian sources of supply, and to import less from the United States.

**URGED TO BUY CANADIAN**

The Canadian manufacturers also are urged to urge their parent corporations to buy parts in Canada instead of buying from small suppliers in Michigan, Illinois, or other States.

Plants in Canada, however, have to import major components not manufactured in Canada. The companies are offered exemption from Canadian tariffs on these imported items, to the value of parts or cars which they export from Canada to the United States.

About 40,000 persons work in the automobile manufacturing in Canada. Another 35,000 Canadians have jobs producing automotive parts in the United States.

The industry produced 533,783 passenger cars and 38,507 trucks in 1963, an increase of 54.8 percent from 1962.

Canada's new system of granting tariff exemptions to producers to equal their own exports to the United States has come under criticism in the United States, as a form of subsidy to evade trade agreements. The U.S. Treasury Department has been reported investigating the plan.

Mr. Martin, Canada's Secretary of State for External Affairs, said, however, "that he is not worried about any possible American retaliation." He has predicted that Canada will extend the tariff device to promote exports by other Canadian industries, such as aircraft and chemical.

**EXHIBIT No. 7 CANADA AUTO PARTS SALES TO UNITED STATES UP 400 PERCENT**

(By Eugene Griffin)

**OTTAWA, Ontario, February 24—**Canadian shipments of automotive parts and engines to the United States increased more than 400 percent last year to $32,003,168, the Dominion bureau of statistics reported today. A year earlier the total was $7,746,792.

Since last November the Canadian Government through special legislation has encouraged more shipments of automobile parts and engines. Canadian companies may import components free of duty up to the value of the parts exported to the United States.

All automobile manufacturing and assembling plants in Canada are subsidiaries of United States companies. A section of the Swedish-owned Volvo plant, near Halifax, Nova Scotia.

**REJECT TO DISCUSS**

A Toronto paper said last week that the automobile industry won't discuss the extent of business with its new and cheaper supply sources in Canada because 1964 is an election year in the United States, and also year for new labor contracts.

The Toronto Industrial Commission has said it expects that the establishment of new automotive supply plants will not result in the Toronto area this year. W. A. Willson, general manager of the commission, said the main reason for this industrial growth is that the Government's policy to promote Canadian automobile components for export in the United States.

Canada also is studying other industries that could export to parent companies in the United States through use of special tariff privileges.

**SUGGESTS AIRCRAFT**

Canada's Secretary of State for External Affairs, Paul Martin, has suggested that Canadian aircraft and chemical industries could increase sales in the United States through the tariff exemption that is boosting auto part exports.

Canadian exports to all countries last year amounted to a record $6,798,358,017, an increase of 10 percent from 1962.

The United States imported $3,768,400,000 worth of Canadian goods last year.

Exports to Russia and other eastern European Communist countries amounted to $21,071,000 and to Red China, $6,422,000.

Wheat, with huge shipments to Communist countries, displaced newspaper as Canada's No. 1 export for the first time since 1952.

Canada's export to Cuba last year went up from less than $11 million in 1962 to $16,422,000. This was only half of what Canada sent to Cuba in 1951, however, when the United States embargo blocked higher profits as a result of the American embargo on trade with Premier Fidel Castro.

Mr. SYMINGTON. Mr. President, the Wall Street Journal of March 28, published an article on this subject which spells out the actions taken by many automobile companies; and also future plans of others. It is headed, "Canadian Car Push: Dominion Tempts U.S. Auto Firms To Move Parts Output
1964
CONGRESSIONAL RECORD — SENATE 6505

to North; Tariff Lures Arouse Interest; Some Parts Likely To Be Exported Back Into United States; Impact on Jobs, Dollar Drain.

I ask unanimous consent that this article be inserted at this point in the RECORD.

There being no objection, the article was agreed to be printed in the Record, as follows:

[From the Wall Street Journal, Mar. 26, 1964]

CANADIAN CAR Firms: DOMINION TEMPTS U.S. AUTO FIRMS To Move Parts OUTPUT To North America; Some Parts Likely To Be Exported Back Into United States

(By Jerry Flint)

DETROIT—A few weeks ago word spread at the Detroit plant of Chrysler that 180 foundry jobs would be moved to a plant a few miles away at the end of the 1964 model run. The news caused consternation—for the few miles will take the jobs across the Detroit River and into Canada, where they'll be out of reach of U.S. workers.

A number of other auto industry jobs are likely to be found across the U.S.-Canada border soon, too. For the Canadian Government seems to be succeeding in attempts to get American car makers to export more auto parts to Canada—at the expense of the United States.

Dominion tariff schedules already offer a strong incentive to U.S. auto firms, whose subsidiaries build nearly all Canadian cars, to make the parts for these cars in Canada, too. If a Canadian-assembled car is of 60 percent Canadian content—including labor—a maker pays only light tariffs on parts imported from the United States; if its Canadian content is less, the parts tariffs are much higher.

CANADIAN PARTS FOR U.S. CARS?

Now the Canadian Government also is tempting U.S. firms to make parts in Canada for shipment back into the United States. Its offer: If a Canadian auto plant exports parts, it will get tariff rebates on the parts it must still import. Officials estimate that if U.S. firms respond fully, their Canadian subsidaries could cut the prices of parts by at least 20 percent in a year—an impressive sum in the Canadian auto industry. Ford Motor Co.'s Canadian subsidiary earned only $24.3 million profit in all of 1963.

The lures appear to be working. General Motors Corp. announced a few days ago that it will invest $130 million to build a new Canadian auto and truck assembly and parts plant in the next 2 years. That would be more than twice as much as it has spent in Canada in any previous year.

Whether GM will build any parts in Canada for export back into the United States isn't known. But all its competitors already use at least a small amount of Canadian parts in their U.S.-assembled cars, and there are indications the total may expand greatly. Ford Motor Co., for example, already makes a major move in Canada within 6 months; it has been learned that Ford has considered plans for making in Canada some radios and automatic transmissions for U.S. cars.

And Lynn Townsend, president of Chrysler Corp., recently told a Canadian audience that both the U.S. and Canadian automakers may get their entire supply of some important parts, such as frames, engines, or transmissions, from Canada, while Canadian assembled cars will be sold in the United States.

Canadians don't have to wait 20 years to see the latter; Studebaker Corp. last December began assembling all its cars in Canada.

BANCAH-OF-PAYMENTS THREAT

Such developments are anything but welcome in Washington. If carried very far, they could aggravate the U.S. balance-of-payments deficit (excess of money going out of the U.S. over the ability to get) for the U.S. cars. It won't help cut the U.S. unemploymont rate under its present 5.4 percent of the labor force, either. Even if few jobs are actually lost in U.S. assembly, jobs will be created in Canada that otherwise would be created in the United States.

So Congressional papers have advised the automakers to "get up on their hind legs" and fight Canadian attempts to lure their plants northward. But so far his words have not been backed up by U.S. action. It is true the U.S. raised tariffs sharply on some imported auto parts last fall, and Canadians are probably pleased they think this was a coincidental part of a general reclassification of many U.S. tariff rates, and not a retaliatory move.

At any rate, the Canadian Government is pushing ahead with its offers. It's out to slash a $1.2 billion yearly deficit in Canada's trade balance by allowing more American parts into Canada, and bringing only $240 million in Canadian money against $2,047 million (U.S. money) in the United States.

STIFER ACTION HINTED

There have, in fact, been hints that if the lure of tariff cuts don't bring many U.S. auto parts plants northward, the Canadian Government will try some more coercive measures. "The Government has explained pretty vividly that it intends to rectify the trade imbalance by some means," says the president of a Canadian automaker. "If this doesn't work it will try something stiffer."

American auto executives, however, don't sound as if they pushed very hard. Roy Chaplin, Jr., executive vice president of American Motors Corp., which is eyeing tariff rebates it believed could bring its Canadian subsidiary an extra $4 million a year, calls the Canadians "ingenious in using the carrot technique." And Chrysler President Townsend calls the tariff-rebate offer "a very strong stimulant to our business imaginations."

Already Canadian exports of auto parts are making the total still small. In 1961 Canada exported $35.4 million worth of autos and parts, including $11.9 million to the United States. In 1962 it exported $61.3 million worth, including $14.5 million to the United States. And in the first 10 months last year the export total rose to $55.4 million, including $36 million shipped to the United States.

One reason exports to countries other than the United States have been rising is that American auto makers have been letting Canadian auto firms do more of their world exporting. And the rise in exports to the United States appears only to have begun; the first 10 months of 1963 cover only the beginning of the Canadian push for more parts plants.

U.S. automakers are often secretive about their plans to build such plants, partly out of fear they'll be accused of "exporting jobs." Here, however, is a rundown of all that can be learned about what is happening:

Chrysler recently bought a Canadian foundry in Windsor, Ontario, and plans to increase production. Some engine block casting and machine work on engine parts is moving from Detroit to Canada this fall.

One industry source says this is only preliminary to a major Chrysler engine-building program in Canada. He says that in the 1968 model year Chrysler will build 250,000 compact car engines in Canada, with the majority to be exported, many to the United States. Rod Todgham, president of Chrysler of Canada, concedes it "is more economical to get into engineering in Canada; right now an automated V-8 engine line in Chrysler's Windsor plant runs only 2 hours a day, and could expand output greatly while cutting costs."

FORD PLANS

Karl Scott, president of Ford of Canada, says, "We're making a tremendous number of studies as to what may be done, none of which are ready for public knowledge." It has been learned that Ford has considered building a partmaking plant in Canada for the Ford Auto Parts division—connection to its discussions of making radios and automatic transmissions in the Dominion.

Ford last year sent $110 million of U.S.-made parts into Canada, and brought only $30 million of parts from Canada into the United States. But Ford men figure they can halve this $80 million trade difference in 5 to 10 years. Chrysler can cut its trade imbalance in parts in Canada in half in 4 or 5 years, Mr. Todgham says.

American Motors Corp. is stepping up its buying of auto bumpers, headlamps, wheel covers, and transmission parts from Canadian partsmakers for U.S. cars. This year it figures to buy up to 20,000 parts a year in the United States at "rock bottom." This summer Studebaker also will stop making engines in South Bend, Ind., that it now ships to Canada; American Motors, which is likely to be able to use such parts, will shift them to Canada. Some other auto executives are now planning similar moves.

GM EXPANSION

Up to now GM has been the big holdout against the trend; it lost more parts plants in U.S.-built cars. But this may change. The company announced last week it will build a new trim plant in Windsor, near Detroit, and a truck chassis plant at its Canadian headquarters in Oshawa, near Toronto. It also will expand the Oshawa car assembly plant and build another assembly plant in Canada, though it won't say where; altogether, GM says, the expansion program will create 4,000 new Canadian jobs. While it's not clear whether GM and other Canadian union will export parts to the United States, a Canadian GM official says "we'd certainly like to."

This activity by automakers is being paralleled by Canadian expansions by independent U.S. parts makers, though not all of them are in auto parts. The most significant of a major American parts maker, confiding that Detroit companies are asking him to transfer some operations to Canada, complained that "they don't mind us spending $500,000 to move something."

The trend nevertheless is gathering. McCord Corp. of Detroit builds 100,000 radiators in Canada for U.S. cars during the 1965 model year, says James Hayward, executive vice president. He says the radiators will be worth $2 to $2.5 million.

Kysor Industrial Corp. of Cadillac, Mich., bought a Canadian auto parts maker in January and plans to shift all of its U.S. production there. About 20 jobs will be added to the 140-man Canadian operation, says R. A. Weigel, president. And Rockwell-Standard of Pittsburgh plans to buy about 75 percent of Ontario Steel Products Co., a Canadian auto parts maker.

MORE U.S. DOMINATION

Such expansions have economic aspects. The whole trend is bound to increase U.S. domination of the Canadian auto industry. Not only will more American-owned companies, confident that they introduce new competition Canadian-owned parts makers that are inefficient and don't have money for expansion will "pass
out of existence," predicts Mr. Todgham of Canadian Chrysler.

Canadian Government officials are well aware of this—and the sensitivity of Can-
dian workers to U.S. domination of Canadian industry. But they’re determined to go
ahead with their plans. “We’ve got to take our chances on this thing, but in the long
run it’ll be better off,” says B. G. Barrow, assistant to the Canadian Min-
ist of Industry.

Even without lures to build auto parts in Canada, the U.S. export to the United States, American automakers might well be ex-

panding their Canadian parts output, as the Canadian industry is growing. Can-
dada last year built $33,000 cars and 99,000

trucks, a record, though the figures are dwarfed by the 9 million vehicles built in the United States in 1963.

MARKET GROWTH PREDICTIONS
Ford expects production to grow 3.5

percent a year, and GM figures Canadian car-

truck volume will run between 665,000 and 750,000 by 1968. Chrysler sees close to 800,-

000 Canadian car sales in 6 years, and ex-

pects to increase its own Canadian car-

truck output by 100,000 from its 97,000 sales in 1963. American Motors expects to sell 35,000 cars in Canada this

year, up from 25,000 last year. None of this brings any joy to U.S. workers, who generally don’t have seniority rights to

move into Canada with any jobs that might be opened up if they were willing to accept Canada’s generally lower wage scales.

When the Canadians first announced their plans to lure more parts production, a Gov-

ernment official said it would mean 50,000

new jobs. Other officials have since dis-
counted this estimate but they likely are anxiously to avoid U.S. charges of job stealing.

Auto executives now understand that in a firm market they could switch 6,000 U.S. jobs into Canada, besides creating new ones there.

United Auto Workers Union locals have counted 500 jobs going into Canada soon from Chrysler’s Detroit Dodge and Trenton, Mich., engine plants, and they don’t like it.

“Mr. President, this is a grave matter. It deserves urgent and immediate action from the proper Government officials unless we want to resign ourselves to the loss of some 60,000 jobs to Canada in this one industry.”

THE TAX CUT, OUR SENIOR CITI-

ZENS, AND RUMORS

Mr. SYMINGTON. Mr. President, this is a grave matter. It deserves urgent and immediate action from the proper Government officials unless we want to resign ourselves to the loss of some 60,000 jobs to Canada in this one industry.

According to this rumor, the addi-
tional $600 exemption for persons over

the age of 65 has been eliminated. In-

stead of being able to take $1,200 off their income, over-65 taxpayers only be able to take only the standard $600 exemption off their in-

come tax.

I take this opportunity, Mr. President, to set the record straight on this matter. There is absolutely no truth to this ru-
mor. The Internal Revenue Act of 1964 specifically retains the double $1,200 ex-

emption for taxpayers over the age of 65.

I have also been informed that there is a rumor that Congress is considering proposals that social security benefits and railroad retirement benefits will no lon-

ger be tax free. Once again let me put it squarely in the Record that this rumor is un-
true and that social security bene-

fits and railroad retirement benefits re-
maintain tax free under the new law.

Far from harming the elderly, the new tax cut bill contains many provisions that favor our senior citizens. The new law exempts from federal income tax the first $20,000 of proceeds from the sale of a personal residence by a taxpayer aged 65 or over, providing he has lived in the home for at least 5 of the past 8 years.

Throughout the history of legislation in a previous Congress and am delighted that this provision has now been accepted.

The new law also liberalizes medical deductions where the elderly are concerned. Up until now persons over 65 have been subject to the rule limiting deductions for drugs and medicines to outlays above 1 percent of their income.

The new law repeals this 1-percent rule and allows the elderly to deduct the full cost of drugs and medicines.

A third benefit liberalizes the special tax credit granted to retired couples against dividend income and other kinds of investment income on joint returns. The old law allowed a husband aged 65 or over to take a tax credit on investment income up to a maximum of $1,524 pro-

vided he previously held a job 10 years. But if his wife had not had this work experience, he could not make a similar deduction or else figure his deduction in

a different way.

The new law increases to a maximum of $2,286 the retirement income on which the couple can take the credit provided both are over the age of 65.

Also benefiting some elderly taxpayers is the optional minimum standard deduction provision of the new bill. Under this provision, an over-65 tax-

payer who does not itemize deductions can either take the standard 10 percent deduction or else figure his deduction in a new way. Under this new plan, he is allowed $300 for himself and an addi-
tional $100 for each additional exemp-

tion. Since he receives an additional exemp-

tion by being over age 65, and still another if his wife is over age 65, this new law can provide an additional $200 in tax deductions for elderly married couples.

Mr. President, I think the Congress has a good record where voting tax bene-

fits to the elderly is concerned. I my-

self, along with a majority of the Senate and House Committees of the American legal system are sent to opinionmakers in the emerging na-

tions.

Second. There will be no cost to our Government, though the benefits will be great.

Third. It is a lawyer-to-lawyer ap-

proach to foster an international appreci-

ation of the rule of law.

Fourth. The books will be distributed overseas by volunteer Peace Corps law-

yers, USIA posts, and foreign bar asso-

ciation leaders.

Fifth. This project is being adminis-

tered by the younger lawyers of our Nation.

May I say, Mr. President, that during the occupation of Japan after cessation of hostilities, the Federal Bar Association sponsored a program whereby Government agencies were asked to donate surplus copies of the United States legal books and reports relating to our Criminal Code and our judicial system. These books and pamphlets were then distributed in Japan through the facilities of the Army Judge Advocate General’s office to stu-

dents, lawyers, and judges. This under-

taking received widespread acclaim from the Japanese Bar Association and an official citation from the commanding general of our forces in the Far East, General Douglas MacArthur, whom we all

remember in our prayers today. I am
told that the Japanese judicial system and the criminal code are similar in many respects to that of the United States.

Lawbooks, U.S.A. revives the spirit of this earlier program, but is more ambili-

ous in scope. The participating bar as-

sociations now hope to send paper back books to lawyers, professors and students in all of the emerging nations. Each lawyer is being asked to donate one pack-

et to a fellow lawyer overseas and to correspond with him on a lawyer-to-

lawyer basis. It is apparent that the legal profession of our country under-

stands that lawyers in these new nations must know and have the very feel of the American concept of law if peace through law is to be achieved.

I am pleased and honored to serve as a member of the Lawbooks, U.S.A. Na-

tional Committee. It is an honor to be among the distinguished Corporation of prominent lawyer-statestmen as Justice Tom C. Clark, Congressman Barratt O’Hara, of the Foreign Affairs Committee; As-

sistant Secretary of State for African Affairs, Mr. Moisen Williams; Dean Ellin Griswold, of Harvard Law School; Dean Clyde Ferguson, of Howard Law School; former USIA Director, Edward
R. Murrow; former Governor Harold Stassen, and former ABA and FBA presidents Charles Rhyne and Earl Kintner. I think that this distinguished board suggests the worthy nature of this undertaking.

I know that you will agree with me when I say that the younger lawyers of our country are to be commended for their contribution to world understanding through law. I urge you to encourage and support them in this most noble project.

HIGH VETERANS OF FOREIGN WARS AWARD TO MR. GEORGE F. GETTY II

Mr. KUCHEL. Mr. President, recently, the Veterans of Foreign Wars of the United States held its annual conference of national and State officials in Washington. This conference was attended by approximately 500 Veterans of Foreign Wars leaders. An annual banquet of members of the Veterans of Foreign Wars who served in the Armed Services. At that banquet our beloved President pro tempore, Carl Hayden, received, the Veterans of Foreign Wars first Annual Congressional Citations.

The Veterans of Foreign Wars has earned the respect of our Nation for the service it performs in recognizing those citizens who make an outstanding contribution to the strengthening of America.

A native son of California, Mr. George F. Getty II, was also the recipient of one of the Veterans of Foreign Wars highest awards. March 8, 1964, the commander in chief of the Veterans of Foreign Wars, Mr. Joseph J. Lombardo, awarded the Commander in Chief’s Gold Medal With Citation to Mr. Getty.

This award was in recognition of Mr. Getty’s efforts to help alert our Nation to the growing danger posed by the methods by which international communism is using trade and commerce as weapons of penetration and aggression.

Mr. Getty, who has set a high example of business achievement, community leadership, and patriotic endeavor, well deserved this award.

Commander Lombardo’s presentation remarks clearly set forth the reasons why George F. Getty was selected to receive this honor. I ask unanimous consent that the text of the remarks by Mr. Joseph J. Lombardo, commander in chief, Veterans of Foreign Wars, presenting the VFW Commander in Chief’s Gold Medal and Citation to Mr. George F. Getty II, Los Angeles, Calif., be printed at the conclusion of my remarks.

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

REMARKS BY COMMANDER IN CHIEF JOSEPH J. LOMBARDO PRESENTING VFW COMMANDER IN CHIEF GOLD MEDAL AND CITATION TO MR. GEORGE F. GETTY II, FOR OUTSTANDING CONTRIBUTIONS TO OUR NATIONAL SECURITY, MARCH 8, 1964, COTTI-LION ROOM

The man who, while deeply involved in day-to-day business activities, still remains aware of his overriding responsibility as a citizen to help protect our Nation is, indeed, an asset to our way of life. Unfortunately, there are too few who demonstrate this admirable characteristic.

I am glad to report that we have with us today one who has set such a high example of business achievement and active patriotism.

Mr. George F. Getty is such a person. He is a man of distinguished achievement in the business world. He is president of the Tide-Water Oil Co., a director of the Bank of America and a director of the Southern California Symphony Association. I am also glad to say he is a member of the VFW in good standing.

He is, I would like to point out, an overseas veteran. He enlisted in the Army in 1942, serving in the Philippines, Malay, and Japan, and was discharged as a first lieutenant.

But, while no longer “on active duty,” he has continued to serve our Nation well. He knows communism and its dangers. He was one of the first to warn us when a former Soviet Premier said in 1959, "We declare war on you in the peaceful field of trade." Mr. Getty knows, through much effort and study, become an acknowledged authority on the Kremlin’s use of trade, especially oil, as an instrument of Red aggression. But, he didn’t get his knighthood secondhand. In 1960, he was a member of the U.S. Petroleum Exchange Delegation to Russia, and he made the most of his opportunity. He traveled to the various Russian oilfields and refineries, and with a trained eye he evaluated Russian capabilities and intentions in terms of a Red oil offensive.

He has used this information to help alert our Nation to the subtle, but great, danger of the Russian use of petroleum as a means of penetrating and disrupting the economy of free nations.

One of his outstanding speeches, before the Petroleum Institute in Fort Worth, Tex., has been extensively reprinted both in the press and in the CONGRESSIONAL RECORD. He was paid the high honor of being the subject of complimentary remarks by the minority leader of the Senate, Senator DIRksen, who stated on the floor of the Senate that Mr. Getty’s warning is "probably the most complete, accurate, and understandable analysis of the Russian oil situation, both in the Soviet Union, and as an instrument of Red aggression." And also the Mr. Getty’s speech "is a most valuable contribution to our understanding of Russian techniques of expansion through the use of trade."

Therefore, in recognition of his sense of responsibility as a citizen, of his able and dedicated efforts to alert our Nation to the dangers of Communist commercial aggression, and because of his resulting contributions to our national security, it is my privilege as the commander in chief of Foreign Wars of the United States, to present to Mr. George F. Getty the Commander in Chief’s Gold Medal and citation.

BYELORUSIAN INDEPENDENCE DAY

Mr. KUCHEL. Mr. President, most Americans are aware of the brave struggles of the three Baltic nations—Estonia, Latvia, and Lithuania, to shake off the oppressive yoke of Soviet Russian dictatorship. But many Americans are not aware of the equally determined struggles of a fourth Baltic-area nation—the Byelorussian Republic—to shake off the chains of Communist domination and achieve freedom and independence.

Byelorussia is the constituent republic in the Soviet Union and is contiguous with the eastern boundaries of Estonia, Latvia, and Lithuania. Its 8 million inhabitants have a national history dating back almost seven centuries. Byelorussia is comprised mainly of an endless struggle to gain independence from imperial Russia.

Unification of the Byelorussian territories began early in the 13th century, first around Navahrudak and then around Vilna. By the 15th and 16th centuries the nation reached the zenith of its military might and economic and cultural development. The Byelorussian people succeeded in passing on their civilization and language to neighboring provinces. Administratively the nation reached a level equal to that of the most advanced states of Western Europe, with well maintained institutions.

In the late 16th century, czarist Russia successfully drove back the invading Mongols and then turned its imperialistic eyes westward toward Byelorussia. In 1934, the Russian Red Army, the Terrible, entered Polack, one of the principal cities, and almost all the inhabitants were massacred, the population falling from 100,000 to 3,000 in less than a year.

For the next 2 centuries, Byelorussia came a pawn in a mighty chessboard battle between Russian and Poland. Yearning for its own independence, the small nation shifted between Polish and Russian domination depending on the fortunes of war.

In the 19th century, Byelorussia came permanently under Russian control and the people were subjected to the same Russianization experience in all the Baltic nations at that time. The University of Vilna was suppressed and all its libraries and faculties shipped to Russia proper. No high schools of any kind were permitted on Byelorussian territory, not even those using the Russian language. The Uniate Church, the major national religious group in Byelorussia, was abolished, its property confiscated, and its priests and monks deported. A total ban was imposed on all printed works in the Byelorussian language, even those of a religious nature.

The ravages of World War I gave the Byelorussians their first real opportunity to win their independence. Over 100,000 Byelorussians, the over 50,000 Czar in 1917, they assembled in national congress at Minsk. The Bolshevik rulers of Russia tried to suppress this meeting by having Joseph Stalin, then Commissar for Nationality Affairs, surround the Congress building with a Siberian armored infantry division. The members of the assembly refused to be stopped, however, and met in a locomotive repair shop in order to plan their next move.

The meeting was made March 25, 1918, when Byelorussia proclaimed its independence and adopted a provisional constitution. The constitution guaranteed freedom of speech and assembly, the right to form labor unions, the right...
to strike, liberty of conscience, the inviolability of the person and the home, and the equality of all citizens. In industry, an 8-hour day was introduced.

After its three years' independence, Byelorussia was accorded de jure recognition by over a dozen foreign states. But that independence was short lived. At the treaty of Brest-Litovsk, the Bolsheviks handed a peace treaty with the Germans permitting the Kaiser's troops to occupy three-quarters of the Byelorussian territory. Opposed to the social policies of the new government, the freed inhabitants of the Byelorussian armies, thereby leaving the tiny nation defenseless at the end of World War I when the German Army retreated and the Red Army advanced unopposed.

Her brief period of independence over, Byelorussia's history since World War I has been similar to her history for centuries before that. She has shifted back and forth between Russia, Poland, and Germany, all depending on the fortunes of war at the particular moment. Today she is still under the yoke of Soviet rule and the efforts to suppress the Byelorussian national identity which began under the czars continue unabated.

It is fitting and proper that we in the United States should mark the 46th anniversary of the Byelorussian declaration of independence. The seven centuries' struggle of these oppressed peoples to form their own nation and determine their own fate demands the support and respect of freemen and free nations everywhere. The totalitarian walls of the Iron Curtain must never be allowed to obscure the never-ending struggle of the Byelorussian people to determine their own free destiny.

RESOURCES OF THE SEAS

Mr. KUCHEL. Mr. President, the potential worth of resources of the seas covering three-fifths of our globe long has challenged the imagination and ingenuity. During recent years, this and other countries have embarked upon various enterprises in the field of oceanography. These activities include cataloging, measuring, mapping, studying habits, and evaluating physical features. They encompass the submerged portions of the earth, the mineral contents, and components of the waters of the seas, and the marine and vegetable life which exist there.

Because of its extensive coastline and long maritime history, California has a highly developed sense of realization that mankind must intensify its efforts to solve riddles and mysteries relating to our oceans. In that direction, a significant symposium was held recently in California at which assorted aspects of this broad subject were discussed. My attention has been called to one outstanding paper delivered by a respected scientist at the University of California, Milner B. Schaefer, touching on many problems and illuminating certain assets of our offshore waters.

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

CALIFORNIA AND THE WORLD OCEAN: THE SOURCES OF THE SEA—WHAT DOES THE OCEAN OFFER?

(By Milner B. Schaefer, Institute of Marine Resources, University of California)

Seventeen million people now reside in California. The ocean is within an hour's drive of the seacoast. It is forecast that, by 1980, the State's population will reach 26 million. Of these, perhaps 20 million will live in residence near the sea. We live in intimate relation to the sea—it determines our climate and weather, is a battlefield and a numbing agent, a potential source of our most critical necessity—water, and a convenient place to dispose of domestic and industrial wastes. It provides bountiful ways for our commerce with other lands, and is a paramount source of healthful outdoor recreation and aesthetic and intellectual satisfaction. The uses of the sea will be of increasing importance to the State's burgeoning and more concentrated population, but their multiplicity—and some stress of conflict—must bring in train the need for careful planning and formulation of adequate public policy. I shall attempt to review briefly some of the ways in which this is likely to be increasingly be, of importance to California—its opportunities and problems in relation to the needs of our developing society.

Note that the resources of the sea include not only the useful things we take out of it—the extractive resources—such as fish, minerals, petroleum, and water, but also the ways we use it to our benefit which involve no removals, and, in the instance of waste disposal, involve no withdrawal at all. As a result, this would be an embarrassment on land but which we cheaply and conveniently consign to the ocean.

KINDS OF MARINE RESOURCES

Recreation and sports

One needs only to visit the crowded seashore on any summer weekend to realize that a majority of our citizens look to the sea as a source of relaxation and outdoor recreation—surfing, snorkeling, skindiving, water skiing, and plain simple contemplation of the beauty and majesty of the sea and the stress of work and urban living. There are, for example, in the State, some hundred thousand pleasure craft, several million sport fishermen, and, over a score of thousands of scuba divers.

Swimmers, sunbathers, and picnickers are counted. With the increasing population and urbanization of the land, with the growing complexity of our industrial society, and increased leisure time, the need for such recreational outlets will, I believe, be one of our most pressing requirements. Even the long coastline of California may not be able to meet this need. Only the most useful and most popular for most recreation, since elsewhere the weather is too cold, or the weather and rocks too rough. A thousand miles of useful coast rounds but a population of 28 million, it corresponds to about 8 people per foot. The choicest part, the sand beaches, are already overtaxed, due to loss of sand to the deep ocean not balanced by the supply from the land, which has been diminished by runoff control. The beaches are also desired sites for some industrial and metal-lease development. The harbors, and some of our harbor areas are badly polluted. We simply must find ways to maintain the beaches, and to extend them, to lengthen the shoreline, rather than decrease it, and to make new islands, bays, and harbors. It is, at the same time, important to maintain some parts of the shore in their natural, undisturbed state, since we derive considerable pleasure and revenue from the observation of the undisturbed beauty of nature and its creatures.

Power

Another requirement of a growing industrialized society is for a constant amount of power. We are unlikely to obtain directly from the sea any important share of our power requirements—at least until the advent of fusion of deuterium and hydrogen, of which the sea is the greatest reservoir. However, the sea is otherwise of large importance to power development, because it provides a highly convenient and economical source of water for cooling of powerplants. This becomes of great importance as we get into the production of power by nuclear fission using very large multimegawatt reactors. We see the small beginning in smaller experimental nuclear powerplants, using sea water for cooling, being planned for locations at Bodega Bay and on the beach near San Onofre.

Water

The use of very large atomic reactors, producing electric power from something like 25,000 megawatts, is likely also to be an important part of the solution of California's most critical resource shortage—fresh water. Such plants, which seem to be within the reach of present technology, promise to be able to produce cheap electric energy and to divert water from the sea at acceptable costs. They raise, however, three kinds of problems:

1. Selection of sites that will not preempt other important uses of the shore—beaches that might be better reserved for recreation.

2. Means of the waste heat into the sea in a fashion that will benefit rather than harm other resources—for instance, we could use the heat to make some of the miserably cold beach areas comfortable for swimming, or to enhance the local abundance of some of the finer sports fishes, which like warmer water than we experience through much of the year, or even to increase the biological productivity of the sea by using the heat to bring up nutrient-rich subsurface waters to fertilize the sunlit upper layer where the phytoplankton pasture nourishes the living resources.

3. The possibility of atomic contamination through accidents.

Waste disposal

The sea along the coast is, as I have just indicated, a convenient place to get rid of waste heat from powerplants. It is also a most convenient place economically to dispose of a large variety of other industrial and domestic wastes, because the rapid mixing and large volume of the ocean dilutes them quickly and the organic constituents are decomposed by its bacteria. However, it is easily possible in inshore waters, and possibly even in some semishore areas, to introduce even such fragile wastes as domestic sewage at a rate so great that other important uses of the shore—such as recreational and fishery uses—will be doomed. We need to find ways to prevent the concentrations in the environment reaching levels which are harmful to man.

Some of the more refractory materials, especially those that are toxic at very low concentrations, challenge even the capacity of the vast high seas. The most notable of these is lead, although others, such as radioisotopes, the introduction of which into the sea has been approached with great caution. But other things, such as lead-tetraethyl (from combustion of motor fuels), synthetic detergents, and some pesticides, are building up in the open sea in measurable amounts, the ultimate effects of which cannot now be forecast.
Other sources of adventitious pollution of beaches, more of a nuisance than a danger, but yet potentially damaging, are those from surface leaks from offshore wells, pumping of ships' oily bilges, and drift kelp lost from kelp harvesting.

**Living resources**

Fish and other living resources of the sea provide more than food; they have the potential for becoming a source of recreation. At least equally important is the commercial harvest of these resources, which is the basis of California industry of considerable magnitude, valued at about $200 million per year, and having a large growth potential. In respect of marine fisheries, California's area of harvest is on the ocean immediately adjacent to our coast, because, in addition to domestic fisheries in nearby waters, our state has large fleets which bring home their catches from far distant seas, operates substantially from far-fishing bases in other lands, and also imports large amounts of raw materials from other nations. The seas accessible to California fishermen and the California fish processing industry are all the high seas of the world.

During 1962 there were landed from waters immediately contiguous to the U.S. Pacific coast about 281 million pounds of fish. Of these fish, 280 million pounds were landed in California. But, of 280 million pounds brought from the distant high seas, nearly all, 277 million pounds, were landed in California. We also imported 142 million pounds, mostly tuna, from other States and nations. Not included in these figures is the harvest of seaweed-kelp from which are made a variety of products used in the food and pharmaceutical industries; this kelp harvest is of the order of 1 million tons per year.

The bulk of the harvest of California's local fisheries consists of tunas, mackerel, and salmon. Other lesser species of anchovy and squid, are used almost exclusively for canning. An important characteristic of the harvest of fish from the California Current is that, although over 60 kinds of fish and a score of invertebrate species are included, only a few varieties constitute most of the catch. A similar situation occurs in many other parts of the sea. This is partly because some kinds of fish are relatively scarce, but is also due in large part to the fact that some species are deliberately used because of lack of markets, or because institutional and social factors inhibit development. There is little indication that some of the fish populations of the California Current could be greatly increased. Salmon, sardine, and Pacific mackerel are now yielding near their maximum sustainable harvest. But some other species are much underused. There is, for example, a vast population of jack mackerel, which extends far off our coast into the Central Pacific, of which we take but a small share. Bluefin and albacore tuna, which range far across the Pacific, and are only summer visitors to California, can certainly stand some increase of harvest, but the amount is unknown. Only a tiny share of the large populations of anchovy and squid are used for canning. What limits the use of these species for canning is purely economic—we know how to catch them, but not how to sell the catch at a sufficient price. The use, for this purpose, of some of the vast tonnage of anchovy and hake, now going unharvested off our shore, appears attractive, as the hake is already highly valued. In addition, harvesting of anchovies should result in increasing the valuable sardine stocks, because results of research by the California Cooperative Fishery Investigations gives good reason to believe that anchovies and sardines are close competitors. As the sardine stocks diminished, due to the intense fishery, augmented by environmental conditions, the anchovies stocks have very greatly increased. There is pressing need for “range management” in the fisheries here, and elsewhere where some species in a system of competitors is intensively harvested, a need for control of the “weed” species in order to maintain and augment the harvest of the desired species. But catching of these fish for other than human consumption is presently contrary to our law. Lease agreements on kelp farms provide for careful evaluation and clarification of the means by which man can intervene for his greatest benefit in this and similar situations.

We can improve the harvest of some inshore species of marine animals and plants, and especially sedentary species, by even more use of technology. Other and clam beds may be hatched by seeding, predator control and selective breeding. Control of undesirable predators on kelp farms is possible. We have shown that many of near shore sportfishing areas are improved by the construction of artificial reefs.

The most prosperous and most rapidly expanding sector of the California fishing industry is not that based on fish caught near to home, but depending on distant-water operations. Three California tuna packers operate plants in Puerto Rico, obtaining fish unloaded directly from California vessels, by shipment of tuna landed in Peru, Ecuador, and elsewhere, and by purchase from foreign companies. California firms also operate tuna fishing bases in the Pacific, Indian, and South Atlantic Ocean, employing both U.S. vessels and foreign-flag vessels. A considerable share of the booming fishing industry for anchovies, used for fishmeal, is California-owned. There is a substantial business in import of lobsters and shrimp to California from the Gulf of California and the Pacific coasts of Mexico and Central America. There are afoot plans of California enterprises to develop new fishing bases in the Atlantic and Indian Oceans. 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Weather and climate

I mention last the aspect of the ocean which mostly affects our lives—the climate and weather. We owe our renewed equable climate to the California Current, which brings a semi-continental influence on the winds that prevail from the ocean to the land. But the interactions between air and sea are also involved in some of the important things, such as the lack of rainfall in southern California, the winter fogs in southern California, and the summer fogs of San Francisco, and the atmospheric temperature inversion which, over the coast that trap the air against the mountains and lead to smog.

So far, there is little we can do about these things, except through better understanding, to improve weather forecasts, both short and long range. Which is of no little help by which people can use the ocean for agriculture and industry, not to mention our personal convenience. It is, however, not vital enough to be a priority to the workings of the great heat engine of air and sea we may be able to exercise some control, to modify the rainfall pattern and other weather to our benefit.

NEED FOR PUBLIC POLICY

Because the resources of the sea are multiple, the uses of one affecting in larger or smaller degree other changes, it is possible that conflicts will arise among the different uses and users. A few examples: Waste disposal can be a menace to recreation and commercial fishing. Power and fresh water production by large atomic plants on the coast can preempt sites for other purposes, and can affect the coastal water for several miles inland. Overproduction and kelp harvesting are feared as leading to beach contamination. Sports fishermen and commercial fishermen are notoriously at odds.

An important continuing problem of marine science is to aid in reconciling such conflicts among multiple uses, to find means by which people can use the ocean in a variety of ways with a minimum of interference. Fortunately, some of the conflicts are more imaginary than real, and some of the real conflicts can be eliminated by intelligent planning and action. But there must remain a residue of irreconcilable alternatives in which we hope to progress largely on an objective factual basis and with the benefits to all people fairly considered.

Since the resources of the sea are to a very great extent, public property, not amenable to private ownership and control, their use and management becomes the responsibility of the public. The same is true of water power. We are encountering a tangled skein of rights and responsibilities, especially in the near shore zone, from the bight to some miles offshore. In this zone, there is where the greatest multiplicity of use, and hence a large need for coordinated planning and careful formulation of policy looking toward the future, there are involved authorities at all levels—city, county, State, Federal, and international— with their responsibilities and jurisdictions often not sufficiently defined or such a system to work well. It is of the highest importance that we foresee as clearly as we can the full scope of the opportunities and problems, that we obtain a sound factual basis of making wise decisions, and that we seek means by which we may continually adapt our foreward planning to the changing needs of our society.

Beyond the Continental Shelf and the territories of the United States, the resources of the sea bottom consist of enormous quantities of diatomaceous earth. Some of the discolored minerals in seawater are already the basis of important California industry. The San Francisco Bay area is one of the great solar salt producing areas of the world, with an output of more than a million tons a year, or about one-third of all the salt extracted by solar evaporation in the whole world. This, and to a lesser extent, producing long-range, at Moss Landing, Newport Bay, and San Diego Bay, have the unique combination of requisites for this industry: High net evaporation, because of the influence of rain during the year, large areas of land suitable for inexpensive construction of water-tight evaporating ponds, and access to local markets, and sea transportation for distant markets, very close at hand.

In addition to sodium chloride and some potash compounds produced by solar evaporation, there is extracted from the remaining bittern magnesium chloride, bromine, and calcium used in the manufacture of glass.

The only other materials now produced from seawater at competitive economic conditions are magnesium metal and several magnesium compounds, such as are produced by the Dow plant at Freeport, Tex.

According to a recent study by McIlhenny and Ballard of Dow Chemical Co., if one were to combine a seawater concentration plant with a chemical recovery plant of considerable size, processing about 2 by 10^9acre-feet of water per year, the electric power costs, to extract additional elements, notably strontium, boron, fluorine, aluminum, and lithium. But we may be able to do even better, concentrating materials from seawater is not large nuclear reactors as part of the system; power costs go down through the use of large nuclear reactors as part of the system; processing about 2 by 10^9acre-feet of water a year, since the conversion brines of water a year, since the conversion brines

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CONGRESSIONAL RECORD — SENATE 6511

They know the Latin mind. Mr. Johnson knows it because of 30 years of mutual friendship, but neither man is intimidated with the Mexican-Americans of Texas. Mr. Mann knows it through much service as perhaps the most skillful diplomat of his generation in Latin American affairs.

Each man’s awareness is intimate and factual; not bookish and theoretical. Each man truly understands the other; but neither man is filled with purely academic assumptions that are foreign to human reality.

They know, for illustration, that while the Latin American is a United States which bows to every demand, the Latin at bottom of the United States toward Latin America republics of the year, when there was a net outflow of only $34 million in 1963.

Mr. SMATHERS. Mr. President, we have known for some time that we could not succeed in our efforts to build up the countries of Central and South America and give them the type of economy which would support democratic governments unless some private capital flowed into them. Since the advent of Fidel Castro, there has been a loss of private capital going into Central and South America, because businessmen were afraid to invest further in an area where their investment might be confiscated.

I am delighted to see that in recent months the outflow of private capital has stopped in Venezuela and in some of the other major countries, and that the inflow has once again started, although it has not pushed up the rate at which it once flowed and at the rate at which I hope it will soon again proceed.

THE GOVERNMENT OF THE DOMINICAN REPUBLIC

Mr. SMATHERS. Mr. President, it is a very appropriate article in light of the fact that the U.S. Government has recently sent W. Tapley Bennet, Jr., to the Dominican Republic as our Ambassador. This is a step that was long overdue. Mr. Bennet is very knowledgeable about affairs in this area of the world. I am certain that he will be a great Ambassador and will help the Dominicans get on its economic and political feet.

The Acting President pro tempore. The time of the Senator has expired.

Mr. SMATHERS. Mr. President, I ask unanimous consent that I may proceed for 1 additional minute.

The Acting President pro tempore. Without objection, it is so ordered.

CONFIDENCE OF BUSINESS COMMUNITY IN THE ADMINISTRATION

Mr. SMATHERS. Mr. President, in the summer of 1963, in West Palm Beach, there was an article written in the business section by Mr. Harold B. Dorsey, a highly respected economist. The article was entitled “Investment View.” There is a subheading which says: “L.B.J. Stands Spur Confidence.”

The article states that the President is doing what has to be done with regard to tax cuts, with regard to economy
in Government, and with regard to asking for responsibility on the part of labor, management, and business leaders. It states that the whole business community, with confidence in this administration, and actually our economy is turning up because of the confidence which they have in our President.

Mr. President, I ask unanimous consent that the article be printed at this point in the Record.

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

**Investment View**

_L.B.J. Stands Spin Confidence_  
_(By Harold B. Dorsey)_

The reason why this column has been following so persistently the manifestations of the economic philosophy of the Johnson administration is the fact that this matter is highly significant in the calculations of business executives and investment managers, both at home and abroad.

This single element may well determine whether spending decisions will be adversely affected by an antibusiness attitude, whether credit may be obtained by the White House or by the real authorities on this subject at the Federal Reserve, whether business will have an inflationary boom-and-bust sequence or whether the economy is going to enjoy a sound, satisfactory, and sustainable growth trend.

The available evidence on the subject may be seen in speeches given last Monday by President Johnson to the United Automobile Workers and by Dr. Walter Heller to the Economic Club of Detroit.

Both of these speeches emphasized that a sustainable growth trend and an improvement in the nation's balance-of-payments deficit depends very heavily on the avoidance of another inflationary wage-price spiral. The President said: The international position of the dollar * * * demands that our prices and costs do not rise. We must not choke off our needed and speeded economic expansion by revival of the wage-price spiral."

It would be very difficult for even the most extreme partisan to quarrel with that premise. What other prices and services are commanded by avariciousness of business or by excessive demands of labor, the simple fact remains that the feeling of a general inflationary process would have an adverse effect on the demand for our goods and services in domestic and world markets. It is a certainty that this would reduce the demand for workers.

Let us grant then that this premise must be widely accepted. Nevertheless, there has been considerable worry that the administration might have an antibusiness and prolabor bias, with an arbitrary, malleable attitude toward prices and nothing more than meaningless finger-wagging attitudes toward labor demands. President Johnson told the auto workers that the stability of labor, as well as management, to prevent the development of a wage-price spiral. There was no hint in his speech to the auto workers, or in that of Heller to the business executives, that the responsibility of one side is heavier than that of the other.

The President pointed out: "The administration has not undertaken, and will not undertake, to fix prices and wages in this economy. It is our intention to substitute our judgments for the judgments of those who sit at the local bargaining tables across the country. We cannot fix a single pattern for every plant and every industry."

This appears to be a sensible retreat from the crackdown image of the administration that was worrying business leaders a month ago. At the same time the administration certainly did not deem it necessary to swing a left jab at labor while it was withholding a right uppercut.

This particular point can be significant. For many years it has been an accepted political practice to pit class against class and to encourage the economic war among the component cogs mesh together smoothly. If one cog is smashed with a hammer it might crack and weaken the progress and efficiency of the entire mechanism.

It may be taken for granted that partisans will contend that President Johnson is trying to be all things to all men and that he is therefore a weak leader. Nevertheless, a majority of the American population will probably recognize that his economic philosophy, as it has been indicated up to the moment, seems to be an effort to get everybody to pull together. Certainly it is within the prerogatives of a President to point out—without political prejudice and without rancor—the responsibilities of the various sectors that make up the whole economy.

As the image of the economic philosophy of the Johnson administration has beench a chup about with industry and labor, managers and business executives are likely to gain more confidence in the outlook for business activity, employment, and earnings.

**Effect of Foreign Imports of Beef on the American Cattle Industry**

Mr. PEARSON. Mr. President, we have all become acutely aware of the desperate condition in which the American cattle industry now finds itself. After months of excuses and debate there now appears to be a general acknowledgement of the fact that the high level of foreign imports of beef is having a very serious effect upon the economy of this major industry.

On February 6 of this year, after a very careful personal analysis of the economy of the cattle industry, I presented to the Senate my own detailed views as to the cause of the current situation. In that statement I urged that immediate steps be taken to restrict the importation of beef in such a way as to reduce it from its current high level. I recommended a number of other steps which I thought were necessary to stabilize the economy of the cattle industry without invoking Government control into the operations of a major industry which has thus far remained relatively free of Federal control.

When the Administration announced only nominal rollbacks in the level of imports from Australia and New Zealand it became obvious that the hope for a negotiated agreement to satisfactorily solve the import problem could not be expected under present leadership and that it would be necessary for the Congress to impose quotas by legislation. At this point I joined in the cosponsorship of such legislation and have supported it as the following table shows. As the wheat bill, an amendment which was rejected by a vote of 46 to 44, and in the form of a bill and, more currently, an amendment to legislation pending in the Senate Finance Committee.

I am pleased to note that the administration has initiated action in several other areas which I recommended, but I am very much afraid that these steps are being pursued as diversionary tactics rather than as steps which should be designed to supplement quota reductions. The record of the testimony submitted to the Senate Finance Committee in support of legislation to establish quotas on beef imports. On Friday, March 20, Mr. William House, a rancher of Cedar Vale, Kansas, appeared before the committee on behalf of the Kansas Livestock Association and the American Hereford Association. Mr. House is president of both of these organizations. He is experienced and a well-informed businessman who devotes a substantial portion of his time to public affairs. He speaks from intimate knowledge of the business he represents and from a broad knowledge of national and international affairs.

Mr. House submits the following statement but as I listened to his testimony along with the members of the Finance Committee I was tremendously impressed with the sincerity and practical nature of his oral presentation. I believe that the Members of the Senate and all others concerned with this problem can benefit by what Mr. House had to say to the committee and I, therefore, ask unanimous consent that a transcript of the oral remarks of Mr. House before the Finance Committee be printed at this point in the Congressional Record.

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

**Remarks of Mr. William House Before the Senate Finance Committee**

Mr. Chairman, this morning to the Senators and Congressmen and friends gathered here I would like to testify for the Kansas Livestock Association as its president, and the American Hereford Association as its president.

I have had a good deal of trouble getting here. I missed a plane in Kansas City on account of overcast and was delayed about 4 hours. Then I flew on another plane. The generator went out. I was wandering around the lobby in the airport in Chicago, and you know, bad news always run in great amounts. When you get it, it piles up on you. I just happened to pick up the U.S. News & World Report to kill a little time and it says: "It is To Be A Real Boom." I said, well that is the third ship that the stockmen in the United States are going to miss today because they are going to be no boom in the livestock business, I can guarantee you.

To make matters worse, I turned over to page 37, and it pretty well explains why we are appearing here today.

On page 37 it says: "Dean Rusk and diplomats of the State Department are described as exercising more influence over U.S. policy on beef imports than Orville Freeman, Secretary of Agriculture. These U.S. diplomats, it is said, prefer not to offend cattle raisers and are appearing to be a net importer of beef against meat restrictions to help American cattlemen."

Now, that is exactly why I am here this morning, and that is why throughout the United States and in my State have insisted that we appear before this committee.

In the last 15 years we have witnessed a tremendous expansion of the beef industry in the United States. Producers increased
their herds from 77 million head to over 106 million head during this period of time. Feeder on family-size farms converted to efficient mechanized equipment in order to feed more cattle. Huge feedlots for type feedlots were constructed and operated close to the centers of population. New and modern feedlots per head. Now, to again mention the fact that one is much more mention the fact that the United States has three lots ever lost a lot of money in a row before. Now, today's market is one of the worst that we have ever seen. The feedlot industry has improved the quality of its product with more grain feeding, processors improved their methods, and retailers put beef on the counters in more desirable cuts and in attractive packages. It is a true American success story.

Recently, we find the entire industry grinding to a halt. The expansion period seems to be over. Prices of fed cattle have dropped below the cost of production, and unless feeders can be enabled to recover in the next few months, we will see the decline reflected in the demand for feeder stock. Fall and during the peak movement of cattle from the range to the feedlots this fall.

Now, prices alone would indicate the necessity for better production more in line with active demand. However, today the great question is not whether or not we can adjust production to that desired level where the borders of this country, it is to clearly determine the attitude of the Federal Government toward its own citizens engaged in the feeding of beef cattle.

More dramatically stated, the question becomes: Does the American market belong to American stockmen, and if the answer is no, then what percent of the American market is to be reserved for us and what percent will be guaranteed to producers and feeders in foreign countries?

Today the entire industry is restlessly awaiting the signal from Washington. Shall we go back or shall we slow down? Will we supply the market or shall we depend on other countries?

We can adequately supply the entire domestic demand from our herds and feedlots and at a reasonable price. An hour's work will buy more beef here than any other place in the world.

Gov. John Anderson has ably presented the problem as it is in Kansas. It shows that the economic impact has just begun. We have both types of feedlots, we have herds of cattle that have increased, we have packinghouses that have moved in from the river areas, and we are particularly proud of the development that has taken place in Kansas.

I might say that when you drop the price of cattle you have taken the profit out of it, and it has a tremendous impact on the purchasing power of the farm and ranch families throughout Kansas. And Kansas is one of the leading states in the Middle Western states.

Now, today's market is one of the worst that we have seen for many years. It costs a mill to move 25 cents a pound to put flesh on a steer that weighs 600 to 800 pounds that is destined in the markets.

Those cattle in turn are bringing an average in Kansas for a lot of feeders. The feeders had to take the price of prime grade cattle as low as it is today.

Now, losses have been the rule in the cattle feeding business for three consecutive feeding periods. Oldtime feeders tell me that has been the worst under the history of the cattle feeding business in the United States. Now, that is not years. The feeding period on the average is 150 to 180 days. But I have on good advice been told that this is accurate throughout the history of the feeding business.

Sometimes one lot is a loss, and sometimes two lots are losses, but never in the history of the United States have there been losses. Now, to again mention the fact that one is much more important than the other. We have had losses in Kansas feedlots almost a year ago, that were worth about $900 at the time.

The owners will give you title to the animals if you will pay for this year's feed bill! But how much is the total value of the animal? In not being able to give these cattle away, the owners send them and sends the entire proceeds back to the feedlot that fed them and sent them away.

That is an extreme case.

But the average case is somewhere from $35 to $57 per head. It has cost the livestock industry in the United States somewhere in the neighborhood of $1 billion in net profits in 1963. I figure that on the basis of average losses against slaughter which runs about 35 million cattle in the United States—and has for 2 or 3 years—

I think that is a minimum figure for the average.

Now, of course, the great question of the day is the impact of imports. Imports provide a very necessary role for the industry in the first time in history. This is the new factor that many feeders failed to recognize and many people tend to minimize. We have had periods of declining prices before, but we have never witnessed a period when imports increased when our prices were high.

In 1956, we had rather a slow year, but imports were only running 1.6 percent, but they have increased all through this declining part of that period. In 1960 they were 2.6 percent, and they are 13.3 percent or a full month's supply of beef in the United States.

Now, most of this beef comes as boned beef. It competes with the ground beef of our cows and bulls that we are through with at the ranch. It also competes with the beef that is ground from the carcasses of fed cattle.

I have checked this very closely. A minimum of 15 percent of a fed animal is ground and sold as ground beef. A maximum of 38 percent, but an average in the United States of somewhere between 20 and 24 percent is always sold as ground meat.

Now, this beef is being sold in the place of this fed beef that is ground; it is being mixed half and half, and the beef is being sold of which we have supplied by parts from these animals.

Now, the economists for a long time have recognized that when people have enough food they give very little for any extra. And that is the thing that we based our decisions on and our conclusion that imports have had a tremendous impact on prices in the United States.

It is this: That once the channels of trade are full, and demand is sold as ground beef. A maximum to meet all needs, the price will drop somewhere around 20 to 25 percent for every 2 percent increase in supply, and we think that is exactly what has happened to the beef business.

If you take out imports today, this 11.3 percent, our increase of beef production last year was not equal to the increase in population of a little over 3 percent, and the increase in consumption of 8 percent. There is a 2 percent increase in the price of beef.

The livestock industry in the United States is in exact balance today with the demand for its product. You pull the 10 percent, you take 11 percent, you have them in balance. You put them on the top of it and you have demoralized and wrecked the U.S. market for beef.
Now, that is direct county taxes for local support.

In Chautauqua County, N.Y., it costs $14 a head direct local taxes to the local government, and this is a cow and waggon; the cow cost in Austrlia for less than $11. These are the things that Kansas cattlemen and the U.S. citizen support against.

Actually with our costs in the United States, it costs us $100 per calf unit to produce it. If we don't get more than that we have to close down the business, and these figures have been substantiated by all the colleges in the Midwest.

Now, we can go to 2 years ago and foreign countries took all of the increase in consumption that we had built into the American market with our own money and our own efforts. To say that we are unhappy is to be speaking very quietly.

We don't know whether we should promote the selling of beef any more or whether to withdraw our efforts. For some time and some day, the decision has to be made as to who you are going to depend on for your protein supply.

Now, the theory of free trade enters into this, but we can't find any free trade today. We simply find the United States being a dumping place for anything that somebody else can grow or manufactured cheaper somewhere in the world than the United States. Protection was contemplated when we came into the Union, and it deals with legislation only.

There are few products today that cannot be grown or manufactured cheaper somewhere in the world than the United States almost double the world market. In many cases, the United States is here and we have to stay.

Our land is here, and we, our production unit is here and we have to stay.

The oil industry is protected by quotas that create a price for crude oil in the United States that virtually keeps our industry in the national interest, the defense industry and all of its suppliers are completely protected against foreign competition.

We have no free movement of labor. We prevent the bidding for jobs in this country with immigration quotas, minimum wage laws, collective bargaining. If these restrictions can be justified, then it should be no problem to justify the protection of agriculture in this country.

Other governments make their No. 1 policy, and offer no concessions to outsiders in agriculture.

Now, in closing, I would like to say this, and it deals with legislation only.

There are few products today that cannot be grown or manufactured cheaper somewhere else in the world, and cheap transportation opens our markets to them. Protection against the differentials in costs that have been elaborated governmental policy is an absolute necessity if we are to retain both production and employment in this country.

There is little value in seeking a customer abroad if you have a better customer at home. As citizens of this country, we offer no appraisal protection from countries where production costs, including wages, are far below that of the United States. Protection was contemplated when article 1, section 8, was incorporated into the Constitution.

The first and third grants of power to Congress handed the authority to impose duties on imports and to regulate commerce with foreign countries directly to the legislative branch.

To regulate is defined as to bring under control or fix the amount, and no other words could better describe what our industry desires of Congress.

The basic industries of this country were developed and protected by preservation through the use of duties, quotas and even embargoes when necessary in the best interests of the country.

The exercise of this authority can be reviewed by the Congress. To permit our markets to be placed on the trading block by the State Department runs counter to the welfare of this entire country. Prosperity is difficult to maintain for only a few. The long-range dependable food supply has to be developed and maintained within this country if we are to be strong and independent.

Now, the producers in agriculture are also the greatest consumers of manufactured goods. They deny them the profits necessary to permit the purchase of these goods will be felt throughout the Nation. At this time, our markets are below cost of production of beef. If without question added to the heavy domestic production and contributed to the demand, we can get.

It is within the power of Congress to bring under control the factor of imports by imposing quotas.

To cut them in half would certainly be realistic, and leave a larger share of the market for foreign countries than they were formerly accustomed to have. The industry is entitled to a high degree of protection that we can get only with legislation.

We must have long-range planning, a reasonable expectation in order to assure contract capital and credit necessary to continue in business.

If Congress will fulfill its obligations under the Constitution, and impose quotas, then we, as an industry, will make a determined effort to solve our internal problems in the best interests of this country. Thank you.

EDITORIAL PRAISE FOR ACCOMPLISHMENTS OF PRESIDENT JOHNSON

Mr. HUMPHREY. Mr. President, it is most heartening to read of the continued editorial support for the policies of President Johnson and his administration.

From all sections of the country, the message is the same: "President Johnson is doing a magnificent job as Chief Executive; keep up the good work."

I have collected a sampling of editorial opinion dealing principally with the President's war-on-poverty message, his hour-long fireside chat reviewing the first 3 months of the Johnson administration, and additional public opinion polls citing the high level of support throughout the country for the Johnson policies.

As a Democrat, these editorials make good reading. But, more importantly, they make good reading as an American. When a President is successful in the policies he pursues—whether he be Democrat or Republican—the entire Nation enjoys it. If the President is the man made, it is certainly the case during the opening months of President Johnson's historic Presidency.

Mr. President, I ask unanimous consent that these editorials be printed at this point in the Record.

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

[From the Christian Science Monitor, Mar. 29, 1966] STILL BRONX BOMB

(By Godfrey Sperling, Jr.)

Gallup and Lou Harris, not to speak of Sam Lubell, may have said it, but I like to think there is a special ring of authority when it can be announced from the Grand Central Terminal survey now says it:

President Johnson's popularity still remains quite high.

Actually, there is a real question whether this is the second edition of the Grand Central poll—or whether because of a blunder we are starting all over again. Two months ago I took a sampling of opinion at this gathering place of people from all over the United States—as they go to and from trains. At that time the Johnson rating was quite high.

But soon thereafter a letter from a reader pointed out that we were ignoring the Grand Central Station. She said that this was a terminal, not a station, and that it was on the building if I were at all observant. So it seems we must start anew with this Grand Central Terminal (not station) pluming of public opinion.

The most significant finding, perhaps, in polling on two different days, was that among two dozen people who identified themselves as Republicans—looks like nobody who thought Johnson would be defeated in November.

Among others, of course, were those who were hopeful that a Republican would win. But soon thereafter, saw it as possible.

Typical answer came from two men who identified themselves as engineers and residents of the Bronx. Said one: "He's doing fine. He has my confidence." Said the other: "I think he has done a remarkable job—to have all these responsibilities thrust upon him."

Another Republican, this time an attorney from Minneapolis, did not rate Johnson quite so high—expressing more confidence in Kennedy than in Johnson. But he did say: "I think you will see a different Johnson after he is elected in November." He volunteered this confidence in Johnson's election without being asked.

What do the Negroes think about Johnson and his position on civil rights? Said a New York City central station attendant: "I'm doing a good job so far. I had a question about him at first on civil rights, because of the part of the country he came from. But I don't have this question any more. Also I like this tax cut. It means $3 a week for me, and that's quite a bit."

Another attendant said: "He'll certainly get my vote. His civil rights program is the greatest thing that ever happened for the Negro. It was Renewal, and he's following through on it. If he goes ahead with the poverty program, that will be great, too."

Where a white, high school senior at the Thomas Jefferson High School in Brooklyn, also a Negro, said: "I'm satisfied with what the President is doing, but I thing he could do more for civil rights."

Another Negro, standing close by, who is employed with the U.S. Government in New York State, said: "He's doing a fair job. He's an honest politician."

Another Negro, standing close by, who is employed with the U.S. Government in New York State, said: "He's doing a fair job. He's an honest politician."

Moving along the tunnel between the Roosevelt Hotel and the terminal there were several comments from men working at several of the small shops: Newsdealer: "He's..."
The setting was the relaxing atmosphere of the most important international confer-
ence room with its wall-to-wall carpeting, vinyl upholstered chairs placed well apart,
subdued indirect lighting, potted palms, and
wood-paneled walls.

More than 300 reporters turned out, many of them on their day off. If it wasn't exactly
intimate, as a meeting of the电视机 reporters, it was more of the traditional press-
hall networking than the investment bankers' or real estate tycoons' kind.

The President remained seated at a large
desk in front of the Great Seal of the United
States flanked by the Stars and Stripes and
the President's wife, who was wearing a
strong flesh tone to his face, graying hair,
brushed back pompadour, style, character
lines around his eyes and mouth.

He wore a dark blue suit, light blue shirt,
and blue-and-white striped four-in-hand
tie, somewhat more conservative than his
usual appearance.

Glancing around the room, he singled out questioners by recognizing those who raised
their hands to ask questions. He ignored those
two graspful female persecutors of Presidents,
Sarah McClendon and May Craig. The re-
porters seemed to be testing the water gin-
erly, as was the President.

The President's public relations advisers
have been reluctant for some time to expose
him to interrogation by hip-shooting re-
fers in all TV cameras, fearing that
might suffer in comparison to the late
President Kennedy. They are two entirely
different kinds of Woodward.

But Johnson demonstrated that he could hold his
own in debate.

He gave the appearance of a man of the
people who knows instinctively what Amer-
icans are thinking on the issues, and he
wants to do the right thing. He keeps on
keeping on top of all developments and wants
to know what he thinks is best for America and
the world.

You get a feeling that when President
Johnson decided, every President
does—it will be the result of misinfor-
mation or inadequate information, rather
than a misstatement of facts or a mis-
statement.

Johnson doesn't get excited or ramble on. His con-
versation is known to be a proud and forceful man.

To those who sat in the room at his first
conference, Johnson conveyed an attitude of
simple sincerity. He smiled at times, a slow and uncertain smile at first,
reaching out for friends. There was even a
hint of humility about this tall Texan who is
known to have a foot in the door and forever
in the door.

In the 3 months since he has been Presi-
dent, Johnson has held several meetings with
the press on short notice in the White House
Oval Office, but none have been as
informal as for Saturday sessions, reminiscent of the
farm and ranch country where folks do their work on weekdays, then go to town on Sat-
urday to relax and swap information.

But the first formal news conference, an-
ounced well in advance and carried live on
radio and television, was held on Saturday,
Leap Year Day, February 29. This led to
some unwarranted wisecracks to the effect that
Johnson is one way of the President's fulfilling his
pledge to get the President's office out of the
business of news conferences and TV debates with his
opponent in this year's presidential cam-
paign.

The President has answered questions
matter of factly in plain language that any-
one can understand. He doesn't try to be
cute or funny. He isn't evasive and he
doesn't get excited or ramble on. His con-
ferences are conducted with dignity befitting the
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business of news conferences and TV debates with his
opponent in this year's presidential campaign.

The President's obvious pleasure in the
exercise of Presidential power emerged
clearly. Despite the awesome burdens of the
office, he has never felt better, the President
indicated.

If President Johnson does manage to achieve a
"better deal" for the Nation, especially in re-
gard to peacemaking and the elimination of
armaments, his place in American history will be
secure.

"I think it is too early to tell. I think he's
almost as well as Kennedy." Said an artist:
"I have every confidence in Mr. Kennedy.
I think he's going to do a little better than
President Johnson. They are two entirely
different kinds of Woodward."

The President offered to define his administra-
tion's objectives, but for that reason perhaps a
realistic one.

"We hope, however, that it is not consid-
ered a substitute for the traditional news
conference where tough reporters from all
ever, at any time, at any point of view, can fire away at the Chief Executive.

Such a freewheeling exchange is an essential
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one female vote Mr. Johnson tucked safely in the bank was duplicated many times over through the last election and job either. It is possible that the political pros—that is to say those who make bum guesses for money—would advise the President's fervent personal admirers to stick that ritual to berate Bunker Hill, but one view-
er's guess is that the people who elect Ameri-
can Presidents found it moving, reassuring, and admiration of Sargent Shriver
needy sometimes seemed to contain the elusive instability of quicksilver. People admired it
and liked to see it at work, but it was always with a nagging sense of diquiet one
experiences in watching a trapeze artist per-
form.
For all his dedication to the homely vir-
tues of peace, fiscal responsibility, and pa-
tience in the face of travesty, the President's
sure political instinct told him that stand-
patting and an informal format, he
He said he wanted to be a progressive “with-
out getting both feet off the ground,” and he
was canny enough to give substance to what
mighthawks from Congress a meaningless
platitude by alluding to his message to Con-
gress outlining his program for making war on
poverty.
It is hard to flaw his performance, except
in minor detail. He shouldn't squirm so
much, he ought to try smiling more often, and
take his informal format, he
might have found profit in being a little less
wary and a little more relaxed.
American the gallus-snaping,
ning, thigh-thwacking school of politicians.
They but like a man who talks to them as
equals—witnesseth again Mr. Truman—and this is a valuable fact that President Johnson
seems to have learned.

[From the Denver Post, Mar. 11, 1964]

**ARMY COULD HELP (HUMAN) SALVAGE JOB**

You have to be on your toes these days to keep up with Lyndon Johnson's war on pov-
erty. Until we saw the story Monday that plans are afoot to lower the selective service draft age—possibly to 18—we thought the war on poverty hadn't started yet. That Sargent Shriver still needed marching
orders from Congress a meaningless
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seems to have learned.

[From the Denver Post, Mar. 11, 1964]

**OPERATION RESCUE**

"What you are being asked to consider is
not a war and few have been warned
President Johnson Monday in his message
summoning Congress to a nationwide campa-
ign against poverty, "but poverty is not a
simple and easy enemy."

The facts of the situation amply sustain his appeal for action. The recent 1964 re-
port of the Council of Economic Advisers, up on which Mr. Johnson has drawn largely for
his plans to reduce poverty in the United
States, finds that no fewer than one-third of all
children living under $1,200 a year are in
existence on total incomes of less than $3,000
a year in the richest Nation on earth, with
improvements.

Even grimmer is the picture drawn by the National Policy Committee on Pockets of
Poverty, which includes former President
Truman and three Nobel Prize win-
ers.

3-year study not only finds the
CEA report overoptimistic. It reports that
nearly one-third of the country's families
found in the destitution level of $2,000 a
year, among such groups as nonwhite fam-
ilies, families whose heads are women, cou-
ples over 65 or with some farm families, and
those whose heads have 8 years of schooling.

This is the situation which has elicited
from the President one of the strongest ap-
peals for concerted social action at all levels
of our society that the Congress has heard
since the onset of the depression.

The challenge, he rightly points out, is not
merely one of giving succor to the disheartened,
but finding ways "to give people a chance"
by opening to them gates of opportunity
which circumstance and a changing indus-
trial society have closed.

The Economic Opportunity Act sought
by President Johnson will not displace current
emergency aid programs, such as those now
operating through the poverty-stricken
reaches of Appalachia. Rather it seeks to
launch a five-way, coordinated attack on root
causes of our society's ills.

This would be undertaken by a recon-
stituted National Conservation Corps to
train and educate youth presently thwarted
from useful work by educational, health,
and other disabilities; a new national work-
training program directed by the Department
of Labor through cooperation with State and
local government, a national work-study
program, under the Department of Health,
Education, and Welfare, designed for youths
between the ages of 16 and 21, and a com-
munity action program for cities and rural
areas.

The President's planned national war on
poverty is inevitably complex; but his selec-
tion of Sargent Shriver to coordinate its
many parts and supervise its operations
would seem to assure expert direction. Its
costs, Mr. Johnson sets at approximately

§92 million—all of which, he is at pains to
remind Congress, has been provided for
already in his economy budget.

The added strength this massive program
foressees for the Nation's economy could be
enormous. Its impact upon educational def-
cesses, upon the ominous problem of job-
less youth, and urban and rural social
health, could be tremendous. But its great-
est impact will not come for all these years
until the President has spoken to the spirit and con-
science of the Nation.

[From the Atlanta (Ga.) Constitution, Mar.
17, 1964]

**GOOD STRATEGY, ABLE GENERAL SET STAGE FOR**

President Johnson's long-awaited program
to alleviate poverty finally reached Congress
as an economic necessity rather than as an act of
be a comprehensive, reasonable and well-
thought-out plan.
The President is up against an ancient and
ancient and formidable foe. Despite the influ-
ence we see all around us, poverty has been gaining ground in recent years. Automation is on the
march. Capital equipment and skilled and the undereducated. Unemploy-
ment is up. The lot of the poor is getting
tougher.

The miasma of gloom and had made it all the darker because it exists in the strongest and
wealthiest land in the history of the world.

So the moment for the assault on poverty has arrived. And President
Johnson has selected an able one in Sargent
Shriver. Mr. Shriver has scored a resounding
success as chief of the Peace Corps. And one of the President's
in the administration's campaign will be the volunteer workers who will
constitute a domestic version of the Peace
Corps.

Mr. Johnson's other proposals—such as the
work-study program, the job corps, the work-
training program and the community action
program—sound logical and reasonable.

Their effectiveness will depend, of course, on
how they are executed. And this will be a
test of Mr. Shriver's skill, for the "war on
poverty cuts across the administrative and
responsibilities of practically every major
department of Government.

Mr. Johnson's "war on poverty" cannot be dissociated
as another battlefront for
the poor. It affects every American, since the
United States cannot continue to present
a strong and unified front against its ene-
 mies with one-fifth of the Nation caught up
in the bitterness and frustration of poverty.

Alleviating poverty will also strengthen the American economy and reduce the drain
of welfare costs.

In view of the objectives—they are large but
nevertheless realistic—the cost of Mr.
Johnson's program (less than $1 billion) is
modest.

For this relatively small amount, the
United States can fight a war in which the
war on destruction, and creation
of a stronger economy and a society in
which every citizen can hope for a better and
fuller life.

[From the Chattanooga (Tenn.) Times, Mar.
17, 1964]

**OPENING THE WAR**

President Johnson's antipoverty program,
outlined in a special message with few sup-
ries, has an encouraging framework of practicality beneath its aura of idealism.

The President said his "total victory" in this war against poverty. It is
doubtful that his administration or any of its immediate successors will be able to claim
that as an accomplished fact, or to offer
substantive proof for his assertion that "for

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CONGRESSIONAL RECORD—SENATE
March 30
The President's program will call for no unanticipated funds, as the money to finance it is included in the $97.9 billion budget which was sent to Congress.

The plan will cost $962.5 million, which is less than 1 percent of the national budget, and only about 2 percent of the Nation's defense expenditures. This seems to be a comparatively small amount in relation to the long range benefit it promises to bring. Preliminary figures have been made promptly to carry out his pledge to the Nation and correct poverty conditions which have no sound reason for existence. The next step is up to Congress.

[From the New York Post, Mar. 19, 1964]

CONGRESS SHOULDN'T ABUSE THE SITUATION

It was right that President Johnson's crusade against poverty should be spearheaded by proposals to help underprivileged youth. They are, says the magazine Christianity and Crisis, "the unemployable" who, unless helped now, will grow into tomorrow's "unemployable adults."

But poverty, as President Johnson's message to Congress noted, is a many-faced ailment. It is more than a struggle simply to support people, to make them dependent on the generosity of others," Mr. Johnson said. "It is a struggle to give people a chance."

If the campaign can be waged within that framework, it can be meaningful in whatever degree of success it achieves.

[From the Nashville Tennessean, Mar. 17, 1964]

For months the American people have been hearing that the Johnson administration, alarmed by the high incidence of poverty and the high rate of unemployment, would launch a comprehensive "war on poverty."

Some of the White House frontline soldiers, eager to take aim and fire, have already fired blanks in Congress to establish a Youth Conservation Corps patterned after the great depression's Civilian Conservation Corps, and a National Service Corps that would do for the 60 States, or those needing it, what the Peace Corps is achieving abroad. President Johnson, in his special message to Capitol Hill giving in detail his own conception of how poverty and unemployment shall be dealt with, will require the dispatch to Congress of many other bills, and the establishment of a new executive agency, headed by Sargent Shriver—the Office of Economic Opportuni ties.

The chief emphasis in this wide-scale war will be laid upon the creation of jobs for young people, whose background is one of intense poverty, whose education is limited or almost nonexistent, whose skills are minimal, and who are unemployed when they have work—at very low wages.

These young people are not only the fruits of poverty, but the creators of poverty when they marry and begin to have families of their own. For every boy or girl of exceptional...
and almost all other Chief Executives have with his war on poverty a sense of urgency which President Johnson standing success of his many programs all-embracing new Frontier program that a large-scale program of relief and rehabilitation will be worth the cost, now estimated at around a billion dollars that is so evident to the affected communities. The question, as we see it, is not whether the attempt should be made, but whether the country can be made to think about this passionate nation in the world can refuse to make the effort.

[From the Miami News, Mar. 17, 1964]

ATTACKS MANY FRONTS: LBJ LEADS POVERTY WAR; CONGRESS MUST RESPOND

Few large metropolitan areas of any level of prosperity specially our own—can fold to the immediate importance of poverty which President Johnson outlined to Congress yesterday.

The Florida State Employment Service estimated that 5,000 youths are walking the streets of Dade County without the schooling or training to equip them for gainful employment. Nationally, thousands of young people are in similar circumstances.

Not all the unemployed are young. Some are heads of families who have been displaced by the changing nature of our economy.

Since poverty does not spring from any single cause, the program outlined by the Johnson administration is appropriately broad. It depends to a great extent on cooperative and expanding educational and health programs already in existence.

But the emphasis is on the youth problem, with the establishment of a Job Corps which would resemble the old Civilian Conservation Corps except that it would be under nonmilitary direction. The plan borrows from the Peace Corps the idea of a volunteer service group. It also borrows the Peace Corps' popular Director, Sargent Shriver, to head a new Office of Economic Opportunity.

An especially attractive feature of the program is its heavy reliance on local action at the county and state level.

This comprehensive attack on poverty has been a long time in the planning. Originally conceived by the late President Kennedy, it has been adopted by President Johnson as one of his major legislative requests.

We hope the Congress responds with the sense of urgency which President Johnson himself displayed in his message, and which is so evident to the affected communities.

[From the Minneapolis Star, Mar. 17, 1964]

LBJ'S WAR ON POVERTY

Lyndon B. Johnson doesn't have the flair of John F. Kennedy for igniting a crusade. Mr. Kennedy, like the Alliance for Progress, the Peace Corps and other New Frontier measures a cultural enthusiasm which contrasts with Mr. Johnson's pedestrian presentation of ideas.

Of course, not all of Mr. Kennedy's enthusiasm brushed off on others. The Peace Corps might be acclaimed as the only outstanding success of his many programs although some of its projects—as the tax cut—were taken up by President Johnson and proven along the way.

Whether Mr. Johnson can do the same with his war on poverty is still a big question. The Peace Corps might be said to be the only legislative request of President Johnson's that has not been adopted by the Congress.

But this effort must constantly be made, by any administration tinged with benevolence, to help the lot of the unfortunate. Automation is upsetting job patterns. The population has been created the need for many new work positions.

President Johnson may be putting himself and Sargent Shriver on the spot in this new drive. Whether the rest of us can do is to wish them well—and lend a hand when we can.

[From the Rochester Democrat-Chronicle, Mar. 15, 1964]

CRITICISMS "INACTUATE" ON JOHNSON SPEECH

(By Max Freedman)

There has been so much speculation, most of it wrong, about President Johnson's speech in Los Angeles on February 21 that the theme of that speech should be set down simply and clearly.

President Johnson has been accused of speaking recklessly and provocatively when he issued his warning that external support of the Communist forces in South Vietnam amounted to a "deeply dangerous game." President Johnson has said that his secretary, has been blamed for emphasizing these words and for hinting at an enlargement of the war which the administration did not dare avow in public. There are worries both on issues dragged into public debate or become less open to conversion once their views are known to the public. This President suffers, and nothing benefits from this process except the circulation of newspapers.

"All in due time" may be unpopular advice to give American makers, but it is correct policy does not detract from its wisdom. The warning at Los Angeles cannot be turned into action without the American public, at the right time, being fully informed and consulted.

EXECUTIVE SESSION

Mr. HUMPHREY. Mr. President, I move that the Senate proceed to the consideration of executive business. The motion was agreed to, and the Senate proceeded to the consideration of executive business.

EXECUTIVE MESSAGES REFERRED

The ACTING PRESIDENT pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

[For nominations this day received, see the end of Senate proceedings.]

The ACTING PRESIDENT pro tempore. If there be no reports of committees, the nominations on the Executive Calendar will be stated.

U.S. COAST GUARD

The legislative clerk read the nomination of Carl W. Selin, to be a member of the permanent commissioned teaching staff of the U.S. Coast Guard Academy as an instructor with the grade of lieutenant commander.

The ACTING PRESIDENT pro tempore. Without objection, the nomination is confirmed.

INTERSTATE COMMERCE

The legislative clerk read the nomination of Laurence Walrath, of Florida, to watch with growing and urgent concern in Washington, while leaving President Johnson a range of choices in the response he would ultimately make to it. There are the strongest reasons for stating that Rusk was misinterpreted in his later comments at his press conference. He was not backing away from the Los Angeles speech; he was trying to correct the exaggerated and unjustified reactions to that speech. He was perfectly correct in rejecting the notion that a decision to carry the war to North Vietnam was imminent or that such a decision would produce a miraculous change in the situation. His statement was never intended to weaken the force of President Johnson's warning in Los Angeles or to withdraw it.

Perhaps it is inevitable that public controversy should break out on what should be next in Vietnam. But it should be understood that a grievous price is being paid for this discussion. We are not, in fact, giving the public very much guidance and help in understanding the dangers and issues, as well as the policies, which are so known to the public. The President suffers, and nothing benefits from this process except the circulation of newspapers.

"All in due time" may be unpopular advice to give American makers, but it is correct policy does not detract from its wisdom. The warning at Los Angeles cannot be turned into action without the American public, at the right time, being fully informed and consulted.
be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1970.

The ACTING PRESIDENT pro tempore, Without objection, the nomination is confirmed.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the President be immediately notified of the two nominations confirmed today.

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

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the President be immediately notified of the seven nominations confirmed today.

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

The President is authorized to appoint a Commission to conduct an investigation and study to determine the feasibility of, and the most suitable site for, the construction of a sea level canal connecting the Atlantic and Pacific Oceans, and the best means to effect its construction, whether by conventional or nuclear means.

On March 3 and 4, 1964, the committee held hearings on S. 2497 and S. 2428. Among the witnesses who testified were Deputy Secretary of State, Secretary of Defense, and the Chairman of the Atomic Energy Commission, to conduct an investigation and study to determine the feasibility of, and the most suitable site for, the construction of a sea level canal connecting the Atlantic and Pacific Oceans, and the best means to effect its construction, whether by conventional or nuclear means.

The committee, aware that action is required now to insure the future free flow of transisthmian commerce so important not only to the interests of the United States but to world trade as well, reports without amendment this bill to provide for an immediate and substantial increase in the feasibility of, and the most suitable site for, the second transisthmian canal to connect the Atlantic and Pacific Oceans. Moreover, in recommending that the bill do pass, the committee is conscious that the construction of a canal at sea level constitutes a civil engineering project connecting the Atlantic and Pacific Oceans and the best means to effect construction, whether by conventional or nuclear means.

STUDY TO DETERMINE SITE FOR CONSTRUCTION OF CANAL CONNECTING THE ATLANTIC AND PACIFIC OCEANS

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 934, Senate bill 2701.

The ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (S. 2701) to provide for an investigation and study to determine a site for the construction of a sea level canal connecting the Atlantic and Pacific Oceans.

Mr. HUMPHREY. Mr. President, I ask, except for the letters, an excerpt from the report—because it is interesting material—be printed in the Record.

This is a very timely subject. Those who read the Record will benefit from the information which was carried over.

There being no objection, the excerpt from the report (Rept. No. 968) was ordered to be printed in the Record, as follows:

**PURPOSE OF THE BILL**

The purpose of the bill is to authorize the President to appoint a seven-member Commission including the Secretary of State, the Secretary of Defense, and the Chairman of the U.S. Atomic Energy Commission, to conduct an investigation and study to determine the feasibility of, and the most suitable site for, a sea level canal connecting the Atlantic and Pacific Oceans, and the best means to effect its construction, whether by conventional or nuclear means.

This Commission, with a chairman determined by the President, would conduct its investigation and report to the Congress by January 1, 1966.

**BACKGROUND OF THE BILL**

Senator Warren G. Magnuson, chairman of the committee, introduced S. 2497, which would provide for an investigation and study by the Secretary of State, the Secretary of Defense, and the Chairman of the U.S. Atomic Energy Commission, acting jointly, to determine the site for, and construction of a sea level transisthmian canal through the American isthmus. Pursuant to the terms of S. 2497, a final report to Congress would be required within 8 months. S. 2428, as introduced by Senator Norris Corcoran, would authorize the President to appoint a Commission including representatives of the Panama Canal Company, to make a study of the feasibility and security of the Panama Canal or the construction of a new canal to meet the future needs of interoceanic commerce and national defense.

On March 3 and 4, 1964, the committee held hearings on S. 2497 and S. 2428. Among the witnesses who testified were Deputy Secretary of State, Secretary of Defense, and the Chairman of the Atomic Energy Commission. With unanimous these witnesses endorsed the objectives of S. 2497 and S. 2428 and offered constructive recommendations which have been incorporated in the S. 2701 bill.

**NEED FOR THE BILL**

At the outset of the hearings, both Senator Magnuson and Secretary Vance stressed that although difficulties with the Republic of Panama serve to emphasize the necessity of expediting a study to determine the feasibility of, and the most suitable site for, a second transisthmian canal, nevertheless, the proposed legislation is a product of the Panama crisis. Similar bills have been under consideration by Congress for many years.

However, with the passage of time the physical limitations of the Panama Canal are becoming more apparent. In 1914 when the canal first opened traffic was light; on an average five ships transited per day. The average transits per canal now is 40 per year, and by 1980 it is forecast that interoceanic traffic will exceed its capabilities. Thereafter ships will be required to wait in line for the privilege of passing through the canal. A second transisthmian canal, if constructed, would greatly reduce waiting difficulties for the shipowners and, ultimately, to consumers.

There are other physical limitations inherent in the Panama Canal. Its intricate and complex locks, which measure 1,000 feet in length and 110 feet in width, and its channels with a minimum depth of 42 feet, already preclude the entry of many ships from the ocean. Even today 24 U.S. naval vessels and 50 commercial ships cannot transit the canal. An additional 500 ships pass through with a full load. Some must reduce their capacity by 30 percent in order to transit. Even larger ships under construction will be blocked from using the canal. In addition, the intricate nature of the locks poses a serious security problem. Problems oflocks could result from hostile acts directed at the present canal's mechanical equipment. Such a risk would not be involved in a sea level canal.

That such restriction on the free flow of transisthmian commerce is vital concern to the United States is apparent upon consideration of the fact that 70 percent of the tonnage which transits the Panama Canal involves goods which either originate in, or are destined for, the United States.

Mindful that the canal is rapidly receding into obsolescence, Government witnesses advised the United States should proceed expeditiously with the proposed investigation and study in the belief that eventual construction of a sea level canal is desirable and in our national interest.

The committee is conscious that the construction of a canal at sea level constitutes a civil engineering project connecting the Atlantic and Pacific Oceans and the best means to effect construction, whether by conventional or nuclear means.

**SECTION 1**

Section 1 of the measure would authorize the President to create a Commission composed of seven members, including the Secretary of State, the Secretary of the Army, the Secretary of Defense, the Chairman of the Atomic Energy Commission, to conduct an investigation and study to determine the feasibility of, and the most suitable site for, the construction of a sea level canal connecting the Atlantic and Pacific Oceans and the best means to effect construction, whether by conventional or nuclear means.

**SECTION 2**

Section 2 specifically authorizes the Commission to utilize the facilities of any executive department or agency and to avail itself of such expert assistance as may be required, in accordance with the provisions of section 15 of the act of August 2, 1946 (5 U.S.C. 65a).

**SECTION 3**

Section 3 makes it mandatory that the Commission complete its investigation and study and submit its report to the Congress by January 1, 1966. The President is requested to submit such recommendations to the Congress as he deems advisable.

**SECTION 4**

Section 4 authorizes the appropriation of such sums as may be necessary to effectuate the purposes of the legislation.

The ACTING PRESIDENT pro tempore. The bill is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized to appoint a Commission to be composed of seven men including the Secretary of State, the Secretary of the Army, and the Chairman of the United States Atomic Energy Commission, to make*
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a full and complete investigation and study, including necessary on-site surveys, and considering national defense, foreign relations, intercoastal shipping, interoceanic shipping, and defense, as they may be deemed important, for the purpose of determining the feasibility of, and the most suitable location for a sea-level canal connecting the Atlantic and Pacific Oceans; the best means of constructing such a canal, whether by conventional or nuclear excavation, and the estimated cost thereof. The President shall designate as Chairman one of the members of the Commission.

Sec. 3. The Commission is authorized to utilize the facilities of any department, agency, or instrumentality of the executive branch of the Government of the United States, and to obtain such services as it deems necessary in accordance with the provisions of section 15 of the Act of August 2, 1946 (5 U.S.C. 55a).

Sec. 4. The Commission shall complete the investigation and study as provided in section 3 of this Act and present its findings and conclusions to the President and the Congress by January 31, 1946. The President shall submit recommendations to the Congress as he deems advisable.

Sec. 4. There are hereby authorized to be appropriated such amounts as may be necessary to carry out the provisions of this Act.

Mr. HUMPHREY. Mr. President, I move that the motion which Senate bill 2701 was passed be reconsidered.

Mr. JAVITS. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

RELOCATION OF THE SENECA NATION

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of House bill 1794.

THE ACTING PRESIDENT pro tempore. Is there objection?

There being no objection, the Senate proceeded to consider the bill (H.R. 1794) to authorize the acquisition of and the payment for a flowage easement and rights-of-way over lands within the Allegany Reservation in New York, required by the United States for the Allegheny River (Kinzua Dam) project, to provide for the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 13, after the word "including", to insert "such uses"; in line 14, after the word "increased", to strike out "dif-
ficulty or impossibility" and insert "ex-

The bill was read and referred to the Committee on Interior and Insular Affairs with amendments on page 1, line 13, after the word "including", to insert "such uses"; in line 14, after the word "increased", to strike out "difficulty or impossibility" and insert "expense"; in line 22, after the word "increased", to strike out "difficulty or impossibility" and insert "expense"; on page 3, line 3, after the word "under", to strike out "$1,033,275" and insert "$824,273"; on page 4, line 13, to insert:

(f) The sums payable under (a) and (c) of this section shall be subject to deduction in accordance with stipulations entered into, or to be entered into, between the United States, the Seneca Nation, and individual Seneca Indians if it is judicially determined that title to any lands or improvements to which such compensation relates is not vested, in whole or in part, in the Seneca Nation or individual Seneca Indians.

On page 7, after line 3, to strike out:

Sec. 4. There is authorized to be appropriated the additional sum of $9,631,000, which shall be deposited in the Treasury of the United States to the credit of the Seneca Nation and which shall draw interest on the principal at the rate of 4 per centum per annum until expended, for assistance designed to improve the economic, social, educational, and recreational conditions of enrolled members of the Seneca Nation, including, but not limited to, the following purposes:

(a) agricultural, commercial, and recreational development on the Allegany, Cattaraugus, and Oil Springs Reservations;

(b) industrial or commercial development on the Seneca reservations or within fifty miles of any exterior boundary of said reservations;

(c) relocation and resettlement, including the construction of roads, utilities, sanitation facilities, houses, and related structures;

(d) the construction and maintenance of community buildings and other community facilities;

(e) an educational fund for scholarship loans and general vocational training, and counseling services;

(f) the acquisition of lands either within or contiguous to the Allegany Reservation, authorized under section 13 of this Act; and

(g) a survey of the boundaries of the villages established pursuant to the Act of February 19, 1933, and with a title search to determine the current status and amount of all lands issued by the Seneca Nation therein.

The funds authorized by this section shall be expended in accordance with plans and programs approved by the Seneca Nation and the Secretary of the Interior. Provided, That no part of such lands shall be used for per capita payments.

And in lieu thereof, to insert:

Sec. 4. There is authorized to be appropriated the additional sum of $8,116,650, which shall be deposited in the Treasury of the United States to the credit of the Seneca Nation and which shall draw interest on the principal at the rate of 4 per centum per annum until expended, for assistance designed to improve the economic, social, educational, and recreational conditions of enrolled members of the Seneca Nation, including the following purposes:

(a) developing and carrying out individual and family plans, including relocation and resettlement and the construction of roads, utilities, sanitation facilities, houses, and related structures:

(b) the construction and maintenance of community buildings and other community facilities;

(c) industrial and recreational development on the Allegany, Cattaraugus, and Oil Springs Reservations;

(d) an educational fund for scholarship loans and general vocational training, and counseling services;

(e) the acquisition of lands either within or contiguous to the Allegany Reservation, authorized under section 13 of this Act; and

(f) a survey of the boundaries of the villages established pursuant to the Act of February 19, 1933, and with a title search to determine the current status and amount of all lands issued by the Seneca Nation therein.

The funds authorized by this section shall be expended in accordance with plans and programs approved by the Seneca Nation and the Secretary of the Interior. Provided, That no part of such lands shall be used for per capita payments.

On page 15, line 9, after the word "under", to strike out "section 4(f)" and insert "section 4(c)"; in line 14, after the word "increased", to strike out "difficulty or impossibility" and insert "expense"; in line 22, after the word "increased", to strike out "difficulty or impossibility" and insert "expense"; on page 3, line 3, after the word "under", to strike out "$1,033,275" and insert "$824,273"; on page 4, line 13, to insert:

(f) The sums payable under (a) and (c) of this section shall be subject to deduction in accordance with stipulations entered into, or to be entered into, between the United States, the Seneca Nation, and individual Seneca Indians if it is judicially determined that title to any lands or improvements to which such compensation relates is not vested, in whole or in part, in the Seneca Nation or individual Seneca Indians.

The primary purposes of H.R. 1794 are to provide for the relocation, rehabilitation, and economic development on the Allegany Reservation, and its individual members, for certain interests in lands within the Allegany Reservation, N.Y., needed in connection with the Kinzua Dam and Reservoir project, and to authorize a rehabilitation program for the Indians. The committee also considered an amendment offered by Senator JAVITS (for himself and Senators KEATING, SCOTT, CLARK, MCGOVERN, CASE, and EVINS).

BACKGROUND

Kinzua Dam is under construction by the Corps of Engineers, U.S. Army, on the Allegheny River. Authorization for its construction as one feature of the Ohio River Basin project is contained in the act of June 28, 1936 (52 Stat. 1215, 1217), as amended by the act of August 18, 1941 (55 Stat. 638), and December 22, 1944 (58 Stat. 889), and first funds for its construction were made available in the Public Works Appropriation Act, 1938. Present scheduled closing date of the dam in June of this year, for total closure in October of this year, and for completion of the entire structure early next year. The estimated construction cost, exclusive of certain items in the present bill, is $107 million.

The Allegany, Cattaraugus, and Oil Springs Reservations are in Warren and McKean Counties, Pa., and Cattaraugus County, N.Y. Among the lands in the last-named county which will be affected are approximately 10,200 acres within the Allegany Indian Reservation, 9,100 of which are now dry land and 1,100 of which are within the present river channel. These 10,200 acres are about one-third of those currently classified as Allegany Reservation. The remainder of the reservation includes about 10,000 acres within the area bounded by the 4,000 feet contour lines, 2,000 acres in rights-of-way for highways and the like. There will thus be left about 8,500 acres of dry land for permanent and unrestricted use by members of the Allegany Tribe residing on this reservation. According to testimony from the witness for the Corps of Engineers, approximately 10,500 acres of Seneca land within the taking area will be available for use by the Indians for farming, grazing, hunting, and other purposes.

The Seneca Nation has 4,122 enrolled members, of whom about 1,103 reside on the Allegany Reservation, 1,873 on the Cattaraugus Reservation, and the remainder elsewhere. Of the 1,103 on the Allegany Reservation, 462
Section 2, subsection (d), of the amended bill provides for the payment of $824,273 for various indirect damages. The Seneca Nation claimed $1,242,250 for these items; the House-passed bill authorized $1,033,275; the Corps of Engineers recommended $824,273.

The reduced dollar amounts for the items within this category are $691,625 for the loss of timber, wildlife products, and fish; $127,050 for land; and $5,598 for the loss of the river bottom (93 acres), the corps valuing this at $6 per acre (the amount allowed in earlier legislative settlements similar to the present one).

INDEX Damages

Section 2 of the treaty of November 11, 1794, provided for the payment of $700 by the United States for the right to use and enjoyment of the land within the aforementioned boundary—the Jimersontown site and such additional amounts for the use of the same as may occur in developing the oil and gas resources of the nation as are likely to be paid for the same, but the Seneca nation, or any of the six nations, or of their Indian friends residing therein and uniting with them in the purchase, shall not disturb the same, nor part with or alienate the same, except by such parties, but there was disagreement as to their extent and commercial value.

Because of disagreement over the value of such rights and the Seneca Nation had the right to seek additional damages for this resource through judicial proceedings. In the event the nation does pursue the matter successfully in any of the cases alleged to have significant sand and gravel resources, the Government will be entitled to an offset to the extent that it has already paid for other interests in the surface of the same land. This is provided for in section 3 of the act.

The reason for separating the amount to be paid for the easements from that to be paid for the improvements is that the latter includes the rights of the nation and would include those who have only a use right in the land itself.

REHABILITATION FUNDS

The largest of the items in H.R. 1794 is that for which provision is made in section 4.

This section of the bill, as amended, authorizes a rehabilitation fund for the purpose of improving the economic, social, and educational conditions of the 4,132 enrolled members of the Seneca Nation, not merely the 1,103 members residing on the Allegany Reservation. The sum authorized amounts to $6,116,550. This is a decrease of $10,814,450 in the amount authorized in H.R. 1794 as passed by the House of Representatives.

Among the programs for which this money may be used are individual and family plans, including relocation, resettlement, and education; and the construction of community buildings and industrial and recreational facilities, utilities, sanitation facilities, houses, and related structures. It will also provide for the construction of community buildings and industrial and recreational facilities, utilities, sanitation facilities, houses, and related structures. It will also provide for the construction of community buildings and industrial and recreational facilities, utilities, sanitation facilities, houses, and related structures. It will also provide for the construction of community buildings and industrial and recreational facilities, utilities, sanitation facilities, houses, and related structures.
At the hearing held on March 2, 1964, the committee gave careful consideration to the proposed plan of industrial and recreational development ($214,468,000) supported by the Seneca Indians residing on the Allegany Reservation. It has been the purpose of the Interior Department in its report, while there is little doubt that the construction of the facilities desired by the tribe would result in providing numerous employment opportunities and possibly substantial income to the nation, the committee does not believe that this size can be provided on the basis of the loss the Senecas will sustain as a result of the Kinzua Dam. These projects would go far toward rehabilitating benefits given to other Indian tribes in recent years. Some of the developments recommended, such as the industrial park ($4,459,000), could not be constructed on the Allegany Reservation, where the Indians are to be flooded out, but on the Cattaraugus Reservation, 30 miles distant.

The other main feature contained in the proposed recreation program involves a Williamsburg-type Indian village ($71,110,000), complete with conference center, swimming pool, amphitheater, etc. It should be pointed out that only 127 Seneca families, involving 462 people, are directly affected by the reservoir. Only 8 Indians are actually making their living from the lands to be flooded. For this reason the committee doubts the project of the magnitude is unwarranted. It has been alleged that the geographical area in which the Senecas reside is a depressed one, but if this is the case, it should quality for assistance under the Area Redevelopment Administration or Federal aid programs.

The legislation would be the same as that authorizing Federal grants to improve economic conditions not resulting from the Kinzua Dam and Reservoir project. Also, the committee is concerned that the $2,500 paid for educational programs is out of line with previous settlements and that a resumption of congressional villages, while it may be desirable, has no connection with the taking of land for the Kinzua Reservoir.

In recent years Congress has enacted several statutes to protect tribes and individual Indians along the Missouri River for lands taken in connection with Fort Randall, Oahe, and Big Bend Reservoirs. Tens of thousands of dollars have been paid for these projects, and in each case special rehabilitation funds have been made available to aid them in adapting to a new and different way of life. The most desirable, has no connection with the taking of land for the Kinzua Reservoir.

The committee recommends that the amount paid for the Kinzua Reservoir site be paid to the tribe in the amount of $2,250 for every Indian living on or off the reservation. In the Seneca case, the committee's recommendations would result in a $2,250 payment for the 1,103 Indians residing on the Allegany Reservation. It further recommends the equivalent of a $1,200 payment for the 3,000 Senecas whether they live on the Cattaraugus Reservation or completely off the reservations. This payment would be made to the Standing Rock Sioux Tribe in the rehabilitation program authorized under Public Law 85-891.

The committee notes the fact that the per capita income of the Seneca Tribe is substantially higher than that of most Indians residing in the West and that the need for a rehabilitation program in New York is considerably less than in other areas of the country. By authorizing a rehabilitation program, the committee believes that this settlement is a generous one.

Under the substitute language recommended in section 4, the Senecas will be able to construct new homes to relocate those families forced to move from the reservoir area. They will be able to build roads, utilities, community buildings and facilities, and develop water resources provided on the reservations. They will also be able to formulate plans for economic, social, and educational facilities for the Seneca families whether living on or off the Allegany Reservation.

A third substantive amendment recommended by Section 5, which becomes effective upon the 18th day to provide that within 2 years following the date of enactment of H.R. 1794, the Secretary of the Interior, upon submitting to the Secretary of the Interior proposed legislation providing for the termination of Federal supervision over the property within the time thereafter. Within 90 days after the tribe submits its proposed legislation, the Secretary of the Interior shall submit the proposal to the Congress for its consideration.

In 1948 the Bureau of Indian Affairs closed its office at Salamanca, N.Y., that served the Senecas in that area. All the ordinary services provided to other citizens by the State of New York and its subdivisions, such as education, welfare, and law and order, were discontinued. The committee does not believe the Bureau should retain any responsibility for the tribe's welfare.

The resolution also directed the Secretary of the Interior to prepare legislation recommending to carry out the purposes of the resolution. Subsequently, the Secretary forwarded legislation to Congress, but it failed of enactment.

The passage of H.R. 1794 with a rehabilitation program that would require approval of expenditure of funds by the Secretary will necessitate continued supervision through the Bureau of Indian Affairs. The committee believes that the Bureau should continue to supervise the tribe in the area of a long-term view of the fact that for 16 years these Indians have been recognized as capable of handling their own affairs without further Federal assistance. The directive in section 18 requires that the tribe submit a proposed plan for the disposition of its land and other assets so that the Federal Government may withdraw from supervision of the tribe altogether at some time in the near future. The tribe's plan and proposed legislation will be the subject of committee hearings before a final program is enacted.

APPENDIX

In section 2 the committee has struck the words "difficulty or impossibility" where they appear in connection with developing subsoil resources. It is believed that these terms do not properly state the purpose for which a portion of the compensation paid to the tribe is being made, and therefore the word "expense" has been substituted.

A new subsection (f) has been added to section 2 at the request of the Corps of Engineers. The purpose and intent of the new subsection is stated in a letter to the chairman of the Subcommittee on Indian Affairs which is included in this report.

Section 3, subsections (a), (c), and (d), dealing with the severance of the tribe's interest and the rights stated on such land, and who have to move to another location. (The sums mentioned in this section are not additional to the sums for which provision is made in sec. 2 but are part of the latter.) If any individual member is dissatisfied with the amount tendered him for his use rights or improvements, opportunities will be provided for him to refuse the tender and to litigate the issue. Appropriate adjustments will then be made by the Secretary of the Interior to equalize the amount paid the nation under section 2.

The $6,116,550 allowed in section 4 will not be paid over directly to the Seneca Nation for the benefit of the Tribe. Rather, the amount will be used to pay for a public project where a cemetery has to be moved. This section also provides that the Secretary of the Army will set up a trust fund amounting to $14,400 for each grave for perpetual care. It is estimated that the cost which must be borne by this section will amount to about $643,240.

Since the United States is acquiring only easements in the land within the reservoir area, it may be desirable to retain all rights not acquired by the Government. This is spelled out in sections 6 and 9 of the bill. The committee believes that the nation provide free access to the shoreline of the reservoir and that any use by the public of its water area shall be subject to regulation by the Secretary of the Interior, Section 6, which deals with minerals, requires that any exploration for or development of minerals within the taking area shall be completed with the protection and operation of the project and with the interests in land which the United States is acquiring.

Section 9 deals with the Senecas' interest in the lands within the reservoir area is further emphasized by the reverter provisions of section 15.

The Senecas will, under section 7, be permitted to occupy the land being acquired by the Government until January 1, 1965, or such earlier date as reservoir requirements necessitate. During this period they may, under section 8, continue to harvest their crops, remove timber, mine sand and gravel, hunt, and fish. The Government after this time will seek to reimburse the tribe for any losses incurred as a result of these items will not be deducted from the compensation paid them.

Section 10 authorizes the appropriation of $2,250 for each member of the Seneca Nation for expenses which it has incurred in connection with the Allegany Reservoir project. Attorney fees will be paid under a contract approved by the Secretary of the Interior.

Section 13 of the bill as passed by the House authorized the Secretary of the Interior to use funds provided in section 4 to purchase or acquire through condemnation lands within or outside the Allegany Reservoir. If certain lands are to be condemned, the committee has amended this section to restrict the authority to acquire lands that are within the reservoir.

Provision is made that the moneys paid to the nation or to individual members of the nation shall be exempt from income taxes (sec. 17); that they shall not, with certain exceptions, be subject to prior debts, liens, or claims (sec. 3(d)); and that none of the expenditures of the United States under the act shall be subject to setoff or counterclaim in any claim of the Senecas against the Government except claims arising out of the exercise of power in land for the Kinzua project (sec. 18).

The title of the bill has been changed to reflect that the purpose of the legislation is to allow the Government to acquire in lands rather than to authorize the acquisition of flowage easements and rights-of-way within the Allegany Reservation.
to clear the memorandum with the office of the Senator from Idaho (Mr. Church), so as to insure that this statement is in the spirit of assurances given to the Senator, because we most earnestly wish to keep our faith with him.

There being no objection, the memorandum was ordered to be printed in the Record, as follows:

On February 7, 1964, the House of Representatives passed H.R. 1794 by voice vote. Mr. Keating offered an amendment to the House-passed bill which would require the Tribal Council of the Seneca Nation to submit to the Secretary of the Interior within 2 years from the date of enactment of this legislation for the Secretary's transmittal to the Congress within 60 days, proposed legislation providing for the termination of Federal supervision over the property and affairs of the Tribe as soon as practicable within a reasonable time after the submission of such proposed legislation.

As I have stated previously, I do not believe the reduction of funds or the addition of this amendment are in the best interests of the Seneca Nation. However, in view of the absence from this floor of the chairman of the Indian Affairs Subcommittee, who has provided committee leadership on this measure, those who intended to comment on H.R. 1794 have been so advised that they will have an opportunity later this week to express their views on this bill in the presence of the subcommittee chairman.

In view of the immediate need of the Seneca Nation for these funds because of the relocation, rehabilitation, social and economic development of the members of the Seneca Nation, and for other purposes.

Mr. KEATING. Mr. President, my colleague has correctly stated the arrangement we have made. So I shall not take up any time later in the week, when the Senator from Idaho (Mr. Church) will be able to be present.

I express the hope that the House version will go into conference. However, the expression of reasons for that will, under our agreement, come at a later time.

Mr. SCOTT. Mr. President, the Senate Interior Committee has cut by $44 million House authorized funds (H.R. 1794) to provide compensation to the Seneca Indians for their lands which are to be flooded because of construction of the Allegheny River Dam at Kinzua, Pa.

This depression taken despite the fact that the Senecas' claim to these lands was embodied in a personal bargain of George Washington and sanctified by one of our oldest treaties. If these people were citizens of some far-off land, instead of being among the very first Americans, I have no doubt that their cries of injustice would be echoed and thundered all across the United States. But the Senecas, as a chainsaw, is an advantage.

And, unlike many countries which have been sustained by our wealth, they cannot threaten Washington with the possibility of accepting Soviet aid.

As a cosponsor of S. 1828, which is similar to the House bill, I deplore the fact that the full amount required to carry out the purposes of the legislation is not now available.

Throughout my years in the House and Senate I have striven for economy in Government. But this cutting action is not economy, it is penury at the expense of a minority of Americans who do not have the financial means to fight back. Mr. President, I move that the vote by which House bill 1794 was passed be reconsidered.

Mr. HUMPHREY. Mr. President, I move to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

SOVIETS THREATEN ALL AMERICANS

Mr. KEATING. Mr. President, the Brooklyn Chapter of the Jewish War Veterans has recently issued a warning that should be carefully reviewed.

County Comdr. Melvin M. Hurwitz points to the continued instances of religious persecution, in an effort to ease restrictions placed upon Soviet Jewry by the U.S.S.R. as a subject for serious consideration by the people of the United States.

He also warns that the Soviet buildup of merchant ships may become an increasingly serious threat to the U.S. merchant marine and our already depressed shipyards.

Mr. President, I ask unanimous consent to have printed following my remarks in the Record the text of the statement of Mr. Hurwitz.

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

SOVIETS THREATEN ALL AMERICANS

The Jewish War Veterans of Kings County, under the leadership of Feivel Feivel, county commander, wishes to direct the public's attention to the Soviet economic threat to the world, as well as to their restrictions on religious life as it relates to the Soviet Jew.

Our State Department has suggested that serious thought be given to a "united appeal of private religious organizations representing worldwide Jewry and, if possible, other religious groups, in an effort to ease restrictions placed upon Soviet Jewry by the Moscow government. Reports of death sentences imposed in a secret Moscow trial against a number of persons charged with economic crimes, seven of them Jews, indicated again that the world must know that the American public protests these barbarous acts."

We must be aware that the Soviet Union is actively engaged in a major economic war with the United States at this very moment. Vice Adm. Roy A. Gano, commander of the Military Sea Transportation Service, stated recently that the Soviet Union has presently on order in shipbuilding yards throughout Russia, about 80 marine vessels, as compared with the United States, which has 45 ships on order. Part of this fleet will be assigned to trade routes for the specific purpose of keeping freight rates down.

This will be done in the expectation that most of the established common carriers will curtail their operations, thereby giving the Soviet Union an advantage and possibly causing economic deprivation in our country.
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Commander Hurwitz urges the public to consider the daily Soviet threats as a problem for serious consideration.

NEW YORK RESOLUTIONS IN FAVOR OF CIVIL RIGHTS

Mr. KEATING. Mr. President, as the Senate begins the debate on H.R. 7153, the civil rights bill of 1963, I offer two resolutions. In favor of the bill—ones passed by the New York State Legislature, and one by the Common Council of the City of Syracuse. I ask that they be printed in full at this point in the Record.

There being no objection, the resolutions were ordered to be printed in the Record, as follows:

RESOLUTION 58

Concurrent resolution of the Senate and Assembly of the State of New York memorializing Congress to enact civil rights legislation

Whereas the guarantees of civil rights and human dignity pledged in the Declaration of Independence and Constitution of the United States have been violated and subverted by practices of racial discrimination and segregation, which now exist in many areas of this Nation; and

Whereas the continuation of such discrimination and segregation violates the citizen right of American Americans; threatens our domestic tranquillity, impairs our Nation's economic growth, damages the foreign policies of the United States and, if not eliminated, will weaken this country as a leader of the free world; and

Whereas the laws of the State of New York have broken ground in the civil rights field, demonstrating to the States and Federal Government the beneficent social and economic consequences of implementing the moral commitments made in the Declaration of Independence and Constitution; and

Whereas there is now pending in the Congress legislation which will provide the Federal Government with the tools and instruments for pursuing its declared national goal of eliminating racial discrimination and segregation: Therefore be it

Resolved, that the Congress of the United States be, and hereby requests the U.S. Senators from this State to support the prompt enactment of the civil rights bill as passed by the House of Representatives; and

Resolved, that copies of this resolution be transmitted to the said legislators, and to the floor leader of the Senate.

Florida Anti-Civil-Rights Campaign

Mr. KEATING. Mr. President, a number of times in the past few weeks, I have had occasion to discuss the activities of the Coordinating Committee for Fundamental American Freedoms and the Mississippi State Sovereignty Commission.

It has now come to my attention, that a similar semi-official organization is operating in the State of Florida. A State commission, with offices in the capital, has been collecting funds for a private group dedicated to opposing the civil rights bill. The Florida Commission for Fundamental American Freedoms, which has been collecting funds for a private group dedicated to opposing the civil rights bill, has now been collecting funds for a private group dedicated to opposing the civil rights bill.

The Florida Anti-Civil-Rights Commission is operating in the State of Florida. A State commission, with offices in the capital, has been collecting funds for a private group dedicated to opposing the civil rights bill. The Florida Commission for Fundamental American Freedoms, which has been collecting funds for a private group dedicated to opposing the civil rights bill.

What caught my eye immediately, was the notation that "any and all moneys to be donated are tax deductible." Since Florida has no State income tax, neither is the Coordinating Commission for Fundamental American Freedoms, which keep a current list of all organizations which are entitled to claim tax deductibility for donations. The Florida Commission on Constitutional Government is not on that list. Neither is the Coordinating Committee for Fundamental American Freedoms.

Mr. President, I want to emphasize that I do not object to any group's lobbying either for or against this bill. Nor do I dispute the right of any individual to criticize what he considers to be a bill as long as he has the facts straight—or to contribute to any organization which represents his viewpoint. But I do object to distortion of facts, I do object to false and misleading claims of tax exemption, and I do object when an arm of a State government solicits funds—to be used either for or against the civil rights bill—for this campaign.

New York City School Integration

Mr. JAVITIS. Mr. President, in accordance with the practice I have instituted of placing in the Record materials describing the efforts being made by various levels of government in New York City to provide a fair and reasonable solution to racial imbalance in the schools, I ask unanimous consent that a policy statement of the New York City Board of Education, originally adopted in 1954, and reaffirmed in 1963, be printed at this point in the Record.

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

POLICY ON INTEGRATION OF BOARD OF EDUCATION OF THE CITY OF NEW YORK

BOARD OF EDUCATION OF THE CITY OF NEW YORK
Brooklyn, N.Y., October 1, 1963.

Dear Colleague: The introduction of the board of education's plan for integration, published on August 23, 1963, includes the following statement:

"The professional staff of the school system commits itself to pursue vigorously the unsettled integration policy established by the board of education."

I said this for you this summer because I believed you would want me to say it. I feel that you would like to have your own personal copy of the board's policy statement for your continued guidance. It's a pleasure to send it to you along with this note.

Sincerely,

CALVIN E. GROSS.

RESPONSIBILITY OF THE SCHOOLS IN INTEGRATION: A REAFFIRMATION OF POLICY ORIGINALLY ADOPTED IN 1954

It has been said, correctly, that the schools alone cannot eliminate prejudice, discrimination, and segregation. It is equally true that this task will not be accomplished with less than an all-out effort of the schools.

Our schools must not be neutral in the struggle of society to better itself. We must not overlook the harmful effects of discrimination on the education of all children. Moreover, within the limits of our control, we must not acquiesce in the undemocratic school patterns which are a concomitant of segregation. In short, we must continue our policy of not tolerating racial or religious prejudice on the part of any member of our school family. If education is to fulfill its responsibility, it must recognize that the school world has a significant influence on each child's attitudes and affects the future of democracy.

To further its integration policy, the school system has responsibilities to its pupils and personnel and to the communities.
the fundamental difference between what the people are in favor of correcting New York, where the whole climate and pared with the progress being made in that development is proceeding at a gation of the public schools, and where social order is segregation and where try; namely, in the South—where the is going on in certain parts of the coun-
great deal at stake in connection with cotts. The board of education has a court action. Indeed, Board of Education has acted on its own, individual public schools. I have sup-
нутed in accordance with educational needs. (a) We must provide appropriate educa-
tion and training for school personnel so that every staff member may gain an appreciation of the strengths inherent in the variety of backgrounds that compose our total popula-
(b) In recognition of the value to the children of association with professionals of different as well as our own, our schools must provide for better ethnic heterogeneity in school faculties. (c) It is essential that capable and experi-
enced administrators and supervisors be distrib-
uted in accordance with educational needs. 3. With communities: We must work closely and closely with communities: (a) We must support the efforts of those communities which are struggling to over-
come past frustration and failure and to surmount present deprivation. (b) We consider it our obligation to help develop the kind of community attitudes which will lead to the implementation of the integration policies of the city public schools.
Mr. JAVITS. Mr. President, readers of the daily press will have noted a re-
newed effort by groups in New York City who had previously sponsored the school boycott—or, at least, one of them—to get together and to present a front of unity with respect to the pending revision of the recent plan of the board of education for the correction of racial imbal-
ance. I am very hopeful—and I here express that hope—that the board of education of the city of New York will realize that, whether it likes it or not, it has become a part of the entire national effort with respect to the public schools and the racial composition of individual public schools. I have sup-
ported the general outlines of the plan of the New York City Board of Education as being a sound one; and I have wel-
comed the fact that the New York City Board of Education has acted on its own, and has not had to be stimulated by court action. Indeed, I believe that it did not need to be stimulated by boy-
cotts. The reason is that education has a great deal at stake in connection with this matter, because probably it embodies the fundamental difference between what is going on in certain parts of the coun-
try: namely, in the South—where the social order is segregation and where there is constant opposition to desegre-
gation of the public schools, and where that development is proceeding at a snail’s pace compared with the progress being made in New York, where the whole climate and the people are in favor of correcting racial imbalance in schools and in hous-
ing patterns which underline the imbal-
ance in the schools.

The New York City Board of Educa-
tion is proceeding along three lines:
First. It is bussing children to schools of their choice which are under utilized. 
Second. It is proposing to red raw school district lines, in order to obtain a better racial balance of the schools which serve those districts.
Third. It is proposing utilization of the Princeton plan—the plan to pair adjacent schools so as to concentrate certain grades in one school and certain other grades in the other school—which may involve a modest amount of expen-
diture for transporting children by bus, in order to bring about the highly desirable result of a racial balance, inso-
far as we can achieve it, in our schools, without undue strain or inconvenience or injustice to the parents or to the chil-
dren concerned.
These are admittedly fair principles; and I am sure the New York City Board of Education will proceed with them, al-
though it will listen—and properly so—
to the views of those who would have it engender in compulsory our own, on a 'voluntary basis, and also will listen to those who favor no bussing at all and favor leaving the situation exactly as it is.
Certainly the educational aspects are the most important, in terms of the molding of our society; and I hope the New York City Board of Education will stick closely to those plans, in consulta-
tion with our State educational authori-
ties, who, I believe, are very expert and have very sound views on this subject. I hope very much that the New York City Board of Education, having educa-
tional standards as its prime concern, will proceed without fear, because I deeply believe that the overwhelming majority of our people back it in a fair effort to resolve our problems, which are special ones which apply particularly to the North, as distinguished from the social order of segregation, to which those who are devoting their time, and those who are devoting their time, are trying to adhere in the South.
We can take great pride in what the Board of Education of New York City has already accomplished. I very much wish to see it continue as a leader and an example in this field.
The ACTING PRESIDENT pro tem-
pore. The Senator's time has expired.

ONE HUNDREDTH ANNIVERSARY OF THE ELGIN WATCH CO.
Mr. DIRKSEN. Mr. President, in the peaceful Fox River Valley of northeastern Illinois is located the city of Elgin. The city is industrial, it has a population in excess of 50,000 people, and is the hub of a substantial and progressive agricultural area.

Just a year before the end of the Civil War and the assassination of Abraham Lincoln, some imaginative, skilled and redoubtable persons established the Elg-
in Watch Co. For a century, it has been the pride and joy of our citizenship, and a mark of progress in the State which produced watches and other jeweled instruments which brought to and kept in our State so many skilled and competent craftsmen and provided stable and well-paying jobs.

Elgin is the first watch company to remain in continuous and active exist-
ence for a century and this year it ob-
serves the 100th anniversary of its founding.

The watch and clock industry gen-
erally has been sharply affected by the unduly liberal tariff policies of this coun-
try and it has been no easy task for Elgin to continue and go forward. But the skills of its craftsmen and the imagi-
nation and aggressiveness of the man-
gagement has made it possible in the face of intense competition for watchmakers abroad to channel and devote the skills and competence of its people to precision and timing devices for the Nation's de-
fense and security.

Not only has Elgin made significant contributions to the victory effort of this country in two world conflicts but to the achievement of our goals in the space race as well. The research and development work on precision timing devices for the Apollo project is an example of what it has been doing in the national interest.

There was a time when Elgin watch was recognized as the leading timepiece in the railroad industry, where accurate timing was highly important. Today the Elgin effort is indispensable to success in the Nation's space program. Elgin's achievements do not quite stop there. Its products today include not only high-quality watches and clocks, but also radios, diamond rings, wedding bands and impressive products and sys-
tems for industry. Thus has this com-
pany throughout the century enriched virtually every facet of American life.

Its 100th anniversary as a continuously operating industrial enterprise is truly a testimony to the stamina and vitality of its management, the fidelity of its craftsmen, and devotion to the ideal of quality products.

It may be that in some future day there will come to authority in this land, those who will be as devoted to the ideal of preserving the existence, the skills, and the importance of this industry as they are to opening our doors to the in-
tensely competitive products of other lands where lower living standards, lower wages, and subsidized aid from their governments make it unreasonably difficult for our own domestic industries to carry on. May that day be at hand be-
fore too long. Meanwhile, congratula-
tions and a vigorous salute to Elgin Watch Co., its management, and its em-
ployees.

THE ILLINOIS SYMPHONY ORCHESTRA AT CARACAS, VENEZUELA
Mr. DIRKSEN. Mr. President, the University of Illinois Symphony Orchestra and the Oberlin Conservatory in the Gary Hall of Central University at Caracas, Vene-
zuela this month and had an enthu-
siastic audience of 3,700 in a hall which contains only 3,500 seats. This is the same city where Mr. Teodoro More-
cano, who heads up the Alliance for Prog-
ress had his automobile overturned and
burned just 2 years ago. When the orchestra concluded with the "Stars and Stripes Forever" it received a rousing standing ovation.

The opening of this concert which appeared in El Nacional in Caracas, on March 6, 1964, is, therefore, revealing and I believe merits a wider distribution through the CONGRESSIONAL RECORD.

I ask unanimous consent that it be printed hereinafter.

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

[From El Nacional, Caracas, Venezuela, March 6, 1964]

THE UNIVERSITY OF ILLINOIS SYMPHONY ORCHESTRA

For the first time in our history, we have in our midst a student symphony orchestra on a mission of artistic rapprochement, sowing, by its example of achievement, the seeds of culture in these southern lands. In truth, a magnificent example, not only for the students of music but also for our institutions and men of wealth who could bring about through their permanent and effective interest in music the salvation not only of the works performed but of the character of the performers. The University of Illinois Symphony Orchestra, on the basis of such assistance has, in a comparatively short time, attained its present stature. Without such aid it could hardly have been realized.

In the two concerts which this young group has thus far performed, the students of the Grand Hall of Central University and the second in the outdoor amphitheater in Bello Monte, we have admired without reservation, not only the works presented but the whole of the organization. Only a profound love of music and an enduring and iron discipline can result in such accomplishments. In the few years existence of the University of Illinois Symphony Orchestra, Polish, precision, cleanness of tone, marvellous union in the blending of the notes of the various instruments, accomplished with no forced effort, rendition from the almost inaudible pianissimo to fierce, resounding cacaphony; all these add many other qualities of a great orchestra we felt present and alive as something organic, yet artistic, in the University of Illinois Symphony Orchestra under the baton of its conductor, Bernard M. Goodman, every inch a master, every inch a complete artist in the execution of his forte. And in reality, not only to him but to members of the group must go plaudits for their playing of some of the most difficult and complicated of instruments; to the oboist, Benjamin Woodruff, to the tubalist, David Keuhr. And as for Robert Ward who played to piano solo in the Concerto For Piano and Orchestra by Samuel Barber, his execution demonstrated sensibility and a dynamic assurance which was praiseworthy in the performance of the piece.

We salute the youth of this great group of students who make up the University of Illinois Symphony Orchestra—wishing the marvelous youth of this great group of instrumentalists in their artistic peregrinations through these Nations of the other America.

ISAAC PERIA

JOHN A. SHELEY, ILLINOIS PUBLISHER, ON NEWS RELEASES

Mr. DIRKSEN. Mr. President, Illinois has many fine daily and weekly newspapers. In this respect we are extremely fortunate. One young editor and publisher born in Illinois who is providing an outstanding newspaper for his readers is John A. Sheley, publisher of the Democrat at Pinckneyville, Ill.

That he is not at all content with press releases is best illustrated by his recent analysis of a news release on medicare.

Mr. Sheley's fine sense of understanding of the news is demonstrated by his comments on what would have been a tragedy but for the quick and courageous action of a brave young Pinckneyville youth, Bill Ware.

Mr. President, I commend this able editor and subscribe to the bravery and courage of Bill Ware.

I trust that my esteemed friend the Senator from Minnesota [Mr. Humphrey], when he hears the name of the newspaper that the publisher has suddenly become a great and aggressive propaganda instrument for the New Frontier, because I am pretty sure that Mr. Sheley, a redoubtable young man, has his feet on the ground and looks through conservative spectacles.

I ask unanimous consent that the article from the Democrat to which I have referred be printed at this point in the Record.

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

[From the Pinckneyville (Ill.) Democrat]

JOHN J. SHELEY'S HEALTH CARE FOR ELDERLY MORE TAX GRAB

President Johnson's health message is a remarkable document of inconsistency and misinformation on health care for the elderly.

Mr. Johnson declares that elderly Americans should not be subjected to a test of need for tax-paid medical care, but at the same time will not make Kerr-Mills medical aid for the aged programs. Eligibility for Kerr-Mills benefits is based on need.

Mr. Johnson declares that private health insurance usually costs more than the average retired couple can afford. But more than 60 percent of the entire population 65 and over is protected with health insurance.

Mr. Johnson calls upon all the States to provide adequate programs of assistance under the same Kerr-Mills program. Under the Kerr-Mills law provides hospitalization as well as physicians' services for elderly Americans who need help. But Mr. Johnson's legislation and the Wagner-Mills act were financed by increased social security taxes which would be available to everyone over 65.

Mr. Johnson claims that the average worker would pay no more than $1 a month to pay for this program of hospitalization for the aged. The average industrial wage in this country is more than $100 a week, and the tax increase proposed by Mr. Johnson would cost the $100-a-week worker $27.50, or $330 a year in tax. Every $100 would be added to the $27.50 for a total payroll tax increase of $355 on every $100 in wages. And that would be paid by the beneficiary.

Why should everyone over 65 get hospitalization at the expense of wage earners just because a few need help? Why should the worker who earns $100 a week pay higher taxes for hospitalization for everyone over 65, many of whom are wealthy, and millions of whom have private insurance, just because they've had a birthday?

Voters are urged to contact Representative KENNETH J. GRAF, Senator EVERETT M. DIRKSEN, and Senator PAUL B. DOUGLAS.

Mr. Johnson, describes social security financed hospitalization as a program in which the employees would contribute during their working years so they could receive benefits when they get old. But the U.S. Supreme Court has declared in major decisions that social security is a tax program in which people already retired receive support from the workers and their employers. In the case of medicare, some 18 million elderly would receive more than $35 billion in benefits during their lifetime at the workers' expense. The workers would have paid nothing for these benefits.

Mr. Johnson calls for a payroll tax increase of one-half of 1 percent, with one-fourth of 1 percent to be paid by the employee and an equal amount by the employer and the tax applied to a $400 increase in the taxable wage base. By a study by Mr. Johnson, chief actuary of the Social Security Administration, has demonstrated that in a dynamic economy that tax increase would not be sufficient to finance this program for more than 3 years.

[From the Pinckneyville (Ill.) Democrat]

FOUR-YEAR-OLD BOY WITH CLOTHES ON FIRE SAVED WHEN BILL WARE CATCHES HIM, SMOOTHERS FLAMES WITH HIS BODY

He doesn't remember where he read how to do it, or if he read it at all. But when Bill Ware saw little 4-year-old David Templeton running down the alley, his burning clothes turning him into a human torch, Bill caught him, beat him, plucked him, and smothered the rapidly burning clothes. The attending physician, when questioned by the Democrat, flatly stated that had the horrified little boy not been stopped and kept running a bit longer, the degree of burns would have been fatal.

The whole terrible tragedy happened last Thursday evening. David and two other small boys were playing near a fire barrel in the alley behind the home of David's parents, Mr. and Mrs. Robert L. Templeton, living on the corner of Sixth and Pennina Street. To date the youngsters are not sure just what happened. But suddenly David's clothes were on fire. He started running toward his young age, immediately tried to put out the fire with sticks they were carrying. At this time Bill Ware, 16-year-old son of Mr. and Mrs. Nevins Ware was coming home from PCHS and turned into the alley, a short cut to the family's back door. Ware saw the other boys hitting at David and supposed they were getting a boy fun. But a few steps closer and David broke from the two helpers and started running toward his home. Ware had already dropped his lunch pail and was running Bill Ware. Ware said as soon as the little fellow started running he could see the boy's body was engulfed in flames. The running boy bolted toward David, caught him, threw him on the ground and smothered the flames on his body. Ware remembers spreading out his car coat on both sides to completely envelope the boy's flames as Bill laid on him. By the time Ware had caught the little boy flames had burned through his coat, jacket, shirt, blue jeans, and underwear. As soon as he had the flames out Ware picked up little David Templeton. David's mother saw Ware carrying the boy to the back door. Inside Bill held the little fellow while David's mother called the hospital and told them she was coming in with the injured boy. The mother said David, in shock now, cried little while going to the hospital but as waves of pain hit he cried out briefly.

At the hospital emergency treatment was given. A dangerously deep third degree burn size of adult hand was on the chest. There were many second degree burns on the abdomen and front of David's torso, many very deep. His right arm was also burned. His face was not.

David's father was working the second shift at Decca Records. He was called to the hospital.

Today young Templeton seems to be well on the road to recovery though it may be several weeks before he goes home. His
CIVIL RIGHTS

Mr. HOLLAND. Mr. President, at the request of the Tampa, Fla., Tribune, one of the great newspapers of the State I represent in part, I prepared a statement which outlines my position on the civil rights bill pending presently before the Senate, which the Tribune published in its issue of yesterday, March 29, 1964. At this article summarizes my position on this matter, I ask unanimous consent that it be printed in the Record.

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

From the Tampa (Fla.) Tribune, March 29, 1964]

SOMETHING TO TELL AMERICA

To the Editor—At the request of the Tribune, U.S. Senator Spessard L. Holland, of Florida, here outlines his position on the civil rights bill.

I am glad to have this opportunity to comment upon my reasons for opposing the civil rights bill which is presently the subject of lengthy debate in the U.S. Senate.

It is obvious to those who are familiar with the legislation that has been enacted earlier, in the State senate, that my position on this matter has never been extreme. Back in 1937 I was among the majority in the State senate who voted in favor of state legislation eliminating the payment of a poll tax as a prerequisite for voting. I have always believed that the right of a citizen, as well as the privilege of every citizen, and that there should be no monetary price levied upon its use by those qualified to vote.

For nearly 20 years in the U.S. Senate I repeatedly introduced, often with relatively little support, the so-called Holland amendment, an amendment which eliminated the poll tax as a requirement for voting. I would support, too, the creation of local mediation boards for the purpose of aiding communities in the equitable resolution of local problems through arbitration.

Unfortunately, the omnibus approach which has been taken in the civil bill precludes my supporting its good features and, over, I believe, that legislation which cannot accomplish the laudable objectives attributed to it by its sponsors.

My principal objections to the bill focus upon those provisions which establish the establishment of a Federal FEPC law, compulsory school desegregation, so-called public accommodations, and the withholding of federally appropriated funds from States and lesser units of government. In my opinion, each of these sections represents a "meat ax" approach to this problem, and I consider all of them unconstitutional, unwise, and punitive.

The FEPC provision would deprive employers of the essential right to select their own employees. I think the right of every American to pick his own employees for work purposes has fallen worker and, in my opinion, in their unions is an essential part of American freedom. Should the Federal Government attempt to deprive the employer of this power to control employment practices throughout the Nation by an army of enforcement officials, we would come close to being a "police state.

Title IV of the bill, relating to public education, contains bad provisions. Through open-end authorization of appropriations it would give the Government a blank check which could cause billions of dollars to be spent for the avowed purpose of bringing about integrated school facilities throughout the Nation. No ceiling is placed upon expenditures, and these sums could be used for the purpose of accomplishing compulsory integration in schools which are not integrated, and where the citizens who are most interested may not desire integration.

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accommodations, to authorize the Attorney General to institute suits to protect constitutional rights in public facilities and public education, to extend the Civil Rights Act of 1964 to prevent discrimination in federally assisted programs, to establish a Commission on Equal Employment Opportunity, and for other purposes.

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

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further proceedings under the order for the quorum call be suspended.

Mr. BOGGS. Mr. President, reserving the right to object, I should like to have the quorum call go a little longer temporarily.

The ACTING PRESIDENT pro tempore. The clerk will continue to call the roll.

The legislative clerk resumed the call of the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that further proceedings under the quorum call be suspended.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none.

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

Mr. HUMPHREY. I should first like to say to my colleagues that in opening the debate today on the subject of the Civil Rights Act the distinguished Senator from California [Mr. KUCHEL] and I will attempt to lay the affirmative case for the bill before the Senate. I have been asked to initiate the debate, and I would like my colleagues to know that it is my intention to address myself to the 11 titles of the bill. At the conclusion of my remarks I shall be more than happy to attempt to answer questions or to engage in debate and discussion. I believe it is very important for a full understanding of this measure; but during my presentation I shall not yield.

Mr. President, today is the 94th anniversary of the ratification of the 15th amendment. By coincidence, the Senate opens debate on the substance of the pending bill, the Civil Rights Act, on this the 94th anniversary of the 15th amendment, which was certified as adopted on March 30, 1870.

The 15th amendment is very short, but like the Gettysburg Address, it is of continuing historic significance and highly important. It reads as follows:

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.

In many ways the amendment can be called the freedom amendment, because it assures all citizens of the United States that there can be no infringement upon the right to vote based upon race or previous condition of servitude.

INTRODUCTION

Mr. President, last Thursday the Senate spoke with clarity and eloquence in favor of moving ahead to a final decision on the question of guaranteeing full human rights to every American. By a vote of 67 to 17 we decided to make H.R. 7152 the pending business. By a vote of 50 to 34 we kept this bill before the Senate, instead of sending it to a committee. This presents us with a clear mandate to move resolutely ahead until this question is decided.

Even if it were within our power to do so, the Senators charged with managing this legislation have no intention of ramming H.R. 7152 through the Senate without full and extensive debate. Every responsible Senator realizes the historic nature of this bill. Every Senator knows its controversial nature. Every Senator knows that we bear great responsibilities to debate the legislation honestly, objectively, and fully.

As we have previously announced, the bipartisan leadership supporting H.R. 7152 will present the affirmative case for civil rights legislation in general, and the pending bill in particular. The distinguished Senator from California [Mr. KUCHEL] and I intend, as I am positive it is a comprehensive presentation on H.R. 7152 today.

We intend to analyze the bill title by title, settling forth the need, explaining the substantive provisions, responding to arguments which have already been raised in opposition in general. Initiating the debate on H.R. 7152 itself in a thoroughly constructive fashion.

On subsequent days the bipartisan team of captains assigned to each title of the bill will lead additional discussions on each title.

These captains include: Senator Hart and Senator KEATING on title I—voting rights; Senator MacNUT and Senator HARKIN on title II—public accommodations; Senator NICHOLS and Senator JAVITS on title III—public facilities and Attorney General’s powers; Senator DOUGLAS and Senator COOPER on title IV—school desegregation; Senator LONG of Missouri and Senator SCOTT on title V—Civil Rights Commission; Senator PATROK and Senator CORRION on title VI—federally assisted programs; Senator CLARK and Senator Case on title VII—equal employment opportunity; and Senator DOUGLAS for title VIII—criminal justice, insurance domestic tranquility, provide for the common defense, and establish this Constitution for the United States of America.

I cannot help but marvel at the impact, the directness, and the sense of destiny captured in these 52 words. I cannot help but marvel at their relevance to the responsibility which now confronts the Senate of the United States. The preamble to the Constitution might very well have been written as a preamble to the Civil Rights Act of 1964.

We, the people of the United States—

Not white people, colored people, short people, or tall people, but simply:

We the people.

In order to form a more perfect Union—

We know that until racial justice and freedom is a reality in this land, our freedom is a reality in this land, our Union will remain profoundly imperfect. That is why we are debating this bill. That is why we must become a law.

To * * * establish justice, insures domestic tranquility, provide for the common defense,
promote the general welfare, and secure the 
blessings of liberty to ourselves and our pos-
ternity—

Surely these are the objectives that we 
seek in this legislation. Justice, dom-
estic tranquility, the general welfare, and 
the blessings of liberty—these are what 
our founders sought 177 years ago—these are the objectives we seek 
today.

Mr. President, I cannot overemphasize 
the historic importance of the debate we 
are beginning. We are participants in 
one of the most crucial eras in the long 
and proud history of the United States 
and, yes, mankind's struggle for jus-
tice and freedom which has gone for-
ward since the dawn of history. If free-
dom becomes a full reality in America, 
we can dare to believe that it will become 
a reality everywhere. If freedom falls 
here—in America, the land of the free— 
what hope can we have for it surviving 
elsewhere?

This is why we must debate this legis-
lation with courage, determination, 
frankness, honesty, and—above all—with 
the sense of the obligation and destiny 
that has come to us at this time and in 
this place.

It is in this spirit, and expressing the same 
determination that captured the 
faith and imagination of our Founding 
Fathers, that I am privileged to present, 
at least in part, the affirmative case 
for the Civil Rights Act of 1964.

Mr. President, as I prepared to speak 
today, I went to the Scriptures to find 
the Golden Rule in the Gospel of St. 
Matthew. The Golden Rule exemplifies 
what we are attempting to do in this 
civil rights legislation.

Chapter 7, verse 12 of Matthew reads 
as follows:

All things therefore, whatsoever ye would 
that men should do unto you, even so also do 
ye unto them: for this is the law and the 
prophets.

This has been paraphrased in the com-
mon language that we use so often as:

Do unto others as you would have them do 
it unto you.

If I were to capsule what we are try-
ing to do in this legislation, it is to fulfill 
this great admonition which is the guid-
ing rule of human relations if we are to 
have justice, tranquility, peace, and 
freedom.

The formal language of the Scriptures 
puts it more eloquently, but every Amer-
ican, and all people throughout the world 
have known it long said, and I hope at all 
times meant:

Do unto others as you would have them do 
it unto you.

Now let me start with title I, voting rights.

**PROTECTION OF VOTING RIGHTS: TITLE I**

The United States is founded on the 
principle of government by the people. 
Our points legislation was fought on 
the slogan of “no taxation without rep-
resentation.” The basic documents of 
American history—the Declaration of 
Independence, the Constitution, and the 
Bill of Rights—are all dedicated to the 
principle of popular sovereignty through 
majority rule.

The 15th amendment to the Constitu-
tion, which I read today on its 94th an-
iversary, specifically states:

The right of citizens of the United States 
to vote shall not be denied or abridged by 
the United States or by any State on ac-
count of race, color, or previous condition of 
servitude.

Yet this basic right to vote is denied 
to millions of Americans on account of 
race. Millions of Negro citizens are 
taxed without representation, because 
they are not allowed to vote. Less than 
2.5 percent of all the Negroes in the 
State of Mississippi are registered, com-
pared to 70 percent of the white adult 
population. There are dozens of coun-
ties in Mississippi where less than 3 
percent of the Negroes of voting age are 
permitted to register. The same dis-
graceful pattern is found in all too many 
other States. In 100 counties that 
contain about one-third of all southern 
Negroes, an average of 9.4 percent of 
all the eligible Negroes are registered.

Some of these counties administer their 
voting in a particularly unusual and 
blistant way. In Seminole County, Ga., 
for instance, the Negroes of voting age 
are registered, compared to 
132 percent of the eligible whites.

In Hertford County, N.C., only 8.8 
percent of the eligible Negroes have been 
permitted to register, although somehow 
the white registration amounts to 144 
percent of the entire white population of 
voting age. And so it goes.

I do not believe that any Member of 
this body would claim that Negroes have 
not been systematically prevented from 
registering and voting in many parts of 
the Nation. In fact, the existence of 
wide-spread denial of voting rights has 
been acknowledged recently by the senior 
Senator from Georgia [Mr. Russell], the 
senior Senator from Louisiana [Mr. 
Eldender], and the Junior Senator from 
Florida [Mr. SMATHERS]. It has been 
maintained that Negroes are not really 
very interested in voting, but the dis-
tinguished junior Senator from Florida 
[Mr. SMATHERS] reported the other day 
that in his State Negroes had “a higher 
percentage of voting than is shown for 
the whites. That applies to registered 
voters only, I believe.”

**PREVIOUS LAWS ON VOTING RIGHTS**

The disenfranchisement of Negroes has 
been an obvious scandal for generations, 
but it was not until 1957 that Congress 
took steps to deal with this problem. 
The Civil Rights Act of 1957 created the 
U.S. Commission and empowered the 
Attorney General to bring suit to protect 
voting rights and prevent intimidation in 
connection with the exer-
cise of those rights.

In 1960 the Civil Rights Act was 
adopted. It authorized the Attorney 
General to inspect voting records and 
gave Federal courts the power to appoint 
regular registrars to ensure that the court 
found a pattern of discriminatory denial of 
voting rights to members of a particu-
rar race.

What have been the results of these 
two laws? For one thing, the Civil 
Rights Commission has been an invalu-
able source of information on the nature 
and extent of racial discrimination.

Thanks to the scholarly work of the ded-
caled members and staff of the Commis-
sion, we have a great deal more precise 
information about the problem of civil 
rights than ever before.

Second, the Department of Justice has 
brought 58 suits for denial of voting 
rights, of which those cases that have been 
settled have resulted in giving the franchise 
to thousands of Negroes who had been 
prevented from exercising their rights by 
imintimidation and official discrimination.

Most important of all, these lawsuits 
have established the specific techniques 
used by officials to deny Negroes the vote, 
and they have shown that present pro-
cedures do not provide adequate remedies 
for the loss of voting rights on account 
of race or color. The experience of these 
lawsuits has shown the next steps that 
must be taken to implement the mandate 
of the 15th amendment and to extend 
equal protection of the laws to Negro 
Americans. Title I embodies those next 
critically important measures. A number 
of laws have made abundantly clear the 
need for adopting these measures. The 
evidence was conclusive. I shall outline 
the major types of difficulties faced by 
Negroes attempting to exercise their 
voting rights and show how title I would 
provide legal remedies for these prob-
lems.

**A DOUBLE STANDARD FOR VOTER QUALIFICATION**

In many counties voting officials regu-
larly apply one set of standards to 
white applicants and another set to Ne-
groes trying to register. In one county 
Negroes trying to register were told to go 
home and think about it for a while. White 
applicants could register merely by 
signing their names in a book.

In some States all applicants are re-
quired to interpret a provision of the State 
constitution to the satisfaction of the 
local registrar.

I digress to point out that this is a 
matter of testimony that was accepted in 
court, a matter of review and study by 
the Civil Rights Commission, and a mat-
ter which is documented by the Depart-
ment of Justice: more significantly, these 
are all matters that are documented in 
the Federal court.

Whites were normally given sections 
of three lines or less to interpret, and were 
even permitted to choose their own con-
stitutional passage if they felt that the 
one originally given them to interpret 
was too difficult.

In Alabama the application form in-
cluded this question:

Will you give aid and comfort to the ene-
emies of the United States or the government 
of the State of Alabama?

One white applicant replied:

If hurt would give comfort only if wounded 
[etc].

Incredibly, Mr. President, he passed.

But when Negroes apply, they are 
busted by stricter standards. In one 
county the principal of a local Negro 
school was turned away on five successive 
visits to the voting office. Finally, on his 
sixth visit, he was permitted to fill out 
the forms and take the constitutional in-
terpretation test. He was asked to inter-
pret a section of the State constitution
that was so complex that it had given
difficulty to the State supreme court.

In another county Negro applicants
were asked to interpret passages, never
given to whites, dealing with the interest
rate of a high school school bond issue.

Some States ask tricky catch questions.
Voting officials help white applicants to
answer such questions, then arbitrarily
decide against Negro applicants. By the
use of such methods, Negro professors
and scientists have been pronounced illit-
erate by local officials.

Title I deals with these practices by
providing that applicants for voting
registration must be evaluated according
to uniform standards, procedures, and
practices. In other words, Negroes and
whites must be treated equally, and the
same standards used to allow whites to
register must be used for Negroes.

A second technique for denying Ne-
groes the right to vote is to ask questions
that have nothing to do with the appli-
cant's qualifications to vote, or to apply
irrelevantly strict standards to answers.
One favorite method is asking the appli-
cant's age in years, months, and days.
In Bienville Parish, La., a Negro was
turned down for saying on her applica-
tion that her color was "Negro," rather
than "brown" or "black." In another Louisi-
ana parish a Negro was rejected for writing "brown," Instead of "Negro."
The title I deals with this practice by
prohibiting officials from denying the
vote to anyone because of mistakes that
are not material in determining the appli-
cant's qualifications to vote.

Although literacy tests are frequently
used to discriminate against Negroes, it
is often difficult to prove this in court,
because tests may be given orally, with
no recorded questions and answers.
Registrars have exercised an al-
most uncontrolled discretion to reject a
Negro's answer, no matter how correct
it may be, and to accept a white man's
answer, even when incor-rect. Some reg-
istrars are free to help the white man and
heckle the Negro. And proof of what
happened depends on conflicting and un-
documented testimony. If literacy tests
were given in writing and a record kept
of the questions and answers, a court
would be able to see whether the tests
had been fairly applied.

Title I deals with this problem by
requiring that where literacy tests are
employed as a qualification for voting in
Federal elections, they be administered
in writing. A record must be kept.

The title also provides that in any vot-
ing rights suit under the Civil Rights Act
of 1957 in which literacy is a relevant
fact, a judge may make the assump-
tion that a person with a sixth-
grade education is sufficiently literate to
vote in a Federal election. This provi-
sion is in no way an interference with
the States' rights to regulate elections; it
merely establishes a rule of evid-
ence applicable in voting discrimina-
tion suits in the Federal courts—a rule
which places on the State officials in
such suits the burden of showing that
persons who have completed the sixth
grade are, in fact, not literate.

Still another obstacle to the com-
pletely effective application of the 1957 and
1960 acts is delay in litigation. In one case,
filed in July 1961, lengthy procedural
delays postponed the actual trial until
March 1962. The court then refused to
rule and an appeal was taken. The ap-
pellate court granted interim relief, but
it was not until the summer of 1963, 2
years later, after the registrar was
found guilty of contempt of court, that
specific Negroes were ordered registered.

In another suit, filed in July 1961, 2
years, waiting for the final settlement
of the case. Another case, filed in July
1961, did not come to hearing until Feb-
ruary 1964. Delays of 1 to 2 years in the
district courts are not unusual, particu-
larly, as is often the case, when recalcitrant
registrants make full use of every
dilatory tactic available to them. And
even at best there is necessarily delay in
the two-step appellate process. There is
no effective loss of the right to vote in an election that has already been
held. In this case the old saying is perfectly true: "Justice delayed is
justice denied."

In order to expedite the handling of
voting rights cases by the courts, title I
provides that either party may ask the
chief judge of the circuit, or the presid-
ing circuit judge, to appoint a three-
judge court to hear the case. Appeals
from such a three-judge court go directly
to the Supreme Court. The title also
requires expeditious handling of all vot-
ing cases, whether tried by a three-judge
court or not.

THE CONSTITUTIONAL BASIS OF TITLE I

It may be anticipated that the pro-
visions of title I will be objected to on
the ground that they infringe on the
constitutional right of the States to de-
termine qualifications for voting.

I do not think that this criticism is
justified. The Constitution provides:
'That the Congress shall have power to
determine qualifications for voting.

This does not authorize the Congress
to "at any time by Law make or
alter such Regulations" as may be pre-
scribed by each State. In connection
with the 15th amendment the Supreme
Court has decided, in Lane v.
Wilson, 307 U.S. 268, 272 (1939), that
the 15th amendment is directed against
citizens of the United States regardless
of race or color.

This includes "sophisticated as well as
simple-minded modes of discrimination."

The attack on the constitutionality of
such measures is directed at the entity
enacting them, with no 
restraint on the State to make the entity
deemed appropriate by it. For example,
the opponents of title I also rely on
the 15th amendment authorization
of the Congress to legislate with respect
to discriminatory denial of the right to
vote. The 15th amendment provides that
the "right of citizens of the United States to
vote shall not be denied or abridged by
the United States or by any State on
account of race, color, or previous condi-
tion of servitude."

Each of these practices with which title I
deals is a device which has been used
to deny equal rights to Negroes. The
Supreme Court has decided, in Lane v.
Wilson, 307 U.S. 268, 272 (1939), that
the 15th amendment is directed against
citizens of the United States regardless of
race or color.

This includes "sophisticated as well as
simple-minded modes of discrimination."

The Court went on to say that the 15th
amendment forbids:

- Onerous procedural requirements which
  effectively handicap exercise of the franchise
  by the colored race although the abstract
  right to vote may remain unrestricted as to
  race.

Section 2 of the 15th amendment con-
fers upon Congress the power to enact
"appropriate legislation" to enforce sec-
tion 1. This power includes the enact-
ment of all measures adapted to counter-
act discriminatory devices. Congress-
sional jurisdiction in this area is also
supported by these Supreme Court decl-
ars in United States v. Raines, 362 U.S.
17, 24 (1960) and Hannah v. Larche, 363

Moreover, practices of discrimination
against Negroes in the applications of
tests, standards and the like also consti-
tute denial of equal protection of the
laws guaranteed by the 14th amendment.
See, for example, Davis v. Schnell,
81 P. Supp. 872 (S.D. Ala. 1949) affirmed
336 U.S. 933. The 14th amendment, like the
15th, is directed to Congress and authorizes the Congress to enact the
provisions by "appropriate legislation."

So far as the election of Senators and
Representatives is concerned there are
additional and unquestionable constitu-
tional sources for title I. Those who at-
tack the constitutionality of the title in
this respect overlook the last clause of
article I, section 4, which authorizes Con-
gress to "at any time by Law make or
alter such Regulations" as may be pre-
scribed by each State. In connection
with this provision the Supreme Court has
stated:

- It cannot be doubted that these compre-
  hensive words empower Congress to
  provide a complete code for congressional elections,
  not only as to times and places, but in rela-

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Congress may also legislate with respect to Federal elections because it possesses powers, which, although not specifically enumerated in the Constitution, are implied because they "are necessary and proper" within the meaning of article I, section 8, clause 18. In Burroughs and Cannon v. United States, 286 U.S. 354 (1932), the Supreme Court ruled that the implied powers of Congress extend to measures in order to enforce the fundamental rights involved. Smiley v. Holm, 265 U.S. 355, 366 (1932).

The inclusion in the coverage of title I of elections held "in part" for Federal officials is essential. If the words "in part" were to be omitted, all Federal elections could be excluded from the coverage of title I by the simple device of having just one local official elected as part of the Federal election. This would be enough to keep the election from being one held "solely or in part for the purpose of voting in a Federal election.

Congress has the power essential to preserve the departments and institutions of the General Government from impairment or destruction, whether threatened by force or by corruption. And in Ex Parte Siebold, 116 U.S. 371, 382 (1886), the Supreme Court stated Congress had the power to "assume the entire regulation of the elections of representatives."

It should also be emphasized that, in fact, title I establishes no qualifications for voting. It establishes no substantive standards to which the States must adhere. All title I does is to require that whatever standards and procedures a State does adopt will be applied fairly to all elections, whether State or Federal. Title I merely a rule of evidence for use in trials. The presumption can be overcome by actual proof that the applicant is, in fact, illiterate. If the State establishes literacy as a voting qualification, it remains true that the State is constitutionally regulating State elections. In effect, one contention is that the State is not constitutionally regulating State elections. The presumption can be overcome by actual proof of literacy. This, however, is merely a rule of evidence for use in trials. The presumption can be overcome by actual proof of literacy. This, however, is merely a rule of evidence for use in trials.

Mr. President, I turn now to title II, one of the most important, significant, and necessary parts of the bill.

This title deals with discrimination in places of public accommodation, a practice which vexes and tortures our Negro fellow citizens and imposes on our Negro fellow citizens perhaps more than any other of the injustices they encounter. As President Kennedy stated in his civil rights message to Congress on February 26 of last year:

"No act is more contrary to the spirit of our democracy and Constitution—or more flagrantly repudiated by a Negro citizen who seeks only equal treatment—than the barring of that citizen from restaurants, hotels, theaters, recreational areas, and other public accommodations and facilities.

It is difficult for most of us to fully comprehend the monstrous humiliations and inconveniences that racial discrimination imposes on our Negro fellow citizens. If a white man is thirsty on a hot day, he goes to the nearest soda fountain. If he is hungry, he goes to the nearest restaurant. If he needs a restroom, he has his pick of the available motels and hotels. But for a Negro the picture is different. Trying to get a glass of iced tea at a lunch counter may result in insult and sometimes loss he is forced to walk across town. He can never count on using a restroom.

In addition, title I requires that if a State does use a literacy test as a substantive qualification, a device which has been subject to extensive abuse—it must adopt an additional procedure to insure against that abuse. Thus the title neither says that it prohibits it, from, imposing a literacy test for voting. And if a State does use a literacy test, title I does not say what the standard of literacy shall be. However, it does say that if a State imposes a literacy test for voting in a Federal election, the test shall be in writing. Why? Because oral examinations have been found by the courts to be totally unreliable and not to provide adequate evidence or protection of individual rights. Therefore, a test in writing is required.

And the title does provide that in suits relating to such elections, proof of a sixth-grade education shall be required. But the Congress may also legislate with respect to Federal elections because it possesses those powers, which, although not specifically enumerated in the Constitution, are implied because they "are necessary and proper" within the meaning of article I, section 8, clause 18. In Burroughs and Cannon v. United States, 286 U.S. 354 (1932), the Supreme Court ruled that the implied powers of Congress extend to measures in order to enforce the fundamental rights involved. Smiley v. Holm, 265 U.S. 355, 366 (1932).

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a good meal. These are trivial matters in the life of a white person, but for some 20 million American Negroes, they are important matters that cannot be planned for in detail. They must draw up travel plans much as a general advance across hostile territory would establish his logistical support.

If a white family is planning an automobile trip, one common place thing to write to a touring service for a guide book that will list the available restaurants, motels, and hotels in the area to be visited. If that white family does not want the dog along on the trip, it can write for a specialized guide book that will list the places where a family with a dog can stay the night. I have on my desk the guidebook that the American Automobile Association sends. It is called "Touring With Towser." It lists hundreds of places of public accommodation that will take guests with dogs.

But now consider the problems facing a Negro family. Joining forward to a vacation. How can they plan their trip so as to be sure of finding a place to stay at night? If they write away, they too can obtain a guidebook that lists places of public accommodation which allow the Negro family to go with confidence. I have a copy of that guidebook on my desk also. It is called "Go," and it is subtitled, "Guide to Pleasant Motoring." It lists places where a Negro can go for a room without being humiliated by racial discrimination.

It is heartbreaking to compare these two guidebooks, the one for families with dogs, and the other for Negroes. In Augusta, Ga., for example, there are five hotels and motels that will take dogs, and only one where a Negro can go with confidence. In Columbus, Ga., there are six places for dogs, and none for Negroes. In Charleston, S.C., there are 10 places where a dog can stay, and none for a Negro.

The Committee on Commerce has heard testimony from travel experts that if a Negro family wants to drive from Washington, D.C., to Miami, the average distance between places where it could expect to find sleeping accommodations is 141 miles. For a trip from here to New Orleans, it is 174 miles. What does such a family do if a child gets sick midway between towns where they will be accepted? What if there is no vacancy?

If those of us whose color of skin insures free access to places of public accommodation were to experience the humiliation and insult which awaits the Negro, we would not now have. It will still be possible to exclude them from places of public accommodation—but only on the same grounds that other Americans are excluded. It will simply reaffirm and reenforce rights which all our citizens should enjoy, but have withered for many millions of them. We, who have some millions know that racial discrimination is not to continue because the Government is indifferent to it or condones it.

The necessity for widespread demonstrations to call attention to discrimination in public accommodations may have led some people to believe that every owner of every such establishment in the South is opposed to the desegregation of his place of business. I am convinced that the opposite is true—that men with a sense of right predominate in those businesses, just as in others. It is clear, however, that many a businessman who would like to end practices of discrimination under pressure or fear that he will lose ground to his competitors. It is in part for this reason that we cannot assume that desegregation of public accommodations can be achieved voluntarily. It is true that in the last 2 years or so some progress has been made in achieving voluntary desegregation, but this has been primarily in the larger cities—cities with populations of over 50,000. In addition, there is reason to believe that the limits of voluntary desegregation in large areas of the country have been reached.
I noted in this morning's press a magnificent example of desegregation and integration on Easter Sunday in Birmingham, Ala. The Reverend Billy Graham spoke to approximately 35,000 people who were gathered together without regard to race. He delivered an inspired sermon and challenged people of our country to banish hate and prejudice from their hearts. Colored and white sat alongside each other. They sang together, prayed together, and worshipped together.

I am fully cognizant of the fact that it will require more than law, but the law at least should express the determination of the Federal Government not to accept discrimination or condone it; and it should express the determination of the Federal Government to use legal powers to abolish it.

Information available with respect to some 375 cities with populations of over 10,000 in the 11 States of the South and in the District of Columbia, Missouri, Illinois, Oklahoma, and West Virginia indicates that as of last July all or part of the hotels and motels were still segregated in 85 percent of these cities; 60 percent of the restaurants and cafeterias were segregated; and 43 percent still had segregated lunch counters. In cities having a population of less than 10,000 in the same States, 85 to 90 percent of all retail establishments generally, including hotels, motels, and theaters remained segregated.

It has therefore become clear that the law must take a hand in achieving effective desegregation. If such a law is enacted the problems of community pressure and competitive disadvantage will be sharply diminished. It has been suggested that title II will force businessmen to engage in practices against their will. In fact, it will enable many businessmen to do what they think is right and to do it without fear of retribution. It will invite freedom of action rather than restrict it.

The grievances which most often have led to the sit-in demonstrations by Negro Americans are the segregation and discrimination they encounter in the commonly used and necessary places of public accommodation—hotels, motels, restaurants, eating places, and places of entertainment. No amount of oratory and quibbling can obscure the personal hardships and insults which are produced by discriminatory practices in these places. And no amount of involved legal argument on the merits of the Negro's claim to equal access to these places.

We must hasten the day when Negro parents and children can travel on every highway of this land without the fear that they will be refused a place of rest because of the accident of birth. We must insure to the same family that it can enter a restaurant in its own community as the equal of every other family living there. We must make certain that every door in our public places of amusement and culture is open to men of black skin as well as white. In sum, we must put an end to the shabby treatment of the Negro in public places which demean him and debase the value of his American citizenship.

Mr. President, I ask Senators to ask themselves how they would like to be rejected because of the color of their skin, and only because of that. When traveling with their families on a highway and calling a place to rest, how would they like to be told "there is no room in the inn," as it was said some 2,000 years ago?

That is why the debate is a moral issue, and it is my pleasure to inform this oratory will not in any way justify what we have done to degrade humanity. The morality of the issue is the controlling factor. We do not have to be lawyers to understand, "Do unto others as you would have them do unto you?"

Now, what are the provisions of title II?

PROVISIONS OF TITLE II

Title II of H.R. 7152 will take us a long way toward this goal of full citizenship. The bill deals with the practical problems of discrimination in the places of public accommodation. It does not attempt to meet the legal and all the oratory will not in any way justify what we have done to degrade humanity. The morality of the issue is the controlling factor. We do not have to be lawyers to understand, "Do unto others as you would have them do unto you?"

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but neither the drugstore nor the office on the 18th floor nor the clothing store is within the premises of the adjacent restaurant; nor is the restaurant within their premises. I do not believe this problem is a real one. I know it is not a real one for those who operate private establishments. The only ones who would make it appear to be a real problem are those who attempt to confuse the Senate by arguments which tend to obscure the question. I do not intend to let that happen.

"MRS. MURPHY" EXCEPTION

Now a word about Mrs. Murphy, because we have heard a great deal about that lady.

There are two exceptions to the coverage of title II which should also be emphasized. First, section 201(b)(1), relating to hotels, motels, and the like, excludes any establishment which is "located within a building which contains not more than five rooms for rent or hire and is not actually occupied by the proprietor of such establishment as his residence." This is the so-called Mrs. Murphy exception.

In Minnesota we would like to amend that term to include "Mrs. Olson." This approach would make this exclusion self-evident. Title II, like the bill as a whole, is designed to reach the most significant manifestations of discrimination. It is carefully drafted and moderate in nature. There is no desire to regulate truly personal or private relationships. The so-called Mrs. Murphy provision results from a recognition of the fact that a number of people open their homes to transient guests, often not as a regular business, but as a supplement to their income. The relationships involved in such situations are clearly and unmistakably of a much closer and more personal nature than in the case of major commercial enterprises.

This does not mean that discrimination in the operation of such facilities is any more defensible or moral than elsewhere, but merely that discrimination in such establishments is not of major dimension, especially when compared with the other problems with which title II and the bill as a whole deals. Of course, there are discriminatory practices not reached by H.R. 7152, but it is to be expected and hoped that they will largely disappear as the result of voluntary action taken in the salutory atmosphere created by enactment of the bill.

I emphasize that we are talking about tourist homes, not boarding houses or lodging houses. To be subject to section 201(b)(1), an establishment must be one "which provides lodging to transient guests." Lodging and rooming houses do not ordinarily cater to transients. This important exclusion is frequently overlooked by the bill's opponents.

PRIVATE CLUBS EXCEPTED

The other exception is contained in section 201(e). It provides:

The provisions of this title shall not apply to a bona fide private club or other establishment not open to the public, except to the extent that the facilities of such establishment are made available to the customers or patrons of an establishment within the scope of subsection (b).

Again, this exception reflects the judgment that establishments which are purely private in nature should not be covered by this legislation. However, it is possible that some establishments which might otherwise be covered may now operate as private clubs. Consequently, the requirement is that the club be bona fide. The restaurant which changes its name to a club and issues memberships for a dollar to anyone who applies, other than Negroes, will not be bona fide.

In his opening speech opposing the majority leader's motion that the Senate proceed to the consideration of H.R. 7152, the distinguished Senator from Georgia contended that restaurants facilities found within most private clubs would be within the meaning of the bill and, therefore, all the provisions of title II would be applicable to private clubs.

The Senator from Georgia was sufficiently persuasive to bring about a number of editorial comments and other commentaries in the press relating to his interpretation of title II.

I have great respect for the Senator from Georgia, and therefore I believe it is necessary once again to treat the argument and deal with it. It will be dealt with in detail by the distinguished Senator from Washington [Mr. Magnuson], and others. We in Minnesota would like to amend the interpretation of title II made by the Senator from Georgia. The restaurants and eating facilities found within private clubs are not places of public accommodation within the meaning of title II because they do not serve the general public. Subsection (e) of section 201 expressly exempts private clubs except to the extent that they make their facilities "available to the customers or patrons of any establishment within the scope of subsection (b)."

That is, a hotel, motel, or similar establishment listed in subsection (b). In other words, in plain layman's language, if a country club makes arrangements with a country club, and the arrangements and privileges are made available to the patrons of the hotel, the club cannot discriminate among the guests of the hotel. If, on the other hand, the club makes no such special arrangements with hotels, motels, and so forth, it remains strictly private and not covered by the provisions of title II.

DISCRIMINATION BY STATE OR LOCAL LAW

Section 202 of title II would also prohibit discrimination or segregation in state or local public facilities. Some of these laws it is true, are not enforced; but any individual who violates them lives under the threat that he will be prosecuted or face the expense and burden of a lawsuit. These laws cannot be tolerated and they must be repealed.

Section 202 is both broader and narrower than section 201. It is broader in the sense that it is not confined to enumerated types of establishments. It is narrower because it applies only where discrimination is required by a public statute, ordinance, rule, order, and so forth. With respect to establishments covered by such laws, section 202 in effect says that if any government is going to use race, color, religion or national origin as a basis for depriving the only opportunities to exercise their freedom to choose their customers, the choice that will be enforced is desegregation, not segregation. All that a State or city has to do to relieve the owners of a business of the impact of section 202 is to repeal the offending law or ordinance—which is a violation of the 14th amendment to the Constitution, and no one can deny it. It can be expected that section 203 will result in the repeal of many such statutes.

Section 203 provides that no person shall, first, withhold or deny or attempt to withhold or deny rights or privileges secured by sections 201 or 202; second, second, intimidate, threaten, or coerce any person with the purpose of interfering with or abridging any such right or privilege; or third, punish or attempt to punish any person for exercising those rights or privileges.

MODERATE ENFORCEMENT PROVISIONS

The remedy provided for a violation of section 203 is a suit for relief by the person aggrieved or by the Attorney General if he satisfies himself that the purposes of the title will be materially furthered by his bringing the suit. No criminal penalty or suit for civil damages is provided in such a case.

The easiest way to enforce the provision is not to act in a discriminatory manner. The easiest way to prevent the law from putting one in jail is to stop the illegal act. The easiest way for cities or States to accommodate themselves to title II is to stop violating the 14th amendment to the Constitution.

I should like to emphasize that the establishments covered are very clearly defined in section 201(b). Local laws and ordinances dispose of the problem of definition under section 202. The owner of any establishment should have little difficulty in determining whether he is subject to title II. If he makes a mistake, he does not expose himself to any sanction or penalty. The only method of enforcement is by suit for preventive relief, that is, for an injunction. Only after the court has determined that he is in fact covered and has violated the terms of the law, will an order be issued requiring him to conform. Nor is it likely that the owner of an establishment which is not covered will be subjected to legal harassment. Under section 204(b), the court may allow the winning party, other than the United States, a reasonable attorney's fee as part of the costs. This will obviously operate to eliminate the likelihood of unjustified suits being brought.
Of course, if an establishment is found to be covered and an order is issued against the owner requiring him not to discriminate, he will be subject to contempt proceedings if he disobeys the order. Yet even in this case, the bill evidences unusual concern to avoid harsh punishment. Ordinarily, such contempt proceedings are tried without a jury. But section 205(e) specifies that the jury trial provision of the Civil Rights Act of 1957 will be applicable to criminal contempt proceedings under title II.

Under this provision, the defendant could be initially tried with or without a jury at the discretion of the judge, but if he should be tried without a jury, the judge could not sentence him to imprisonment in excess of 45 days or to pay a fine exceeding $300. If the judge attempted to impose heavier penalties, the accused would have a right to a new trial before a jury. Section 204(a) provides that the Attorney General may institute suits only "if he satisfies himself that the purposes of this title will be materially furthered by an action in his name for the enforcement of the provisions thereof." There are valid reasons for both conferring authority on the Attorney General and limiting that authority. First, in many cases the persons aggrieved will be travelers who simply will not have the time or means to institute a lawsuit far away from home. Second, suits by the Attorney General will make it possible to go directly to trouble spots and to avoid the extensive competitive disadvantage on any one individual. An individual will ordinarily be in a position to sue only one or a small number of establishments which have discriminated against him. The Attorney General could sue all the restaurants or all the motels in a particular area so that no one owner of an establishment would be at a disadvantage as against the owners of competing. There is no reason to hope that in large sections of the country the public accommodations provisions of H.R. 7152 will be accepted gracefully and that few lawsuits will have to be brought.

We do not expect the Attorney General to do the whole job. There will, however, be circumstances when he should bring the suit; if he satisfies himself that those circumstances exist, he may do so.

Let us also remember that the Attorney General will bring such a suit in the name of the United States, not in behalf of any individual or group. It is not the job of the Department of Justice to act as a legal aid society for any individual—however worthy the cause; but it is very much the responsibility of the Attorney General to represent the United States and the interests of all the people. The Attorney General would be acting in this latter capacity in any suits which he might bring to achieve full compliance under title II. I will comment in greater detail on this aspect of the Attorney General's responsibilities in my discussion of titles III and IV.

EMPHASIS ON VOLUNTARY COMPLIANCE

Nevertheless, the emphasis of title II is not upon lawsuit by the Attorney General, but upon voluntary compliance. Section 204(d) authorizes the Attorney General, before bringing suit, to utilize the services of any municipal, Federal, State, or local agency or instrumentality which may be available to attempt to secure compliance with the provisions of the title voluntarily. I am sure that cooperation by State and Federal agencies, including the Community Relations Service established by title X, will substantially diminish the necessity of bringing suits to enforce the provisions of title II.

When it becomes necessary for the Attorney General to institute suit, section 201(e) requires him, with respect to areas which have their own public accommodations laws, to notify State or local officials, and, upon request, to give them a reasonable time to act under State or local laws or regulations before he institutes an action. However, section 204(e) provides that this requirement be dispensed with if the Attorney General files a certificate in court to the effect that the delay "would adversely affect the interests of the United States, or that in a particular case such a provision would prove ineffective." This exception gives the Attorney General discretion to move promptly with a lawsuit if he feels that the particular local law is ineffective or if, for example, he feels that bringing suit will prevent possible violence or disorder.

CONSTITUTIONAL BASIS FOR TITLE II

There has been considerable discussion as to whether the constitutional bases of the public accommodations provisions of H.R. 7152 should be the commerce clause or the 14th amendment. The contention will even be made that no constitutional authority whatsoever supports the legislation. I think there is little doubt that, with the careful changes that have been made during the development of this bill, this bill fulfills its purpose. In the event of any legal challenge, this bill will stand firm support in both the commerce clause and the 14th amendment, and is not prohibited by any other provision of the Constitution.

The opposition to relying on the commerce clause rests on the view that what title II deals with is a moral question involving the treatment of human beings—that legislation designed to deal with such a matter should not rely on a clause of the Constitution relating to the movement of chattels in commerce. We must, I believe, agree that the fact that title II does embody a moral judgment should not be a reason for failing to rely on our power to regulate commerce.

In fact, the Constitution of the United States is the Constitution of a Nation. All its provisions are properly available to effectuate the moral judgments of that Nation. That is why it is wholly appropriate to use any relevant constitutional authority with respect to a national problem. If more than one provision of the Constitution provides that authority, then the question involves a choice by the Congress of the United States as to which provision to use. Yet even in this case, the bill has done so. The Fair Labor Standards Act—title 29, United States Code, section 201, and the following—indicates that one of the problems that a minimum standard of living is desirable because it has a substantial effect upon "the orderly and fair marketing of goods in commerce."

Certainly the lack of facilities at which to rest and at which to eat is a substantial impediment to interstate travel and commerce. For example, because of the lack of such facilities some truck companies hesitate to use Negro drivers in certain areas. And the same is true of the Congress in the Interstate Commerce Act of 1887—title 49, United States Code, section 312(d)—forbade a railroad in interstate commerce "to subject any person to any unreasonable or undue prejudice or disadvantage in any respect whatsover." Motor carriers and air carriers are subject to similar regulations—title 49, United States Code, section 312(d); title 49, United States Code, section 1374(b).

In view of this authority I think there can be no question as to the validity of the tests, set forth in section 201 (c), to determine whether the operations of a place of public accommodation "affect commerce." An analysis of the provision indicates that a relationship to the flow of goods in interstate travel is the basic test with respect to each type of establishment enumerated in section 201 (b). Section 201 (c) makes it clear that the fact that a hotel, motel, or similar establishment "provides lodging to transient guest[s]" is sufficient to establish that "its operations affect commerce." This is so whether transients are travelling interstate or merely within a State. Obviously interstate travelers could not be protected against discriminatory denial of accommodations if motels or hotels could claim to serve intrastate travelers only. And beginning with the Shreveport rate cases in 1913 (Houston & Texas Ry. v. United States, 297 U.S. 424), the courts have held that Congress can regulate intrastate transactions where it is reasonably necessary to do so in order to protect interstate commerce. The necessity clearly exists in this case.

I do not think the argument is really worth arguing about. As my earlier discussion of the commerce clause indicates clearly, the legal view as to what that clause covers has developed substantially since 1883. Every Senator knows that the Court has made varied interpretations of the commerce clause. The Constitution is a living document. It is not merely a historical document relating to years gone by.

The Court has the responsibility to apply the Constitution and its amendments to the present needs of this Republic, within the full meaning of the Constitution.

CIVIL RIGHTS CASES OF 1883

Obviously, the power of Congress to regulate commerce is far reaching. Before this debate is over I am sure we will hear the argument made that because of the decision of the Supreme Court in the Civil Rights Cases, 109 U.S. 3 (1883), the public accommodation provisions of this bill are unconstitutional. I think that that argument is demonstrably wrong.

As I understand it, basically this argument is a simple one. Section 2 of the Civil Rights Act of 1875 declared that if anyone in the United States should, "without regard to race, color, or previous condition of servitude, be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of hotels, automobiles, places of public amusement, theaters, and other places of public accommodation," then that person could bring suit in any such view at any time prior to the adoption of the last three amendments (106 U.S. at p. 10).

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The Court has the responsibility to apply the Constitution and its amendments to the present needs of this Republic, within the full meaning of the Constitution.

Since 1883 Congress has passed and the courts have upheld as an appropriate exercise of authority under the commerce power legislation of the type considered in the Civil Rights Cases; that is, legislation imposing regulations on public conveyances, such as railroads and air and motor carriers. At the very least, I think all will agree that the Civil Rights Cases are not now and never have been regarded as an authoritative interpretation of the commerce clause of the Constitution.

While I am not a lawyer, I have studied constitutional law. On occasion, I taught a course in it. I know of nothing that the commerce clause is to be interpreted and defined by the ruling of the Court in 1883. To the contrary, it is rejected. As the able Senator from Oregon (Mr. Mosby) would say, "If a student of mine put down on a test that the commerce clause is defined in the Civil Rights Cases of 1883, he would be declared unfit for further study."

One does not have to be a lawyer to know that. I hope that we shall not burden the Record with trivia, detail and non sequiturs on the commerce clause with regard to the Civil Rights Cases of 1883.

So far as the 14th amendment is concerned, the Civil Rights Cases covered an
entirely different situation than is presented by title II. The validity of the title under that amendment does not depend at all upon the possibility that the decision will be overruled. In fact, title II is entirely consistent with the decision in the Civil Rights Cases.

The 14th amendment provides that—

not to deny to any person the equal protection of the laws.

That is rather clear language. It is not aimed at the action of individuals, but at the action of States. Because sections 1 and 2 of the 1875 act made "no reference whatever to any supposed or apprehended violation of the 14th amendment as such," that language prohibited State action as contrasted with the action of a private person.

In the Civil Rights Cases of 1883, the Court pointed out that similar language in the 1875 act was invalid because the "State or political subdivision thereof" prohibited such language prohibited State action as contrasted with the action of a private individual.

The ruling of the Court in the Civil Rights Cases makes it clear that the decision is required or enforced by action of a State or political subdivision thereof; or (2) is carried on under color of any custom or usage required or commanded by a State statute or local ordinance. And discrimination or segregation by the places of public accommodation enumerated in section 201(b) is prohibited under the 14th amendment only if it "is supported by State action." A long line of decisions has made it clear that for the purposes of the 14th amendment the phrase "State action" is a broad one which may be satisfied by the action of any local, state, or national authority. Enforcement sanctions: Penal, misde- meanor, fine of up to $500, or imprisonment up to 30 days or both.

In this instance, I refer to Simkins v. Moses H. Cone Hospital (323 F. 2d 959, 968 (C.A. 4, 1963)), certiorar denied, March 2, 1964.

In summary, the view that the decision in the civil rights cases of 1863 prevents us from basing title II in part upon the authority of the 14th amendment rests upon a misconception of two things: what the civil rights cases actually decided and what this bill covers. This is why we recommend this amendment. When it is carefully studied, it becomes clear, as I have stated several times, that the bill has been carefully designed. It is based upon documented evidence, and it derives its power from the Constitution, not from wishful thinking.

CONSTITUTIONAL IMPACT OF TITLE II

It has also been suggested that for Congress to require places of public accommodation not to discriminate on grounds of race, color, religion or national origin is a taking of property without due process of law in violation of the fifth amendment. This argument also lacks merit.

In this connection, it should be emphasized that what is involved in the public accommodations provisions is a very narrow regulation of the use of property. All that is required is that such places not discriminate on account of race, color, religion or national origin in their policy. Hotels can turn away rude, dirty, or boisterous people—or simply those who cannot pay the tariff. All this can still be done—so long as it is not a subterfuge for discrimination on the ground of race, color, religion, or national origin.

Any kind of regulation always imposes some limitation on private activity. The type of regulation proposed in title II is hardly novel. As I have noted, some 30 States and the District of Columbia presently have public accommodations laws enforcing racial non-discrimination, and a number of cities have ordinances of like character. Some of these provide criminal sanctions, or impose a forfeiture of a license. Some such laws were enacted shortly after the Civil War; others are more recent. Mr. President, I ask unanimous consent to insert in the Record at this point a summary of State public accommodations laws.

There being no objection, the summary was ordered to be printed in the Record, as follows:

SUMMARY OF STATE PUBLIC ACCOMMODATIONS LAWS


Enforcement sanctions: Penal, misdemeanor, fine of $10 to $300, or imprisonment up to 1 year, or both; civil, recovery of actual damages plus $250 to party aggrieved.

2. California—Sections 25–1 to 25–2–6:

Enforcement sanctions: Civil, actual damages up to $500, or imprisonment up to 90 days, or both.

3. Colorado—Sections 25–1–1 to 25–1–6:

Enforcement sanctions: Civil, actual damages plus $250 to party aggrieved.


Enforcement sanctions: Civil, actual damages up to $300, or imprisonment up to 90 days, or both.

5. Idaho—Sections 18–7201 through 18–7203 (1961):

Enforcement sanctions: Penal, fine of $25 to $100, or imprisonment up to 30 days, or both.

6. Illinois—C. Title 38, article 13, sections 13–1 to 13–4 (1961); title 43, section 133; title 103, section 468.1.
Establishments covered: Restaurants, hotels, soda fountains, taverns, barbershops, department stores and establishments, theaters, skating rinks, public golf courses, elevators, railroads, buses, airplanes, street cars, boats, funeral homes, cemeteries, convents, nursing homes or hospitals, and all other places of public accommodation and amusement, premises where alcoholic beverages are sold, and concessionaries of State.

Enforcement sanctions: Penal, fine of up to $1,000, and imprisonment up to 10 days; criminal, damages up to $1,000; commission on laborers, conciliatory and injunctive forms of relief.

7. Indiana—Sections 10-901 to 10-914 (1965):

Establishments covered: Any establishment which caters or offers its services or facilities to the general public, including but not limited to public housing projects.

Enforcement sanctions: Penal, fine of $25 to $100, imprisonment up to 30 days, or both; civil, damages, $20 to $100 to aggrieved person; either relief bars the other.

8. Iowa—C. 735:

Establishments covered: Inns, restaurants, chophouses, eating houses, lunch counters, and all other places where refreshments are served, public conveyances, barbershops, bathhouses, theaters, and all other places of amusement.

Enforcement sanctions: Penal, misdemeanor, fine of up to $100 or imprisonment up to 30 days.


Establishments covered: State university, college, or other school of public instruction, hotels, restaurants, any place of public entertainment or public amusement for which a license is required, railroad, bus, streetcar, or other means of public carriage.

Enforcement sanctions: Penal, misdemeanor, fine of up to $1,000.

10. Maine—Section 50 (1954):

Establishments covered: Inns, any restaurant, public conveyance on land or water, bathhouse, barber shop, theater, and music hall.

Enforcement sanctions: Penal, fine of up to $100, or imprisonment up to 30 days or both.


Establishments covered: Hotel, restaurant, inn, motel, or establishments commonly regarded as engaged in the business of providing sleeping accommodations, or serving food, or both, for a consideration, and which is open to the general public and premises, portions of premises primarily devoted to the sale of alcoholic beverages and generally described as bar, taverns or cocktail lounges.

Law applicable to Carroll County, Md., unless adopted by referendum; not applicable to Calvert, Caroline, Dorchester, Garrett, Kent, Queen Anne’s, St. Marys, Somerset, Talbot, Wicomico, and Worcester Counties.

Enforcement sanctions: Limited to injunctive relief.

12. Massachusetts—C. 140, sections 5 and 8 (1878); C. 272, section 92A (1953); C. 272, section 96 (1950):


Enforcement sanctions: Penal, (1) fine of up to $50; (2) fine of up to $100, or imprisonment up to 60 days, or both; (3) fine of up to $500, or imprisonment up to 90 days, or both; civil, damages of up to $500.

13. Michigan—sections 28.343 and 28.344:

Establishments covered: Inns, hotels, motels, housing for human remains, or for the sale of merchandise, or other place of public accommodation, amusement, and recreation.

Enforcement sanctions: Penal, $100 minimum fine, or 15 days minimum imprisonment, or both; civil, liability to the injured party in treble damages [chose in action not assignable]; if the license is hereby revoked.

14. Minnesota—section 327.09:

Establishments covered: Public conveyances, theaters, and other public places of amusement, hotels, barbershops, saloons, restaurants, or other places of refreshments, entertainment, or accommodation.

Enforcement sanctions: Penal, misdemeanor; civil, damages up to $500.

15. Missouri—title 64, section 211 (1955):

Establishments covered: Place of public accommodation or amusement.

Enforcement sanctions: Limited to injunctive relief.

16. Nebraska—C. 20, sections 101 and 102:

Establishments covered: Inns, restaurants, public conveyances, theaters, and other places of amusement.

Enforcement sanctions: Penal, misdemeanor; fine of $25 to $100 plus cost of prosecution.

17. New Hampshire—C. 354, sections 1, 2, 4, and 5 (1961):

Establishments covered: Inns, taverns, or hotel, public conveyance, bathhouse, barber shop or public amusement.

Enforcement sanctions: Penal, fine of up to $100, or imprisonment up to 30 days to 90 days.

18. New Jersey—title 2A, sections 180-1 and 170-11; title 10, sections 1-2 to 1-7, 1-14 to 1-19; title 18, sections 25-1 to 25-6:

Establishments covered: (1) Place of safety or shelter; (2) Inn, campground, restaurant, garage, public conveyance, public bathhouse, public boardwalk, theater, or other place of amusement, public or private; (3) Other place of amusement, or entertainment, or recreation parks, hospital, public library, kindergarten, primary and secondary school, high school, college, and university; (4) Employment, publicly assisted housing, or other real property.

Enforcement sanctions: Penal, imprisonment fine of up to $1,000, or both; (2) civil, damages of $100 to $500, cost of prosecution, attorney’s fee of $25 to $500, or imprisonment up to 90 days, or both; (3) complaint to division of civil rights, limited to conciliatory and injunctive forms of relief.

19. New Mexico—C. 49, sections 8.1 to 8.6 (1955):

Establishments covered: Inns, taverns, hotels, motels and tourism courts, restaurants, ice cream parlors, hospitals, bathing houses, theaters, race courses, skating rinks, amusements and recreation parks, public libraries, kindergartens, primary and secondary schools, high schools, colleges and universities, extension courses, garages and all public conveyances.

Enforcement sanctions: Penal, misdemeanor, fine of up to $100; or imprisonment up to 60 days, or both.

20. New York—Article 4 sections 40 and 41, article 15 section 290, article 46 sections 513-8:

Establishments covered: Inns, taverns, hotels, any place where food is sold for consumption on the premises; ice cream parlors, public conveyances, hotels, hospitals, barbershops, theaters, race courses, skating rinks, amusement and recreation parks, public libraries, kindergartens, schools, colleges and universities, extension courses, garages, public conveyances, any place of amusement, or recreation for the entertainment, swimming pools, oceanfront, or for the burial or other disposition of human remains, or for the sale of goods, merchandise, services, or personal property; for the rendering of personal services; or for public conveyance or transportation for the garbage of vehicles, or where food or beverages of any kind are sold to
for consumption on the premises, or where medicine is made available, or any place of public amusement, or any public library or educational institution, or schools of special instruction, or nursery schools, day centers or children's camps; publicly assisted housing; employment.

Enforcement sanctions: Penal, misdemeanor; Washington State Board Against Discrimination, conciliatory and injunctive relief (seeking of any civil or penal remedy is subject to action for the commission).


Establishments covered: Inns, restaurants, taverns, barbershops and public conveyances.

Enforcement sanctions: Penal, fine of up to $200, or imprisonment of up to 6 months, or both; civil, damages, not less than $25 plus costs; neither relief bars the other.

30. Wyoming—sections 6-83.1 and 6-83.2.

Establishments covered: Places or agencies which are in nature, or which invite the patronage of the public.

Enforcement sanctions: Penal, misdemeanor, fine of up to $100, or imprisonment up to 1 year.

District of Columbia—title 47, sections 2907, 2910, and 2911:

Establishments covered: Restaurants, hotels, bars, taverns, barbers, laundries, places where soda water is kept for sale, barbershops, bathhouses.

Enforcement sanctions: Penal, misdemeanor, fine not in excess of $50, forfeiture of license, not eligible for renewal for 1 year.

COMMON LAW HERITAGE

The legal theory supporting enactment of title II is firmly rooted in our common law heritage. Blackstone himself writes:

A man may justify entering into an inn or public house or other out of harm's way, as the owner first specially asked; because when a man professes the keeping of such inn or public house, he thereby gives a general license to any person to enter his doors (Commentary, 3, p. 168 (212)).

So we are not proposing anything radical. Blackstone is not known as a radical. In fact, he was quite a conservative man.

Early in 1450 a case was successfully prosecuted for refusal to serve. In fact, during the 13th, 14th, and 15th centuries, the duty to serve all who came was covered by criminal law. In an anonymous case in 1623, the court held:

An action on the case lyeth against an innkeeper who deneth lodging to a travellor for his money, if he hath spare lodging; because he hath subjected himself to keep a common inn.

In the case of Lane v. Cotton (1701), the court held:

Wherever any subject take upon himself a public trust for the benefit of his fellow subjects, he is so ipso bound to serve the subject in such capacity that any refusal to do so will reach and comprehension of such an office, under pain of an action against him. ** ** If an innkeeper refuse to entertain a guest, when his house is not full, an action will lie against him.

So this provision of title II is not a machination of a radical, evil mind. Title II is in the tradition of Anglo-Saxon common law.

The duties and responsibilities of those persons engaged in occupations which serve the public to serve all the public runs to the very heart of our Anglo-Saxon legal heritage. I deeply regret that these historical precedents are frequently overlooked by the opponents of this proposed legislation.

When we refer statements to the effect that the bill is an intrusion upon private rights and a mailed fist of governmental power, I wish that those who make that charge would examine the common law and the constitutional law cases. This evidence of the common law sanctions should be available without discrimination, as a part of an Anglo-Saxon legal heritage. We should not even have to legislate in connection with this matter; but apparently it is because of the refusal of some to abide by what has generally been accepted as custom and the common law.

Moreover, the Supreme Court has twice sustained the constitutionality of State and local public accommodations laws. In Bob-Lo Excursion Co. v. Michigan (333 U.S. 28 (1948)), the Court sustained a State public accommodations law, applied to an excursion boat which had refused service, because it interfered with interstate commerce. The court referred to the law as "one of the familiar type enacted by many States" (334 U.S. at 331). It emphasized that the State law "conforms with a national policy," and pointed out that "Federal legislation has indicated a national policy against racial discrimination in interstate transportation" (333 U.S. at 333). The Court stated that the law was consistent with due process, and counsel did not even argue this point in the Supreme Court. In District of Columbia v. Thompson Co. (345 U.S. 109 (1953)), a public accommodations law of the District of Columbia was sustained as applied to a restaurant which had refused to serve Negroes.

So I think there is no doubt about the constitutionality of the bill. The only question we have is the moral fiber to do something about the situation which has developed.

In Railway Mail Assn. v. Corsi (326 U.S. 88 (1945)), a provision of the New York civil rights law which prohibited a labor contractor from denying any person membership, or equal treatment, by reason of race, color, or creed was challenged. The Court stated—at page 94:

We see no constitutional basis for the contention that the States may not deal with the protection of the State, which holds itself out to represent the general business needs of employees.

The right of a private association to choose its own members is certainly entitled to as much respect as the right of a businessman to choose his customers. In light of these decisions, it is clear that a public accommodations law, such as is proposed in title II of H.R. 7152, is a "regulation which is reasonable in relation to its subject and is adopted in the interests of the community," and is constitutional.

The refusal of a private party to adhere to the requirements of title II of the law is not a discrimination against any individual. So I think there is no doubt about the constitutionality of title II. It reflects our deepest moral feelings. It meets an urgent economic and social need. It must be enacted without delay.

PUBLIC FACILITY AND SCHOOL DESSEGREGATION: TITLES III AND IV

Mr. President, titles III and IV of the bill may be considered together, since both deal with desegregation of publicly owned facilities.

Title II would authorize the Attorney General to bring suits in federal courts to enforce the provisions of title II. The suits would be brought by the Attorney General on behalf of the United States to enforce the Constitution itself requires. At present only a private civil action can be brought in these situations. The process of private litigation has proved insufficient to vindicate the clear rights conferred by the 14th amendment.

It is now 10 years since the Supreme Court held, in Brown v. Board of Education, that the time had come for a desegregation of public schools. Yet, the sad fact is that in Alabama, Arkansas, Georgia, Louisiana, Mississippi, North Carolina, and South Carolina less than 1 percent of all Negro children in biracial districts are enrolled in desegregated schools.

Other percentages are: Florida, 1.53; Tennessee, 2.71; Texas, 4.28; Virginia, 1.57. For the South as a whole the percentage is 1.06. Source: Southern Education Reporting Service, Statistical Summary of School Segregation and Desegregation, 1963-64.

Three States—Alabama, Mississippi, and South Carolina—had, as of last August, not a single Negro child registered to attend a white school below the college level; Alabama now has 11, South Carolina 10, and Mississippi still has none. In light of these figures, the overall percentage of Negro children in school with whites is less than 1 percent.

Children who were entering segregated primary schools when the Supreme Court declared segregated schools unconstitutional are now attending segregated high schools. We can never make up the loss to their education; but the Federal Government can help to see to it that children who will enter segregated kindergarten next fall
will not be graduating from a segregated high school in 1978.

Ten years of private litigation has produced a 1-percent rate of school desegregation in these 11 States—far less in some of them. At this rate, the 14th amendment will not become a reality in these States for centuries. There are nearly 2,000 separate school districts which are still totally segregated. This means that nearly 2,000 separate law-suits may be required to bring about compliance with the Constitution. A single and 1-percent rate of school desegregation can take many years, and cost many thousands of dollars. Stubborn litigation may occur over numerous questions of compliance, and even over the status of each individual pupil under a pupil placement law. Repeated appeals may be taken. And the cost is very great.

NEW ORLEANS SCHOOL CASE: DELIBERATE SPEED IN PRACTICE

Examinations of what has happened in individual cases tells the story very clearly, and demonstrates why so little progress has been made. The story of one such case, in the city of New Orleans, has been well told in the opinion of the Court of Appeals in the Bush v. Orleans Parish School Board (308 F. 2d 491). The court's opinion, written in August 1962, states:

This case is "Exhibit A" for "deliberate speed." It goes back to November 1951, when certain Negro children, through their parents, petitioned the Orleans Parish Board to desegregate the Orleans public schools (308 F. 2d at 493). Suit was instituted in 1952. The case waited until the Supreme Court decided Brown v. Board of Education, in 1954 and 1955 (347 U.S. 483; and 349 U.S. 249). In 1956 the district court ordered the New Orleans School Board to obey the Brown decision. The school board appealed; the judgment of the district court was affirmed. The school board sought certiorari from the Supreme Court; it was denied. The school board then returned to the district court and moved for a third vacation—this time to begin considering ways in which to comply with a clear rule of law—be vacated. This essentially dilatory and frivolous motion was of course denied. Again the school board appealed and lost, again it sought review in the Supreme Court and was denied. A third time the school board attacked the order in the district court; a third time it appealed and lost. After this third appeal to the circuit court, the school board did not seek certiorari. By this time, however, it was 1959. The school board had managed to postpone even the beginning of thought about desegregation for 3 more years.

During this time forces had built up that were to make legal delays superfluous. Immediately after the issuance of the Brown decision, the Louisiana Legislature enacted a massive body of laws intended to preserve segregation in the schools. When the district court ordered the school board to file a plan—

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and the next, and the next; nothing was taken as settled.

Separate is not equal.

It must be emphasized, moreover, that the result has been to deny growing children the kind of education to which they are entitled. I am not now speaking of the psychological and social disadvantages inherent in any system of segregation, with all its hurtful implication of a superior and an inferior race. I am speaking of the plain fact that separate is not equal, and never has been, as is evidenced by figures known for a long time.

For example, look at the situation in New Orleans. The record in the Bush case shows that the average class in the Negro elementary schools had 38.3 pupils; in the white schools, 26.7. In the Negro elementary schools each teacher had an average of 36 pupils; in the white schools, 26.1. White classes met in regular classrooms; many Negro classes met in rooms converted from stages, janitors' quarters, library quarters, and teachers' lounges. Fully 10 percent of the Negro children—over 5,500—were on "platoon" or split shift attendance.

Mississippi affords another example. Mississippi's schools are still 100 percent segregated, 10 years after the Brown case. Although half the pupils in that State are Negro, the biennial report of the State superintendent of public education shows that only 7 Negro high schools are accredited by the Southern Regional Association of Colleges and Secondary Schools, while 82 white high schools are accredited. Of Mississippi's 82 counties, fully 9 have no Negro high schools at all, and in 2 of these counties (Noxube and Tunica) there are 5 times as many Negro students as white students. And almost twice as much is spent on instruction of each white student. Much less is spent for each Negro pupil than for each white student. Mr. President, I ask unanimous consent to insert in the Record at this point these statistics showing that segregated schools are not equal.

There being no objection, the table was ordered to be printed in the Record as follows:

\[ \text{Annual Expenditure per Pupil} \]


Source: All figures are from the latest annual report of the respective State school boards of education. Figures for Arkansas and Mississippi are based on average daily attendance.

Effect on higher education

Mr. HUMPHREY. Thus far I have talked about public elementary and secondary schools. The situation in higher education is also appalling. In its 1960 report on Equal Protection of the Laws in Public Higher Education, the Civil Rights Committee found that, in the academic year 1959–60, at least 86 of the 211 public higher educational institutions formerly open only to white students in the 17 Southern States continued to exclude Negro applicants on the ground of race in violation of the law of the land (p. 265). Moreover, where Negroes have been admitted there has tended to be token integration only—one or two Negroes in the school. Even then the Negroes have been achieved only after strenuous efforts.

The Commission found that the average length of Federal lawsuits to obtain admission to colleges and universities, where an action was taken (as it usually was), was over 2½ years—page 269.

We are dealing, then, with a gross deprivation of educational opportunities. We are dealing with massive efforts to block desegregation through the courts, by constant appeals and by ignoring court orders, by thinking up ever more ingenious schemes with which to deny equal educational advancement to millions of Negro children. And thus far, it seems, have been dealing with it by saying to the Negro, "Sue for your rights in the courts—with your own lawyers, your own resources, your own children's lives."

Cost of litigation

What does all this litigation cost? One indication is the case of NACLO v. Patti (159 F. Supp. 503 (E.D. Va., 1958)), 6 years ago, in which the court sentenced the cost to the National Association for the Advancement of Colored People to litigation. The case going to the Supreme Court, "in which the fundamental rules governing racial problems are laid down" was from $50,000 to $100,000.

In Brown v. The Board of Education, it was over $200,000.

Another estimate is that the costs of a single trial in the district court, with an appeal to the court of appeals and an application for certiorari to the Supreme Court, in Georgia alone, is $15,000 to $18,000. In Louisiana's schools, there are 10 such appeals. It is claimed that Negroes spend something like $8,000 per child to secure to these 12 children their constitutional rights as Americans.

The burden of this litigation to put the Constitution into effect is carried by individuals who volunteer, at great personal cost, to vindicate rights of the public as a whole. It falls on members of a minority group which, in general, is the least well to do, least well educated, and most vulnerable to economic and other pressures. One measure of the status of Negroes in the States of the old Confederacy is that in those 11 States there were a total of 395 Negro lawyers in 1960. Louisiana had 18, Alabama 18, South Carolina 13, Georgia 13, and Mississippi 4. To these one might add the legal resources of the National Association for the Advancement of Colored People, whose legal defense department has the imposing staff of nine lawyers.

I need not labor any more the point that private litigation, financed with private funds, is just not adequate to do the job that has to be done to make effective the clear constitutional rights of schoolchildren. We must find a way to attend to schools that are free from racial segregation or discrimination. Indeed, the point is obvious to anyone who reads the newspaper.

Assistance to secure desegregation of schools

In the case of schools and colleges, litigation alone is not enough. Title IV provides also for affirmative assistance in meeting practical problems. It authorizes the Commissioner of Education, upon the request of the appropriate State and local authorities, to assist local school boards in dealing with problems arising from desegregation. Such assistance would include advice and technical assistance in the preparation and implementation of desegregation plans, and grants and contracts for special training for school personnel to enable them to deal with educational problems arising from desegregation. This assistance would be available without order of desegregation being carried out at the instance of the local authorities or under court order, but acceptance of the assistance would be entirely optional with the local authorities, and the Commissioner would be given no coercive power.

These provisions recognize that segregation in schools is a problem which concerns all Americans in all sections of the country. We should not simply stand back and say to the local authorities, "Desegregate." Teachers and school officials who have not experienced the problems involved in merging two formerly separate schools into one can benefit greatly from the experience of other localities which have met
and solved similar problems. School administrators should have at their disposal adequate funds for training and adjustment programs. It is vital that in providing equal education to Negroes, we do not lower the quality of education overall.

Title IV also provides, in section 402, for a survey and report to Congress, by the Commissioner of Education, concerning the "lack of availability of equal educational opportunities for individuals by reason of race, color, national origin" in public schools and colleges. This survey will cover not only the continued existence of unconstitutional racial segregation, but all forms of discrimination and inequality of treatment.

The existence of inequality, of deprivation of educational opportunity because of race and color, is obvious. But their extent is not yet fully known. An authoritative survey and report is needed, and will be most useful to the Congress, to educators, and to the public. Since the matter to be reported on is not merely the statistics as to the extent of segregation and desegregation but the quality of available facilities and Negroes, it is appropriate that responsibility for the survey and report be vested in the Commissioner of Education.

DESSEGREGATION OF PUBLIC FACILITIES

In the school cases there may be justification for a gradual approach in carrying out a plan of desegregation, allowing time for delay in starting the process. There can be no justification for any delay in making fully available to all citizens, the parks, playgrounds, libraries, and other public facilities built and maintained with taxes paid by all citizens. As the Supreme Court has declared, in a case involving such facilities, "The basic guarantees of our Constitution are warranted for the here and now. (Watkins v. City of Memphis, 375 U.S. 526, 533 (1963)). Yet here, too, the clear constitutional rights of citizens are being made effective only by costly and time-consuming litigation, in city after city. It is quite possible to make it possible for every citizen to have access to a museum or a library because of race, when we deny him access to a public park because of race, when we do that, in America, the land of the free and the home of the brave—America, the Beautiful, as we say—there is an inequality. That is why title IV is in the bill. It is not in the bill because some radical designed it. It is in the bill to prevent radicalism."

We say, "You are colored. Get away from the lunch counter. You may be good enough to prepare the food but do not sit down and eat it. You may be good enough to fight for your country and die for your country, but do not try to live in peace."

I reject that kind of philosophy. In a sense, America is now in the midst of a struggle of anticolonialism. Those of us who seek to impose this yoke of superiority—which is nothing more or less than a refined definition of the ugly practice of colonialism—will find that the yoke of superiority will be ripped from our hands. We can either drop it peacefully and treat our fellow citizens as human beings or it will be torn from us—and rightly it should.

That is what this debate is all about. The question is: Are we going to decide the issue with due process of law, or will it be decided by the streets and back alleys with clubs and violence? That is the question.

The question is: Will it be decided by men who love their country and the Constitution, or will it be decided by those who would subvert it?

The Senate has a choice. If we have to stay here for many months to make that choice, we will do it. There will be no weakening. If the American Negro can wait a hundred years for the promises in the Emancipation Proclamation to become a reality, I can wait for a hundred weeks, if necessary, in this debate.

This debate will receive the fundamental propositions as to whether we really believe that men and women are entitled to full civil equality. If we do not believe it, we should say so; then we can relegate ourselves to the past in the history of great nations. But if we do believe it, we should say so, and we shall stand high and strong in the great history of nations.

RIGHT OF ATTORNEY GENERAL TO SUE: AMPLE PRECEDENTS EXIST

We commonly rely on public officials to enforce public rights even though private interests are involved.

The public's right to free competition under the antitrust laws is enforced by the Attorney General and the Federal Trade Commission. The United States brings suit to enforce payment of tariffs levied to protect American manufacturers. The National Labor Relations Board brings suits to enjoin unfair labor practices by employers and employees. I call attention to a study, prepared by the Library of Congress for the Senate Committee on Education and Labor, in the CONGRESSIONAL RECORD, volume 106, part 3, page 3665, which lists nearly 30 statutes providing for injunction suits by the United States in situations where private interests may also be involved.

In all these situations the United States is authorized to sue because it is asserting and vindicating the public interest, not private rights. The national interest at stake in titles III and IV is not in the immediate lack of economic competition in the isolated community, or in the supposed danger of disorder. It is in the bill to prevent radicalism. It is the question: Will it be decided by men who love their country and the Constitution, or will it be decided by those who would subvert it?

The Senate has a choice. If we have to stay here for many months to make that choice, we will do it. There will be no weakening. If the American Negro can wait a hundred years for the promises in the Emancipation Proclamation to become a reality, I can wait for a hundred weeks, if necessary, in this debate.

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interested persons or organizations, to bear the costs of litigation or to obtain effective counsel. Alternatively, he may be considered unable to sue if to do so would result in economic or personal jeopardy to him or his family.

The purpose of the requirement that the Attorney General first find that the injured party is unable to bring suit is to assure that the Federal Government is not involved when private parties are able to undertake necessary legal action.

The bill requires the Attorney General to state in his complaint that he has received a complaint and that in his judgment the persons who complained are unable to initiate or maintain appropriate legal proceedings. These statements by the Attorney General will not be subject to challenge either by the defendants or by the court. Under no circumstances will the Attorney General be required to reveal the names of the particular complainants. Of course, if the defendants deny that they discriminate, it would always be necessary for the Attorney General to prove discrimination to the satisfaction of the court.

In gaining access to the civil courts, the litigant will generally go to litigation as the first line of action to make constitutional rights effective. The Attorney General may act only where he finds, in the particular case, that private litigants do not have and cannot obtain the resources necessary, or that they are likely to incur repressals for their temerity in claiming their constitutional rights.

Ordinarily, the United States is not liable for costs when it brings a suit, but titles III and IV depart from this settled principle by providing that the United States shall be liable for costs if it loses. This is another example of the way this bill leans over backward to be moderate and fair.

Titles III and IV should be—and I am confident will be—approved by the Congress.

EXTENSION OF CIVIL RIGHTS COMMISSION:

TITLE V

Mr. President, title V of H.R. 7152 extends the life of the Commission on Civil Rights for an additional 4 years, to January 31, 1968. In addition, the Commission is given new authority to serve as a national clearinghouse for information concerning denials of equal protection of the laws and to investigate charges of fraud or discrimination in the conduct of Federal elections. The title also makes procedural and technical changes in the Commission’s governing statute.

Since its establishment in 1957, the Commission has actively investigated allegations that citizens of the United States are being deprived of their right to vote or to have their vote counted by reason of race, color, or national origin. The Commission has studied, collected information, and reported on practices constituting a denial of equal protection of the laws under the Constitution.

The Commission’s reports, recommendations, and appraisals of relevant laws and policies have been invaluable in providing a basis for remedial action by Congress and the executive branch, and in informing the public. In fact, almost every provision of H.R. 7152 has some basis in facts and recommendations developed by the Commission and its 50 State advisory committees.

The need for such studies and reports has not decreased in the past 7 years. Unfortunately, discrimination and the denial of civil rights continues, and are not confined to any one part of the country. A continuing investigation of this many-faceted problem is clearly needed.

The Civil Rights Commission has done an excellent job; title V of the bill would enable it to continue its work. And the extension of its life for 4 years should make it easier for it to get and keep a capable staff.

Title V also gives the Commission several new and useful functions. Many private and governmental organizations are interested in obtaining information on civil rights matters. Title V would enable the Commission to serve as a national clearinghouse, excerpt, and dissemination of such data. This exchange of material will facilitate, for all agencies concerned, the task of working to end deprivations of equal protection of the laws.

The Commission under title V would also be authorized to investigate allegations of vote fraud. The results of any such investigation would be useful to the Congress in determining whether existing Federal legislation is appropriate to deal with this problem.

The Commission’s record since 1957 is the most persuasive testimony in favor of this 4-year extension.

Title V must be discussed at length and in detail by the able and distinguished Senator from Missouri [Mr. Long] and the distinguished Senator from Pennsylvania [Mr. Scott].

ENDING DISCRIMINATION IN FEDERAL PROGRAMS:

TITLE VI

Mr. President, title VI deals with racial discrimination in federally assisted programs. Its basic principle, set forth in section 601, is that:

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

If anyone can be against that, he can be against Mother’s Day. How can one justify discrimination in the use of Federal funds and Federal programs? President after President has announced that discrimination in public facilities is a denial of equal protection in Federal programs and Federal assistance. But, regrettably, there has been open violation of these policies.

As President Kennedy stated in his message of June 19, 1963:

Simple justice requires that public funds, to which all taxpayers of all races contribute, be not spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.

And, in fact, this principle is being applied under a number of Federal assistance programs. But, regrettably, there are important programs in which it is not.

FEDERAL FUNDS IN SEGREGATED ACTIVITIES

Substantial grants of Federal funds are made each year for construction and operation of public schools in federally impacted areas. Large sums of money are contributed by the United States each year for the construction, operation, and maintenance of segregated schools. For example, for fiscal year 1966, following grants were made for construction and operation of public schools in impacted areas in five Southern States: Alabama, $6,948,061; Georgia, $8,200,683; Mississippi, $2,161,945; South Carolina, $4,331,576; Virginia, $15,639,607; total for the five States, $35,282,048.

Yet, for the school year 1962–63 Alabama, Mississippi, and South Carolina had no Negroes and whites together in any type of school. Georgia had only 44 Negroes in integrated schools, and only about one-half of 1 percent of Virginia’s Negro children were in desegregated schools. Source: Annual report for 1963, Department of Health, Education, and Welfare, page 188. In the report of the Civil Rights Commission, 1963, page 65.

Substantial Federal funds go to segregated schools in other States. In short massive Federal funds are now being paid to help construct and operate segregated schools, and thus to maintain and perpetuate a system which violates the Constitution.

Similarly, under the Hill-Burton Act, Federal grants are made to hospitals which admit whites only or Negroes only. The Civil Rights Commission, in its 1963 report reported that between 1946 and December 31, 1962, Federal grants totaling $775,594 were made for several racially segregated medical facilities. Of this a very small proportion—$4,080,308 and 13 projects—was for projects which admitted Negroes only; the rest had a “white only” label. One consequence of these Federal policies—which in this instance are required by Act of Congress—was stated by the U.S. Court of Appeals for the Fourth Circuit in a recent opinion:

Racial discrimination in medical facilities is as explicitly responsible for the existence in North Carolina the rate of infant mortality [for Negroes] is twice the rate for whites and the gap is greater. Simkins v. Moses H. Cone Memorial Hospital, 323 F. 2d 959, 970, n. 23 (1963).

In higher education also, a substantial part of the Federal grants to colleges, medical schools and so forth, in the South is still going to segregated institutions.

Nor is this all. In several States, agricultural extension services, supported by Federal funds, maintain racially segregated offices for Negroes and whites. See Congressional Record, volume 109, part 18, page 23531.

I do not know how it is possible to “plow black” and how to “plow white.” I do not know how it is possible to do it, but I have never been able to discover the technique. Vocational training courses, supported with Federal funds, are given in segregated schools and institutions and there appear to be no limits Negroes to training in less skilled trades or occupations. In areas it is reported that Negroes have been cut off from relief roles, or denied surplus agricultural commodities, or otherwise deprived of the benefits of federally assisted programs, in retaliation for
for their participation in voter registration drives, sit-in demonstrations and the like.

Much has been done by the executive branch to eliminate racial discrimination from federally assisted programs. President Kennedy, by Executive order, prohibited such discrimination in federally assisted construction. And in employing funds on federally assisted construction. Individual agencies have taken effective action for the programs they administer. But the time has come for across-the-board legislation by Congress, to declare as a broad principle that is right and necessary, and to make it effective for every Federal program involving financial assistance by grant, loan, or contract.

The need for action is clear. This is an area in which the United States, like Caesar's wife, must be above suspicion.

NEED FOR LEGISLATION

Legislation is needed for several reasons. First, some Federal statutes appear to contemplate grants to racially segregated institutions. Such laws include the Hill-Burton Act of 1946, 42 United States Code 291e(f) for hospital construction; the second Morrill Act of 1890 for annual grants to land-grant colleges; 7 United States Code 332; and (by implication) the School Construction Act of 1950, 20 United States Code 636(b)(f). In each of these laws Congress expressed its basic intention to prohibit racial discrimination in obtaining the benefits of Federal funds. But in line with constitutional doctrines current when these laws were passed, it authorized the provision of "separate but equal" facilities. It may be that all of these statutory provisions are unconstitutional and separable, as the Court of Appeals for the Fourth Circuit has recently held in a case under the Hill-Burton Act. Simkins v. Moses H. Cone Memorial Hospital, 323 F.2d 957 (C.A. 4, 1963), cert. denied, 376 U.S. 964 (1964). But it is clearly desirable for Congress to wipe them off the books without waiting for further judicial action.

Second, most Federal agencies probably have been reluctant to act in this area. The problem has been viewed as a basic issue of national policy on which Congress ought to be on record.

Third, some Federal agencies appear to have been reluctant to act in this area. The need to adopt any enactment will thus serve to insure uniformity and permanence to the nondiscrimination policy.

Fourth, as Senators we well remember, in connection with legislation authorizing or continuing particular programs, a good deal of time has often been taken up with the so-called Powell amendment which would prohibit racial discrimination in the particular program. Many of us have had to explain that the issue of nondiscrimination should be handled in an overall, consistent way for all Federal programs, rather than piecemeal, and that it should be considered separately from the merits of particular programs of aid to education, health, and the like. This bill gives the Congress an opportunity to settle the basic principle of nondiscrimination once and for all, in a uniform, across-the-board manner, and thereby to avoid having to debate the issue in piecemeal fashion every time any one of these Federal assistance programs is before the Congress.

Title VI is an authorization and a direction to each Federal agency administering a financial assistance program by way of grant, loan, or contract, other than a contract of insurance or guaranty, to take action to effectuate the basic principle of nondiscrimination stated in section 601. Each agency must take some appropriate action; it may do so by rule, regulation, or order of general applicability, but such a rule, regulation, or order must be approved by the President.

Failure of a recipient to comply with such a rule, regulation, or order, may lead to a termination or refusal of Federal assistance. The administration, however, is not the objective of the title—I underscore this point. It is a last resort, to be used only if all else fails to achieve the real objective, the elimination of discrimination in the use and receipt of Federal funds. This fact deserves the greatest possible emphasis: Cutoff of Federal funds is seen as a last resort, when all voluntary means have failed.

TITLE VI IS NOT PUNITIVE

It seems to be assumed, by some of the opponents of title VI, that its purpose is a punitive or vindictive one. Nothing could be farther from the truth.

The purpose of title VI is to make sure that funds of the United States are not used to support racial discrimination. In many instances the practices of segregation or discrimination, which title VI seeks to end, are unconstitutional. This is clearly so wherever Federal funds go to support private, segregated institutions, under the decision in Simkins v. Moses H. Cone Memorial Hospital, 323 F.2d 957 (C.A. 4, 1963), certificate denied, March 2, 1964. In all cases, such discrimination is contrary to national policy, and to the moral sense of the Nation. Thus, title VI is simply designed to insure that Federal funds are spent in accordance with the Constitution and the moral sense of the Nation.

Moreover, the purpose of title VI is not to cut off funds, but to end racial discrimination. This is clearly reflected in the requirement that any action taken by the Federal department or agency must be "consistent with the achievement of the objectives of the statute authorizing the financial assistance in connection with which the action is taken." In general, cutoff of funds would not be consistent with the objectives of the Federal assistance statute if there are available other means of achieving the same result. And section 602, by authorizing the agency to achieve compliance "by any other means authorized by law," encourages agencies to find ways to end racial discrimination without refusing or terminating assistance.

Title VI does not contain a "shut-off" authority to cut off Federal aid to a State or any other discrimination requirement an agency adopts must be supportable as tending to end racial discrimination with respect to the particular program or activity to which it applies. Thus, cutoff or limitation of highway funds, for instance, on a State-wide basis unless the State itself is engaging in discrimination on a State-wide basis. For example, in the case of grants to impacted school areas, separate compliance action would have to be taken with respect to each school district receiving a grant.

Finally, the authority to cut off funds is hedged about with a number of procedural restrictions. Before funds would be cut off, the following would have to occur: First, the agency must adopt a nondiscrimination requirement, by rule, regulation, or order of general applicability, which is not done. Second, an agency must advise the recipient of assistance that he is not complying with that requirement, and seek to secure compliance by voluntary means; fourth, a hearing must be held before any formal compliance action is taken; fifth, the agency may file a full written report with the appropriate congressional committee and 30 days must elapse before the aid may be cut; sixth, the agency may apply for a stay pending such review.

In short, title VI is a reasonable, moderate, cautious, carefully worked out solution to a situation that clearly calls for legislation. The question has been so vehemently attacked in certain quarters? The answer, I submit, is clear. The opponents of title VI want the Federal Government to continue giving financial support to racial segregation. They are unwilling to challenge directly the principle that is stated in section 601—that public funds should not be expended in a way that promotes and sustains discrimination. And so they are attempting to flank attack, by seeking to create false and misleading impressions as to the intention and effect of title VI.

EFFECT ON SPECIFIC PROGRAMS

It, therefore, is important to be quite clear as to just what could and would not do. In terms, it applies to well over a hundred different Federal assistance programs. In fact, however, its effect will be much more limited.

Perhaps the greatest amount of Federal assistance goes for direct programs, in which Federal funds are
paid directly by the United States to the ultimate recipient, such as social security payments, veterans' compensation, and railroad retirement benefits. Contrary to assertions that have been made, title VI will have no practical effect on such programs, for two reasons. First, the Federal Government does not engage in racial discrimination in determining eligibility for and paying out benefits under such programs. It could not. Neither the statutes authorizing them, nor the Fifth Amendment to the Constitution would permit such discrimination. Second, title VI would not authorize the withholding of any of these direct payments on the ground that the recipient engages in racial discrimination in connection with his business or other activities. It is irrelevant, to the purpose of these acts, what the recipient does with the money he receives. His employees, the customers of his business, or other persons with whom he deals, are not, in any sense participants in or beneficiaries of these Federal programs.

With respect to State welfare programs, which receive Federal grants under the Social Security Act, title VI is basically the same, with one significant difference. Title VI will not authorize imposition of any requirements on the ultimate beneficiaries of these welfare payments, for the reasons already discussed under the preceding heading. But it will result in requirements that the State agencies administering these programs refrain from racial discrimination in the administration of benefits and in the treatment of beneficiaries. For example, a State agency administering an unemployment compensation program which participates in the Federal Unemployment Trust Fund, would be prohibited from making payments to otherwise eligible beneficiaries because they were Negroes, or because they had participated in voter registration drives or sit-in demonstrations. The State agency would be prohibited from maintaining segregated lines or waiting rooms for, or otherwise differentiating in its treatment of, white and Negro beneficiaries.

**EFFECT ON HOUSING AND FARM PROGRAMS**

Title VI will have little or no effect on federally assisted housing. This is so for two reasons. First, much Federal housing assistance is given by way of insurance or guaranty, such as FHA and VA mortgage insurance and guaranties. Programs of assistance of this nature are already basically the same, with one significant difference. Title VI will not authorize imposition of any requirements on the ultimate beneficiaries of these welfare payments, for the reasons already discussed under the preceding heading. But it will result in requirements that the State agencies administering these programs refrain from racial discrimination in the administration of benefits and in the treatment of beneficiaries. For example, a State agency administering an unemployment compensation program which participates in the Federal Unemployment Trust Fund, would be prohibited from making payments to otherwise eligible beneficiaries because they were Negroes, or because they had participated in voter registration drives or sit-in demonstrations. The State agency would be prohibited from maintaining segregated lines or waiting rooms for, or otherwise differentiating in its treatment of, white and Negro beneficiaries.

In this area there is some overlap between title VI and title VII. Both titles call for initial reliance on voluntary methods for achieving compliance. If such methods fail, then the department or agency administering a Federal assistance program would consider the availability of a suit under title VII in determining what means of obtaining compliance with its nondiscrimination requirement would be most effective and consistent with the objectives of the Federal assistance program.

**EFFECT ON EDUCATION PROGRAMS**

Title VI would have a substantial and eminently desirable impact on programs of assistance to education. Title VI would require elimination of racial discrimination and segregation in all "immediate-use" programs, such as Federal grants under Public Laws 815 and 874. Racial segregation at such schools is now prohibited by the Constitution. The Commissioner of Education would be authorized in relying on any existing plans of desegregation which appeared adequate and effective, and on litigation by private parties or by the Attorney General under title IV of H.R. 7152, as the primary means of securing compliance with this nondiscrimination requirement. It is not expected that funds would be cut off so long as reasonable steps were being taken in good faith to end unconstitutional segregation.

In such cases the threat of litigation might also be justified in requiring elimination of racial discrimination in employment or assignment of teachers, at least where such discrimination affected the educational opportunities of students. See Board of Education v. Brazton, C.A. 5, Jan. 10, 1964, 32 U.S. Law Week 2353.

This does not mean that title VI would authorize a Federal official to prescribe pupil assignments, or to select a faculty, as opponents of the bill have suggested. The only authority conferred would be authority to adopt, with the approval of the President, a general requirement that the local school authority refrain from racial discrimination in the assignment of pupils and teachers, and authority to achieve compliance with that requirement by cutoff of funds or by other means authorized by law.

In the administration of the school lunch program title VI would also authorize a requirement that the schools receiving school lunch money not engage in racial discrimination. Cutoff of funds would, however, generally be inconsistent with the objectives of the school lunch program, which are to provide urgently needed food for growing bodies, and such cutoffs would not occur so long as other means of achieving compliance were available.
In connection with various Federal programs of aid to higher education, language institutes, research grants to colleges, and the like, title VI would similarly authorize requirements of nondiscrimination, and a number of methods, such action has already been taken.

Title VI would override the "separate but equal" provisions now in the Hill-Burton Act. The policy of the title might be enforced here by requiring that hospitals receiving Federal construction grants under the Hill-Burton Act agree not to exclude or segregate patients, or otherwise discriminate in their treatment of patients according to the patient's race, color, or national origin. Such hospitals could also be required to refrain from racial discrimination in extending hospital privileges to doctors, and in employment of doctors and nurses. Any such discrimination is unconstitutional under the decision of the United States Court of Appeals for the Fourth Circuit. Simkins v. Moses H. Cone Memorial Hospital, 333 F. 2d 959 (C.A. 4, 1963), certiorari denied.

Mandatory, immediate cutoffs of Federal funds would defeat important objectives of Federal legislation, without commensurate gains in eliminating racial discrimination or segregation. Therefore, the desire and the objective is to end discrimination, and not to cut off Federal funds. In its present form, title VI is drafted on the theory that cutoff of funds should be avoided if racial discrimination can be ended by other means. It encourages Federal departments and agencies to be resourceful in finding ways of ending discrimination voluntarily without forcing a termination of funds needed for education, public health, social welfare, disaster relief, and other urgent purposes. Cutoff of funds needed for such purposes should be the last step, not the first, in an effective program to end racial discrimination. Title VI would require that funds be refused or terminated if other methods of ending discrimination are not available, or have not proved effective. But it would allow Federal departments and agencies to try such other methods first.

The need for moderation

Mandatory, immediate cutoffs of Federal funds would defeat important objectives of Federal legislation, without commensurate gains in eliminating racial discrimination or segregation. Therefore, the desire and the objective is to end discrimination, and not to cut off Federal funds. In its present form, title VI is drafted on the theory that cutoff of funds should be avoided if racial discrimination can be ended by other means. It encourages Federal departments and agencies to be resourceful in finding ways of ending discrimination voluntarily without forcing a termination of funds needed for education, public health, social welfare, disaster relief, and other urgent purposes. Cutoff of funds needed for such purposes should be the last step, not the first, in an effective program to end racial discrimination. Title VI would require that funds be refused or terminated if other methods of ending discrimination are not available, or have not proved effective. But it would allow Federal departments and agencies to try such other methods first.
tolerate racial discrimination, simply because its elimination would arouse dis- content or hostility in some quarters in the locality or State. Title VI is a clear mandate to eliminate such discrimination, and each Federal department and agency is answerable to the President and the Congress for the way in which the President carries out that mandate. But, in carrying out a difficult task, the depart- ments and agencies should not be denied any available resources for constructive action.

EQUAL EMPLOYMENT OPPORTUNITY: TITLE VII

I would like to turn now to the problem of racial discrimination in employment. At the present time Negroes and members of other minority groups do not have an equal chance to be hired, to be promoted, and to be given the most desirable assignments. They are treated unequally in some labor unions and are discriminated against by many employment agencies.

No civil rights legislation would be complete unless it dealt with this problem of employment. Fair employment is as important as any other area of civil rights. What good does it do a Negro to be able to eat in a fine restaurant if he cannot afford to pay the bill? What good does it do him to be accepted in a hotel that is too expensive for his modest income? How can a Negro child be motivated to take full advantage of integrated educational facilities if he has no hope of getting a job where he can use that education? In cases where fine Negro men and women with distinguished records in our best univer- sities have been unable to find any kind of job that will make use of their train- ing and skills.

The Negro is the principal victim of discrimination in employment. According to Labor Department statistics, the unemployment rate among nonwhites is over twice as high as among whites. Unemployment among male breadwinners, those with dependents to support, the unemployment rate is three times as high among nonwhites as among whites. And although nonwhites constitute only 11 percent of the total work force, they account for 23 percent of all workers unemployed for 6 months or more.

Discrimination also affects the kind of jobs Negroes can get. Generally, it is the lower paid and less desirable jobs which are filled by Negroes. For example, 17 percent of nonwhite workers have white collar jobs; among white workers the figure is 47 percent. On the other hand, only 4 percent of the whites who are em- ployed at unskilled jobs in non- agricultural Industries; among nonwhites the figure is 14 percent.

It would be a great mistake to think that this situation is due solely to Ne- groes' lower educational attainments-only about 14 percent of Negroes at the time of the 1960 census had only a fifth-grade education. The fact is that educational factors undoubtedly has a good deal to do with this problem. The shameful fact is that edu- cated Negroes often are denied the chance to get jobs for which they are fully qualified. A study by the Department of Labor revealed that only 43 percent of all nonwhites with technical training held jobs on which they used that training, compared to 86 percent of white workers. About 70 percent of white college graduates have professional, technical, or managerial jobs, but only 70 percent of Negro college graduates have such positions commensurate with their education. At lower educational levels the situation is worse. Only 2 percent of white women who have graduated from high school but not com- pleted college are domestic workers, but fully 20 percent of Negro women with much less education can find only do- mestic work.

Even within their professions nonwhites earn much less than white peo- ple. It is a depressing fact that a Negro with 4 years of college can expect to earn less in his lifetime than a white man who quit school after the eighth grade. In fact, Negro college graduates have only half the lifetime earnings of white college graduates.

Mr. President, I ask unanimous con- sent to print at this point in the Rec- ord the results of a Bureau of the Census study on the comparative lifetime earn- ings of whites and Negroes at various educational levels.

There being no objection, the tabula- tion was ordered to be printed in the Rec- ord, as follows:

<table>
<thead>
<tr>
<th>Highest grade completed</th>
<th>White Nonwhite</th>
<th>Nonwhite percent of white</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>$241,000</td>
<td>$122,000</td>
</tr>
<tr>
<td>Elementary school:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 8 years</td>
<td>157,000</td>
<td>65,000</td>
</tr>
<tr>
<td>8 years</td>
<td>181,000</td>
<td>125,000</td>
</tr>
<tr>
<td>High school:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 to 3 years</td>
<td>221,000</td>
<td>132,000</td>
</tr>
<tr>
<td>4 years</td>
<td>253,000</td>
<td>143,000</td>
</tr>
<tr>
<td>College</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 to 3 years</td>
<td>301,000</td>
<td>192,000</td>
</tr>
<tr>
<td>4 years</td>
<td>365,000</td>
<td>256,000</td>
</tr>
<tr>
<td>5 years or more</td>
<td>396,000</td>
<td>284,000</td>
</tr>
</tbody>
</table>

Source: U.S. Bureau of the Census.

Discrimination in employment is not confined to any region—it is widespread in every part of the country. It is harm- ful to society and to the education of other minority groups. It is also harmful to the Nation as a whole. The Council of Economic Advisers has recently esti- mated that full utilization of the present educational attainment of nonwhites in this country would add about $13 billion to our gross national product.

So, discrimination in employment is not only costly in terms of what it does to a human being, his general nature, his attitude toward his country and himself, it is not only costly in terms of what it does to our gross national product, but it is costing the American economy billions of dollars in loss of income.

THE SITUATION IS GETTING WORSE

It is wishful thinking to believe that this situation is improving and will gradu- ally correct itself. While progress can be discerned here and there, employment in Federal, State, and local government, and some other areas, in which the relative position of the Negro worker is steadily worsening. In 1947 the nonwhite unem- ployment rate was only 84 percent higher than the white rate; in 1962 it was 124 percent higher.
These figures do not mean that prejudice is increasing. They simply reflect the fact that automation is gradually doing away with the unskilled and semi-skilled jobs which have been traditionally open to Negroes, while the Negro is being excluded, both by lack of training and by discrimination, from the new jobs which are being created. For example, 1 in every three white women workers is employed in a clerical job; for Negro women the figure is one in nine. There are expected to be 3 million new clerical jobs by 1970.

On the other hand, production jobs, the area in which Negroes made the most impressive gains during and after World War II, are the very jobs which are declining in number and are likely to continue to decline in the future. Consequently, our technological advances are adding to the burdens of the Negro. He is pulled up by his bootstraps and running up a down escalator. He must run very hard simply to stay in the same place.

I cite these statistics to emphasize the plight of the Negro in our economy. I do not suggest that, if discriminatory practices by employers and labor unions could be abolished overnight as the result of the passage of this bill, the employment problems of the Negro would be completely solved. They would not be. It profits little to attempt to calculate how much the disparity in employment opportunities for whites and for non-whites is attributable to outright discrimination in employment, how much to discrimination in education, how much to discrimination in the present, and how much to the legacy of discrimination in the past. The problem is before us and its solution calls for action, not explanation.

The crux of the problem is to open employment opportunities for Negroes in occupations which have been traditionally closed to them. This requires both an end to the discrimination which now prevails and an upgrading of Negro occupational skills through education and training. Neither task can be given priority over the other. They are as interdependent as the chicken and the egg and must be attacked simultaneously. Negroes cannot be expected to train themselves for positions which they know will be denied to them because of their color. Nor can patterns of discrimination be broken down if Negroes in sizable numbers are available for the jobs to be filled. The problem of education is dealt with in part in title IV of this bill, and in title VI, as it affects programs of Federal assistance to education.

Title VII is designed to give Negroes and other minority group members a fair chance to earn a livelihood and contribute their talents to the building of a more prosperous America. The policy of title VII is stated in section 701(a), which reads:

The Congress hereby declares that the opportunity for employment without discrimina-

nion of the types described in sections 704 and 705 is a right of all persons within the jurisdiction of the United States, and that it is the national policy to protect the right of the individual to be free from such discrimination.

Title VII deals with discrimination in employment on grounds of race, color, religion, or national origin. It is the only title of the bill which touches discrimination on grounds of sex. This provision was added on the floor of the House. When it becomes fully effective, the title will make it unlawful to discriminate in employment practice for employers of 25 or more persons in industries affecting interstate commerce, for labor organizations with 25 or more members in such industries, and for employment agencies to discriminate in hiring or other aspects of employment, union membership, or job referral. Exemptions are provided for religious organizations and religious educational institutions, and for situations in which religious freedom is a bona fide occupational qualification.

The constitutional basis for title VII is, of course, the commerce clause. The courts have held time and again that the commerce clause authorizes Congress to enact legislation to regulate employment relations which affect interstate and foreign commerce. Texas & N.O. R.R. Co. v. Brotherhood of Railway Clerks, 281 U.S. 554 (1930); Louisiana Loan & Trust Co. v. United States, 330 U.S. 1 (1947).

I think there can be no question that if Congress can prevent discrimination in employment on the basis of membership or non-membership in a labor union, as it does in the National Labor Relations Act, it can prevent discrimination on the basis of race, color, religion, sex, or national origin.

PEP LEGISLATION IN 25 STATES

There is no novelty in fair employment practices legislation. Some 25 States already have such laws and they have, on the whole, worked well and caused no meaningful disruption of business or private rights. The coverage of such laws is generally as broad or broader than the coverage of title VII. Except as regards religious freedom, discrimination on grounds of sex, which is, I am informed, presently covered by the FEPC laws of only two States, title VII will not impose any substantial new obligations on employers or unions in those States which already have effective State fair employment practices law. Mr. President, I ask unanimous consent that a list of the States which have enacted PEP legislation be printed at this point in the Record.

There being no objection, the list was ordered to be printed in the Record, as follows:

LIST OF STATES HAVING STATUTES PROHIBITING DISCRIMINATION IN EMPLOYMENT

California: California Labor Code, section 1412.
Colorado: Colorado Revised Statutes Annotated, section 24-34 (1953).
Hawaii: Act 190 (1965 session).
Kansas: Kansas General Statutes Annotated, section 44-1001 (Supplement 1959).
Massachusetts: Massachusetts Annotated Laws, chapter 151B, sections 1-10 (1957).
New Mexico: New Mexico Statutes Annotated, section 59-4-1 (Supplement 1961).
Wisconsin: Wisconsin Statutes Annotated, section 111.31 (1957).

Mr. HUMPHREY. Mr. President, title VII provides a very moderate and not unreasonable solution for problems of racial discrimination in employment. Unlike most State fair employment laws it vests all enforcement powers in the courts, rather than in an administrative agency. This is an important difference. Ample time for adjustment is afforded by the provision that it will not become effective at all for 1 year, and will not become fully effective for 4 years. Again the doctrine of reasonableness has been applied to his bill. There is no effort suddenly to impose on the economy vast new legislation, in an effort to arrive at an immediate solution to a long-range problem.

Title VII would establish a five-member, bipartisan Equal Employment Opportunities Commission, which would be responsible for receiving and investigating complaints of unlawful employment practices and for seeking to bring about voluntary compliance with the requirements of the title. The Commission will not have any responsibility for adjudicating complaints or any power to issue enforcement orders. In this respect the title is a departure from the usual statutory scheme for independent regulatory agencies.

DESCRIPTION OF PROCEDURE UNDER TITLE VII

The first step in any proceeding under title VII is the filing with the Commission of a charge of discrimination. The charge may be filed by the person alleged to be discriminated against or by someone acting on behalf of the person. The charge must be in writing and under oath. A written charge may also be filed by a member of the Commission where he has reasonable cause to believe that an unlawful act of discrimination has occurred. In any case where the alleged act of discrimination arises in a State which has an effective equal employment opportunity law, and the Commission has pursuant to section 708(b) en-
tered into an agreement with the State authorities providing for exclusive State jurisdiction of such cases, the charge would be turned over to the State agency to be handled under State procedures.

Assuming that an agreement applicable to the charge is reached, in effect, the Commission, upon receipt of the charge, shall furnish a copy of the charge to the respondent—that is, the employer, employment agency, or labor organization whose alleged discrimination caused the charge, and the Commission shall investigate the charge. How thorough an investigation is made at this stage will depend on the facts of the case. Presumably the respondent will be questioned and perhaps his records examined. However, the Commission and its investigators must do have discretionary power to cut short an investigation where preliminary inquiry indicates no basis to the charge.

When the charge has been investigated, presumably by the Commission staff, it will be referred to the Commission, or perhaps to a panel of the Commission. If, at this stage, at least two members of the Commission conclude that there is reasonable cause to believe that the charge is true, the Commission shall endeavor to eliminate the discrimination by informal means of conciliation and persuasion. If, on the other hand, after an investigation which the Commission believes adequate, at least two members do not conclude that such reasonable cause exists, the matter will be dropped. The Commission is intended to have considerable discretion in deciding procedures to screen cases at this stage. For example, the requirement that at least two Commission members conclude that reasonable cause exists does not mean necessarily that all five Commission members must review the results of each investigation. A panel of three members might be set up. If none or only one of the panel concludes that reasonable cause exists the proceeding could be dropped. The informal procedures might reasonably provide that where one member of the three on the panel reaches this conclusion, the remaining two should also consider the matter. Inevitably, much will depend on the Commission's caseload.

Assuming that two members have found reasonable cause, the Commission will proceed to attempt to conciliate the dispute. This procedure is wholly voluntary. A respondent cannot be compelled to participate in these procedures; and if he does so, his statements and actions in the course of conciliation cannot be used as evidence in a subsequent proceeding. The experience in the States with fair employment practice laws indicates that such informal procedures are the most effective means of bringing about compliance with requirements of discrimination.

If the Commission is unable through its conciliation procedures to obtain voluntary compliance, it must again consider whether on the basis of all the information to it, reasonable cause exists to believe that the party has engaged in an unlawful discriminatory practice and whether a suit should be brought to compel compliance. If the Commission, that is to say, a majority of the members, decides that reasonable cause does exist, ordinarily a suit for preventive relief would be brought in a Federal district court in the judicial district in which the unlawful employment practice is alleged to have occurred, and in the judicial district in which the respondent has his principal office. However, the Commission members, by an affirmative vote, decide not to bring suit in a given case.

So this is not a harsh section; instead, it is a moderate section. It profits from the experience with some 25 State statutes and with long hearings before committees of the House of Representatives and in the Senate during the 15 years that I have been a Member of the Senate.

If the Commission at this stage of the proceeding decides not to sue, or if at any earlier stage it decides to proceed no further because of absence of reasonable cause, the party allegedly discriminated against may bring his own suit in Federal court, provided he obtains the written permission of one member of the Commission. However, the party would have to bear his own costs in such litigation, just like any other private plaintiff in a civil action.

The suit against the respondent, whether brought by the Commission or by the complaining party, would proceed in the usual manner for litigation in the Federal courts. It would not be in any sense a suit for judicial review of Commission action, but would be a trial de novo. The defendant, now the respondent, now the defendant, would have a full opportunity to make his defense and the plaintiff would have the burden of proving that discrimination had occurred. The suit would ordinarily be heard by the judge sitting without a jury in accordance with the customary practice for suits for preventive relief. However, the judge is authorized to refer the case to a master, to hear testimony and submit a report and recommended order, which then would be reviewed by the judge.

The relief sought in such a suit would be an injunction against future acts or practices of discrimination, but the court could order, among other things, such as hiring or reinstatement of employees and the payment of back pay. This relief is similar to that available under the National Labor Relations Act in connection with unfair labor practices, 29 United States Code 160(b). No court order can require hiring, reinstatement, admission to membership, or payment of back pay for anyone who was not fired, refused employment or advancement or admission to a union by an act of discrimination forbidden by this title. This is stated expressly in the last sentence of section 707(e), which makes clear the rule throughout the whole title: namely, that employers may hire and fire, promote and refuse to promote for any reason, good or bad, provided only that individuals may not be discriminated against because of race, religion, sex, or national origin.

I hope this presentation will set to rest the doubts about this bill which have been voiced by many union members across the country. This bill is not an instrument to abolish seniority or unions themselves, as some have charged. The only standard which the bill establishes for unions and management alike is that race will not be used as a basis for discriminatory treatment. The full rights and privileges of union membership, as protected by other Federal laws and court decisions, will in no way be impaired. As a long-standing friend of the American worker, I would not support this fair and reasonable equal employment opportunity provision if it would have any harmful effect on unions. The truth is that this title forbids discrimination against anyone on account of race. This is a simple and complete truth about title VII.

The able Senators in charge of title VII (Mr. Clark and Mr. Case) will comment at greater length on this matter.

Contrary to the allegations of some opponents of this title, there is nothing in it that will give any power to the Commission or to any court to require hiring, firing, or promotion of employees in order to meet a quota or to achieve a certain racial balance.

That bugaboo has been brought up a dozen times; but it is nonexistent. In fact, the very opposite is true. Title VII prohibits discrimination. In effect, it says that race, religion and national origin are not to be used as the basis for hiring and firing. Title VII is designed to encourage hiring on the basis of ability and qualifications, not race or religion.

In title VII we seek to prevent discriminatory hiring practices. We seek to give people an opportunity to be hired on the basis of merit, and to release the tremendous talents of the American people, rather than to keep their talents buried under prejudice or discrimination.

Racial prejudice in employment is one of the most wasteful practices for the economy. Senator Johnson of the Committee of the Whole House of Representatives who are worried about waste would do well to see to it that this monstrous waste is eliminated. We seek to eliminate it by means of this title—and not merely by force of law, but also by the informal procedures of conference, conciliation, and mediation. We seek to use State statutes and local statutes and ordinances wherever they exist.

Every bit of evidence we have in connection with fair employment practice laws indicates that such a statute not only is good law, good morals, and good labor-management practice, but it also is good economics. When all of that can be put into one package, certainly it deserves our very serious consideration.

The present President, Lyndon B. Johnson, took great pride as Vice President of the United States during his tenure as Chairman of the President's Committee on Equal Employment Opportunity. What was the result? Did it jeopardize security? Did it reduce income? Did it threaten the
production line with stability and work stoppages? Did it result in all the worries that some of the opponents of title VII have?

The answer is "No." The answer is that the program that was utilized by the then Vice President, and now the President, was one that worked for the national interest. It worked for business interests. It worked for domestic tranquility. It worked for individual well being.

No President has passed a fair employment practices law that has repealed it. No President since the time of Franklin Delano Roosevelt has recommended anything less than fair employment practice for Federal employees and Federal contracts. There is a compelling case for title VII. Full protections are written into the title. The Commission itself would have no enforcement power. The most it could do would be to investigate the complaints of an aggrieved party, and, if the person who brings the complaint has a justifiable case, to take that case to a Federal court and to seek some remedy through the processes of law.

COOPERATION WITH STATE AUTHORITIES

As I have stated, the title specifically provides for the continued effectiveness of State laws and procedures for dealing with discrimination in employment. Where State remedies are available, an aggrieved person would always be free to take advantage of them. Furthermore, the Commission is authorized to cooperate with State agencies, and where it concludes that such agencies are effective in handling cases of discrimination, the Commission is directed by section 708(b) to enter into agreements with those agencies whereby such cases would be handled exclusively by the State agencies.

It has been suggested that this direction to cooperate with State agencies is not enough, that there should be some provision automatically providing for exclusive State jurisdiction where adequate State remedies for discrimination in employment exist. Congress cannot determine nor can we devise a formula for determining which State laws and procedures are adequate. The State fair employment practices laws differ in coverage. They differ in enforcement machinery. Several have been enacted within the past 2 or 3 years, and it would be impossible to judge their effectiveness. Other States may adopt such laws after this bill is passed, and it obviously would be impossible to predict what standards and procedures such future State laws would provide.

An antidiscrimination law cannot be evaluated simply by an examination of its provisions, "for the letter killeth, but the spirit giveth life." The Commission must have authority to determine in which States and in which classes of cases it will refrain from exercising its jurisdiction. In point of fact, the task we are assigning to the Commission is so immense, I have little doubt that the Commission will from sheer necessity avail itself to the fullest of the provisions of title VII.

Objection has been raised to title VII on the ground that with nondiscrimina-

tion laws in effect in 25 States, including all the major Industrial States, there is little need for Federal law. This is not a valid objection.

First, as I have just stated, the State laws are of unequal coverage and effectiveness; second, the States have experienced a large multiphased operations of business in interstate commerce; third, and most important, 25 States do not have general legislation in this area, among them 6 States having no populations. Indeed, roughly 60 percent of American Negroes live in States with no legislation against discrimination in employment, and these are precisely the people who need this protection the most.

In States having a large Negro population, in which State fair employment practice laws are in effect, they have helped to secure equal employment opportunities.

I must add that in the hearings that have been held by Senate and House committees on equal employment opportunity legislation, testimony was heard from representatives of several agencies administering State FEP laws, and all agreed that these were a definite need for Federal legislation.

COMMISSION'S INVESTIGATORY POWERS


Section 709(a) provides that in connection with a charge filed under section 707 the Commission or its representatives shall at all reasonable times have access, for the purposes of examination and copying, to any evidence in the possession of a person being investigated that relates to the subject of the investigation. The language of this subsection was amended in the House to bring it into line with the provisions of the Federal Trade Commission Act incorporated by reference. It is important to note that the Commission's power to conduct an investigation can be exercised only after a specific charge has been filed in writing. In this respect the Commission's investigatory power is significantly narrower than that of the Federal Trade Commission, 15 U.S.C. 43, 46, or of the Wage and Hour Administrator, 29 U.S.C. 211, who are authorized to conduct investigations. It also differs in that the Commission need not necessarily perform its inspection of records, and therefore is often referred to as the "paper police." The Federal Trade Commission Act with respect to the persons employed and wages, hours, and other conditions and practices of employment (29 U.S.C. 211(c)). Other employment records may be kept by law or by practical necessity to keep records similar to those which will be required under this title. The wage and hour administrator imposes recordkeeping requirements on employees subject to the Fair Labor Standards Act with respect to the persons employed and wages, hours, and other conditions and practices of employment (29 U.S.C. 211(c)). Other employment records must be kept for Federal tax purposes (26 U.S.C. 6001), and for normal business purposes. Labor organizations are required to maintain certain records under the Labor-Management Reporting and Disclosure Act (29 U.S.C. 431, 436). Any recordkeeping requirements imposed by the Commission could be worked into existing requirements and practices so as to result in a minimum additional burden.

The Senate did not have any hesitancy in requiring a trade union to keep elaborate records on every member. That was done when we found there were certain abuses in connection with health and welfare funds and in other areas of union activities. It is one thing to steal a man's purse, but it is another thing to steal his soul. When we deny a person employment because of his race, color, sex, or national origin, in a sense we steal his soul, his sense of identity. I have often wondered why the Congress is more interested in the stealing of a purse than in the stealing of the spirit.

Furthermore, the Federal Reports Act of 1942, 5 U.S.C. 139-139f, gives the Director of the Bureau of the Budget authority to coordinate the information-gathering activities of Federal agencies, and he can refuse to approve a general recordkeeping or reporting requirement which is too onerous or poorly coordinated with other requirements.

Finally, there is express provision in section 709(c) for an application either to the courts for appropriate relief from any recordkeeping or reporting requirement prenticeship and other training programs. Fears have been expressed that recordkeeping and reporting requirements may prove unreasonable and onerous.

Requirements for the keeping of rec-
ords are a customary and necessary part of regulatory statutes. There are particularly essential in title VII because whether or not a certain action is discriminatory will turn on the motives of the respondent, which will usually be best evidenced by his pattern of conduct on similar occasions. The cases in section 709(c) have been carefully drawn to prevent the imposition of unreasonable burdens on business, and there are more than the customary safeguards against arbitrary action by the Commission.

The requirements to be imposed by the Commission under section 709(c) must be "reasonable, necessary, or appropriate" or the enforcement of the title. Such requirements must not be adopted without a public hearing at which the persons to be affected would have an opportunity to make their views known to the Commission. Most of the persons concerned by the title to make and keep records, and to make reports to the Commission. Most of the persons concerned by the title to make and keep records, and to make reports to the Commission under section 709(c) must have little doubt that the
which would impose an undue hardship. I know of no other statute which provides such comprehensive safeguards around an authorization to require the keeping of records. If such authority is necessary for the Commission to perform its functions, it believes it, this section seems to me the minimum of effective authority the Commission can have.

**Grants of Immunity**

Section 710, as I have stated, incorporates by reference in support of the investigation of the Employment, Opportunity Commission the provisions of sections 9 and 10 of the Federal Trade Commission Act, as amended (15 U.S.C. 49, 50), except that the provisions of section 307 of the Federal Power Commission Act—more properly cited as the Federal Power Act, 16 U.S.C. 791a (16 U.S.C. 825f)—shall apply with respect to grants of immunity. A question has been raised as to the purpose of Section 307 of the Federal Trade Commission Act provides, in part:

> No person shall be excused from attending and testifying * * * before the commission or from producing records or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture. But no person shall be compelled in any case to be a witness against himself or to subject any penalty or forfeiture for or on account of any * * * matter * * * concerning which he may testify, or produce evidence * * * before the commission in obedience to a subpoena issued by it.

This language has been held to grant immunity to a witness testifying in obedience to a subpoena even though the witness does not claim the benefit of the privilege against self-incrimination. See United States v. Pardue, 394 F. 543 (S.D. Texas, 1923); United States v. Frontier Asthma Co., 68 F. Supp. 994, 997 (W.D. N.Y., 1947); see United States v. Monia, 317 U.S. 424 (1943). Consequently, an interrogator is not placed on notice that a given line of inquiry will result in a grant of immunity to the witness.

Similarly, since the enactment of the Securities Act of 1934, it has been the usual practice for Congress, in drafting an immunity provision, to require that a witness does not obtain immunity unless he is compelled to answer after having claimed his privilege against self-incrimination. The assertion of the privilege affords the interrogator an opportunity to decide whether or not to persist with his questioning and grant immunity. Section 9 of the Federal Trade Commission Act is typical of such provisions. It states:

> No person shall be excused from attending and testifying * * * before the commission or from producing * * * records and documents before the Commission * * * on the ground that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any * * * matter * * * concerning which he is compelled to testify or produce evidence, documentary or otherwise, unless he claimed his privilege against self-incrimination * * *.


In short, Mr. President, as with every other part of H.R. 7152, title VII is a moderate and reasonable attempt to proceed toward the elimination of one aspect of racial discrimination in America. It is based on the premise that no man should be denied employment because of the color of his skin. The Federal Power Act is typical of such provisions. The passage of title VII will be a major step forward to the goal of eliminating discrimination in employment in promoting equal employment opportunity.

**Survey of Registration and Voting:**

*Title VIII*

Title VIII directs the Secretary of Commerce to conduct a survey to compile descriptive statistics in such geographic areas as may be recommended by the Commission on Civil Rights. The survey, which would be conducted by the Bureau of the Census, would include the following:

1. information relative to voting participation by race, color, and national origin in Federal primaries and elections since January 1, 1960.
2. complete and reliable information on registration and voting in the United States is not now available. The data to be obtained by this survey will be most useful to the Congress in assessing the progress being made in removing unconstitutional discrimination in voting and the need for further legislation to make the 15th amendment effective; to the Civil Rights Commission, in performing its functions under title V of the bill; to the Justice Department, in preparing and trying cases under title I of the bill; and to all students of the electoral process.

In order to avoid unnecessary burden and cost, the survey required will be made only in the geographic areas specified by the Commission on Civil Rights. Similarly, the Commission will recommend the extent to which the survey and resulting statistics should be secured with respect to race, color, and national origin. The design of the survey will be such that it will be possible to focus on the areas and groups as to which there is reason to believe there has been discrimination. Obviously, race has not been a basis of disfranchisement in the South, and the use of national origin as a factor in voting discrimination with regard only to certain groups. Thus, there is no reason to incur the added costs of a nationwide compilation when a more selective survey can provide the desired and needed information.

**Appeal of Remands in Civil Rights Cases:**

*Title IX*

Title IX permits an appeal from a Federal court order remanding any civil rights case to the State court from which it was removed. Present law permits removal of certain cases involving equal rights to a Federal district court, but the scope of this right of removal is in doubt, and the present unapossibility of an order of remand prevents the Federal appellate courts from passing on the question.

This title would provide an opportunity to reexamine, in the light of existing conditions, the scope of the right to remove in certain civil rights cases. A series of old cases, none decided less than 25 years ago, and the present scope of the right to removal is limited to situations in which a State statute or constitution on its face denies constitutional rights. However, the real problem at present is not a statute on its face unconstitutional; it is the unconstitutional application of a statute. When a State statute has been unconstitutional applied, most Federal district judges presently believe themselves bound by these old decisions and removal attempted removals to the State courts. Under present law such a remand is unappealable. As a consequence, the right to remove civil rights cases is of very little use. Enactment of title IX will give the appellate courts an opportunity to reexamine this question.

This is essentially a technical title.

**Community Relations Service:**

*Title X*

Title X establishes a Community Relations Service to assist local communities and individuals to adjust disputes and difficulties arising from discrimination based on race, color, or national origin. The Service would consist of a Director and a small staff. It would have no law-enforcement responsibilities and no powers of compulsion. It would preserve the confidentiality of information it receives, as such, in the course of its duties. It would cooperate wherever possible with State and local agencies.

Experience has shown the value of voluntary adjustment and negotiation as a means to solving racial problems. Many communities, by the use of such methods, have made remarkable progress in removing unconstitutionality and other grievances. In other communities, however, lack of adequate communication between white and Negro leaders precludes even a start toward adjustment of difficulties. In instances Justice Department officials, acting informally and ad hoc, have been able to bring parties together to find agreed solutions to particular problems. However, no existing Federal agency is equipped to perform such mediation and conciliation as a regular and continuing function.

Mediation and conciliation of civil rights disputes should prove no less useful a tool than it has been in labor disputes. Titles VI and VII of the bill specifically provide for use of informal methods of conference, conciliation, and persuasion. Such methods are equally appropriate under other titles. In many cases, mediation and litigation work together effectively.

Individual restaurant or hotel owners may be reluctant to admit Negroes unless assured that their competitors will do likewise. Through the good offices of the Community Relations Service, or of comparable State or local organizations, it may be possible to achieve agreement among all or substantially all the owners. Failing that, it may be necessary...
to see a few holdouts—let us say, as an example, title II—while relying on agreement of the rest to act voluntarily if the suit is successful.

**Title XI**

Title XI contains customary miscellaneous provisions—a savings clause, a provision against preemption of consolidated legislation, an authorization of appropriations, and a separability provision.

**Concluding Remarks**

Mr. President, this is a fair, moderate, and comprehensive bill. It deals with all the major areas of life in which Negroes and other minorities have been discriminated against: voting, education, access to public accommodations and facilities, equal protection of the laws, and employment.

As I have tried to show, all these areas are interrelated; each is bound with the others. A man who would be free must have the opportunity to develop his mind and talents through education, to earn a living with those talents, and to apply his education to public life through participation in the political process. Without opportunities for education, the Negro cannot get a job.

I would not want my remarks to be interpreted as indicating there was nothing left to be done in the fields of education, or health, or retraining, or many other areas of life. The bill merely provides a legal framework through which men of good will can work out some difficult, long-term problems. We need to expand educational opportunities. We need to expand housing in America. We need to expand health services. We need to expand employment opportunities. We need a growing and expanding economy. We need to eliminate areas of discrimination and prejudice in order to have the full participation of the American people in their society and in their community life.

All this needs to be done. When I hear the opponents of the legislation remind us again and again that what is needed is more education, I agree. But more education for a person who has been denied equal rights and full participation in community life is no answer to that man’s problems. What is needed is an opportunity to participate fully in all aspects of American life, including opportunities for education, health, job opportunity, and political participation.

Without a job, one cannot afford public convenience and accommodations. Income from employment may be necessary to further a man’s education, or that of his children. If his children have no hope of getting a good job, what will motivate them to take advantage of educational opportunities?

In short, the primary ingredients for a full and free life are inseparable from each other. Education cannot wait upon employment or political freedom. Employment opportunity cannot be postponed until the vote is won. The only way to break the vicious circle of minority oppression is to break it at every point where injustice, inequality, and denial of opportunity exist. It is for this reason that we propose enactment of comprehensive legislation that will touch on every major obstacle to civil rights.

This bill is long overdue. Moderate as it is, it insures a great departure from the misery and bitterness that is the lot of so many Americans. This misery has found remarkably quiet methods of expression. As I said earlier, I marvel at the patience and self-control of Negroes who have been excluded from the American dream for so long.

But the passive stage is ending in the history of the American Negro. Within the past few years a new spirit has arisen in those people who have been so long denied. How will we respond to this challenge? The snarling police dogs of Birmingham are one answer. The force of equality and justice is another. That second choice is embodied in the bill that we are starting to consider.

The same Negroes who win our Olympic games, the same Negroes who are the stars in football, the same Negroes who in many areas of our country have been permitted to practice in hospitals without discrimination, are rising as one man and asking that their brethren be given opportunity.

Freedom requires full freedom. There cannot be half freedom. There cannot be full freedom for whites and little freedom for Negroes.

I say with regret that all over America prejudice is wide. It is not confined to one section of the country. It is more visible in some sections of the country than it is in others; but it exists everywhere.

I do not proclaim that the proposed statute will eliminate all the evils which plague man in prejudice. I merely say that it sets a standard around which decent men can rally. It lays down the legal framework within which men of good will, of reason, and judgment, can work together. It provides the means for a constructive social policy that is long overdue.

I advise Senators to read the great address of then Vice President Lyndon B. Johnson delivered last year at Gettysburg. Then, when then Vice President—now President of the United States—with courage and forthrightness and vision, told us that the American Negro is tired of waiting; that he wants his day of justice. He is going to get it by one means or another. We cannot afford to have this growing tension in the American community.

We need every American to work with full power for full opportunity for their community.

We would be foolish to deny ourselves the opportunity of enlisting in the common cause of freedom the millions of people who cry out to be a part of the great American dream. They are not asking to be left out. They are not asking to be put aside. They wish to be part of our national life. That is what this fight is all about. It is my earnest hope that Senators will recognize that this is not a fight for investment of knowledge, energy, and dedication by the executive branch and the Congress, by Democrats and Republicans alike. Its moderation and careful language represent almost a year of patient deliberation, study, and discussion. We know that some Members of the other body wanted a bill that was stronger; while others wanted a bill that made a more modest beginning. Still others wanted no bill at all. H.R. 7152 is a compromise between these points of view. The bill embodies the thinking of literally hundreds of men of good will.

It is my earnest hope that Senators will respect and appreciate this precious investment, that they will realize what a great achievement it is to have brought this bill to its present place on the legislative schedule, and that they will honor the importance of the issue and the good faith of the bill’s architects by passing H.R. 7152 as it now stands.

**Misrepresenting the Civil Rights Bill**

The goals of this bill are simple ones: To extend to Negro citizens the same rights and the same opportunities that white Americans take for granted. These goals are so obviously desirable that the opponents of this bill have not done their job. One has claimed that Negroes should not be allowed to vote. No one has said that they should be denied equal protection of the laws. No one has said that Negroes are inherently unacceptable is places of public accommodation. No one has said that they should be refused equal opportunity in employment.

This bill cannot be attacked on its merits. Instead, bogeymen and hobgoblins have been raised to frighten well-meaning Americans.

A bill endorsed by hundreds of prominent attorneys and professors of law is called by the opponents unconstitutional.

A bill endorsed by every major religious denomination in America is called Communist inspired.

A bill passed by an overwhelming majority of 290 Members of the House of Representatives to 130 for the opposition—Democrats and Republicans alike—is called socialistic.

Good Americans, like the Speaker of the House, Mr. McCormack, the majority leader of the House, Mr. Albert, and the Minority Leader of the House, Mr. Hallegate, the chairman of the Judiciary Committee, Mr. Cellers, who deserves a special note of tribute, and the ranking Republican member of the Judiciary Committee, Mr. Mc Culloch, who also deserves a special note of tribute on the floor of the Senate, formulated the bill and carried it through in the other body.

I know that 290 Members of the other body of Congress know they are not Communists. I reject that kind of smoke screen attack upon a sensible piece of legislation.

It is said that the bill would make the Attorney General a dictator, when in fact the only power he is given is the authority to introduce lawsuits to give some American citizens their constitutional rights and require other Americans to obey the law.

It is said that the bill makes the President a dictator, when in fact it places first reliance on conciliation and voluntary action, and authorizes legal action only as a last resort.

It is called an attack on State government, when in fact the bill specifically directs that State and local offi-
It is claimed that the bill would produce a greater Federal bureaucracy, when in fact it will result in creating about 400 permanent new Federal jobs.

It is claimed that it would impair a property owner's ability to sell or rent his home, when in fact there is nothing in the bill pertaining to housing.

It is claimed that the bill would require racial quotas for all hiring, when in fact it provides that race shall not be a basis for making personnel decisions.

As I have said, the bill has a simple purpose. That purpose is to give fellow citizens—Negroes—the same rights and opportunities that white people take for granted. This is no more than what was preached by the prophet, and by Christ Himself. It is no more than what our Constitution guarantees.

One hundred and ninety years have passed since the Declaration of Independence was adopted, and since the Emancipation Proclamation. Surely the goals of this bill are not too much to ask of the Senate of the United States.

Mr. KUCHEL. Mr. President, will the Senator from Minnesota yield?

Mr. DOUGLAS. I yield to the Senator from California.

Mr. KUCHEL. I congratulate my friend the Senator from Minnesota. Perhaps in the lifetime of every Senator no greater challenge will have been presented than that which has been presented today. The Senator from Minnesota has delivered an excellent, moving, lucid, logical presentation of why legislation in this field should now pass.

I congratulate him. I am glad to be associated with him in this fight.

The Senator is an able advocate of one great American political party. To the best of my ability, I shall speak on this side of the aisle as a representative of the other great American political party in our country.

This issue should not be a partisan fight. It should be and is an American fight. The record that is being made in the Senate today will go a long way, not merely to demonstrate that the Senate desires to pass legislation in the civil rights field, but also to provide the people of this country and all branches of government with the clear and unequivocal intention that the bill will be fashioned in plain English.

Mr. HUMPHREY. I thank the Senator from California.

Mr. President, I consumed over 3 hours to make this presentation, which is longer than I intended. But those who attempted to analyze the main titles of the bill, and to lay down the base of discussion.

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

Mr. HUMPHREY. I yield to the Senator from New York.

Mr. KEATING. I congratulate the Senator upon a very well fashioned presentation, with almost the titles of the bill, and reveals extremely diligent preparation. His presentation can serve as a guideline, as this debate ensues, for others of us who will take up and discuss the separate titles of the bill.

I reiterate in the strongest and most emphatic terms what the Senator from Minnesota (Mr. Kucel) said; namely, that the Senator yield?
I was pleased that in the Senator’s collection of readings he included a number of articles stating the case for the so-called white supremacists of the South and the North in the West. I was pleased to read the article by Mr. Perry Morgan, which in particular took me to task. I am very glad that that article has now been spread before the public.

Mr. HUMPHREY. I regret that.

Mr. DOUGLAS. No; I am glad the Senator included it. I hope that by our actions we may be able to refute some of the charges which are made. We are not afraid of criticism.

Mr. HUMPHREY. I yield to the Senator from Illinois very much. It is a joy to be associated with the able and courageous Senator from Illinois in this battle for civil rights legislation. I am confident that victory will crown our efforts.

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

Mr. HUMPHREY. I yield to the Senator from Maine.

Mr. MUSKIE. In my judgment, the Senator from Minnesota has performed a real service for the Senate and for the country. I have been receiving mail pertaining to the bill, a great deal of it from out-state, and a great deal of it from other States also. Much of the mail reflects a real misunderstanding of what the bill is all about.

The Senator from Minnesota has given us in considerable detail the arguments made in nonviolent and lucid explanation of what the bill is, what it does, and what it would accomplish. I like particularly the fact that in the discussion of the bill, the Senator touched upon many of the constitutional points that have been raised in the last 3 weeks by opponents of the bill.

The Senator has placed these points in excellent perspective, for a nonlawyer, a fashion. There are arguments on both sides on many of these points. However, the Senator has presented clearly the points which I think ought to be reassuring in the extraordinary congratulatory outpourings of the North who are laboring under serious misapprehension about the bill.

I commend the Senator from Minnesota for doing what I think the Senator has done so well, and that is to demonstrate in two simple sentences the real purpose of the bill, which is to contribute to the elimination of discrimination.

In the very last sentence of the Senator’s speech, he points out that 190 years have passed since the Declaration of Independence which set out certain inalienable rights.

The bill is a recognition of the fact that many of the rights which were declared by Thomas Jefferson to be inalienable, have been compromised and denied to millions upon millions of Americans, and that the fundamental purpose of the bill is to assure to those people the inalienable rights which the Declaration of Independence proclaimed in 1776.

I congratulate the Senator from Minnesota.

Mr. HUMPHREY. I am very grateful. I thank the Senator.

THE CIVIL RIGHTS ACT OF 1964: THE QUEST FOR REALITY

Mr. KUCHEL. Mr. President, after 16 days spent in considering the motion to take up H.R. 7752, the House-passed civil rights bill, the Senate now, at long last, has this legislation before it for what undoubtedly will prove to be long and extended debate. It should also be constructive and thoughtful. I deeply believe that when the final roll is called, and when all Senators—Democrats and Republicans alike—have had the opportunity to participate, an overwhelmingly bipartisan majority will be found in favor of the House-passed bill at a minimum. I would hope also that this needed measure may be strengthened in some particulars.

A total of 70 days of public hearings, 275 witnesses, 152 additional statements, and 5,792 pages of printed record have been made in the last few months by committees of both the House and the Senate. They have studied various aspects of the legislation now before us.

When this bill came before the House of Representatives for a final vote, 59 percent of the Democrats in the House and 76 percent of the Republicans voted for the final bill. The fact that such a great majority should be, for the most effective way to further the civil rights of all our citizens should not be the exclusive prerogative of either major American political party. It is the prerogative and responsibility of the American people. Each of us, whether we are from the East or the West, from the North or the South, from large cities or small towns, from urban America or rural America has, as perhaps never before in our history, a solemn obligation to act with wisdom and with courage on this long overdue and much needed legislation.

Mr. President, it is tragic to note that 188 years have passed since the Declaration of Independence, and in the time of the Congress which began in the centennial year of the Emancipation Proclamation promulgated by the first Republican President, Abraham Lincoln, that some of our fellow Americans are not yet able to participate fully in our way of life solely because of discrimination based on their race. Such discrimination is not limited to a section of our land. It is not limited to the Negroes but does occur in all parts of our country as to a greater or lesser degree. Such discrimination is not limited to voting.

Discrimination has been demonstrated and documented in a long and sordid series of illegal and unconstitutional denial of equal treatment under law in almost every activity of many of our fellow men. Thus, such legislation as we now have before us cannot be ignored, nor can the issue be avoided, no matter what the high State to which we might come. It is the right to stand up and say: "Judge me for my ability, for my qualifications, for my talent. Do not judge me for the color of my skin." In brief, judge me as you would be judged. That is the basis on which our country was founded, and on which our Constitution and its amendments sought to prevent inequality, under law, because of race.

No American can read the thousands of pages of testimony that have been taken in field hearings all over our land, including my own State of California, by the U.S. Commission on Civil Rights, without being greatly impressed with the work of law and of color. Experience under those acts has revealed several grave inadequacies in their operation.

The exercise of the right to vote is fundamental to a preservation of self-government, at the state, and local levels. For most Americans, the exercise of the franchise is the greatest extent of their personal participation in political self-government. Yet, for all Americans, this right, basic to our Republic and basic to free men everywhere, has been denied on the wholly arbitrary and irrelevant ground of race.

The Civil Rights Act of 1867 was the first such legislation enacted since 1875. One provision authorized the Federal Government to bring civil suits to end discriminatory voting practices. In 1960, Congress strengthened the act by providing for registration and voting procedures.

In 1966, a year as well as registrars, could be sued. Voting records were to be preserved for 22 months and Federal referees could be appointed to register voters. To implement the referee provisions, a judicial finding of a "pattern or practice" of discrimination by registration or election officials is required.

Wherever such a practice is found, the court has the discretion to leave the registration process in the hands of local officials who have been responsible for discriminatory practices in the past.

If the court does appoint a referee, under the 1960 act, the local registrar is not displaced. The referee can only register applicants who have applied to the local registrar and been rejected.

In 1961, in a study of 100 counties in 8 Southern States, the Commission on Civil Rights found that substantial numbers of Negro citizens had been denied the right to vote.

A year prior to the first civil rights legislation in 82 years, it was estimated that 5 percent of the voting-age
Negroes in those 100 counties were registered to vote. Despite 2 subsequent civil rights bills designed to secure the right to vote and the institution of numerous voting rights suits by the Department of Justice, as well as 140 or more private registration drives, the Commission failed to meet its goal. At the end of 1963, that Negro registration in those 100 counties had risen to only 8.3 percent.

The techniques of voting discrimination are manifold and varied. One technique involves the discriminatory and unequal application of legal qualifications such as literacy tests, constitutional interpretation tests, calculation of age to the exact day, and requirements of good moral character. Other techniques are more arbitrary, such as rejection of an applicant for insignificant errors he has made in filling out his forms. Of course, in areas where all white citizens are registered, Negro citizens who have been registered, one novel technique is to apply rigid standards to all those who wish to register in the future. The result is that Negroes still remain unregistered and all the white citizens continue to be registered.

The incidents of voting discrimination fill volumes. The absurdities of refusing to register a Negro professor with a Ph. D. degree and letting the most ignorant voter, provided he is white, register, are well known.

How would title I of the House-passed bill correct some of these injustices?

In determining whether an individual is qualified to vote in a State election where Federal officers are to be elected, title I prohibits persons acting under State or local authority from applying any discriminatory standard, utilizing an immaterial error of omission on the registration form, or employing any literacy test unless it is in writing—except where an individual requests and State law authorizes another type of test—in order to deny the right to vote.

In a voter discrimination suit, instituted by the Attorney General, where literacy becomes a relevant fact, there is created a rebuttable presumption that an individual who has not been judged an incompetent and who has completed the sixth grade of school possesses sufficient literacy to vote in an election in which Federal officials are to be elected. In the last presidential campaign, both of our political parties promised the enactment of legislation in that field. Title I also authorizes the Attorney General or any defendant in a voter discrimination suit to request a three-judge district court to hear the suit, if he so desires.

Mr. President, in my judgment, title I is a very modest approach toward doing what needs to be done in this vital area. I, for one, believe that the bill should be directed solely to Federal elections for President, Senator, and Member of the House of Representatives, but, rather, that these provisions should also be applicable to State and local elections, and to State and local governments—not in the National Government—that discriminatory legislation and local administration in education, health, and police regulations have suffocated or destroyed equal treatment among our citizens.

The future well-being of Americans who are now being discriminated against is largely dependent upon the quality of schools and health services which ought to be equally provided in a country where all our citizens are guaranteed full voting equality in State and local elections, all levels of government will be more responsive and more responsible in guarantee fair treatment regardless of one's race, religion, or color. Once all our citizens are guaranteed full voting equality in State and local elections, the future well-being of Americans who are now being discriminated against will be largely dependent upon the quality of schools and health services which ought to be equally provided in a country where all our citizens are guaranteed full voting equality in State and local elections, all levels of government will be more responsive and more responsible in guarantee fair treatment regardless of one's race, religion, or color. Once all our citizens are guaranteed full voting equality in State and local elections.

This is simple justice. In 1960, in Chicago, the Republican national platform, which was unanimously agreed to by delegates from all over the United States, specifically pledged my party, which arose as a result of its rank-and-file's commitment to equal opportunity for all our people, to—and I quote:

"Continued vigorous enforcement of the civil rights laws to guarantee the right to vote to all citizens in all areas of the country.

And—

Legislation to provide that the completion of six primary grades in a State-accredited school is conclusive evidence of literacy for voting purposes."

That is largely what title I of the House-passed bill and the proposals concerning State and local elections which some of us on the Republican side wish to offer, seek to do.

Yet, there is underway in America a vigorous and well-financed campaign by those who would perpetuate a system of segregation which should have been eradicated over a century ago, to confine the people as to the content of the House-passed bill and title I, as well as the other titles of this bill. This campaign has been launched by a group known as the Coordinating Committee for Fundamental American Freedoms, Inc. Recently full-page advertisements were placed in papers throughout the country entitled: "$300 Billion Blackjack: The Civil Rights Bill."

Mr. William Loeb, of Manchester, N.H., is chairman of the group. Mr. John C. Satterfield, of Yassow City, Miss., is the secretary. I understand that Mr. Lloyd Wright, of California, has also participated in writing some of the committee's materials. Mr. Satterfield and Mr. Wright, as former presidents of the American Bar Association, supposedly add an aura of respectability to the ugly and evil activities of this committee. After reading the full-page advertisement and other materials distributed by this organization, it is difficult for me to see why the committee needed any legal talent at all, especially that of two former American Bar Association presidents, for their campaign is not based on the law or the bill as it passed the House of Representatives. The campaign, as my colleague, the Senator from New York [Mr. Kean], pointed out so eloquently 2 weeks ago, is strictly one of hysteria and misinformation. It is the campaign of numbers; its purpose is solely to mislead the average American who is too busy trying to earn a living to have an opportunity to study what really is in this bill.

Adolf Hitler, the master of the big-lie technique, stated on page 313 of volume 1 of "Mein Kampf":

"In the size of the lie there is always contained a certain factor of credibility, since the great masses of a people will more easily fall victims to a great lie than to a small one.

I do not admit the validity of this claim, but it is obvious that there are those who do.

The absurdity of this committee's claim to be devoted to fundamental American freedoms becomes obvious when all the principal source of its funds is revealed. The source of its funds is none other than the Mississippi State Sovereignty Commission. This commission is organized under the laws of, and financed by, the State of Mississippi. The Governor of Mississippi serves as chairman of the commission. Its funds are regularly appropriated by the Mississippi Legislature, and it is empowered to contribute funds and to provide other assistance to State and private organizations which have the same objectives and purposes as the commission. In carrying out its aims, this commission has contributed money to various white citizens councils, and has supported their activities in Mississippi and other States.

I suspect, based on the actions of the Mississippi State Senate on Thursday, March 26, that one of the objectives of this group will now be to eliminate the Republican Party. On that day, the Mississippi State Senate, composed of only Democratic senators, approved 18 bills, dealing with the election laws of Mississippi, whose sole aim was to stamp out the party of which I am proud to be a member. I am pleased to note that some Democratic State senators fought to preserve a two-party system, and I regret that their efforts were completely frustrated.

Mr. President, I ask consent that the Associated Press dispatch from Jackson, Miss., dated March 26, which appeared in the Washington Post on March 27, 1964, be printed in the Record at this point in my remarks.

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

Mississippi Senate Votes Bills To "Stamp Out Republican" GOP

JACKSON, MISS., March 26.—Election-law revisions to "stamp out Republicanism" in Mississippi were approved by the State senate today.

With Republicans watching grimly from the gallery, 18 bills in the election package were passed on to the house by the senators, all Democrats.

There were some revisions to soften requirements that would be imposed on a political party trying to get on the general ticket.

However, it was plain that the package, backed by Gov. Paul Johnson, had more than enough support, despite a surprising number of opposition votes.

Republican leaders bitterly condemned the new election laws as "lifted directly from 'Mein Kampf,'" the book written by Hitler.

Wirt Yerger, Jr., State GOP chairman, said the laws were formed to impose party "qualifications which the Democrats have
Mr. KUCHEL. Mr. President, let us examine some of the charges made by the so-called coordinating committee with regard to title I. One charge is that the bill "take from local and State officials their right, without Federal interference to handle local and State elections." In the first place, as I have noted previously, much to my displeasure, the House-passed bill is limited solely to Federal elections. In the second place, the plain fact is that while article I, section 4 of the Constitution clearly authorizes Congress to regulate Federal elections, Congress, under the 14th and 15th amendments, also has the clear power to extend the provisions of title I to State as well as Federal elections.

This Mississippi-financed group also charges that the Attorney General would be made "a virtual dictator of America's manners and morals" and that in title I he would be given "the unprecedented power to shop around for an attitude he prefers to a voting suit."

This charge is sheer nonsense. Under title I, either the Attorney General or any defendant in a voter discrimination suit could request a three-judge district court to hear the suit. This is not new practice in the internal judicial procedure. Section 44 of title 49 and section 28 of title 15 of the United States Code provide that in certain transportation or anti-trust suits in which the United States is the plaintiff, the Attorney General may file with the court a certificate seeking appointment of a three-judge court and expedition of the case.

Under title I, one of the judges on the three-judge court would be a judge from the district in which the suit has been brought. At least one of the three would be a circuit judge. Whether the third judge was either another district judge or another circuit judge is strictly a matter which would determine the internal judicial administration policies of the circuit. It is not up to the Attorney General.

Besides the precedent for such a procedure and the fact that it will expedite voter discrimination suits by permitting a direct appeal to the Supreme Court eliminating one usually time-consuming appellate step, a very sound reason for authorizing a three-judge court is to prevent the prejudices of one or two judges from interfering with the need for justice.

I was shocked, Mr. President, to read recently in the New York Times for March 8, 1964, a release from Jackson, Miss., dated March 8. It relates to the proceedings taking place in a Federal district court in Mississippi dealing with voter discrimination cases. I quote from part of that release:

At yesterday's hearing Judge Cox [referring to Federal District Judge Harold Cox], the first judge appointed by President Kennedy under the 14th of the federal judiciary, repeatedly referred to Negro applicants as "a bunch of niggers."

Mr. President, I ask consent that the complete article from the New York Times of March 8, 1964, be printed in the Record at this point in my remarks:

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

JUDGE DUE TO RULE ON SUIT TO SPEED UP NEGRO REGISTRATION

JACKSON, Miss., March 8.—Federal District Judge Harold Cox today ruled Wednesday on a Justice Department suit to speed up the processing of Negro voter applicants at Canton.

The judge has criticized the registration drive as "grandstanding." He took no action yesterday on a request by John Doar, Department attorney, that he immediately order L. F. Campbell, Madison County voter registrar, to handle at least six Negro applicants at a time.

At yesterday's hearing Judge Cox, the first judge appointed by President Kennedy under the 1961 expansion of the Federal judiciary, repeatedly referred to Negro applicants as "a bunch of niggers."

He said he was interested in eliminating discrimination in the registration of voters, "but I am not interested in whether the registrar is going to give a registration test to a bunch of niggers on a voter drive."

More than 200 Negroes tried to apply for registration at Canton in a "Freedom Day" February 28. Judge Cox said it "appeared that these people went to the church and were puffed up by a leather lung preacher, and they gathered in the streets like a massive dark cloud and descended on the clerk."

Mr. Doar said in the brief where he had received such information:

"From the newspapers," he replied.

Mr. Doar contended there is nothing un-American about registering to vote, and "I think it is quite proper for people to assemble to do it."

Judge Cox agreed that "it is all right for them to get in line and stand, acting like a bunch of chimpanzees?" he asked.

The Justice Department suit charged that Mr. Campbell had handled only 1 Negro at a time and promised only 6 of more than 200 Negro applicants who appeared February 28.

"There is an important Federal election coming up," Judge Cox said, "the last half of 1963, the Democratic primaries. The Justice Department petition contended that only 162 of more than 10,000 Negroes of voting age were registered in Madison County, while 5,000 of 8,800 white adults were registered."

Judge Cox took the arguments under advisement and asked further information before ruling on a temporary injunction.

Mr. KUCHEL. Mr. President, the fact that Judge Cox was the first judicial appointment of the Democratic administration which took office in 1961 is not what motivates me. Mr. President, it must find such conduct by a Federal district judge as contemptible as I find it.

Had that language been used by him before his name came before the Senate for confirmation to the office which he holds, in my judgment the nomination would not have been confirmed.

Mr. President, there can be no question but that racial discrimination in places of public accommodation is one of the most irritating and humiliating forms of discrimination that the Negro citizen encounters. A remedy for this is urgently required. Every American has read of Negro citizens and African diplomats being refused the opportunity to sit at a lunch counter and eat a noonday meal as they travel an interstate highway. Every American is aware that discrimination in public accommodations is what has motivated most of the 2,100 demonstrations which occurred in the last half of 1963.

Public accommodations legislation is certainly nothing new to the citizens of California or most other States in the Federal Union. Thirty of the fifty States and the District of Columbia have laws of this kind.

Even the South was free of much discrimination in the Reconstruction period following the Civil War. In fact, it was the Jim Crow laws enacted by various States after Reconstruction ended that truly interfered with the businessman's traditional right to offer his services to all the public, regardless of their race.

Interestingly, in the Reconstruction period Mississippi had accommodations law. An 1873 decision of the Mississippi Supreme Court—Donnell v. State (48 Miss. 661)—unanimously sustained the constitutionality of a Mississippi public accommodations law as applied in a criminal prosecution against a theater that sought to segregate a Negro.

California's public accommodations law dates from March 13, 1897. Mr. President, I ask consent that the text of the statute be printed at this point in the Record:

There being no objection, the text of the statute was ordered to be printed in the Record, as follows:

CALIFORNIA STATUTE OF MARCH 13, 1897

An act entitled "An act within the jurisdiction of this State shall be entitled to the full and equal accommodation, advantage, facilities and privileges of inn, railway carriages, hotels, livery stables, barbershops, baths, theaters, skating rinks, and all other places of public accommodation or amusement, and to have the conditions and limitations established by law and applicable alike to all citizens."

Sec. 2. Whoever shall violate any of the provisions of this chapter, by denying or attempting to deny to any citizen, except for reasons applies alike to every race or color, and regardless of race or color, the full accommodation,
The House-passed bill does not in title II cover all kinds of public accommodation, but it does cover those establishments whose discriminatory practices, when they have occurred, have resulted in great distress and anguish. Specifically, the bill expressly provides that all partnerships, associations, or corporations that own or operate follows:

1. Hotels, motels, and restaurants.
2. Motion picture and other theaters.
3. Theaters, sports arenas, and other places of amusement.
4. Motion picture and television stations.
5. Gasoline stations.
7. Public transportation facilities.
8. Public storage facilities.
9. Public parks, museums, and similar public facilities.
11. Private schools.
12. Private libraries.
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There are two types of contempt—civil and criminal. Civil contempt proceedings, in which a jury trial is never available, have as their principal function the enforcement of a court's mandate. If a defendant violates a court order, the court may order him to show cause why he should not be punished for contempt. The court may then punish the defendant by imposing a fine or by sending him to jail. The defendant, however, is the exception, not the rule. He is punished only if he willfully violates a court order.

While in some types of criminal contempt actions juries are provided for by statute, this is not true in all cases. This is because in most cases the defendant is not guilty of a crime. In other cases, the defendant is guilty of a crime, but the crime is not punishable by imprisonment. In these cases, the defendant is punished by fines or by sending him to jail.

I do not believe the Senate thinks it should authorize the Attorney General to initiate criminal contempt proceedings against a person who is not guilty of a crime. I believe that a genuine effort must be made to strengthen the so-called title VI of the civil rights bill. I will oppose the bill by permitting the Attorney General to initiate civil contempt proceedings against a person who is not guilty of a crime. I believe that the civil rights bill should be strengthened to permit the Attorney General to initiate civil contempt proceedings against a person who is not guilty of a crime. I believe that the civil rights bill should be strengthened to permit the Attorney General to initiate civil contempt proceedings against a person who is not guilty of a crime.
The Department of Justice has held that the ball was excessive—hellanguished for several months in the Atlanta jail. The local judge demanded that the bail be posted in unencumbered funds.

I raised this matter in a letter of January 31, 1964, to the Attorney General, Assistant Attorney General Marshall, an able man, replied in a letter of February 26, 1964, that under the House-passed bill the able man, as the Attorney General, was able to intervene in a case such as this one, where a State has acted through one of its branches, in this case a member of the judicial branch of the State, even though the case was finally disposed of as a dispute between private parties.

But it is settled—

Said the Assistant Attorney General—that when the State acts through any one of its branches it is bound by the command of the 14th amendment, and it is immaterial for that purpose that the underlying dispute was not one involving State officials.

I have recently written to Assistant Attorney General Marshall, asking whether the Department of Justice would be willing to approve of an amendment to the House-passed bill—along the lines which Attorney General Brownell had recommended during the last Republican administration which would authorize the Attorney General to initiate and institute actions for appropriate relief when the equal protection of the laws has been denied under the 14th amendment, regardless of whether a private action had previously been brought.

Mr. President, I ask unanimous consent that the exchange of correspondence between the Department of Justice and myself on this issue, consisting of a copy of my letter of last January 31 to the Attorney General, a copy of a letter from the Assistant Attorney General to me dated February 26, and a letter from me to him, dated March 23, may be printed in the Record at this point.

There being no objection, the letters were ordered to be printed in the Record, as follows:


Hon. Robert Kennedy, The Attorney General, Department of Justice, Washington, D.C.

My Dear General: On October 23, 1963, I wrote you regarding the case of Rev. Ashton Bryant Jones, of San Gabriel, Calif. Reverend Jones was found guilty of a misdemeanor after being arrested and charged with attempting to worship with two teenagers in the First Baptist Church in Atlanta, Ga., Sunday, June 30, 1963. My understanding is that there was no refusal of admission to the church and the Reverend Jones and one of the teenagers who accompanied him were pushed about by members of the church.

On August 28, 1963, a Fulton County superior court jury found Reverend Jones guilty of a misdemeanor. A maximum misdemeanor sentence of 12 months on public works, 6 months in jail, and a $1,000 fine was imposed. A motion for a new trial was filed, the sentence and set bail for $20,000. Since Reverend Jones was unable to make bail in this amount, he was held in the Fulton County jail. I am concerned at the present time, of what I regard as excessive bail, required in this misdemeanor case. Assistant Attorney General Brownell and I wrote to you on November 4, 1963, with reference to this case that the Department of Justice has no authority over the judicial process of sentencing and setting appeal bonds in the State courts. This is a matter within the exclusive jurisdiction of those courts. My question to you is this: In light of the language—the so-called part 3 approach adopted by the House Committee on the Judiciary in H.R. 7152—would you have power as Attorney General to intervene in a case such as that of Reverend Jones when one could initiate such actions in the first instance, if we are truly to remove these disabilities, public accommodations, public facilities, and public educational facilities. But again, an overlooked area is protection for the citizen who is engaged in peaceful demonstrations in pursuit of his constitutional rights and protection for the citizen who is the victim of police brutality. In a strict literal construction, it is not possible to avoid the near impossible to ask private individuals, usually of little financial means, who have been browbeaten by a system of segregation for a century, to initiate a private action and to secure the necessary counsel to prosecute successfully their case.

I believe that it should be the responsibility of the Attorney General—and the responsibility of Congress under the Constitution to authorize the Attorney General—to preserve constitutional guarantees and, on behalf of all the people of the United States, to be able to initiate such actions in the first instance, if we are truly to remove these disabilities, public accommodations, public facilities, and public educational facilities. But again, an overlooked area is protection for the citizen who is engaged in peaceful demonstrations in pursuit of his constitutional rights and protection for the citizen who is the victim of police brutality. In a strict literal construction, it is not possible to avoid the near impossible to ask private individuals, usually of little financial means, who have been browbeaten by a system of segregation for a century, to initiate a private action and to secure the necessary counsel to prosecute successfully their case.

I am equally concerned that, under the House-passed bill, when an officer of the State judiciary uses his powers to set and that this setting of bail constituted a denial of equal protection on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action.

This section, of course, presupposes that a private action is pending in Federal court to seek relief from denials of equal protection based on race, color, religion, or national origin. Unless and until such an action is filed, section 302 would not be applicable at all.

Your inquiry suggests that section 302 might not cover situations where the denial of equal protection arises out of a case involving private property and private parties. But it is settled that when the State acts through any one of its branches it is bound by the command of the 14th amendment, and it is immaterial for that purpose that the underlying dispute was not one involving State officials. Thus, for example, in a criminal case involving a assault prosecution the State must abide by all of the procedural rules required by the due process clause of the 14th amendment notwithstanding that the underlying dispute may be one between private parties.

It is, of course, impossible to state with absolute certainty whether a denial of equal protection occurred in any prosecution unless all of the surrounding circumstances are known and can be carefully evaluated. On the other hand, the question you pose, however, it is my opinion that section 302 would permit intervention by the Department of Justice where, if a private action is brought by a private party, it is claimed that the underlying action was successful and that this setting of bail constituted a denial of equal protection on account of race, color, religion, or national origin.

Sincerely yours,

Thomas H. Kuchel, U.S. Senator, Washington, D.C.

Dear Senator Kuchel: This is in response to your recent letter inquiring about the applicability of section 302 of the Civil Rights Act to the case of the Reverend Ashton B. Jones.

Section 302 provides in pertinent part:

"Whenever an action has been commenced in any court of the United States seeking relief from the denial of equal protection of the laws on account of race, color, religion, or national origin, the Attorney General for or in the name of the United States may intervene in such action."

This section, of course, presupposes that a private action is pending in Federal court to seek relief from denials of equal protection based on race, color, religion, or national origin. Unless and until such an action is filed, section 302 would not be applicable at all.

Your inquiry suggests that section 302 might not cover situations where the denial of equal protection arises out of a case involving private property and private parties. But it is settled that when the State acts through any one of its branches it is bound by the command of the 14th amendment, and it is immaterial for that purpose that the underlying dispute was not one involving State officials. Thus, for example, in a criminal case involving a assault prosecution the State must abide by all of the procedural rules required by the due process clause of the 14th amendment notwithstanding that the underlying dispute may be one between private parties.

It is, of course, impossible to state with absolute certainty whether a denial of equal protection occurred in any prosecution unless all of the surrounding circumstances are known and can be carefully evaluated. On the other hand, the question you pose, however, it is my opinion that section 302 would permit intervention by the Department of Justice where, if a private action is brought by a private party, it is claimed that the underlying action was successful and that this setting of bail constituted a denial of equal protection on account of race, color, religion, or national origin.

Sincerely your,

Burke Marshall, Assistant Attorney General, Civil Rights Division.
HON. BURKE MARSHALL,  
Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C.

DEAR MRS. MARSHALL: I appreciate your letter of February 26, 1964, and I am glad to know that the Department of Justice does feel that it has the power to intervene under section 302 of the proposed Civil Rights Act in cases such as that of Reverend Jones. However, I would point out here that the Attorney General should have the power to initiate suits when equal protection of the laws has been denied based on one's race, color, religion, or national origin.

As you correctly point out, when the State acts through one of its branches—in this case the Judicial branch, which levied excessive bail on an individual who attempted to further desegregation—it is bound by the command of the 14th amendment and it is immaterial that the underlying dispute was not one involving State officials. I agree with you. What concerns me is that in a tension-filled local situation an individual will not be able to further his own claim by securing needed local counsel. Thus, the inadequacy of the Title IV does not adequately provide the Attorney General with the authority to intervene once a private action is brought, since there are real obstacles, often of an economic nature, to bringing this private action. Therefore, I would like to know whether or not the Department of Justice would be willing to approve of an amendment to the House-passed bill which would authorize the Attorney General to initiate and institute actions for appropriate relief when the equal protection of the laws has been denied under the 14th amendment regardless of whether or not a private action had previously been brought.

With kindest regards,  
Sincerely yours,  
THOMAS N. KUCHEL  
U.S. Senator  

Mr. Kuchel.

Mr. President, almost a decade ago, the Supreme Court of the United States ruled in Brown against Board of Education of Topeka that racial segregation in public schools is unconstitutional. The determination of the following year that desegregation shall take place with “all deliberate speed” has largely gone unmet. Title IV does not create any new rights for individuals or any new obligations for State and local officials. It merely provides an additional remedy for the assurance of existing constitutional rights.

The coordinating committee of course, would have you believe that title IV did everything but what it does. For example, in the nationwide ad to which I previously referred, this so-called coordinating committee whose expenses are largely paid by the Mississippi State government, claims that “Federal Inspectors would dictate to schools and colleges as to handling of pupils, employment of facilities, occupancy of dormitories, and the use of facilities.” The bill does none of these things.

According to the 1963 report of the U.S. Commission on Civil Rights there are 3,053 school districts in the Southern and border States. Of these, 2,645 Negroes and white students. Yet only 8 percent of the Negro pupils in the South attend schools with white children. As you have observed, the progress that has been made in desegregation has been made in the border States and the District of Columbia and in the border areas of the South. South Carolina, Alabama, and Mississippi have no Negroes attending school with white students below the college level. A statistical summary revised to August 1, 1963, by the Southern Education Reporting Service shows that of 13,970,307 students, both white and Negro, enrolled in the 17 Southern and border States and the District of Columbia, only 264,665 Negroes are enrolled in desegregated schools out of a total Negro school enrollment in the area of 3,326,468.

It is shocking that many of the Negro children who were about to enter segregated grade schools at the time of the historic Supreme Court decision in 1954 will enter segregated senior high schools this year. Many Negro citizens are handicapped in their ability to find suitable employment opportunities by the inadequacy of the education which has been available to them.

To expedite desegregation in public educational facilities, title IV would authorize the Commissioner of Education to conduct a survey regarding the lack of educational opportunities in public educational institutions because of race, color, religion, or national origin. Upon request of a local school board or other State or local government unit, the Commissioner could render technical assistance in the form of information and personnel to assist in desegregation of the public schools.

The Commissioner could also arrange with institutions of higher learning for the establishment and financing of special training institutes to provide the ability of local school personnel in dealing effectively with educational problems occasioned by desegregation. School personnel could receive stipends to attend such institutes. In addition, again upon request, grants could be made by the Commissioner to local school boards to provide school personnel with in-service training and to permit the school boards to employ specialists in order to deal with desegregation problems.

Equally important in expediting the decade-old mandate of the Supreme Court that desegregation occur in the public schools with all deliberate speed is the authority which this title confers upon the Attorney General to institute civil suits in the Federal district courts in order to achieve desegregation in the public schools and colleges. The Attorney General would be authorized to file a suit when he received a written complaint from parents that the school board in their district had failed to achieve desegregation, or from an individual that he had been denied admission to or continued attendance at a public college by reason of race, color, religion, or national origin.

As a prerequisite to bringing such a suit, the Attorney General would be required to certify that the signers of the complaint were “unable to initiate and maintain appropriate legal proceedings” for relief, and that the institution of an action would materially further the public interest in the elimination of segregation in school public education.

The Commissioner of Education cannot render technical assistance under this title unless the local school board requests him to do so. He cannot compel the school board to do anything that it does not want to do; indeed, he has no powers of coercion under the bill and should have none. He may only cooperate with the board if they ask him to do so.

Other equally invalid scare charges have been made. For instance, some have erroneously implied that title IV would provide funds for racial balance in all schools throughout America and thus overcome racial imbalance.

The House provisionally provided in section 401(b) of the bill that “desegregation” shall not mean the assignment of students to public schools in order to overcome racial imbalance. Let this be thoroughly understood.

In general, title IV approximates much of S. 1209, of which I am an author along with seven other Republican Senators, who introduced it on March 28, 1963. The House-passed bill, based on the administration’s subsequent recommendations, does not include our provision for the filing by the local school district of a desegregation plan within 180 days after the enactment of the legislation, with the Secretary of Health, Education, and Welfare. The reason we wished to require such plans was that it would promote, it seemed to us, the orderly process of desegregation and require the school boards to focus their attention on this important and vital matter.

The House-passed bill does not provide, as S. 1209 did, for the Commissioner to make loans to school boards which attempt to desegregate but which have had their funds cut off by their State government which seeks to perpetuate a system of segregation, and thus to defund the bill. Nor would the House-passed bill, as ours did, restrict Federal grants-in-aid to States which fail to implement desegregation plans in elementary and secondary schools.

Nevertheless, title IV is certainly a step in the right direction. It approximates—and I say this for the benefit of my Republican colleagues—the 1960 Republican platform’s commitment to—

We will propose legislation to authorize the Attorney General to bring actions for school desegregation in the name of the United States in appropriate cases, as when economic coercion or threat of physical harm is used to deter persons from going to court to establish their rights.

And—

Our continued support of the President’s proposal to extend Federal aid and technical assistance to schools which in good faith attempt to desegregate.

TITLE V AND TITLE X

The U.S. Commission on Civil Rights is now nearing the end of its 7th year. These have been years of great and difficult work. In my judgment, it would not have been possible to achieve the achievements we have in 7 years if we had not considered the legislation which it has in the area of civil rights without the invaluable hearings, studies, reports, and
recommendations which have been submitted by this bipartisan agency.

Where an independent agency was established by Congress in 1957, at Eisenhower's urging, its mission was to investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religious preference, or national origin; to collect and collate information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; to appraise Federal laws and policies to determine the extent to which they provide equal protection of the laws; and to submit interim reports and a final and comprehensive report of its activities, findings, and recommendations to the President and Congress.

President Eisenhower appointed John A. Hannah, the president of Michigan State University, as Chairman. He still serves in that capacity. With him have served a group of equally dedicated Americans, both men and women, lawyer, churchman, and public servant.

The Commission's work has been nationwide in scope. Hearings have been held in Los Angeles and San Francisco, Calif., as well as in other cities of the South and the North. The Commission has expressed not only for the Negro citizen but for the Indian and the American of Latin American or Mexican descent as well.

The extensive recommendations which the Commission made in its 1961 report, recommendations related to voting, equal protection of the laws in education, employment, housing, and the administration of justice were the basis of the comprehensive package of civil rights legislation which seven of us on this side of the aisle introduced in the Senate on March 28, 1963. When the administration thereafter submitted its proposed Civil Rights Act for this Congress, which contained many, but not all, of our own proposals, we, along with other Republicans, were glad to join with Senators on the other side of the aisle in bipartisan sponsorship of that bill.

Our March 28 package included S. 1219 authored by the senior Senator from Massachusetts [Mr. Saltonstall] which would have made the Commission on Civil Rights a permanent agency of the Federal Government. The bill as reported by the Committee on the Judiciary of the House of Representatives contained a similar provision. On the House floor, however, a simple 4-year extension was agreed to.

As the measure passed the House, the Commission, in title V, is also authorized both to serve as a national clearinghouse for information in respect to equal protection of the laws and to investigate cases of vote fraud provided that it is a written allegation made under oath. The House also added a provision prohibiting the Commission, its advisory committees, or any personnel under its supervision or control from investigating membership practices or the internal operations of any fraternal organization such as a university fraternity for example, or a sorority, a private club, or a religious organization. This is in keeping with the expressed desire of this legislation not to intrude in areas of solely private society.

I believe the Commission should be made a permanent agency of the executive branch. All too often in the last several Congresses, we have been confronted with the expensive junior grade filibuster as to whether or not the Commission would be extended for 4, 2, or 1 additional year, or at all. The effect of the short 2-year terms which have been granted the Commission is that with the uncertainty of its life, many competent people have left the Commission for other agencies of the Federal Government, State or local government, or private life. Constant bickering and caustic debate over the working of an agency which has performed unparalleled and constructive and thoughtful service does not serve the public interest.

In addition, the House-passed bill in title X authorizes establishment in the Department of Commerce of a Community Relations Service which would be headed by a Director, appointed by the President with the advice and consent of the Senate for a 4-year term. The Service would consist of regional offices in communities to resolve disputes, disagreements, and difficulties relating to racial discrimination. It is specified that whenever possible the Service shall seek and utilize the cooperation of appropriate State or local agencies dealing with these matters. To implement this title, which was added on the House floor, the Director is authorized to appoint six additional personnel to procure the services of additional experts and consultants on a per diem basis.

The theory of a community relations service is a good one, although the personnel authorized is totally inadequate. It parallels the functions of the Federal Mediation and Conciliation Service created by the Taft-Hartley Act. This Service possesses no law-enforcement authority. Its mediators, who are located in some of our major industrial centers of the Nation, rely on persuasive techniques of mediation and conciliation to perform their duties. Their purpose is to prevent or minimize interruptions of the free flow of commerce growing out of labor-management disputes. They have performed a useful service in a difficult area of human relations where tempers and emotions frequently flare.

In my judgment, Mr. President, careful consideration should be given by the Senate to incorporating this community relations service under the U.S. Commission on Civil Rights. It is the Civil Rights Commission which has the background and experience so necessary if one is to attempt an intelligent solution in the area of racial relations. Being outside a Cabinet department, in a bipartisan commission, it is less likely to be subject to partisan pressures. In a case where the enforcement agencies of the Federal Government were also involved, it would be more likely to function in an objective manner.

**Title VI**

It is, of course, unconscionable that discrimination still exists in the implementation of some federally assisted programs. The taxes which support these programs are paid into the Treasury by all citizens of this nation. It is simple justice that all citizens should derive equal benefits from these programs without regard to the color of their skin.

In addition, I wish to recall what the 1960 Republican platform promised, and what we now have an opportunity to fulfill:

- Removal of any vestige of discrimination in the operation of Federal programs.

Some progress has been made in the area of Executive action. Much more could be accomplished now. In my judgment, the President has clear authority now under the Constitution to eliminate discrimination in federal assisted programs. Those statutes which did sanction "separate but equal" hospitals, schools, and colleges are patently unconstitutional and in the case of hospitals and colleges, this has recently been affirmed by the Supreme Court. Title VI would override all such "separate but equal" provisions of existing law, without the necessity of further litigation, and would authorize and direct the Federal agencies administering such statutes to take appropriate action to end segregation or other discrimination in such programs of assistance.

Over the years, the Senators from New York [Mr. Javits and Mr. Karast] have made valiant efforts to eradicate this type of program discrimination. I am proud to say that when these amendments have been offered, we over on this side almost unanimously supported them. However, time and again the question has been put off until another day on the excuse that the addition of such an amendment would jeopardize the passage of the main bill. Title VI would override all such "separate but equal" provisions and carry out the purposes of the Constitution by eliminating discrimination in federal assisted programs.

This issue is now clearly before us. Now is the time to act in showing that the Congress of the United States will no longer condone practices in any programs financed by the hard-earned dollars of all Americans.

Title VI provides a positive, across-the-board, congressional mandate for Federal departments and agencies which...
are empowered to extend financial assistance under the authority of any program or activity, whether through grants-in-aid or otherwise, for the support of education or vocational education programs, and for the support of other programs such as public health services, public safety, or research. The objective is to secure voluntary compliance. In addition, if the agency head determines that Federal assistance should be cut off, then he must file a written report detailing the circumstances and his grounds for discontinuing or withholding financial assistance. This is not a regulatory measure. It does not apply retroactively. This is not a new extension of Federal authority. The action taken by the Federal administrator in discontinuing or withholding financial assistance is based on the fact that nonconstitutions support racial discrimination. Title VI does not apply to situation in which existing Federal programs will be administered with regard to furthering a policy of nondiscrimination, and thus eliminating defiance of the law of the land.

Title VII

To secure and maintain a job in our industrial economy places a premium on education and on skill. Job discrimination because of one's race is an evil which affects not only the individual but extends to the welfare of the community as a whole. For the United States and the American of Mexican descent cannot secure a job and the opportunity to advance on that job commensurate with his skill, then his right to be served in places of public accommodation is a meaningless one—a right which cannot be exercised when there is a lack of money. If a member of a so-called minority group has tried hard to get ahead, who has been discriminated against, then he will be confronted with a life of unskilled and menial labor, and then a loss has occurred, not only for a human being, but also for our Nation. America's attitude toward respect for a generation to come, because of the lack of opportunity available to some of its well citizens. At the most, the outlook for many has been dismal as they attempt to secure unskilled jobs in an economy which has a little less room for the unskilled as each day passes. At the most, their outlook has been dismal, as they try to overcome the last-fired, first-fired occupational principle which seems to rule their daily lives. What jobs they can secure are usually interwoven with periods of unemployment or part-time employment. Negro citizens have consistently fallen behind white citizens in terms of employment. The gap is increasing. In 1947, for example, the nonwhite unemployment rate was 8 percent higher than the rate for white workers. In 1964, its percent higher. Generally, in the last decade, unemployment has been twice as heavy among employable Negroes as it has been among whites. While nonwhites represent 11 percent of the total civilian labor force, they represent more than 25 percent of the long-term unemployed; those who have been out of work more than 26 weeks. Thus, it is necessary to reconsider the retraining and vocational programs which are conducted by the Federal and State Governments, by private industry, and by labor unions are operated on a nonprogressive basis. A bipartisan majority of the Senate Committee on Labor and Public Welfare, in reporting S. 3937, the Equal Employment Opportunity Act, on February 4, 1964, noted after a careful study of the job discrimination facing the Negro, that when nonwhite American, the key facts are:

1. The nonwhite college graduate on the average can expect to earn less than the white pre-high-school dropout.

2. Three-fourths of all nonwhites in their lifetime in the labor force, irrespective of talent, training, educational attainment, or job experience accept jobs in the unskilled or semiskilled blue-collar area at lower wages well under those paid to the white.

3. Developments in the advancing technology, including automation, are eliminating these jobs at an accelerating pace.

4. These conditions directly or indirectly have contributed in whole or in part to the current unemployment of nonwhites, comprising 22 percent of the unemployed labor force, will and, in the period ahead, with its promise of an ever-increasing reduction in the aggregate demand for unskilled or semiskilled labor, swell the ranks of the Negro unemployed enormously.

The Committee concluded that if the Negro labor force at its present level of educational attainment were fairly and fully utilized, then the gross national product would reach $13 billion. The Committee added that should the Negro labor force achieve educational parity with the white, this gain would total $17 billion. Think of the waste in human and economic terms which is daily taking place here.

Twenty-six States, covering 40 percent of the nonwhite population, have now to some extent fair employment practice programs, or enforcement of these programs has varied, sometimes because of inadequate laws and sometimes because of inadequate budgets. Some of these laws apply only to public contracts. Yet 90 percent of the nonwhite population living in the 24 remaining States which also must be of concern to us.
Under the California Fair Employment Practice Act, employers of five or more persons—excluding agricultural and domestic workers and exempting social service agencies, labor organizations, State and local governments also come under the California statute. Discrimination in employment on the basis of race, religion, creed, color, national origin, or ancestry is prohibited.

The California act is enforced by a fair employment practices commission, consisting of seven members and a staff. The commission is empowered to receive complaints from aggrieved parties, or from the attorney general of California, and to investigate these complaints, or initiate its own investigations if an unlawful employment practice seems to have been committed. Once the investigation has been completed, the commission is required to attempt to eliminate the unlawful practice, or to order an injunction against the unlawful practice. Any person who willfully violates an order of the commission, or who interferes with the commission's performance of duty, shall be guilty of a misdemeanor, punishable by imprisonment in a county jail for not to exceed 6 months or by a fine not to exceed $500 or by both.

Title VII of the House-passed bill is far less stringent than the existing California statute or S. 1937, which was reported to the Senate by the Democratic majority of the Senate Committee on Labor and Public Welfare. S. 1937 would apply to all business and labor organizations of eight or more members.

The House of Representatives amended title VII to make it an unlawful employment practice to discriminate on account of race, color, religion, sex, or national origin in connection with employment, referral for employment, membership in labor organizations, or participation in apprenticeship or other training programs. Exemptions are provided for governmental bodies, bona fide membership clubs, and religious organizations. The California act has no provision for religious organizations.

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Neither would seniority rights be affected by this act. Employers and labor organizations could not discriminate in favor of or against a person because of his race, creed, or color, and national origin, or his national origin. In such matters, the Constitution, and the bill now before us drawn to conform to the Constitution, is colorblind. The labor movement in my State and nationally has led in its efforts to eradicate discrimination in employment opportunities. A resolution unanimously adopted at the 1963 convention of the AFL-CIO called upon every affiliate “to adopt at the district court against the offending union bring a private civil suit in Federal district courts sending certain civil rights cases back to State court. No appeal is presently an appeal from the district judge’s decision. Thus, an employee who believes he has been discriminated against may now bring a private civil suit in Federal district court against the offending union and any employer cooperating with the union in such discrimination, and to seek the inclusion of effective antidiscrimination clauses in all collective bargaining agreements.

Under the National Labor Relations Act and the Railway Labor Act, unions in interstate commerce are required to represent all employees fairly and impartially, without regard to race or color. Thus, an employee who believes he has been discriminated against may now bring a private civil suit in Federal district court against the offending union and any employer cooperating with the union in such discrimination.

Mr. President, as I said in the beginning, the trouble for effective civil rights legislation is not a partisan fight. It is an American fight. If it is to be brought home, the Senate Chamber, and I am confident that it will be, it will be won because men of good will want to make the American theory of equal treatment under law a reality rather than a mockery. It is a fight to keep faith with the hopes and aspirations of those who came before us and those who will come after us. To be true to them, Americans, all Americans, and to the dream we share, we must be true to ourselves and to man’s deep desire for freedom and equality of opportunity. If we are true to these ideals, we will truly have kept faith.

I am glad in this debate to join with my fellow Senators, Democrats and Republicans, in what I feel sure will be a convincing and requisite majority of the membership hear, to listen, to learn, and to decide that the provisions of this bill, at a minimum, are definitely to be written into the law of this land.

Mr. President, I ask unanimous consent that the civil rights section of the 1960 Republican platform be printed in the Record, together with an extremely helpful memorandum to the Chicago Tribune prepared by the Republican membership of the House Committee on the Judiciary, together with an excellent report of the Committee on Civil Rights of the New York County Lawyers’ Association.

There being no objection, the material was ordered to be printed in the Record, as follows:

CIVIL RIGHTS

This Nation was created to give expression, validity, and purposes to our spiritual heritage—the supreme worth of the individual. It is only in recent years that we have deduced the proposition that all men are created equal—racial discrimination has no place. It can hardly be reconciled with a Constitution that guarantees equal protection of the law to all persons. In a deeper sense, too, it is immoral and unjust. As to those matters within reach of political action and leadership, we pledge ourselves unreservedly to its eradication.

Equality under law promises more than the equal right to vote and transmutes mere reiteration of discrimination. It becomes a reality only when all persons have equal opportunity, without distinction of race, religion, color, and national origin, to acquire the essentials of life—housing, education, and employment. The Republican Party—the party of Abraham Lincoln—from the very beginning has promised a reality. It is today, as it was then, unequivocally dedicated to making the greatest possible progress toward that objective.

We recognize that discrimination is not a problem localized in one area of the country, but rather a problem faced by the North and South alike. Nor is discrimination confined to the discrimination against Negroes. Discrimination in many, if not all, areas of the country on the basis of creed or national origin is equally insidious. Further, we recognize that in many communities in which a custom of custom and tradition must be overcome, heartening and commendable progress has been made.

The Republican Party is proud of the civil rights record of the Eisenhower administration. More progress has been made during the past 8 years than in the preceding 80 years. We are determined to end discrimination in our Nation’s Capital.

Vigorous executive action was taken to complete swiftly the desegregation of the Armed Forces, veteran’s hospitals, Navy yards, and other Federal establishments.

We supported the position of the Negro scholastic minority before both the Supreme Court. We believe the Supreme Court school decision should be carried out in accordance with the mandate of the Court.

And, at the request of the Democratic-controlled Congress, the President’s Committee on Governmental Fair Employment Practices was reestablished in 1960 with broadened authority. Today, nearly one-fourth of all Federal employees are Negro.

The President’s Committee on Governmental Fair Employment Practices, under the chairmanship of Vice President Nixon, has become an impressive force for the elimination of discriminatory employment practices of private companies that do business with the Government.

Other important achievements include initial steps toward the elimination of segregation in federally aided housing; the establishment of the Civil Rights Division of the Department of Justice, which enforces Federal civil rights laws; and the appointment of the bipartisan Civil Rights Commission, which has issued a significant report that lays the groundwork for further legislative action and progress.

The Republican record is a record of progress—not merely an intention. Nevertheless, we recognize that much remains to be done. Each of the following pledges is practical, and is within realistic reach of accomplishment. They are serious—not cynical—pledges made to result in maximum progress.

1. Voting. We pledge: Continued vigorous enforcement of the civil rights laws to guarantee the right to vote to all citizens in all areas of the country.

Legislation to provide that the completion of his sixth or seventh grades in a State accredited school is conclusive evidence of literacy for voting purposes.
2. Public schools. We pledge: the belief that justice will continue its vigorous support of court orders for school desegregation. Desegregation suits now pending involve at least 39 school districts. These suits and others already concluded will affect most major cities in which school desegregation is being practiced.

3. Equal housing opportunity. We support measures provided by the Civil Rights Act of 1960 to prevent obstruction of court orders.

We will propose legislation to authorize the President to bring actions for school desegregation in the name of the United States in appropriate cases, as well as other measures by which such suits may be used to deter persons from going to court to establish their rights.

Our continuing support of the President's proposal, to extend Federal aid and technical assistance to schools which in good faith attempted to desegregate.

We oppose the pretense of fixing a target date 3 years from now for the mere submission of plans for school desegregation. Slow-moving school districts would construe it as a 3-year moratorium during which progress would cease, postponing until 1963 the legal process to enforce compliance. We believe that such a moratorium pending court action, if approved as the Supreme Court has directed and that in no district should there be any such delay.

3. Employment. We pledge: Continued support for legislation to establish a Commission on Equal Job Opportunity to stimulate and to expand with legislative backing the excellent work being performed by the President's Committee on Government Contracts.

Appropriate legislation to end the discriminatory membership practices of some labor unions, localities, unless such practices are ended promptly by the labor unions themselves.

Use of the full-scale review of existing State and local proposals for Federal legislation, to eliminate discrimination in employment now being conducted by the Civil Rights Commission, for guidance in our objective of developing a Federal-State program in the employment area.

Special consideration of training programs aimed at changing the skills of those now working in marginal agricultural employment so that they can obtain employment in industry, notably in the new industries moving into the South.

4. Housing. We pledge: Action to prohibit discrimination in housing constructed with Federal subsidies.

We support the construction of segregated community facilities.

5. Public facilities and services. We pledge: Removal of any vestige of discrimination in the operation of Federal facilities or procedures which may at any time be found.

Opposition to the use of Federal funds for the construction of segregated community facilities.

Action to ensure that public transportation and other Government authorized services are conducted free from discrimination.

6. Legislative procedure. We pledge: Our best efforts to change present rule 22 of the House, which provides that three-judge courts are now used in antitrust, transportation and constitutional cases because of the complex nature of these cases and the difficulty of finding a quorum of judges who are not involved in the case. The Republicans on the House Judiciary Committee who supported and voted for the civil rights bills, passed in the House does not in any way require, reward, or encourage: (1) "open occupancy" in private housing, (2) the transfer of students away from their neighborhood schools to create "racial balance," or (3) the imposition of racial quotas or preferences in either private or public employment of individuals.

Title II forbids discrimination in limited categories of public accommodations.

The constitutional support for the public accommodations clause rests upon the commerce clause as in the 14th amendment.

It has been contended that the commerce clause of the Constitution is limited to "carrying on of goods, wines, or merchandise, and the conditions under which the goods were manufactured," whereas the commerce clause has, for many years, been interpreted by the Supreme Court to cover many additional activities affecting commerce. Under the Taft-Hartley Act, antitrust laws, the Federal Communications and bank hours laws, every form of business covered by title II has been held to be engaged in interstate commerce.
Restaurants, hotels, motels, and gasoline stations regularly serve travelers or utilize goods, in major part, that travel in interstate commerce. State or local government agencies and businesses engaged in the business of entertainment regularly present films or performances that move in interstate commerce. The widespread segregation of public accommodations in the South also has been found to curtail interstate travel and the normal expansion of interstate trade.

Prior to the passage of the 14th Amendment, Congress also has the authority to legislate as the House of Representatives has in this title.

Pursuant to this authority, a State or local government may not require or enforce segregation in the categories of public accommodations included in title II. The 14th Amendment is not made applicable merely because a business is licensed by governmental authority as has been suggested. Where, however, elected or employed officials of a State or local government take positive action to force or maintain segregation, then the action of the Constitution comes into effect. The Congress, therefore, has clear authority to enact title II.

An impression has been created that title III grants local governmental power to take over the functions of local law enforcement authorities; to create a national police force; to file suits promiscuously; to shop for just the right case in which to hear a complaint; and to try to be an aggrieved party. This is referred to by quotations of committee members who opposed the bill and to a statement by the Attorney General before the House Judiciary Committee on an entirely different and a rejected version of title III.

Title III, as passed by the Senate, is limited to authorizing the Attorney General to institute civil actions to desegregate public facilities, and playgrounds, and to seek appropriate judicial relief. The Supreme Court has long held that the Constitution prohibits governmentally owned, operated, or managed facilities to be segregated, in whole or in part.

Title III also permits the Attorney General to intervene in civil cases instituted by private citizens who claim that they are being denied the equal protection of the law, guaranteed by the Constitution.

Under normal circumstances, State or local government authorities win the case, it is entitled to recoup reasonable attorney's fees and costs.

Title IV of the civil rights bill provides that the Attorney General may institute a civil action to desegregate public schools or colleges. The Commissioner of Education is authorized to grant technical and financial assistance to local governments or schools. Title VI of the bill is designed to help school personnel in dealing with desegregation problems.

In creating this authority, however, the House specifically precluded the Attorney General or the Commissioner of Education from taking action under this title to compel the racial balancing of schools. It showed that technical or financial assistance may only be granted if a local school board or other local unit of government requests such assistance. And, this assistance may only be used to scale down the demand of an employee or the acceptance or reinstatement of a union member. But, title VI forbids the establishment of quotas in businesses or unions and does not permit interferences with seniority rights of employees or union members.

Title VI commands the Bureau of the Census to compile registration and voting statistics by race, color, and national origin regarding the extent to which persons are eligible to vote and have voted.

Title IX provides that, when a ward has sought removal of a State court suit to a Federal district court on the ground that he resides in a State where the State court may not appeal to the Federal Civil Rights Act of 1964, the United States may intervene in a Federal court and send the case back to the State court.

The Chicago Tribune has provided broad coverage on the civil rights bill both before and during debate in the House of Representatives. Our only purpose in offering these comments is the hope that we might contribute, in a constructive way to a further public understanding of this highly complex legislation.

Report of Committee on Civil Rights on H.R. 7152—Civil Rights Act of 1964

The proposed Civil Rights Act of 1964 (H.R. 7152), was passed by the House of Representatives on February 10, 1963, and is now pending before the Senate. This act, dealing with a broad range of problems in the fields of civil rights and public accommodations, was introduced in the House of Representatives by Representative Celler on June 19, 1963, and parallel legislation was introduced at the same time in the Senate by Senator Kennedy and others as S. 1713. Both of these bills are based upon the recommendations of President Kennedy's Interagency Committee on June 19, 1963, and endorsed by President Kennedy in his 1964 state of the Union message. Numerous other bills have been introduced in both Houses, but this report will address itself principally to H.R. 7152 as passed by the House of Representatives. Two other bills on limited certain aspects of civil rights legislation have been reported, S. 30, the Equal Employment Opportunity Act, sponsored by Senator Humphrey, and passed by the Senate Committee on Labor and Public Welfare, and S. 720, entitled the Interstate Public Accommodations Act of 1963, sponsored by Senator Mansfield and reported by the Senate Committee on Commerce on February 10, 1964.

Scope of the Report

After reviewing H.R. 7152, as passed by the House of Representatives, it was the opinion of the committee that the legislation, particularly with respect to three provisions of that act, which are particularly susceptible of legal analysis and as to which the committee felt that it would make a further contribution to the able studies which have already been submitted by others. These are:

1. The limitation of the voting provisions in title I to the election of Federal officials;
2. The utilization of the commerce clause to achieve so-called "social" objectives has received additional 14th amendment support for the provisions of that title; and
3. Admission of a provision in Title VII permitting discrimination in employment on the grounds of an applicant's atheistic beliefs and practices.

LIMITATION OF TITLE I PROVISIONS TO THE ELECTION OF FEDERAL OFFICIALS

Title I of H.R. 7152, deals with voting rights and contains further amendments to section 203 of the Revised Statutes (42 175) as amended by the Civil Rights Act of 1957 and the Civil Rights Act of 1960. According to the report of the House Committee on Education and Labor (H. Rept. 1947, 84th Cong., 1st sess., p. 19) this title was designed to meet problems encountered in the operation and enforcement of the 1957 and 1960 acts, with respect to its guarantees to all citizens of the right to vote without discrimination as to race or color. Title I deals with the problems of lengthy delays in judicial proceedings under these prior acts which causes substantial denial of the right to vote. In addition, it is intended to bar the use of literacy tests and other devices by registration officials, by requiring the use of uniform standards and forms and the certification of registration errors. In addition, title I requires that literacy tests relating to Federal elections must be in writing and creates a rebuttable presumption that an individual who has completed the sixth grade in an accredited school teaching in the English language possesses sufficient literacy to vote in Federal elections.

This committee has previously expressed its views with respect to literacy tests, in a report dated April 3, 1962, to which reference is made in this section. We are still particularly concerned with the enactment of legislation to establish a prima facie presumption of literacy for the purpose of excluding citizens from the sixth grade of a public or accredited private school in any State, and that such legislation be appropriate and constitutional. In addition, this committee recommends that such legislation should, to accomplish its purposes and to prevent distortion of the traditional right of suffrage, be applied to the election of Federal and State or local officials.

We are still particularly concerned with the limitation of title I to Federal elections, because we believe it is an unnecessarily narrow distinction and one which can give rise to serious problems in its application and enforcement. It was pointed out by the previous Attorney General, during Congressional consideration of the 1960 Civil Rights Act, that elections in our country are not held separately for Federal and for State and local officers, and that voting registration normally covers candidates, both in the 1957 and 1960 Civil Rights Acts, in their provisions relating to voting rights, extended to include all of the States. The specific consideration was given to this very problem.

Title II of H.R. 7152 prohibits discrimination on grounds of race, color, religion or national origin in specified places of public accommodation. It limits no sites for similar prohibitions except that the scope of the facilities covered differs between the two bills. There is more discrimination in hotels and motels, places of amusement and gas stations, and restaurants than there are in accommodations in public accommodations on the basis of the provisions of title II of the Civil Rights Act of 1960. Title II also prohibits discrimination in educational institutions and public accommodations on the basis of the provisions of title II of the Civil Rights Act of 1960.

The committee concludes that Congress clearly has constitutional power under the 14th amendment to enact a law finding a specified voting requirement to be excessive, unreasonable and discriminatory and to bar the use of such requirement in elections for Federal, State, and local officials. The objectionable discrimination has taken place with respect to registration officials and to Federal, State and local officials, and the appropriate relief granted by Congress should be equally broad.

USE OF COMMERCE CLAUSE JURISDICTION FOR SOCIAL PURPOSES PARALLEL 14TH AMENDMENT SUPPORT IN TITLE II

Title II of H.R. 7152 prohibits discrimination on grounds of race, color, religion or national origin in specified places of public accommodation. The title limits no sites for similar prohibitions except that the scope of the facilities covered differs between the two bills. There is more discrimination in hotels and motels, places of amusement and gas stations, and restaurants than there are in accommodations in public accommodations on the basis of the provisions of title II of the Civil Rights Act of 1960. Title II also prohibits discrimination in educational institutions and public accommodations on the basis of the provisions of title II of the Civil Rights Act of 1960.

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restricted covenants among private persons was found to be the product of the 14th amendment. The enforcement of State trespass laws against Negroes for refusing to leave a lunch counter was held to be a violation of the 14th amendment, where there is a local segregation ordinance in Peterson v. Greenville, 373 U.S. 244 (1963). Beyond State commerce in Board of Trustees v. United States, 289 U.S. 48 (1933), the exercise by Congress of its power to raise revenues and the power including the Tariff Act of 1930, upheld on multiple constitutional support in upholding the validity of various statutes in the past, have expressly been founded against those who have no religion.

We support action under both the commerce clause and 14th amendment powers, not because of any doubt as to the inapplicability of the commerce clause and 14th amendment powers to the 14th amendment as if there were such an ordinance, Lombard v. Louisiana, 373 U.S. 267 (1963). That was also upheld in Monroe v. Pape, 365 U.S. 167 (1961) and similar language is employed in the statute imposing criminal penalties for violation of constitutional rights (18 U.S.C. 241).

We support action under both the commerce clause and 14th amendment powers, not because of any doubt as to the independent validity of each as the basis for provisions similar to title II; to the contrary, the committee concludes that the broadened recognition of constitutional powers may be derived from reliance upon all pertinent sources of power. Many statutes, in this area, have only been found upon more than one constitutional power of Congress. Similarly, the courts have relied on multiple constitutional support in upholding various statutes including the Tariff Act of 1922, upheld under the power to raise revenues and the power to regulate commerce in Board of Trustees v. United States, 289 U.S. 48 (1933); the Tennessee Valley Authority Act, upheld on the basis of the war, commerce, and navigation power, v. T.V.A., 313 U.S. 328 (1941); and the voting registration provisions of the 1960 Civil Rights Act, upheld under both the 14th and 15th amendments in United States v. Meshing, 317 F. 2nd, 273 (W.D. La. 1963).

The Inclusion of a Provision Permitting Discrimination in Employment on the Grounds of Atheistic Beliefs and Practices in Title VII

One of the House amendments to title VIII of the Civil Rights Act of 1964, the fair employment practices section of the bill, provided:

"We repeat and again reaffirm that neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbelief, for church attendance or nonattendance. The foregoing meaning of the establishment of religion clause was reaffirmed by the Supreme Court in McCollum v. Board of Education, 333 U.S. 173, 343 U.S. 306, where the Court departed from its ruling in McCollum, it carefully specified that, "we follow that the McCollum case," 343 U.S. at page 315.

In Torcaso v. Watkins, 367 U.S. 486, the Court dealt with a Maryland constitutional provision that "any law which shall be enacted for the purpose of prohibiting the teaching of religious belief whatsoever in any school." Neither can constitutionally pass laws or impose requirements which aid all religions by funding religious tests or prefer one religion over another. Neither can aid those religions based on a belief in the existence of God as against those founded on a belief in the non-existence of God. The plaintiff, Torcaso, was appointed a notary public in Maryland but was refused a commission to serve because he would not declare his belief in God. The Maryland courts upheld the State constitutional ban on public office for those who would not declare a belief in the existence of God. The Supreme Court decided the Maryland provision. It said at page 405:

"We repeat and again reaffirm that neither a State nor the Federal Government can set up a church. Neither can pass laws which aid one religion, aid all religions, or prefer one religion over another. Neither can force nor influence a person to go to or remain away from church against his will or force him to profess a belief or disbelief in any religion. No person can be punished for entertaining or professing religious beliefs or disbelief, for church attendance or nonattendance. The foregoing meaning of the establishment of religion clause was reaffirmed by the Supreme Court in McCollum v. Board of Education, 333 U.S. 173, 343 U.S. 306, where the Court departed from its ruling in McCollum, it carefully specified that, "we follow that the McCollum case," 343 U.S. at page 315.

The action of the Court in Torcaso v. Watkins, 367 U.S. 486, aimed to establish a constitutional rule that no law can set up a church or forbid the teaching of religious beliefs. It is now a long overdue step in this direction.

Mr. KUCHEL. I yield first to the Senator from Minnesota (Mr. HUMPHREY).

Mr. HUMPHREY. I have asked the Senator to yield but for one purpose: to express my appreciation for the fine work he has already performed in the civil rights debate; secondly, to commend him upon his reasoned and sound address on the civil rights bill before the Senate. The Senator from California is kind enough to permit me to go into more detail in the examination of some of the titles. The Senator from California has grasped the legislative purpose of this legislative endeavor, and has stated, in telling and moving words, what we seek to achieve, the limited goals of our search, and the fundamental goals of our endeavor.

The Senator from California is a tower of strength in this bipartisan effort to achieve a national purpose, a national goal. I am indebted to him. I consider it a privilege to work alongside him, not only in this endeavor, but in other endeavors.

I again thank the Senator for his cooperation in the effort the Senator from Minnesota has made today. I again compliment the Senator from California for the magnificent address he has delivered.

Mr. KUCHEL. I thank the Senator from Minnesota. I am honored to be participating with him on a historic occasion and dealing with a crucially important legislative problem. I am grateful for the kindness with which he has always treated my own labors in the Senate. I look forward to a victory in what we seek to accomplish.

Mr. BARTELL obtained the floor.

Mr. DOUGLAS. Mr. President, will the Senator yield to me?

Mr. BARTELL. I yield to the Senator from Illinois with the understanding that I do not lose my right to the floor.

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

Mr. DOUGLAS. Mr. President, I want to join the Senator from Minnesota in the very fine and proper statement he has made about the Senator from Cali-
Very carefully.

It is said that the good is sometimes the worst enemy of the best. It is also true that the best is sometimes the worst enemy of the good.

I again congratulate the Senator from California for his magnificent statement, which all of us deeply appreciate.

Mr. KUCHEL. I am more honored than I can say. I thank the Senator from the bottom of my heart for the generosity with which I have been treated.

I do not want in the slightest to contribute to any additional difficulties which this piece of legislation would not otherwise encounter. I am inclined to think that the Senators from Illinois and I both would agree, basically on a number of improvements which could appropriately be made in this legislation and that we would draft the legislation differently from the form in which it left the House. For example, I am inclined to believe he and I would both agree that there should be no distinction between the types of election which merit the protections which can be given by Congress. One of the House-passed bill. I believe the Constitution grants Congress clear authority to guarantee the right to vote, free of discrimination because of race, in State as well as Federal elections.

Before any amendment is offered, there will be, I am sure, a full discussion of its merits. I can think of some technical amendments which might be desirable. For example, I have no hesitation in saying—and I mentioned it in my speech—that any attempt by the Congress to deal with atheism in the fashion in which it is dealt with in the bill is, in my judgment, clearly unconstitutional. However, there is a separability clause, and if one feature of the bill were repugnant to our national charter, it would not vitiate the entire bill.

While the legislation needs strengthening in several of the particulars I have specified in my remarks, I can assure him that at the appropriate time, I and Members on this side of the aisle will be glad to explore with those on the other side of the aisle the shadow of this legislation, as we do, the areas where we believe there would be great merit in offering strengthening and clarifying amendments.

Mr. DOUGLAS. I thank the Senator. Mr. KEATING. Mr. President, will the Senator from Alaska yield?

Mr. BARTLETT. I am glad to yield to the Senator from Alabama.
Mr. BARTLETT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

ORDER FOR RECESS UNTIL 11 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, I ask unanimous consent that when the Senate completes its business tonight, it stand in recess until 11 a.m. tomorrow.

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

THE EARTHQUAKE IN ALASKA

Mr. BARTLETT. Mr. President, I desire to report to the Senate on the earthquake which occurred in Alaska last week. What happened there must be seen to be believed; and I wish to say from personal testimony, once having been seen, it cannot be believed.

I am not at all sure that what I have to say this afternoon will be delivered in a connected manner. However, things are not very orderly in Alaska now, either. The physical characteristics of Alaska were altered, and drastically, last Friday beginning at 5:36 p.m., when an earthquake of great intensity struck a territory of force and effect, in a way that might be compared with gigantic hammer blows delivered with tremendous force.

Information which has been furnished me indicates that the Alaska earthquake was perhaps the fourth most intense in recorded history, having a rating on the Richter scale of 8.4. In terms of intensity rating, which is how scientists describe visible damage, no earthquake anywhere at any place, has been any more disastrous. Apparently no earthquake in history inflicted more grievous hurt upon a land than that of Alaska's earthquake last Friday.

I suspect that it extended over a wider area than any earthquake which has occurred in the history of the world. While its main impact was felt in southwestern Alaska, its results were apparent from Kotzebue, north of the Arctic Circle, to Klawock, in southeastern Alaska.

I ask unanimous consent that at this point in my remarks there may be included a table showing the Richter scale ratings of the world's most severe earthquakes.

There being no objection, the table was ordered to be printed in the Record, as follows:

<table>
<thead>
<tr>
<th>Major earthquakes</th>
<th>Richter</th>
<th>Intensity rating (visible damage)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alaska, Mar. 28, 1906, 6:36 Greenwich mean time</td>
<td>8.9</td>
<td>9</td>
</tr>
<tr>
<td>Kodiak, Mar. 30, 1964</td>
<td>8.2</td>
<td>8</td>
</tr>
<tr>
<td>San Francisco</td>
<td>7.9</td>
<td>7</td>
</tr>
<tr>
<td>Yakutat Bay, 1922</td>
<td>7.8</td>
<td>6</td>
</tr>
<tr>
<td>Assam (China-India border), 1950</td>
<td>7.7</td>
<td>5</td>
</tr>
<tr>
<td>Ecuador, 1941</td>
<td>7.6</td>
<td>4</td>
</tr>
<tr>
<td>Hoquiam (Japan), 1923</td>
<td>7.5</td>
<td>3</td>
</tr>
<tr>
<td>Chile, 1960</td>
<td>7.4</td>
<td>2</td>
</tr>
<tr>
<td>7.3 to 8.5</td>
<td>7</td>
<td></td>
</tr>
</tbody>
</table>

Mr. BARTLETT. Mr. President, heavy damage was inflicted upon Alaska on that day.

It is impossible as yet to gain any reasonable estimate or assessment of what the cost in dollars may be. However, I shall not quarrel at all with the amount of damage on a tentative basis to determine what the Federal Government should do in order to help.

So it was that 81 Alaskans were known to be dead as of last night. That is a heavy toll of life—although fortunately it is much smaller than the original reports indicated.

Transportation by sea and by railroad and by automobile in the affected area is virtually at a standstill. It is at a standstill because with few exceptions the port communities can no longer receive cargo. The docks are gone. Transportation has been interrupted with respect to the Alaska Railroad because of damage done at Seward. There was damage done from Seward north to Anchorage, including a heavy lands-
age, it was chiefly because of the quake. In Seward, it was principally because of a huge tidal wave. In Valdez, it was because of earth shock. Whatever the reasons, the devastation in the communities, big and small, was evident. When I got to Anchorage, and Anchorage was appalling. I have thought of nothing else since I arrived at Anchorage. I have thought of nothing else this day than the horrible scenes which we witnessed there. All this I have not found the words to describe to the Senate what happened. At Turnagain, 75 upper-price-bracket homes disappeared. They are gone. They can be seen when one flies over the scene. They are perhaps 100 feet below where they formerly were, some lying on their sides, some upside down, and some right side up—jumbled masses of what so lately were beautiful and comfortable homes. Seventy-five houses disappeared there. We were told that at Anchorage, the largest city in Alaska, 200 homes, in all, were destroyed, and 1,500 were damaged. Every high-rise building in the community, but every large hotel remains. Two large apartment houses were evacuated; and, judging from what we were told, in all probability they will have to be demolished. In Seward, there is a huge town, the Westward. Its owners were just completing the expenditure of $3 million for 7 additional floors—making the hotel 14 stories high, as I recall. That hotel had to be evacuated. I do not know whether it will be, or ever can be repaired. In any event, very serious damage was done.

On Fourth Avenue, the principal business district of Anchorage, and particularly within a two-block area, little remains. Buildings dropped as much as 15 or 20 feet or more. There was a motion-picture theater there. Apparently it dropped in one piece, and at first glance it would now appear that it was built at its present lower level.

Last year there was opened in that thriving Alaska community the first J. C. Penny store in Alaska—an expensive five-story store. Now what is left of it is being pulled down. Everywhere there is desolation.

In Seward, yesterday I was told by the mayor, Perry Stockton, by the city manager, James Harrison, and by the members of the city council that 95 percent of the productive capacity of that city has ceased to exist. It is gone, wiped out, eradicated. Seward lived by reason of the ocean. Anyone now who has ever been there can see for himself what has happened there. Buildings dropped as much as 20 feet or more. There was a movie house there. Apparently it dropped in one piece, and at first glance it would now appear that it was built at its present lower level.

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alterations since the earthquake. Streets
are fractured. Fissures appear almost
everywhere.

Mr. President, yesterday we were driv-
ing by the Alaska Native Service Hos-
pital in Anchorage, a large Federal insti-
tution, which escaped seemingly by a
miracle. There it is in fine condition.

At a meeting late yesterday after-
noon we were informed by Don
Dafoe, superintendent of Anchorage
schools, that damage done to school
buildings there will amount to between
$5 and $7 million.

Mr. President, this day, March 30, has
been celebrated in Alaska for 97 years,
because it was 97 years ago that the
treaty by which Alaska was purchased
from the United States was signed in Wash-
ington at 4 o'clock in the
morning. This has always been a special
festival day, a day of rejoicing and a day of
rejoicing in what was first the Terri-
yory of Alaska, and now is the State of
Alaska. I urge no one to forget that there
on this day. The people are ad-
ressing themselves to sterner tasks.

Seward was preparing for a great cele-
bration next Saturday and Sunday.
Seward had been chosen as one of the
All-American cities for 1963. Prepara-
tions were being made for a big holiday
there.

Mr. President, there will be no cele-
bration at Seward on Saturday and Sun-
day of the forthcoming weekend. But
the spirit of the people there now is a
sure demonstration, if one were needed,
that this is really and truly an all-Amer-
ican city and that the residents were all-
American citizens.

As I recall, earlier this day, when my
colleague, the Senator from Alaska
[Mr. GRUENING], was speaking to the
Senate concerning what we saw in
Alaska, he mentioned what he considered
to be the excellent work of Mr. McDerm-
ott, Director of the Office of Emer-
gency Planning. I join in that praise.
Mr. McDermott's services were outstanding.
It was not only that he worked
while he was there; he worked while he
was in the air, planning, estimating, re-
main in constant touch with the
White House by telephone, and utilizing
every moment most effectively while in
Alaska.

He impressed us, and he impressed
everyone else with whom he came in
contact. He was a fine representative
of the President.

I must not fail to mention the services
which have been, and are being, pro-
vided by the Military Establishment in
Alaska. Their cooperation has been
magnificent, their contribution vital.

My last sight in Valdez, as we were
driving to the airport yesterday after-
noon, was that of a group of Army
men propping up with poles the exterior of
a building that otherwise might have
collapsed.

Troops were sent to Valdez, and like-
wise to Glennallen by Gen. Andy Lips-
combe, commander of the Yukon,
which consists of Army elements north
of the Alaska Range.

Day before yesterday General Lips-
combe himself was in Valdez to make
sure that what needed to be done was
being done. I can report to the Senate
that those things that need to be done
are being done.

Lt. Gen. Raymond J. Reeves, com-
mander in chief of the Alaskan Com-
mand, is, of course, in charge of the
military cooperative effort. I desire
now to refer to the matter particu-
larly impressed by the fact that in this
crisis, in this emergency, General Reeves
was always scrupulously careful to make
sure that the civilian authorities wanted
him and his officers and men; that he
does not do that which is contrary to
the desires of the civilian government.

We had an example of this when yest-
eryday morning, at 7:15 o'clock, several
cars started from Elmendorf Airbase to
the city of Anchorage on an inspection
tour. They were led by an air police
automobile. General Reeves stopped the
procession and said:

We will go no further until we have
called into town and make sure that we are led
by municipal police. That is the way it
ought to be, and that is the way it is going to
be.

And that is the way it was. I admire
that attitude.

Great assistance has likewise been
provided by the Army under Maj. Gen.
Ned Moore in other places than Glenna-
len and Valdez. We were encouraged
to be accompanied on the flight from
Washington to Anchorage by Maj. Gen.
James C. Jensen, commander of the
Alaskan Air Command, whose planes are
complete backing and approval of every
Senator from Alaska well know they are
pioneers of the finest possible stock, and
the last great frontier. The people there are
going to have the help of the Senate, the
House, and our country, and I feel that
they will fully appreciate this terrible
emergency; but I feel the two
Senators from Alaska well know they are
going to have the help of the Senate, the
House, and our country, and I feel that
they will fully appreciate this terrible
emergency of this kind, which has been so vividly
and movingly described by the Senator
from Alaska.

I have seen how our Nation moved
quickly to help meet a similar situation
on the Columbia River a few years ago,
a similar situation on the Missouri River
some years ago, and a similar situation
on the east coast only a couple of years
to meet, a terrible emergency which has
stricken Alaska—was met, largely through the
care of the oil companies, in the
State when it was stricken by hurricanes
and water damage, and the loss of 2,000
lives on one occasion.

I am speaking only for myself, but I
know that the Senator is assured of the
college backing, and the approval of every
other Senator, that the Nation will stand
back of Alaska. We shall expect to hear
from the two Senators from Alaska on
what can be done to help alleviate the
desires of the civilian government. I am
happy to yield to the Senator from Alaska (Mr. BARTLETT).

Mr. BARTLETT. I am happy to yield
to the Senator from Florida.

Mr. HOLLAND. In the first place, I
have every confidence that this will not
be a final blow. As the Senator knows,
I have felt that Alaska has become our
last great frontier. The people there are
pioneers of the finest possible stock, and
they will fully appreciate this terrible
emergency of this kind, which has been so vividly
and movingly described by the Senator
from Alaska.

I must not fail to mention the services
which consists of Army elements north
of the Alaska Range.

I have checked to see how the sit-
tuation, which will have
to make us realize that we are all one;
the Army under Maj. Gen.
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I am speaking only for myself, but I
know that the Senator is assured of the
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other Senator, that the Nation will stand
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from the two Senators from Alaska on
what can be done to help alleviate the
desires of the civilian government. I am
happy to yield to the Senator from Alaska (Mr. BARTLETT).

Mr. BARTLETT. I am happy to yield
to the Senator from Florida.

Mr. HOLLAND. In the first place, I
have every confidence that this will not
be a final blow. As the Senator knows,
I have felt that Alaska has become our
last great frontier. The people there are
pioneers of the finest possible stock, and
they will fully appreciate this terrible
emergency of this kind, which has been so vividly
and movingly described by the Senator
from Alaska.

I have seen how our Nation moved
quickly to help meet a similar situation
on the Columbia River a few years ago,
a similar situation on the Missouri River
some years ago, and a similar situation
on the east coast only a couple of years
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stricken Alaska—was met, largely through the
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early part of our efforts, when our cause did not seem too weak but when from his section of the country not so much help was forthcoming as there was from other sections, and when his voice rang out so clear and unmistakably in support of our efforts to achieve statehood. I know of no man among the many who helped us whose influence and whose work meant so much in that crucial hour of our birth as a State.

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

Mr. BARTLETT. I am glad to yield.

Mr. MORSE. Mr. President, I should like to say to the two Senators from Alaska that I have sat here for most of the last hour enthralled and entranced at the shocking and horrifying account of the tragedy visited by that act of God upon the State of Alaska. It proves, after all, how mortal we are, how much we live at the risk of the elements.

I spoke about this earlier today, when the Senator from Alaska commented upon the tragedy, and I pledged to him, as I now pledge to the senior Senator—in fact I covered both of them in my remarks—the complete support of the two Senators from Oregon in behalf of whatever legislation needs to be passed, if any.

I said then, and repeat now, that I believe probably the only thing that needs to be passed is the necessary appropriate legislation to turn over to the already existing emergency relief agencies, under Mr. McDermott, such funds as will be necessary to provide Alaska with whatever assistance money can provide.

I said then that although the body blow was felt by Alaska, great losses were also suffered from the tidal wave in my State and in California, that I have already asked the Governor of my State to supply me with any information he can supply me with, which may be of assistance to him in making his official request to the Federal Government for emergency relief in my State and that the congressional delegation will of course back him up. Some of our coastal towns, such as Florence, Depoe Bay, Waldport and others, have suffered great losses—nothing comparable, of course, to those in Anchorage and Seward, as related to us in the last hour by the senior Senator from Alaska, because our losses have been caused only by the tidal wave and not the earthquake; but to the people who have lost their all, it is just as important to them as individual even though Alaska lost more.

This being a west coast catastrophe, I am sure the Government will do everything to institute suitable as much assistance as Government can bring in such an hour of tragedy.

I wish to express, on behalf of the people of my State, our great thanks to President Truman for the immediate assurance he has given to the country that everything within the power of the Government that can be done to bring relief to the stricken area will be provided.

I believe the two Senators from Alaska deserve our sincere thanks for giving us this on-the-scene account, because they saw the aftermath with their own eyes; and we appreciate it, although it deeply saddens us.

Mr. BARTLETT. I thank the Senator from Oregon. Even in our hour of agony, we keenly feel the plight of those in the more southerly Pacific coast areas who felt the effects of this upheaval of nature as we did.

Alaska yields the heart, the spirit, and the courage to rebuild. It will be almost a total rebuilding effort. But even imbued with all of these attributes, there is no determining whether they can somehow handle the substantive. I wish he had been as sound on the procedural aspects of the subject, last week, as he was today on the substantive aspect of it.

A finer leader than the Senator from Minnesota could not be made available to us as we battle away in support of the substantive, affirmative position we will take to pass the strongest possible civil rights bill.

I wish to express my compliments to the Senator from Oregon. Even in our hour of agony, we keenly feel the plight of those in the more southerly Pacific coast areas who felt the effects of this upheaval of nature as we did.

Mr. KEATING. Mr. President, I wish to express my deep sympathy to the Senators from Alaska over the tragedy which occurred in their State this weekend. Both of them may be assured that the Senate in its deliberations will do everything within its power to assist the distressed people of Alaska, as it would for other States in such an hour of tragedy and danger. We are appreciative of the firsthand report which the distinguished Senator from Alaska [Mr. Bartlett] has given us.

Mr. BARTLETT. It is my hope that the words of the Senator from New York, representing as he does, so many millions of Americans, may be carried swiftly to Alaska.

I yield the floor.

CIVIL RIGHTS ACT OF 1963

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

Mr. MORSE. Mr. President, before I turn to a discussion of McNamara's war in South Vietnam, with the prayer that it will not be a U.S. war, although it is on its way to becoming, I wish to express my compliments to the Senator from Minnesota [Mr. Humphrey] and to the Senator from California [Mr. Kuchel] for the very able speeches they delivered today, laying the affirmative position of those of us who support a strong civil rights bill. Both Senators rendered a magnificent service in presenting the overall case in chief for the affirmative side in this debate. Later, I will present detailed arguments in support of the various sections of the bill.

However, I am very much pleased to serve under the leadership of the Senator from Minnesota [Mr. Humphrey], Mr. President, and for some of us will present detailed arguments in support of the various sections of the bill. However, I am very much pleased to serve under the leadership of the Senator from Minnesota [Mr. Humphrey], Mr. President, and for some of us will present detailed arguments in support of the various sections of the bill. However, I am very much pleased to serve under the leadership of the Senator from Minnesota [Mr. Humphrey], Mr. President, and for some of us will present detailed arguments in support of the various sections of the bill. However, I am very much pleased to serve under the leadership of the Senator from Minnesota [Mr. Humphrey], Mr. President, and for some of us will present detailed arguments in support of the various sections of the bill. However, I am very much pleased to serve under the leadership of the Senator from Minnesota [Mr. Humphrey], Mr. President, and for some of us will present detailed arguments in support of the various sections of the bill.
the civil rights debate no unanimous-consent agreement will be granted on the floor of the Senate for any committee to hold a meeting while the Senate is in session, while I am present, and that when I am absent from the Chamber an endeavor will be made at least to give me the courtesy of a quorum call to bring me to the floor of the Senate, or, knowing that the leader would object in my behalf, as a matter of courtesy, until I can reach the floor of the Senate, and reaffirm the objection.

I have thought this problem through at great length. I know all the difficulties of the case. I said over TV today, when I was examined about this subject, that the only conditions under which I would relax my determination not to grant a committee the right to meet while the Senate were in session would be in the case of some national calamity, some great emergency, which might arise, such as the Alaskan tragedy, when it might be necessary for a committee to meet long enough to give consideration to the legislation that would be needed as to how much money was needed to be appropriated in order to meet the emergency.

However, I wish to make it very clear that that does not mean that I have opened the door, so to speak, for committee meetings. Only in the case of a serious national calamity would I give consent to any committee meeting being held while the Senate was in session, and then only on the understanding that it would be for the purpose of handling the national calamity.

I will not give consent to the Appropriations Committee to meet to report appropriation bills. I care not how much hard work might be caused by not having an appropriation bill reported. Let us face the fact, as I have said before, that the price of freedom comes high, but freedom is worth it. We are now in a great struggle, for the sake of freedom since the Emancipation Proclamation, true freedom, full freedom, constitutional freedom to the Negroes of this country.

I believe the only way we shall ever deliver it is for the American people to pause long enough in their daily lives to take a look at the Senate, and to realize what is at stake here. If, as, and when the time ever comes when it is necessary to bring some urgings to bear upon Senators to vote for cloture, I want the Senate to be in the position where the American people will be prone to say, "Why do you not vote for cloture?"

I am satisfied, when the American people start asking Senators in certain States, who for some reason or other have not seen fit in years gone by to vote for cloture, "Why are you not voting for cloture?" we shall begin to get their votes for cloture.

In my judgment there is nothing more important facing this Republic, now that the issues have been drawn, than to get it behind us, after adequate debate has been guaranteed to the opposition. No one will be more determined to see to it that the opponents of civil rights have a fair opportunity for full and adequate debate.

That does not mean interminable debate. That does not mean debate that seeks to prevent a vote ever occurring on the issues. It means the time that is needed to present all the arguments on the substantive issues that are involved. I intend to see that they get that time for debate.

However, after that kind of debate has been had, I shall support cloture. That is why it is important that no other business of the Senate is transacted in the meantime, because we will not get closure—and of this I am convinced—until we analyze it. I believe that they, too, will have to make sacrifices for the preservation of freedom in this country during this historic period.

I believe that this is the most historic period on the domestic front since 1862. I think the issue is drawn as to whether this country will try to remain half free and half slave. There are various types of enslavement. The Negroes of America are enslaved in this Republic, they face up to that ugly reality. So long as a Negro in this country does not have exactly the same rights of constitutional enjoyment that every white person has, there is no freedom for the Negro. He is enslaved to the bigoted, the prejudiced, and the bias under which he has suffered ever since the Great Emancipator uttered those historic words in the form of the Emancipation Proclamation a hundred years ago.

That is the issue that has been drawn. I was told on television this afternoon—and I am sure the President will not take offense—Mr. Senator, suppose you get a call from the President, from the White House, and he says, "It is extremely important that this committee be permitted to meet."

My reply was:

"The President knows me so well that he would not waste his time by making that call. He knows that I am in the position of the Majority Whip, and I have no other position whatsoever."

So far as the senior Senator from Oregon is concerned, the die has been cast on this issue. This is one matter on which I shall not need a majority vote. I represent the people of a sovereign State, and I have my parliamentary rights in the Senate. I intend to exercise them.

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

Mr. Morse. Mr. President, I yield.

Mr. Humphrey. I assure the Senator from Oregon that I not only feel he is right in what he states is his parliamentary right, that no committee meetings will be held during the sessions of the Senate, but I say to the Senate so many times when I am on the floor, his right will be protected, his position will be honored. I say this not only in the name of the senior Senator from Oregon, but I join with him in the name of the senior Senator from Minnesota. I know that it is important business than the civil rights bill.

As the Senator has said, with the exception of a great emergency that really fundamentally affects the lives of thousands of our people in great sections of our Nation, there is no reason why the Senate should not attend to the business which is before it. If it does so, it can complete it in a reasonable time.
Second, to prevent southeast Asia and the Indian Ocean from falling under Communist domination. He said the area is crucial for defense in the forward defense of the United States, and that in Communist hands, it would pose a serious threat to the security of the United States and the family of free nations to which we belong, including the subcontinent, Australia, New Zealand, and the Philippines.

Third, he said we are in South Vietnam to thwart Communist aims of aggression which are pursued by means of “wars of liberation.” This is not by rather than by all-out, direct aggression by armies moving across national borders.

There is nothing in any one of these objectives that does not argue for use of international treaties to handle the situation instead of unilateral American action. Secretary McNamara pointed to the Vienna accords of 1954 which partitioned Indochina. Although the United States was not a signatory to them, we have been interested in making them binding and would regard their violation as a threat to international peace and security.

Why, then, does our claim that they have been violated require us to take our position in South Vietnam? Not a whisper from the Secretary of Defense about that obligation. That is where threats to the international peace and security are supposed to be handled. There are not supposed to be handled through unilateral action on the part of the United States, Russia, or any other power in the world.

But the Secretary makes the best case of all for handling South Vietnam through the Southeast Asia Treaty Organization. He declares that Communist control of southeast Asia would be a threat to the area of the Indian Ocean, Australia, New Zealand, and the Philippines. If so, then that is exactly the situation that SEATO was created for.

If the Secretary’s analysis of the danger is accurate, then why have not Australia, New Zealand, the Philippines, Pakistan, and the United States joined with us in a joint policy for intervention in South Vietnam? Yes, and Great Britain, and France. They, too, signed SEATO.

I am at a complete loss to understand how the South Vietnamese war can be a threat to the United States, and yet one of them is interested in doing anything about it.

Oh, yes. As I pointed out last Thursday, the President of the Philippines made a bold announcement the other day about how important it is for the United States to stay in South Vietnam. So I asked him in the Senate last Thursday, and I ask him again tonight, “Mr. President of the Philippines, what about your going into South Vietnam with some Philippine troops? What about the Philippines living up to their obligations under the SEATO treaty?”

The sad fact is that not a single signatory to the SEATO treaty except the United States is in South Vietnam.

Those signatories are perfectly willing to let American boys die in South Vietnam—but no Australians, no New Zealanders, no Filipinos, no Thais, no Frenchmen, and no British boys.

We could not be more wrong than we are in connection with American unilateral action in South Vietnam. Mark my words, the McNamara war in South Vietnam, along with the proposals that he is making for stepping it up, including his keeping the door open for action into North Vietnam, we shall be branded an aggressor nation.

I say we do not have an iota of international law or right on our side in escalating a war into North Vietnam. But read the Secretary of Defense’s speech of last Friday night. It is clever, but it is a ducking speech. It is full of one escape hatch after another. It offers the launching site for one trial balloon after another.

The way is to speak up and to make clear to the Johnson administration that if it is going to support a McNamara war in South Vietnam, and if it is going to attempt to make it a U.S. war, and if it is also going to run the risk of being branded an aggressor nation, because of that war, the Johnson administration must be repudiated; and I speak as a Democrat, but as a patriotic American, and I am saying nothing of the full import of the words I have just uttered. But I say that no administration, either Democratic or Republican, can excuse the unjustifiable killing of American boys in South Vietnam; and before I conclude this speech, I hope to impress on the Senate and on the administration the support I have. The senior Senator from Oregon, the junior Senator from Alaska, and other Members of Congress who have spoken out in opposition to the policies of the Johnson administration in regard to South Vietnam do not speak alone, for the overwhelming majority of the American people are saying to the administration, “Get out of South Vietnam. Let the processes and procedures of international law move in, and let the United States, on a unilateral basis, move out.”

It is not that the signatories are not giving us support. The only reed of international law on which we can lean is the protocol agreement entered into by the signatories to SEATO when they signed the SEATO treaty. We have no other possible right in South Vietnam, and that is not much of a right to lean on. We joined all the other SEATO signatories in entering into a mutual agreement to the effect that the area of southeast Asia would be a subject of mutual concern and interest to the signatories thereto. But let us remember that South Vietnam itself is not even a member of SEATO. Of course, Australia, New Zealand, Pakistan, Thailand, the Philippines, France, and Great Britain are willing to have the United States “go it alone”—they always are.

We got a little inning from De Gaulle, when he stated the other day there should be a new policy in that part of the world. But the present gross inactivity on the part of our alleged SEATO allies raises the question of whether their security is really at stake. They believed their security to be an at stake, surely they would be doing something to protect themselves. Why is it more to our advantage than to theirs to help South Vietnam?

They do not seem to be concerned about the fallacious John Foster Dulles “domino” theory, which he imposed upon American public policy some years ago, and against which I spoke out at the time. It was fallacious then; it has been fallacious ever since, and it is fallacious now—the theory that if one country in that part of the world went Communist, then, like a row of dominos, all the rest of them would topple, one after another. How about Cambodia? As I said in my speech of last Thursday, other countries have done so, too—including North Vietnam, Laos, and Indonesia. Cambodia has threatened the United States, but Cambodia has not gone Communist and its Government has stated that it does not intend to. The repudiation of the United
States by Cambodia also repudiates the Dulles false domino theory.

Although, of course, we do not like to face this fact, because it is embarrassing, the great mistake there was the removal of representatives thrown out of Cambodia; a little prince of Cambodia told our representatives to get out, or else he would put them out. If the United States had tried to answer him by insisting that its representatives would have had to answer him with force; and then the United States would have been in a real fix, for then it would have been charged that the United States had committed aggression against the little country of Cambodia, whose Prince said, in effect, “I am fed up with force; and then the United States would have had to answer him.

The little prince of Cambodia told our representatives to get out, or else he would put them out. It was not a pretty chapter in American history.

Finally there was a coup. We became a little disillusioned with that puppet. So there was a coup, and Diem was overthrown. Now we have a new type of totalitarian government in South Vietnam, a military totalitarian government headed by a military leader, Nguyen Khanh.

Does anyone believe there are any more human rights in South Vietnam? Does any Senator believe that South Vietnam is representative of freedom? Of course not. It is a straight military dictatorship, buttressed by 15,500 American troops and $1.5 million a day of American money. Counting the money that we poured in to help France in that area of the world when it was a part of the French colonial dynasty—Indochina—we have spent more than $5.5 billion of American taxpayers’ money in a useless war in that part of Asia.

Mr. President, it should stop. Something tells me that the American people will stop it; Mr. McNamara to the contrary notwithstanding.

I did not see it, but several Senators have said today that they saw an hour-long television program yesterday showing a picture of the Secretary of Defense. Apparently his enthusiasm ran away with him. In the picture he was shown promising the South Vietnamese not only support for a thousand dollars, but $50 million. He was showing the American people $20,000 to 25,000 are what he calls “hard-core” guerrillas. But the Vietcong can muster forces of 60,000 to 80,000 men.
These are the so-called Communist guerrilla forces; but they are South Vietnamese. We cannot show that there are in South Vietnam any foreign troops from China, or any foreign troops from Russia, or any foreign troops from North Vietnam. The only foreign troops in South Vietnam are U.S. troops.

Mr. President, does anyone believe that the rest of the world will not take note of that fact? Do Senators think that is a great credit to the United States? Does the rest of the world not realize that the rest of the world is shouting "Hallelujah" over the rationalization and propaganda of officials of our Government who are trying to alibi McNamara’s war in South Vietnam—are that we are doing it to save South Vietnam from communism?

Mr. President, the overwhelming majority of the people of South Vietnam would not know the difference between communism and democracy if we tried to explain it to them—and they could not care less.

They can understand what economic freedom is. They understand that if the seedbeds of the economic freedom are brought to fruition, the rest of the political freedom will take root and grow.

I am not taking the position that we should do nothing to help the people of South Vietnam. The Senator from Oregon could probably be persuaded that there are sound economic projects we should spend more money on to help prepare the seedbeds of economic freedom than we are now spending on so-called military participation. In the fall of 1963, it became worsened by the political rationalization and propaganda of officials of our Government who are trying to alibi McNamara’s war in South Vietnam.

But that would be an entirely different situation. I believe that is the way we should beat communism in the underdeveloped areas of the world. Communism in Asia cannot be beaten with bullets.

The people of southeast Asia can be brought to the cause of freedom—not overnight, and it is desirable that we not try to do it overnight, but gradually, year by year, as we prepare the seedbeds of economic freedom, out of which will flower political freedom. Out of course of time.

The reason why we need joint action of the United Nations and the United States, whether through SEATO or through the United Nations, is that only in such a climate can the seedbeds of economic freedom be developed. For want of a better descriptive term, so far as my affirmative proposal to this problem is concerned, I have a suggestion if SEATO should fail. But I would not give up hope in SEATO. I would have great hopes that the SEATO conference would give to De Gaulle an opportunity to come forward and offer a blueprint, if he has one, to suggest how South Vietnam can be managed and administered in the hands of Congress upon the Executive when he proceeds to try to act unilaterally.

Despite American aid to this area, which has totaled approximately $5.5 billion since the French first began their war, South Vietnam has had no more than a posture which puts us in keeping with our ideals. We should return to the affirmation of which they are entitled.
American military into military danger zones to risk their lives and defend the United States on the basis of the orders of their superiors, but it is another thing to send them into those danger zones without the protection of the law. Those who are entitled as American military men. This Marine officer and other officers have told me that, under the kind of operation we are conducting in South Vietnam, we are needlessly risking the lives of American military men by sending them into battle zones without the protection the American military has the power to give them.

That practice should stop. No Secretary of Defense can justify it. What the American people get the facts, they will stop it too.

Mr. President, these letters are available to the White House for checking on the part of any official it may wish to designate. It is obvious, as I read some of these letters—and I shall put more in the Record—that it would be unfair for me to put the letters in with the signatures clipped. I know what would happen to these military men in many instances. Furthermore, I shall place in the Record letters from doctors, lawyers, bankers, corporation presidents, professors, teachers, farmers, and workers. I am going to place letters in the Record which represent a cross section of American public opinion.

I do not often do this, but I believe the American people must be guaranteed their right to petition their Government. Because so much of the press, whose representatives sit in the press gallery of the Senate, and who, of course, are subject to the rulings of their superiors—and because their superiors for weeks and weeks have concealed from the American people the facts that have been brought out on the floor of the Senate on the war in Vietnam, which I have already told you are all the more important that the views of those Americans be given the right to petition as I am doing today by presenting a cross section of the letters for the consideration of the Senate.

There is one segment of the letters I have received. I am keeping them for other Senators to read, in a separate file in my office. Senators are welcome to come and read them.

I have no intention of doing an injustice to any person who writes to me, by disclosing his name without his approval. I wish to have the attention of the official reporters of the Senate for a moment. I do not want the addresses of these writers to be shown. I do not want their names to be shown, except in those letters in which I have left intact the names and addresses. There are some letters in this group with respect to which it is proper for me to do that. I want the official reporters to know that I want each letter, however, to show the State—merely showing whether it is from the fund in Georgia, Minnesota, or Wisconsin, for example. I want the Recon to show the broad scope of the petition.

From time to time I shall add more letters to the Congressional Record as the debate proceeds from week to week.

The first is a letter from a major who is located in South Vietnam. He writes:

Hon. Wayne Morse, Senate Building, Washington, D.C.

Dear Senator: The Stars and Stripes has given full coverage to your views relative to the situation here in Vietnam and also your attitude toward military personnel serving in this country. I am a member of the group I am in close professional association your viewpoint is well taken. We are en-
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MORSE, continue such a futile solution. Many thousands more in the future if we on your courage and fresh views. Reasonable negotiation, perhaps neutralize military aid. It is our hope that our and affect other leaders in our nation in east Asian policy. May your influence grow in withdrawal of troops from Vietnam and 1964.

I have letters not only from colonels, majors, and captains, but I have had a most interesting one—and I do not seem to be able to put my finger on it—from a sergeant. I may find it before I finish my speech. It is highly critical of McNamara's war in South Vietnam.

I have a letter here from Little Rock, which reads:

DEAR SENATOR: I agree with you 100 percent. I am very upset by my being murdered in Vietnam. I do not think the U.S. Government has a moral right to send my grandson into such a situation as that other one's boys. The whole deal will end up like Korea, so let's get out now. I hope you pour it on the States out.

The whole deal will end up like Korea, so we got a letter from Frank the day after re- the Herald-Examiner:

Our best wishes to you and congratulations to your courageous and fresh views.

Yours very truly,

This is a letter from New York, which reads:

Hon. Wayne Morse, Senate Office Building, Washington, D.C.

Dear Senator Morse: We commend you highly on your statement concerning foreign aid, addressed to the Senate on March 4, 1964.

We loudly applaud your position concerning withdrawal of troops from Vietnam and your appeal for a new appraisal of our southeast Asian policy. May your influence grow and affect other leaders in our nation in changing our current policy toward con- vious military aid. It is our hope that our Government might soon come to consider reasonable militarization, perhaps neutralization in Vietnam and begin with the withdrawal of our forces.

Our best wishes to you and congratulations on your courageous and fresh views.

Yours very truly,

This is a letter which I received from California. It reads:

Hon. Wayne Morse, Senate Office Building, Washington, D.C.

Dear Senator Morse: We have just read with interest the enclosed article relative to your viewpoint on South Vietnam. More power to you.

In the same paper I saw the enclosed picture and article covering the return of the body of this young—20 years—soldier. It's heartening to say the least. Yet it's not only one of hundreds already killed and many thousands more in the future if we continue such a futile solution.

Show this picture to Mr. McNamara and any others who think as he does and ask him to take the place of this youngster's parents and assessment of反射力量。

Thanks for your continued good efforts.

Sincerely,

McNamara "album" on Vietnam Not Justified—Morse


Morse made the charge on the Senate floor while McNamara was briefing the Senate Foreign Relations Committee on America's military commitment in South Vietnam. Morse is a member of the committee, but boy- cotted the briefing.

McNamara opened a storm yesterday in the House Foreign Affairs Committee while testifying on the need for President Johnson's proposed $3.4 billion foreign aid bill.

Sources said he told the closed session that the $1 billion military aid request in the bill is $600 million short of what military leaders feel is really needed.

Morse, who favors withdrawal of U.S. troops from South Vietnam, said he would reply on Monday to a major speech McNamara is scheduled to give tonight on Vietnam.

ONE BILLION DOLLAR LIMIT

The administration asked $2.4 billion for economic aid and McNamara said legislative leaders had made it "crystal clear" that $1 billion was the limit for arms aid.

Members of the Foreign Affairs Committee, headed by Robert E. Mcmahan, Democrat of Pennsylvania, couldn't be- lieve their ears. Many said they were shocked and worried.

They urged McNamara to come up with a new figure that would do the full job. Later, at the closed hearing, he said the "optimum" or best amount would be $1.4 billion. But he said the administration still was request- ing only $1 billion and was studying ways to meet the deficit.

NARROW MARGIN

Representative William S. Broomfield, Rep- ublican, of Michigan, said: "Certainly, the Congress is not going to be working on a narrow margin with 16,000 American boys in Vietnam."

Representative William S. Maillard, Rep- ublican, of California, commented angrily, "What do we have to do—wait until after the election?"

Representative Peter Fruhwirth, Rep- ublican, of New Jersey, said McNamara had a duty to report to the public what was really needed "even if we don't listen."

McNamara said he had warned Congress last year about the adverse effects of cuts in military aid but it didn't do any good. The lawmakers slashed his request last year by $405 million to a final total of $1 billion.

McNamara last year caused "absolute chaos in arms assistance planning and millions of war items had to be can- celled."

To avoid that happening, he said, the administration decided for this year only what it thought Congress would vote.

Los Angeles Soldier Hero Home to Last Rest

(By Harry Tessel)

Pfc. Frank J. Holguin, 20, came home from Vietnam today—to rest forever in a soldier's grave.

Secretary of the Army Stephen Alles wrote his family: "Our son served his Nation with courage and honor."

Frank's grieving mother, Mrs. Anita Hol- guin, said: "Today, my son. Tomorrow, someone else's heart goes out to all the other mothers."

Her son was born in West Los Angeles and was raised in the family home, 11747 Darling- ton Avenue.

He was a talljunior in an Army helicopter shot down by enemy gunfire on March 15.

Frank's sister, Mrs. Norma Arujo, 31, told the Herald-Examiner: "It was especially heartbreaking because we got a letter from Fran the day after re- ceiving word he was killed."

"The letter was to my mother and father. "We were so looking forward to Frank's coming home on leave. He was halfway around the world—and this had to happen. "Now, he is coming home to rest."

Rosary for Frank Holguin, son of Modesto and Anita Holguin, will be recited at 7 p.m., Monday, at the Pierce Brothers Mortuary in Serramonte, 1907 Seventh Street.

Requiem mass will be celebrated at 10:30 a.m., Tuesday, at St. Sebastian Church in West Los Angeles. Interment with full mili- tary honors will be at Holy Cross Cemetery.

That letter was from Huntington Park, Calif. This one is from Los Angeles:

March 26, 1964.

Senator Wayne Morse, Senate Office Building, Washington, D.C.

Dear Senator Morse: Permit a resident of another State to congratulate you on your forthright statements regarding our position in South Vietnam.

I certainly agree with you that we should get out—and completely—of that unhappy country.

This war is not in our national interest and our involvement only threatens a larger world conflict.

I hope you are able to win backing for your position. Opposition voices to our military adventures seem lost in the Government these days—and you might have been com- mended for your courage and foresight.

Sincerely yours,

This is a letter which I received from Oregon:

Hon. Wayne Morse, U.S. Senate, Washington, D.C.

My dear Senator: I just want to let you know I fully agree with your stand on South Vietnam, and on the entire foreign-aid program.

I have suspicions that many higher ups in the present administration, possibly even the President, are now preparing the public for our actual participation in the fighting in South Vietnam soon after the election. As far as I am concerned, this is not worth the life of a single American. It is foolish to think that China can possibly respond to military threats to the United States within the foreseeable future.

Our entire foreign-aid program is the greatest fiasco the world has ever seen—pos- sible while real help is needed, but for the most part an encouragement of dic- tators, bribery, despotism, and discour- age of real progress. We have not gained a single friend and have turned many against us.

With best wishes.

Sincerely,

I have been advised today by one of the leading correspondents to be on the lookout for a subtle move at the Pentagon directed toward getting into South Viet- nam, by the use of American guerrilla fighters, by one pretext or another. The Pentagon denies it.

Frank Holguin's family got a message from the Pentagon through this speech that I have received this in- formation from sources that I think are sufficiently reliable so that I intend to watch-dog the Pentagon day by day for a constant check on its maneuvers. I warn the Pentagon that I would not ad- vise anyone to engage in any secret maneuvers which would send American guerrilla fighters into South Vietnam.
The next letter is from Portland, Oreg.:

Senator WAYNE MORSE.

WASHINGTON, D.C.

DEAR SENATOR MORSE: I agree with you re your view that the United States, in the sense of the people, and not of the people's representatives in government, have no business being there now and what we have had for many, many years. The only outcry you are going to hear is from the boys in service who, if this outrage of compulsory military training is not soon stopped, are going to rise up in wild fury and make the present thing look like a Sunday school picnic. I have a son who was drafted last May and he tells me that resentment among draftees is a hundred percent and that after having been conscripted in the United States will do in Vietnam or any other place.

Just why am I so angry? Does Vietnam belong to us? It is not possible that there is a legitimate revolution of the people going on there. The Government now in South Vietnam was not elected by the people and does not represent them. South Vietnam has known nothing but tyranny for the last 10 years, yet we insist on a policy of non-interference in everything but fighting. Are we going to tax the women and children to contain China? Is this the reason we are being so immoral? Rotten means never justified any ends and we will lose moral leadership in the eyes of the world if we continue a senseless war.

A negotiated settlement by all countries concerned is the best solution, and this negotiation cannot be settled without mainland China.

The American people will support you, President Johnson, if you go to them and ask for support for reconvening the Geneva powers—the countries, including the People's Republic of China, which settled the French Indochina war in 1954, to plan the demilitarization and neutralization of the whole southeast Asia area.

With sincere good wishes,

MIRIAM LEVIN.

The next letter is from Portland, Oreg.:

Senator WAYNE MORSE.

WASHINGTON, D.C.

DEAR SENATOR MORSE: Thank you, thank you, for the speech you gave in the Senate, calling for the withdrawal of our troops from Vietnam. You made me proud to be an American.

Enclosed is a letter I sent to my Senators, Congressman, the President and newspapers. Good luck and keep up the good work.

With sincere good wishes,

MIRIAM LEVIN.

The next letter is from Washington, D.C.:

MRS. MIRIAM LEVIN.


PresidentLYNDON BAINES JOHNSON,

THE WHITE HOUSE,

WASHINGTON, D.C.

DEAR PRESIDENT JOHNSON: I am writing to ask you to use all your influence to see that there is an immediate withdrawal of our military forces from South Vietnam. I have seen on the television screen pictures of napalm bombs which come from our country, being used to burn out any village in which they suspect guerrillas may be hiding. In addition to napalm, we supply a phosphorous explosive, fired from artillery and also from fighter bombers which erupts in a white cloud, burning through everything it touches. I protest this brutality and killing because it is wrong and this kind of horror has never solved any problems and does not win a war.

Just why are we there? Does Vietnam belong to us? It is not possible that there is a legitimate revolution of the people going on there. The Government now in South Vietnam was not elected by the people and does not represent them. South Vietnam has known nothing but tyranny for the last 10 years, yet we insist on a policy of non-interference in everything but fighting. Are we going to tax the women and children to contain China? Is this the reason we are being so immoral? Rotten means never justified any ends and we will lose moral leadership in the eyes of the world if we continue a senseless war.

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With sincere good wishes,

MIRIAM LEVIN.
would make that change. As a former Re-
publican I can speak for myself and many
others who have left the party of the far
right. As matters stand now, President
Johnson's position is in the center. The ac-
hountings of the Goldwaterites, Rockefeller,
and Nixons will avail them nothing. It's a lot of noise
and the voices of those who are writing to Senator
Morse, Senator McGovern, and Sen-
ator Mansfield, and now your own, are the
voices the voters will be listening to be-
tween now and November. This town I live
in is an old Republican stronghold. It went
Republican along with Maine and Vermont in
1956, yet today I hear much praise of Presi-
dent Johnson. I hear a man who has voted
Republican all his life say last week that
what we needed in Congress right now is a
few like Senator Johnson. Morse is more
popular here than Kennedy ever was. His
speeches on peace have been very wel-
comed. The American people long for peace
and it is the American people who are going
to elect a President next fall, not the muni-
tion makers.

I am sending a copy of this letter to Sen-
ators Morse and Mansfield. McGovern
already knows what I think, so do the two U.S.
Senators from Minnesota, who are fine men
and could be in higher posts in the gov-
ernment than they are now. I honestly be-
lieve that all you fellows need down there in
Washington writers like this to as-
sure you that the American people in the
vast majority are with you in speeches like
you made yesterday. The Government in Wash-
ington has lost touch with the people. When I
tell my neighbors and friends to write to their Senators and Representatives
they shake their heads and say that it won't do any
good anyway, that you will do just as you please.
I know that that is not true. How
can you represent us if you do not know
what we want? If we really live in a
free count y, have we no right to make our
wishes known? If we have come to this,
then I, for one, am ready to leave the
ancestors pioneered and fought and died for
this country. If I cannot now make my
voice heard, if I am to be called names be-
cause I do not go along with the deadly con-
formity of the average citizen, then I will
pack up and go to Canada or some other
place where a citizen has not only a right, but
a obligation.

As for you, and the men like you in Con-
gress, keep on with your views and your
speeches. It is the only way to make
people heed the fact that war is not the
answer. If you people must be led, let
be led right. And you are right. You
right on Panama and on Cuba. You could
be even more right on Vietnam. Why put
off the inevitable-as we have done in Cuba
and Panama? Let's face it now and by the
time November rolls around there will be so
many other things to think about that Viet-
men will be forgotten.

Sincerely yours,

The next letter is from Illinois:

Senor Wayne Morse:

MARCH 26, 1964.

Dear Mr. Morse: I want to commend you
for your courageous stand on Vietnam. I
just heard Edward P. Morgan comment on your
speech of March 4 on foreign aid and its rela-
tion to South Vietnam. Congratulations and
more power to you.

Respectfully yours,

The next letter is from New York:

Hon. Wayne Morse,
The Senate,
Washington, D.C.

Dear Sir: I want to thank you for your forthright
statements on the need for the United States to get out
of Vietnam. I checked back through the
New York Times of about the same period,
and am disappointed that they make no
mention of your brave statements.

I am enclosing a second, stronger letter
to President Johnson on political
arguments. Thought it might interest you.

Sincerely,

The next letter is from Pennsylvania:

March 16, 1964.

Dear Senator Morse: We receive the Eu-
genese Register-Guard here, and were very
delighted to read your forthright statements
on the need for the United States to get out of
Vietnam. I checked back through the
New York Times of about the same period,
and am disappointed that they make no
mention of your brave statements.

I am enclosing a second, stronger letter
to President Johnson on political
arguments. Thought it might interest you.

Sincerely,

The next letter is from Oregon:


Senator Wayne Morse,
Senator Office Building,
Washington, D.C.

Dear Senator: Glad to hear of your remarks in
the Senate re Vietnam last Wednesday. I
would appreciate it if someone on your staff
could send me speeches you have made, and
any other proposals by Bartlett, McGovern,
or Mansfield which pertain to Vietnam. We
are considering running an ad here, and
must have more background.

I'm wondering if anyone of stature has
made some concrete proposals on alternatives
in Vietnam—the kind of neutralization we

1964 CONGRESSIONAL RECORD—SENATE 6581
might seek. While I tend to agree with you in an earlier statement you made that it is hard to see how the populace could suffer much more under communism than they did under the Diem regime, I also believe that we should look for a solution that will not mean surrender, but that will allow us some opportunity for political autonomy and not complete domination. We can't force any people into freedom—but we may encourage growth in that direction if we're willing to work with them, as equals, side by side. I'm afraid I have more faith in the Peace Corps at this point in history, than in the Air Corps.

Enclosed is a printed copy of letter to White House commending your position. Maybe they'll tabulate it or something.

My cheers and support for all your many efforts in a wide variety of directions.

Sincerely, 

March 11, 1964.

President Lyndon B. Johnson, 
White House, 
Washington, D.C.

Dear Sir: I see my Senator, Wayne Morse (I think he's the greatest, of course) called today for withdrawal of American forces in Vietnam. I haven't seen his speech, and don't know what alternatives he proposed—but surely we can be actively exploring possibilities for neutralisation of the area. Perhaps on our experience over Laos, we can find our way to a better solution under firmer international controls.

Surely such a settlement would be in our best interests. Continued spending of American lives in support of a dictatorship utterly distasteful to most of us, seems a tragic waste. We, who are interested in building peace in the world, and putting an end to war, should surely be interested in taking new steps toward the building of international law and machinery in this ugly situation.

Then, too, it is in peace that the institutions of democracy can best grow. I doubt very much that South Vietnamese are learning much about the real virtues of our system from either our guns or our professional military men. Teachers, doctors, technicians and Peace Corpsmen with some basic understanding of our civilian institutions could do far more to help the villagers find a viable solution to their own struggle against communism, than any number of napalm bombs

I have found most of your policies and pronouncements to be clear, sound and exciting. And I am quickly becoming an enthusiastic supporter. Our present policy in Vietnam—and the utterly repugnant talk about invasions of other countries, however Vietnamese it may be out of character. Our posture there surely is winning none of the "noncommitted" peoples to our support. How we cast in the role of tyrants, shoring up a reactionary regime, and apparently seeking to hinder social progress in the world may prove to be a waste of our guns or our professionals. The U.S. prestige around the world was never at such a low ebb, as at the present time.

We read where our flag has been torn down and trampled on, our Embassies' private property, our men imprisoned in our own land, and in our own Embassies, in countries around the world—where we have been insulted and told "Yankee go home" after all, and we have given them and still continue to do so.

For example Panama—we still continue giving them aid after all the insults it has received, and our citizens and agents breaking of diplomatic relations. A person sure begins to wonder about Communist infiltration in our State Department when we look at the record.

And about Vietnam—we never can win the war there under present conditions—we have our men over there with instructions not to shoot at the enemy unless they are shot at first. How silly. We should either be willing to go all out, or give them the "works" or else get out of there alone—the French couldn't win over there and neither can we under our present setup—we are just pouring our money down a rat hole.

Enclosed clippings describe my sentiments about our present administration on our foreign aid and diplomacy, and I am sure there are millions of Americans with the same opinion.

Imagine giving aid to such a worthless scoundrel as Sukarno of Indonesia and helping him to take over Dutch West New Guinea. How can anyone understand such a foreign policy or diplomacy? I wouldn't be surprised to see them housing Panama the channel. Nothing our State Department does would surprise me any more. It is disgusting. Yours truly,

March 18, 1964.

Senator Wayne Morse, 
Senate Office Building, 
Washington, D.C.

Dear Sir: I see my Senator, Wayne Morse (I think he's the greatest, of course) called today for withdrawal of American forces in Vietnam. I haven't seen his speech, and don't know what alternatives he proposed—but surely we can be actively exploring possibilities for neutralisation of the area. Perhaps on our experience over Laos, we can find our way to a better solution under firmer international controls.

Surely such a settlement would be in our best interests. Continued spending of American lives in support of a dictatorship utterly distasteful to most of us, seems a tragic waste. We, who are interested in building peace in the world, and putting an end to war, should surely be interested in taking new steps toward the building of international law and machinery in this ugly situation.

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With love, respect, confidence, then we have to get to Chinese representation which is essential for developing a world community and then question of NATO—good or bad?

From California:

Senator Wayne Morse, Senator of Oregon, Senate Office Bldg., Washington, D.C.

Dear Senator Morse: Thank you for your speech of March 5 to the Senate regarding this very important and urgent situation. We are all very much concerned about the turn of events in South Vietnam. I have written to the President urging him to consider better ways of adjudicating the conflict.

It is my feeling that you and other serious minded Senators should do a great deal in ways and means of settling the conflict.

Isn't it naïve to think that we can win a war (which as you say) in a far-off land and which will mean no victory—it will be intervention. Better let us be the "peace-makers." I think we are already too dangerously deep already.

Thank you for all you efforts to save our country from infamy and our children from death.

Most respectfully,

Sincerely yours,
Senator WAYNE MORSE, Washington, D.C.
Dear Sir: You are so right about our position regarding the Vietnam war. That whole damned stinking southeast Asia is not worth the life of one American boy.

Also we should give more aid to the people in Kentucky (coal miners) and one hell of a lot less to other countries around the world.

From Minnesota: WAYNE MORSE, Senate Office Building, Washington, D.C.
Congratulations and support for your courageous action in denouncing our dirty war in South Vietnam thus striving to restore peace and our country’s humanity.


From California: Senator WAYNE MORSE, Senate Building, Washington, D.C.
Dear Senator Morse: It was with much pleasure that I read in the Oakland Tribune a résumé of what you told the Foreign Relations Committee recently regarding Vietnam.

You are right, we should never have gone there; those people were entitled to an election within 2 years after the French withdrawal but our Government moved right in disregarding their rights and all promises.

It has cost us millions of dollars and what are we getting in return? We are getting nowhere fast.

Please keep up your good work. The people of our country (no matter how small) take your stand. Your voice will be a mighty force which will put a halt to this terrible business.

Very sincerely,

Hon. Senator WAYNE MORSE, Senate Office Building, Washington, D.C.
Dear Senator Morse: As constituents of yours for many years, we welcome your vigorous and direct stand just as to what this administration is doing in Vietnam (South). You are to be congratulated on your upright and fearless position and statement in the Senate yesterday. The shocking waste of American blood and money in South Vietnam has been a mystery to us who have tried to make sense of it.

Just what else but murder and how true your statement that “All of South Vietnam is not worth the blood of one American boy.”

We most certainly need more good men like Senator Wayne Morse to awake this country to some of our foreign policy, that does not make sense.

With kind regards and best wishes we are, Sincerely,

Hon. Senator WAYNE MORSE, Senate Office Building, Washington, D.C.
Dear Senator Morse: In Vietnam we are fighting a war which we have practically no chance of winning in the foreseeable future, due to the fact that those who are supposed to be fighting the Communist are concerned mostly with gaining control of the political situation.

The result will be neutralism. In Cambodia we are insulted and even our money aid is refused, and we are asked to guarantee their neutrality—just how constitutional—might we do it anyway?

The British tell us to calm down, to respect agreements, that they will take care of themselves first in trade relations with Cuba, and will sell busses or any other merchandise as they wish. In other words, regardless of friendship or the danger of Communist penetration that they regard the money (from trade) as more important. Without our aid, the British would have been defeated in both World Wars. They also are actively trading with Red Russia and Communist China.

The French tell us to go hang, and are actively promoting neutralism in southeast Asia, where they collapsed after the Second World War. They are now recognizing China (Red) which is trying to take over all of Asia—and also trying to influence much of Africa. De Gaulle also now in the Latin American affairs with a lot of talk but probably will not furnish any cash assistance worth mentioning.

As he now fancies himself as savior of much of Africa although his country did not have much success there. He is apparently trying to make up for his military defeat at Dien Bien Phu by the Vietnamese, and for the three wars, the United States, with bloody sacrifices, rescued France from under the German heel.

Pakistan has turned from friendship with the United States to cooperation with Red China, and has established air communication with China from new airfields for the building of which we provided the funds. This was mostly because we assisted India to resist invasion from Red China, and Pakistan presented the buildup of India’s military forces.

It is about time we reassessed the situation and started on a course of action that will be honest by home and foreign policy for a change. The only answer is to scrap all our former ideas on military and economic aid and begin all over again with a program that will be effective and accomplish our aims. So far, our well intentioned efforts have missed fire and engendered more ill will than thanks. While Cuba and Panama can successfully defy us and make us look bad in the eyes of the world, it is time to pause and take another look.

Some of the former foreign aid could well be turned into needed domestic aid to eliminate excessive unemployment, to assist in general and adult or vocational education, and to fight unnecessary poverty.

Sincerely,

Hon. WAYNE MORSE, Senate Office Building, Washington, D.C.
Dear Senator Morse: Although not one of your constituents, I am writing to express my admiration for your courageous and wholly accurate statements concerning our policy in Vietnam. I read the report of your statements in March 21 New York Times, almost side-by-side with the news of the Vietnamese (with U.S. military participation) attack on a Cambodian village just as negotiations between Cambodia and South Vietnam were to commence. Are we determined to precipitate a major conflict? There would seem to be no security, military or moral purposes to be served by our continued participation in the Vietnamese situation, and the vast sums of money spent for that purpose could be more effectively employed in a meaningful attack upon poverty here at home.

A convening of the Geneva Powers for the purpose of negotiating peace and a workable situation within Vietnam would be a real contribution to the cause of world peace.

Respectfully yours,

Senator WAYNE MORSE, Washington, D.C.
I applaud your fight for our withdrawal from South Vietnam.

Yours is a timely and courageous position and is in the best interests of our Nation.

Respectfully yours,

From the State of Texas: MARCH 31, 1964.
Hon. WAYNE MORSE, U.S. Senate, Washington, D.C.
Dear Senator: Yesterday, I was shocked to read, in a Salt Lake Newspaper, that Secretary of State Dean Rusk considered anyone who did not agree with our country’s foreign policy a “quitter.” I thought this was a free country. One in which it was possible to express an honest opinion.

To my mind the State Department is the “quitter.” Every time Russia or any other country (no matter how small) takes an aggressive action against us, we back up and think of ways of appeasing them. If we continue to stand, other countries would respect us.

Your remarks with reference to Secretary Rusk’s statements pleased me. A clipping from a Salt Lake Paper is attached.

You cannot buy friends either as a country or an individual. It is now time for other countries to support themselves.
From Florida:

MARCH 21, 1964.

Hon. WAYNE T. MORSE, Washington, D.C.

My DEAR SIR: The writer listened with interest and appreciation to your television comment this week on the subject of our foreign aid program. You stated your position on this matter forthrightly and with simplicity.

Because of your concern over the economies and expenditures of our Nation, I am taking time out to compose an article which I clipped from a Baptist weekly bulletin. I am sure you will find it interesting.

Very truly yours,

From New York State:

MARCH 22, 1964.

Hon. WAYNE MORSE, U.S. Senate, Washington, D.C.

My DEAR SENATOR: Please accept our expression of appreciation for your comments on South Vietnam made in the Senate March 4.

The decision of Secretary Rusk to label critics of his policy "quitters" does not seem to me to serve the interests of our Nation, the Democratic Party, or the voting democracy in this country.

Your courage is appreciated.

Respectfully yours,

MARCH 21, 1964.

The President of the United States,
The White House,
Washington, D.C.

My DEAR MR. PRESIDENT: At a moment when it appears that our policy in Vietnam is to become a matter of public debate, may I add my voice to those who oppose an escalation of the war, and seek a satisfactory termination to our involvement in that country.

According to reporter John D. Morris in the New York Times this morning, we have now spent over $3 billion in military and economic aid in South Vietnam, after nearly 9 years of involvement. The prospects for a termination of guerrilla war in that country seem to be bleak. Given the terrain, the apparent unwillingness of the Vietnamese to commit themselves to their own defense, and the direct support of Communist China in fortifying the guerrilla war.

I know that you are interested in widespread public support for the program of your administration, and I have wholeheartedly supported your domestic policy in the area of civil rights and the war against poverty. Eventually, it seems to me that public support will have to be developed for the policy of a negotiated peace in Vietnam, if the Democratic Party is to avoid the stigma of appeasement. I do not understand why Secretary of State Rusk should label critics of our present policy "quitters," since this term has been applied by our country and the fortunes of the Democratic Party to the maintenance of our present stance in Vietnam.

As a concerned citizen, I voice to you my misgivings about the escalation of the war through military strikes closer to the frontier of Cambodia. Under the circumstances, the neutralization of North and South Vietnam, supported by international guarantees, seems the more reasonable policy to pursue.

Respectfully yours,

From the State of California:

MARCH 21, 1964.

Dear President Johnson: We hope that you will give more weight to the sound opinions of Senators Ernest Gruening and Wayne Morse than to the rash commitments of Secretary of Defense McNamara for unlimited aid to the present Vietnamese rulers, who do not represent the people.

We believe that you should recall our troops from Vietnam in favor of neutralization of South Vietnam, and seek a satisfactory conclusion to the war in the Southeast Asia region. The United States is losing moral leadership in the world by continuing this brutal and futile war.

As lifelong Democrats, we favor letting the Republicans campaign as war whoopers while we demonstrate in this crucial pre-election period that we are for peace.

Cordially yours,

From Nebraska:

MARCH 23, 1964.

Senator WAYNE MORSE, Washington, D.C.

Dear Senator: Just a wish to congratulate you on your stand in disagreeing with our Secretary of State, Dean Rusk, on the foreign aid program, and on South Vietnam.

Personally, I feel that we kicked China, as well as Cuba, into Russia's lap; that there would be no Communist China today, were it not for our State Department trying to save some of our vested interests there. Before World War I we had a like rumpus with Mexico over the oilfield at Tampico. However, this one lasted, and Mexico went ahead with their nationalization.

The smallest move President Eisenhower ever made was when campaigning over in Iowa, he stated, "If I am elected President, I'll bring the boys home from Korea." This one statement did more to elect him than any other move in his election. Somewhat the same thing would happen in the coming election in regard to South Vietnam.

When our vested interests leave our shores to accumulate their fortunes in a foreign country, they should become citizens of that country, and not expect Uncle Sam to send the marines down to pull their marbles from the fire.

Russia today is offering more incentives than this country in many lines—they are digressing from some of their originals in this direction. While in our country, our free enterprise system is falling on their faces if it were not for the constant help from the Government. We just cannot stand on our own individual feet.

I think you are aware of this, and Senator, more power to you.

Yours truly,

From the State of Ohio:

MARCH 23, 1964.

Dear Congressman Morse: Three cheers for you that we should stay out of South Vietnam. How right you are that the white man has never conquered that area. As a mother I am weary of粥ing about our boys in service. In fact, I am very much for abolishing it or at least cutting the length of time down. I can well remember when we had to such thing and why not again? War brings nothing but debts and heartaches, and having a flunce that was killed in service how well I know.

I also agree with you that we do about this parochial aid to schools, again why? It is the church that wants it so let them kick in.

Sincerely,

From the State of New York:

MARCH 23, 1964.

Senator WAYNE MORSE, U.S. Senate, Washington, D.C.

DEAR Sir: The reports from South Vietnam have been contradictory and misleading, both from Mr. Lodge and Mr. McNamara. It is my opinion that our soldiers are in South Vietnam supporting one rotten dictatorial regime after another. Without our support these regimes could not have survived.

If we wish to prevent the South Vietnamese from becoming Communists, burning their villages, poisoning their food crops, and snatching the peasant from concentration camps will not incline them toward American democracy. We are doing everything we can to make them hate and fear us.

I hope our Government is not misguided enough to attempt to carry the war into North Vietnam, and to use nuclear weapons. This brinkmanship is a dangerous and criminal policy.

Your speech on March 4, of which I read excerpts was a gleam of hope and sanity in a mad situation. I hope your efforts to restore us to sanity will continue and will be effective.

Sincerely,

An Anxious and Ashamed American Citizen.

From California:

MARCH 24, 1964.

Senator WAYNE MORSE, Washington, D.C.

DEAR Sir: I just want to thank you for your magnificent speech in the Senate. Stop the killing in South Vietnam. Bring the boys home.

I just wrote the President urging him to end the bloodshed.

Keep up the good work. Small wars can easily become big ones and from them nobody is going to survive.

Again my thanks.

Sincerely,

ANXIous AND ASHAMED AMERICAN CITIZEN.

From Wisconsin:

MARCH 31, 1964.

Dear Senator: Let me commend you for the courageous stand your are taking on the Vietnam situation. Also for calling it just what it is: Murder.

I would like to know the names of other Senators and legislators who are supporting you on your stand.

Respectfully yours,

From California:

MARCH 31, 1964.

Senator Wayne Morse.

DEAR SIR: I fully endorse your thoughts on South Vietnam. Please keep up fighting until you succeed to get our Government agencies to stop this dirty war and the honor of our country.

Respectfully yours,
Congressional Record — Senate
March 30, 1964

From Minnesota:
Senator Wayne Morse, Senate Office Building, Washington, D.C.

MARCH 22, 1964.

Dear Senator Morse: I agree heartily with your statement before the Senate on March 4, that the U.S. unilateral participation in the South Vietnam war cannot be justified. I feel that we have no moral right to be engaged in that civil conflict and that the practical reasons our Government gives for our involvement seem absurd.

Please send me a copy of your March 4 address.

Very truly yours,

From Florida:

Hon. Senator Wayne Morse,
U.S. Senate, Washington, D.C.

MARCH 21, 1964.

Dear Senator Morse: I wish to express my support of your position concerning Vietnam. I am shocked at Secretary of State Rusk. Up to a month ago I believed he was an excellent Secretary of State, never giving vent to invective like Acheson or to preaching like Dulles. This calm seemingly person suffering frustration. Dulles. This calm seemingly

Sincerely,

From California:

Senator Wayne Morse, Senate Office Building, Washington, D.C.

MARCH 22, 1964.

Dear Senator: I support your contention that we must withdraw our forces from South Vietnam.

Yours truly,

P.S.—I’ve also written the President and Secretaries of State and Defense.

The following letters from Oregon:

Dear Senator Morse: I wish to express some of my opinion on subject a question or two.

I think the foreign aid program should be continued to the most deserving countries under less supervision by Americans on the spot. It seems that even at present some of these countries are holding an ace up our sleeve; and if we don’t give them the money, they will go Communists. I say, if they don’t want to take our money under our supervision, let them go elsewhere.

As an old retired Navy man, who had several tours in the Panama Canal Zone, I think it would be a gross mistake to give up control of the zone to anyone; least of all the Panamanians. The equipment, etc. would be out of commission and the ships locked into 6 months. They had left, Castro agents would have taken over of that. There are just too many fanatics in this little country to handle so vital a channel.

I think the Communists should be allowed to keep their guns and many other non-strategic items, but they should pay cash on the line for them. If they have to spend cash for food, maybe they won’t have quite so much left for rockets and Castro-type ventures.

If the U.S. gold outflow is our big worry, why aren’t some brakes applied to the large movie companies who spend millions in every country of the world for labor and materials when we have the old unemployment problem etc., here at home? Wouldn’t some high import duties on these films help solve this? How many Russians have been killed in Vietnam getting these people are who are the Communists to fight for their cause as compared to the Americans who have been killed getting them to fight for the American-sponsored cause?

It has been said that we have a hard time getting those people to fight for their cause, and it is costly in American lives, but why haven’t we heard of the cost in Russian lives or whoever is supposedly forcing the other side to fight? We are in the middle of the zone to anyone; least of all the Panamanians. The equipment, etc., would be out of commission and the ships locked into 6 months. They had left, Castro agents would have taken over of that. There are just too many fanatics in this little country to handle so vital a channel.

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Sincerely,

From Pennsylvania:

Dear Sir: May God bless you, Senator Morse, for laying the facts on the line concerning our rather dubious involvement in South Vietnam.

The saber rattlers here and in South Vietnam may “have their day” but in waging a battle inhuman nuclear war, the moral fiber of this entire Nation will be rendered void.

On the other hand, anything short of nuclear or atomic involvement would spell catastrophe, also.

Dr. Bernard B. Fall, in his book “The Street Without Joy,” claims that our military advisers are beset with the same vices that befell French union forces in this area. Granted this is true, how can this great Nation expect to come out any better than the French?

Senator Morse, you, along with Senators Clark, Case, and others are facing the grave issues of the day fourquare.

The following from Oregon:

Hon. Wayne Morse, U.S. Senator from Oregon, Washington, D.C.

Dear Senator Morse: When you were here in Oregon last week I had Erica Holm, of Berkeley, here at our house. She is a member of the National Board of Women’s International League for Peace and Freedom and was here to give our local chapter some information about the seminar in Washington on February 7-9. I believe you know her. She was lavish in her praise of Oregon’s congressional delegation. (We are truly proud of you all.)

When I was free to call it was too late and so many other things to ask about a lot of things, too. But for this time I will say that we here in Oregon are deeply disturbed by the publication of your book and was hoping our delegation would take a stand on a change of our policies in Vietnam.

I know you have been very critical of our military aid in many places, now others are becoming alarmed and maybe something can be done about it.

Senator Bayh, of Alaska, and Senator Mansfield, are alarmed. It seems to me that most of the nations are opposed to our course of action there, too. Is there anything an ordinary citizen can do about it?

I am writing to the President and to Secretary Rusk advising that something be undertaken. I hope you will support the position that WILPF takes on this issue.

Congratulations on your talk to the Portland Chamber of Commerce.

Thank you and sincerely yours,

From North Carolina:

Hon. Wayne Morse, U.S. Senate, Washington, D.C.

Dear Senator Morse: I am an old resident of the state and you may remember that I met you several times in Washington at Oregon meetings and at the alumni luncheon of the Industrial College of the Armed Forces where you made such an outstanding speech. Some of the alumni who came to scoff remained to pray.

The most refreshing thing I have read for a long time is Allen and Scott’s column which appeared in the local Asheville morning paper yesterday with an account of your remarks on South Vietnam in a private conference between Secretary Rusk and the Foreign Relations Committee. What we are now may be the beginning of the end. I have the look of a creeping involvement which may drag us into disaster. As the Chinese grow stronger we may be practically certain that they will expand their efforts throughout southeast Asia.

Enclosed find a copy of a short article recently published by you, dealing with southeast Asia, is much in harmony with your ideas.

With warmest regards, I am,

Sincerely yours,

The following from Oregon:

Hon. Wayne Morse, U.S. Senator from Oregon, Washington, D.C.

Dear Senator: This Sunday evening we have seen the films on television of the overthrow of the Diem government in South Vietnam. We believe this is the result of the hypocrisy of the United States trying to save countries like this from communism. For the life of me, I cannot see how we can continue to support nations like this all over the world. The new Government in South Vietnam will be just as corrupt and tyrannical as the old.

Those were American guns, American-made uniforms, American trucks, American-made helmets, and other equipment furnished by us on the men that we saw shooting at each other. I can see no honor in this revolution for us Americans, and we are going to have to pay for them too. We are the people for these people just like we did for Diem.

You have proclaimed that you are going to see that more effective use is made of
money going for foreign aid. You have my permission to quote me as saying that we have no business being in Vietnam at all. Let's try letting these other people fight their own battles.

Yours very truly,

March 12, 1964.

Senator Wayne Morse
Senate Office
Washington, D.C.

Dear Senator Morse: It was heartening to have you speak out against the remarks of Secretary McNamara. Why should these men be committing us to such a futile war and assume foreign policy decisions?

Now the French lived and ruled among these people for years and with good soldiers and knowledge of the language they were forced to get out. Do we think we are more adept in dealing with these incurable orientals?

After careful reading of Pearson's and Anderson's book as well as Lederer's "Nation of Sheep," I am convinced we seem to act like babies in the woods. Evidently these natives resent our throwing our weight around and our dollar diplomacy. This communism will help some politicians get elected but they might better delegate their efforts to our own grave problems which are mounting.

Thank you for speaking out against this action as well as much of foreign aid.

Very sincerely,

From Missouri:
Hon. Wayne Morse,
Washington, D.C.

Sir: Your statement relative to the proposed foreign aid request this morning was telecast on television in which you made known your opposition and your reasons why, including our "mess" in Southeast Asia.

As an ordinary citizen, who desires to keep the United States a country to be proud of, I wish to express my congratulations to you for having the courage to speak out against such nonsense and impracticable programs and also being just as courageous for fighting for the proper ones. The people in this section agree with you and feel that the news is somewhat toned down by the time it is released to the public.

Please do not take the time to reply to this letter as I know you are busy.

Respectfully,

From Oregon:
Senator Wayne Morse
Washington, D.C.

Dear Senator: I am a native Oregonian, born in Marshallfield 69 years ago, a World War I veteran, also a retired locomotive engineer, on the Portland division for nearly 45 years, worked out of Eugene a lot of the years, worked out of Eugene a lot of the time, Southern Pacific Railroad.

I am in the habit of writing letters to city, county, State, or Federal politicians, in fact this is my first attempt, now that I am a pensioner I get time to read a lot, and there are some things I cannot understand and would like to be explained.

I have been reading about South Vietnam and I cannot understand why they have our boys fighting and getting killed over there, in my opinion that dirty, stinking country and the people in it are not worth one good American boy. Let the Commies have it, it would be a good thing for this country, they cannot feed or govern themselves and if China took over they would have just that many more people to care for and the cost would be so great that China would crumble from the extra burden.

After all the aid the United States has given Vietnam are in a worse mess today than when we started, let us stop.

Look at the money that has been sent out of this country as foreign aid and what do we get for it, a kick in the pants and a stab in the back whenever they get a chance to torment the Congressmen. Reject contain-

P.S. — I should be very happy to receive a copy of your full speech, or any other copy of the speech, if it is available.

March 5, 1964.

President Lyndon B. Johnson, The White House, Washington, D.C.

Dear Mr. President: I am aghast at recent suggestions that your administration is contemplating enlarging the Vietnam war by committing us to such a futile war and assuming foreign policy decisions.

The charge that the guerrillas get their arms from North Vietnam is, on its face, preposterous, since the main fighting is in the Mekong Delta 600 miles to the south, with government forces in the intervening area. Actually, the guerrillas are now fighting chiefly with American arms captured by them in raids or brought over by the tens of thousands of defectors from the government troops.

To use these arms excuse for an attack on North Vietnam would be sheer madness. As an ordinary citizen, who desires to keep the United States a country to be proud of, I very much doubt if the United States could use the tens of thousands of arms it could use to fight the Vietnamese government and the guerrillas, which are now exceeding 700,000 and which cannot be subdued by the most suicidal, ill-conceived, and ruthless effort to our own grave problems which are mounting.

Thank you for speaking out against this action as well as much of foreign aid.

Very sincerely,

From New York State:
Hon. Wayne Morse, U.S. Senate, Washington, D.C.

Senator Wayne Morse
March 15, 1964.

Dear Senator Morse:

I am writing you to adopt this policy of sanity and peace.

Yours truly,

From Pennsylvania:
Senator Wayne Morse
March 18, 1964.

Dear Senator Morse:

I wish to commend your statement to Secretary of State Rusk in regard to Vietnam. We should get our act together in Washington, D.C., and our dollars should be used for the good of our country and the world.

Thank you, Senator Morse, for your statement to Secretary of State Rusk in regard to Vietnam. We should get our act together in Washington, D.C., and our dollars should be used for the good of our country and the world.

From Massachusetts:
Hon. Wayne Morse, Senate Office Building, Washington, D.C.

My Dear Senator Morse: The American people owe you an unappreciable debt for your far-sighted and forthright statement in the Senate on March 4, calling for the withdrawal of our troops from Vietnam and especially warning against our extending the war into North Vietnam. Our utterly unjustifiable meddling in Vietnam, in dishonorable violation of our pledge to respect the Geneva agreement, has brought our country to the brink of catastrophe and horror, which could well escalate into nuclear cataslysm if we permit an attack on North Vietnam.

You may be interested to see a copy of the letter which I recently wrote to the President.

I beg you to continue this fight unrelentingly, and all the American people except the small proportion of maniacal right, will back you.

With profound gratitude for your courage and statesmanship.

Sincerely yours,

February 18, 1964.

Hon. Wayne B. Morse, U.S. Senate, Washington, D.C.

My Dear Senator Morse: I am writing you not to ask for anything for myself, on the contrary, I am writing to pass some information and views on you so you can evaluate and consider them for whatever they are worth. Sitting here on duty in South Vietnam as North Vietnam if attacked (remember Korea?), which would insure a bloodier and longer drawn-out war, with U.S. troops becoming more and more involved, this country and the military going on raids or brought over by the tens of thousands of defectors from the government troops.

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Very sincerely,

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Thank you for speaking out against this action as well as much of foreign aid.

Very sincerely,

From Missouri:
believe that all available information should be considered before making any decisions on any matter should be made.

There is an excellent English speaking newspaper published in Saigon. I feel that this newspaper gives a much closer picture of the current events in the area. It is full of good articles which attack as well as praise the policies of the Vietnamese government. This paper prints articles of a nature that is obtainable. This newspaper will give you a sampling of the feelings of the Vietnamese people as well as the American and French. Also on page 5 I would like to mention that some 12,000 dockworkers boycotting the shipment of grain to Russia. There seems to be a strange contrast between a famine in Indonesia and the State Government's failure to send grain to Russia. There had previously considered the Russians to be friendly to the United States. I wonder if this action won't leave a bad taste in the mouths of the people of other southeast Asian countries. Also on page 5 I note that the Russians are borrowing a half billion dollars from Great Britain. Do you think that in the complexity of international economics that we may in the long run be paying for the wheat which we sold to the Russians?

The Secretary of Defense is a key figure in the discussions of the war in Southeast Asia. I have always had the utmost respect and admiration for him. However, I do not know the status of Mr. McNamara as I am not in the State Government. I believe that this paper prints articles that are well read as well as those that are printed in the United States. We will give you a sampling of the feelings of the Vietnamese people as well as the American and French. This newspaper will give you a sampling of the feelings of the Vietnamese people as well as the American and French. Also on page 5 I would like to mention that some 12,000 dockworkers boycotting the shipment of grain to Russia. There seems to be a strange contrast between a famine in Indonesia and the State Government's failure to send grain to Russia. There had previously considered the Russians to be friendly to the United States. I wonder if this action won't leave a bad taste in the mouths of the people of other southeast Asian countries. Also on page 5 I note that the Russians are borrowing a half billion dollars from Great Britain. Do you think that in the complexity of international economics that we may in the long run be paying for the wheat which we sold to the Russians?

I consider home to be Red Bluff, Calif. Currently, my wife and three children are living in Maxwell, Calif. I have been in the U.S. Air Force for about 12 years, and am planning to continue my service, making this my 20th year. I do not made a habit of writing letters, sir. In fact I probably hate letter writing more than most people, but, I feel strongly about these matters that I felt it my duty to write and express my opinion. I decided upon the following to write to you as I have requested as an advertisement in the State of Oregon, terming the influence of my tour of duty here in South Vietnam. I have requested duty at Kingsley Field at Klamath Falls, Oreg.

Sir, I appreciate your indulgence in these matters and sincerely hope that you do not take offense to these opinions and observations which I writer. I personally feel much better having written you and, so to speak, getting these matters off my chest. Yours truly,

From Oregon:

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

As longtime admirer and new constituent applaud your Vietnam speech. Keep it up.

Senator WAYNE MORSE,
Senate Office Building,
Washington, D.C.

Support your courageous statement regarding U.S. withdrawal from South Vietnam war.

Thank you.

From Maryland:

Senator WAYNE MORSE:

Dear Sir: Congratulations on your stand on the Vietnam situation. This fiasco may yet develop into another Korea unless more voices like yours are heard on the subject. If we continue to send military personnel to murder Viet Cong how long will it be before the Chinese send in their military personnel to murder Vietnamese people? I say murder because that is exactly what it is where there is no question of direct national defense. Besides the millions spent in this utterly futile, negative and purposeless enterprise, we have lost 121 Americans and several thousand families. I wish there were more men with your personal opinion is that if this is typical of our foreign policy, it stinks. We should stay out of Vietnam, personally unless we wish to take over and be completely responsible for it or any fraction thereof. Anything short of this is a losing game and it were far better then to let the commies have the ones of these pathetic and pathetic little countries--and that includes Formosa.

Sincerely yours,

From Oregon:

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Senate Office Building,
Washington, D.C.

Dear Senator Morse: You are to be congratulated for your forthright stand in calling for the withdrawal of our troops from South Vietnam. This is to advise you that I have today written to Senator Johnson informing him of my support of your position, and urging him to use his office to withdraw our troops as soon as possible. I am sure that you know the status of Mr. Enloe as news is rather limited from the States. Just before I left the States in August he had just been operated on for a brain tumor and stress releases at that time indicated that he would never be able to fill his office again. I was indeed sorry to hear this.

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Dear Senator Morse: You are to be congratulated for your forthright stand in calling for the withdrawal of our troops from South Vietnam. This is to advise you that I have today written to Senator Johnson informing him of my support of your position, and urging him to use his office to withdraw our troops as soon as possible. I am sure that you know the status of Mr. Enloe as news is rather limited from the States. Just before I left the States in August he had just been operated on for a brain tumor and stress releases at that time indicated that he would never be able to fill his office again. I was indeed sorry to hear this.
withdrawal of all foreign aid and a more practicable approach toward our foreign policies.

This is not an attempt to advise how best to wind up our foreign policies; however, it is quite evident among the grasping citizens that our present policies are antiquated, inadequate and extravagant in cost, with the fatal consequence that we are not a world political power.

We are most happy and grateful that we have been elected in Washington and that we have the courage to criticize the administration's efforts to force those issues on the American public.

In the event you wish to offer suggestions as to how to handle our foreign policy, we will be pleased to hear from you.

Sincerely,

From Montana:

Hon. Wayne Morse, Senator
Washington, D.C.

Senator: We want to thank you for the stand you have taken against continued war in South Vietnam. The United States has won in that tortured country nor in any other country as long as we send guns, ammunition, and chemicals for destruction which is used to kill and suffer. We must not embark on a policy that will lead to continue division of the people.

The only way that the United States or any country can win anywhere in the world today is with understanding of the people and their problems and by giving a helping hand to bring about social and economic reforms which would benefit the people.

We have copied and continued where France left off—and are obtaining the same conclusions. We think we are an intelligent people but when we can't learn from the mistakes of others, we wonder. We could do far better if our Government would employ psychiatrists. Force and violence are becoming outdated in the atomic age.

The U.S. Government and Congress must learn to take its grievances to the United Nations instead of trying to solve problems with other nations unilaterally just because we are a powerful nation. It is not power alone which counts. The respect and love of the people of the world count far more.

This is a lesson we must learn and soon.

Our hats are off to you, Senator Morse, and to Senators Mike Mansfield, Ernest Gruening, and others who have taken a stand on this serious and dangerous situation.

Should you be able to find time to make speeches in Montana concerning this subject we would be delighted and would want to help in any way we can. Best wishes.

Sincerely,

From New Jersey:

Hon. Wayne Morse, Senator
Washington, D.C.

Dear Senator Morse: Saw and heard what you had to say on TV this morning regarding South Vietnam and I want you to know that I completely and wholeheartedly subscribe to what you said.

Very truly yours,

From New York:

Hon. Wayne Morse, Senator
Washington, D.C.

Dear Senator Morse: I am a Republican, but haven't always been one and I want you to know that I support your position in this miserable adventure wholeheartedly.

We have been spending millions of our hard-earned dollars and sacrificing our young men, giving our full support to military dictatorships and corrupt regimes, and it is about time we put a stop to this. I know there must be hundreds of persons who agree with your thinking, not only on Vietnam but on other issues as well, who are too lazy to sit down and write you.

Our one big job in our country is to convince the people living under totalitarian regimes that our system provides a better life for them, and this must be done with deeds, not with words. Supporting unpopular governments with money and military force is definitely not the answer.

I consider you one of the very few intelligent Senators we have in Washington, and my hope is that you will continue to fearlessly fight for what is right.

Cordially yours,

From Michigan:

Hon. Senator Wayne Morse, Senator
Washington, D.C.

Dear Senator Morse: I want to register my thanks for your courageous statement today on opposing war in Vietnam.

From Illinois:

Hon. Senator Wayne Morse, Senator
Washington, D.C.

Dear Senator Morse: I want to thank you for your stand on the withdrawal of American forces from South Vietnam. I can't understand why there are so many Americans who have elected representatives in Washington who recognize these facts and have the courage to criticize the administration's efforts to force these issues on the American public.

This is not an attempt to advise how best to wind up our foreign policies; however, it is quite evident among the grasping citizens that our present policies are antiquated, inadequate and extravagant in cost, with the fatal consequence that we are not a world political power.

We are most happy and grateful that we have been elected in Washington and that we have the courage to criticize the administration's efforts to force those issues on the American public.

In the event you wish to offer suggestions as to how to handle our foreign policy, we will be pleased to hear from you.

Sincerely,

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Washington, D.C.

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The only way that the United States or any country can win anywhere in the world today is with understanding of the people and their problems and by giving a helping hand to bring about social and economic reforms which would benefit the people.

We have copied and continued where France left off—and are obtaining the same conclusions. We think we are an intelligent people but when we can't learn from the mistakes of others, we wonder. We could do far better if our Government would employ psychiatrists. Force and violence are becoming outdated in the atomic age.

The U.S. Government and Congress must learn to take its grievances to the United Nations instead of trying to solve problems with other nations unilaterally just because we are a powerful nation. It is not power alone which counts. The respect and love of the people of the world count far more.

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Sincerely,

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Hon. Wayne Morse, Senator
Washington, D.C.

Dear Senator Morse: Saw and heard what you had to say on TV this morning regarding South Vietnam and I want you to know that I completely and wholeheartedly subscribe to what you said.

Very truly yours,

From Pennsylvania:

Hon. Wayne Morse, Senator
Washington, D.C.

Dear Senator Morse: This is to let you know that I am in complete agreement with your policy with regard to South Vietnam.

You should be congratulated on your courageous stand advocating withdrawal of all 13,000 U.S. troops. Your opposition to any expansion of our commitments there merits nationwide support. There cannot be reached a sensible solution unless negotiations are started at once permitting the people of Vietnam, north and south, to work out their own destiny.

Respectfully yours,

From Wisconsin:

Hon. Senator Wayne Morse, Senator
Washington, D.C.

Dear Senator Morse: I want to thank my support for your forthright stand on U.S. policy in South Vietnam and in southeast Asia in general. You pointed out that the South Vietnamese Government whom we support is more the State Department's government than the Government of the South Vietnam.

I am a Republican, but haven't always been one and I want you to know that I support your position in this miserable adventure wholeheartedly.

We have been spending millions of our hard-earned dollars and sacrificing our young men, giving our full support to military dictatorships and corrupt regimes, and it is about time we put a stop to this. I know there must be hundreds of persons who agree with your thinking, not only on Vietnam but on other issues as well, who are too lazy to sit down and write you.

Our one big job in our country is to convince the people living under totalitarian regimes that our system provides a better life for them, and this must be done with deeds, not with words. Supporting unpopular governments with money and military force is definitely not the answer.

I consider you one of the very few intelligent Senators we have in Washington, and my hope is that you will continue to fearlessly fight for what is right.

Cordially yours,
From Washington:

MARCH 14, 1964.

Senator Morse.

Dear Sir: My morning paper says you are opposing sending the "military American boys in South Vietnam and that we should get out."

I agree with you 100 percent. A lot of the Vietnam debate would be resolved if the United States would only mind their own business. Yours truly.

From California:

MARCH 11, 1964.

Dear Senator Morse: I would like to thank you for your remarks regarding the Vietnam situation. It seems unbelievable to me that so few people in our Government can make decisions for a free people that are not in keeping with the principles of our free and democratic society.

To Lederer in "A Nation of Sheep" and Wm. O. Douglas in "Democracy's Manifesto" we have been guilty of behavior not befitting our character as a great nation. It seems to me that we should inspire and allow our youth to serve either in chance or choice to make decisions for themselves or our Nation. If we are free and if we are great, it seems to me that we should inspire our youth to serve either in the armed services, the Peace Corps, the Domestic Peace Corps, as teachers in our schools, in a U.N. Institute, WHO, WH0, UNICEF, IDA or many other places where they are sorely needed. I feel we shall crumble morally if we do not make some drastic changes and quickly. We cannot not depend on the military to dominate our polities or for only a few to formulate our polities for we do we shall fail as a people and as a nation.

Sincerely,

From California:

Senator Wayne Morse, Senate Office Building, Washington, D.C.

We members of the Bellevue Democratic Club, a regular membership meeting unanimously applaud and support your stand against intervention and further bloodletting in South Vietnam. You have added honor to our country and security to the world.

From Massachusetts:

Senator Wayne Morse, Senate Office Building, Washington, D.C.

I do understand that on March 4, you spoke out in the Senate against U.S. participation in the war in Vietnam. Good for you. We had no business there in the first place. Our continued support of a nondemocratic government in that country on the basis of protecting Vietnam from communism is but simple hypocrisy. If we continue our present program the loss of American lives will increase and the suffering of the Vietnamese people will be prolonged. Your attitude on this situation seems to me to be the correct one: we should get out.

A resident of Oregon for several years, I especially appreciate the forthright position you have taken on this matter. I hope you will be able to send me a copy of your Senate speech on Vietnam.

Sincerely yours,

From California:

Senator Wayne Morse.

Dear Sir: I must take time out from writing to many, many Senators about the civil rights bill, urging them to filibuster and defeat this bill; to enclose an article from the Oakland Tribune which quotes you in regards to Vietnam. From the bottom of my heart, thank you—over and over.

We are parents of two teenagers (both of whom are better typists than I), a girl 16 and a boy of nearly 18 years. Your comments and opinions on the mess in Vietnam are refreshing and encouraging—this is exactly what the people are saying. How long will we continue to act as advisers there? Will this be another Korea, with no way out? Why can we pour troops and millions of dollars into Vietnam but we are led to believe that the cancer that Cuba is, will disappear if we shut our eyes? How can we win over communism, in Vietnam, when we can’t and won’t do anything about it in Cuba? What is the State Department’s policy—containment in Vietnam for the next 20-30 years? Again, many, many thanks. It is a great worry to us to think that our boy and countless others, in the future and now, will be sent to Vietnam and for what? We haven’t even come up with a slogan for the war, have we? Is this to be another "police action" that another Democratic administration has plunged us into, with no end in sight? Won’t we ever learn from past mistakes? Are you the only Senator who has this sensible approach on Vietnam? Surely, we are not among those who, if so, why are others among them? The American people are sick and tired of "containing" communism, when they can see that the octopus is spreading. Will we "contain" it in Vietnam and ignore Cuba and South America’s Red activities? I am not a warmonger, my husband lost his right leg in World War II; but if the French couldn’t stop the Red tide, what makes us think our advisers can do it? What is the solution? I agree with you—pull out. That is a start toward some solution, anyway. Thank you for listening, and thank you for your attempt to send the civil rights bills to committee. This is still a Government of the people, by the people, and for the people, isn’t it?

Sincerely,

Senator Morse.

From the Bronx, N.Y.:

MARCH 13, 1964.

HONORABLE SENATOR WAYNE MORSE, Senator from Oregon.

Dear Senator Morse: I want to endorse with great enthusiasm your unequivocal call to your views on this matter. May I trust that you will seek to win other Senators to your views on this matter. May God give you strength and wisdom and courage to carry on this fight for peace in that suffering part of the earth.

Respectfully yours,

From Pennsylvania:

MARCH 11, 1964.

Dear Senator Morse: I was pleased to see that you spoke out in opposition to escalating the war in Vietnam. There is a growing feeling in this country that we need to re-examine what we have been doing in Vietnam. As a sample of this sentiment, I am sending you the enclosed editorial page from the local newspaper in this Pennsylvania town where we are located for the year.

For over 10 years, we have been supporting a war in Vietnam, and there is no evidence (1) that the people of Vietnam want us there; (2) that our enormous aid is effective; and (3) that this does anything but damage our reputation in Asia and the rest of the world.

It is my hope that you will support Senator Mansfield and pass for an honorable and peaceful solution.

Sincerely,

From Washington, D.C.:

Senator Morse.

From California:

State Office Building, Washington, D.C.

Honorable Senator: This letter is being written with simple directness. I wish to show my appreciation for your astute remarks made in the Congressional Record of March 10, on South Vietnam. I am in complete accord with everything you so aptly said on this important subject.

And at this time I also wish to show my appreciation for your recent being of a proponent of the civil rights bill reviewed by committee.

You are the kind of a Senator I so greatly admire. You swim upstream when necessary. You have a great deal of courage, lots of backbone. I am sorry you ever left the Republican Party.

Sincerely,

From Wisconsin:

MARCH 24, 1964.

Senator Wayne Morse, Senate Office Building, Washington, D.C.

Dear Senator: The enclosed clipping is good news, because it is high time that someone take that one down to size. Now if you and enough others who have served their country so well for so long would start working on the rest of these rats in the State Department that have a tendency of selling our country down the river, the American people will have a chance to survive.

Thanks to you and the many others who are trying to save our wonderful country. The best of luck to you all because we are going to need it.

Sincerely yours,

From New York State:

MARCH 23, 1964.

Mr. Senator: In 1918, when I was in the Italian Army, the Germans attacked us with poison gas many times. Now, 48 years later, I read in this article the killing of children and innocent people all over again. From the press, I learn your brilliant fight to stop this war.

Please let me congratulate you in your humanity.

[From Rochester (N.Y.) Democrat and Chronicle, Mar. 22, 1964]
Harshness of the present stage of war is seen in treatment meted out to prisoners. Paralytic corporals taken prisoner by the Vietcong a few weeks ago were found slaughtered a few days later.

In several cases wounded Americans taken prisoners have been executed. On the other hand American advisers report that in some cases it is difficult to restrain the Government troops from killing or torturing their prisoners in retribution.

From Kansas:

Hon. Wayne Morse, U.S. Senator, Senate Office Building, Washington, D.C.

Dear Senator Morse: May I command and encourage you in your valiant battle against our Government's mad venture in South Vietnam. There are few instances in history where a big bully nation tried to impose on a small nation, a government the people do not want and are determined not to have as the United States is trying to do in this impoverished country.

I feel sure that a goodly percent of the people of this country are opposed to what we are doing in Vietnam but in this day of demanded conformity to the warped news media version of patriotism, of character assassination by "witch hunting" congressional committees, of employer blacklists, etc., most people are afraid to speak out.

To me it is unthinkable that American boys are dying in this abominable situation. I beg to reply to very truly yours in the hope that sanity will prevail.

From New York:


Dear Senator Morse: I was gratified to read of your forthright remarks re our policy in Vietnam. I do not have any right to impose a puppet government on an unwilling people.

With all our efforts it is doubtful that we will have any more success than the French before us.

We should get out of Vietnam. Sincerely,

Wayne Morse

From Illinois:

March 22, 1964.

Hon. Wayne Morse, U.S. Senator, Senate Office Building, Washington, D.C.

Dear Senator Morse: I strongly support your stand calling for the withdrawal of U.S. forces from Vietnam. I do not believe the United States should support a government which is obviously not wanted by the majority of the people of Vietnam. It is unfair to expect mothers and wives to send their sons and husbands to fight or act as "observers" in such a situation.

North and South Vietnam should be neutralised and demilitarised so that the people there can finally live in peace.

Very truly yours,

Wayne Morse

From Massachusetts:

March 22, 1964.

Dear Senator Morse: I want you to know how completely I agree with your views on our policy in South Vietnam, as reported yesterday in the New York Times, and in fact I almost always agree with your views, especially on international relations.

The sooner we get out of there the better. People say that then all southeast Asia will go Communist. Suppose it does. The Communists are fighting among themselves, and in any case I believe that such a result would have any serious effect on the United States.

Sincerely yours,

From New York:

March 20, 1964.

Senator Wayne Morse, Senate Office Building, Washington, D.C.

Dear Senator Morse: I have long been waiting to hear the leaders of our country to have the sense, the patriotism, and the guts to say in public what I heard you say this morning on the "Today" TV show; namely, that we should get out of Vietnam now instead of allowing our increased participation which would thus increase the number of U.S. deaths (and possibly triggering a nuclear war).

Please excuse this sloppy looking letter, as I am getting ready to go to work—I just wanted to tell you my support in this Vietnam war. I will write tonight to President Johnson and my own Senators and Representatives and tell them what I tell you.

Thank you—I wish you were my Senator, I could write a lot more like you.

Sincerely,

Deborah Morse

Today in Washington: Morse Will Fight "MURDER OF AMERICANS" in Vietnam

Washington.—In the news from Washington:

Wayne—Vietnam: Senator Wayne Morse, Democrat, of Oregon, blasting U.S. policy in South Vietnam for the third time in as many days, says he will vote to impose a "murder of American boys" in the embattled southeast Asian country.

"We should get out," Morse said in a Senate speech Friday. He requested a Senate referral of an interrupt to debate the civil rights bill for his speech.

From Ohio:

Senator Wayne Morse.

Honorable Dear Sir: Let's keep this planet from becoming a bare ball rolling in space. Please use all your might, main, and speech on the floor to stop the dirty war in Vietnam, why kill our young men in fact to no purpose and can lead into the final war on this planet? After any world war now, this planet would be just about worthless to anyone. It seems warmongering is a form of insanity. Please stop it if you possibly can. I am a veteran of World War I. Let's save America. Do all you possibly can and I would like to help you.

All power to you.

From Michigan:

Senator Wayne E. Morse, Senate Office Building, Washington, D.C.

My Dear Senator: I cannot resist thanking you from the depths of my heart for your courageous stand about South Vietnam. May God bless you and may your stand make a courageous stand about South Vietnam. Do all you possibly can and I would like to help you.

With all my might.

Most sincerely,

From Ohio:

Hon. Wayne Morse, U.S. Senate, Washington, D.C.

Dear Senator: I support wholeheartedly your efforts toward the removal of U.S. troops from action in Vietnam.

From Pennsylvania:

Senator Wayne Morse, U.S. Senate Office Building, Washington, D.C.

Dear Senator Morse: I want to thank you for your call for a withdrawal of U.S. forces in Vietnam. As a mother very much preoccupied right now with the dangers to world peace of the Vietnam war, I am so happy to hear someone finally challenging the position...
we have taken there and bringing the question of "whether or not," and not just "how" into the matter. If we emphasize the humanitarian aspects of our withdrawal, ending the bloodshed, etc., I believe we can save our prestige and retain our influence and pressure for democratic institutions by no-strings economic help, not military. Sincerely.

From New York State:
Hon. Wayne Morse, Senate Office Building, Washington, D.C.

Dear Senator Morse: This letter is in support of the effort to get our troops and murderous equipment out of Vietnam and to establish a neutral zone there in line with President de Gaulle's suggestions. Every effort to liberate nations to their own fuller resources of matter and spirit. Not one dime or ounce of energy invested in murder as a means of liberation. Defeating communism in that region. But advancing a meaningful society in which human beings exercise dignity and democracy. You can achieve such means of sustenance, now there is a task worthy of nations and individuals. Are we too weak for that?
Sincerely,

From Pennsylvania:
Hon. Wayne Morse, U.S. Senate, Washington, D.C.

Dear Senator Morse: Bravo for your Senate remarks of March 20, on Vietnam and on Secretary Rusk above all. For too long the truth about Vietnam has been kept hidden from the Nation. What is even worse, it seems to me, is that the 1954 origins of the present U.S. involvement are virtually unknown and/or buried. In fact, there is indication that Secretary Rusk himself does not even know that it was the U.S. refusal to accept the accords of 1954 (Geneva) and to hold the promised elections that started the warfare—warfare that hardly began only in 1960-61.
Please keep up the good work.

From New York State:
Senator Wayne Morse, Senate Office Building, Washington, D.C.

Dear Senator Morse: Thank you very much for the stand you have taken on South Vietnam. This is to let you know that we wholeheartedly support your view that our country should not be militarily involved in Vietnam and Southeast Asia. We strongly favor a program designed to terminate our military involvement and to negotiate a settlement in Southeast Asia. How this can be done without involving and recognizing China is beyond us, and we favor efforts to establish negotiations with China in these matters.
With many thanks and best wishes.
Sincerely yours,

From California:
Senator Wayne Morse, Washington, D.C.

Dear Senator: Congratulations for your courageous stand against Vietnam. It is high time men in government make it plain to our foreign department and our President that many people are changing their views about our cause. To me, "our fighting for their freedom" is a wornout phrase which no longer has much meaning. These southeastern Asians need a government that can provide a leadership to allow them to go up by their own bootstraps. I think there is not a better example of this process in the world today than that of Red China. Outward results of China's progress are noted in the reading of a prophecy in Edgar Snow's documentary book on Red China plus his prophetic book, "Red Sea Over China," has no doubt changed millions of Chinese. A great deal in the past few months. It is not hard to reason that our way of life is not a model form for ignorant and backward nations. In spite of national pride, I doubt that we can or will do as much for the billions of people as this earth can the Communist regimes. This is give us an opportunity for one who claims that individualism.
Senator Morse, I was a naval aviator for 9 years, prior to and during World War II period. I had some duty aboard ship at Guantamano Bay, and I had an eye view of real poverty in the villages just off base limits. I shall never forget my shock of such conditions 90 miles from our shores. We deserve Castro, and we seem as though the rest of the world agrees. I hope to God, Senator, that there are enough men like you in government that will eventually cause us to go into a shining example of good will toward all men instead of the laughing stock it appears to be.
Sincerely,

The following from Massachusetts:

Dear Senator Morse: For a long time I have admired and appreciated your courage and ability as a Senator especially when you speak out on the controversial issues which, though most important to us, are oftentimes, least debated because they are so controversial.
Your position now as concerns the Vietnamese situation seems to me especially admirable. Knowing as you do, that what you say is not popular, either with the establishment or the populace, yet you speak out on the controversial issues which, for a long time, I have admired and appreciated your courage and ability as a Senator especially when you speak out on the controversial issues which, though most important to us, are oftentimes, least debated because they are so controversial.

Your position now as concerns the Vietnamese situation seems to me especially admirable. Knowing as you do, that what you say is not popular, either with the establishment or the populace, yet you speak out on the controversial issues which, though most important to us, are oftentimes, least debated because they are so controversial.

The obsessive pursuit of the White Whale with Abala as command—America 1846. Most respectfully,

From Massachusetts:

Dear Senator Morse: Although I'm far removed geographically from your voting district, I write this letter in praise of your March 4 Senate speech against further U.S. involvement in Vietnam. I wish that others of your constituents had the courage and wisdom to stand up and talk on this subject that will involve us all if allowed to go unchecked.
Please try to get your message through as the northeast papes in general did not give it too good coverage. God bless you for your courage. As an American citizen I hope we're not just pawns in a gigantic game of power politics but could be given the truth about Vietnam and southeast Asia.
Yours truly,

From California:
Senator Wayne Morse, Washington, D.C.

Dear Senator: Congratulations for your courageous stand against Vietnam. It is high time men in government make it plain to our foreign department and our President that many people are changing their views about our cause. To me, "our fighting for their freedom" is a wornout phrase which no longer has much meaning. These southeastern Asians need a government that can provide a leadership to allow them to go up by their own bootstraps. I think there is not a better example of this process in the world today than that of Red China. Outward results of China's progress are noted in the reading of a prophecy in Edgar Snow's documentary book on Red China plus his prophetic book, "Red Sea Over China," has no doubt changed millions of Chinese. A great deal in the past few months. It is not hard to reason that our way of life is not a model form for ignorant and backward nations. In spite of national pride, I doubt that we can or will do as much for the billions of people as this earth can the Communist regimes. This is give us an opportunity for one who claims that individualism.
Senator Morse, I was a naval aviator for 9 years, prior to and during World War II period. I had some duty aboard ship at Guantamano Bay, and I had an eye view of real poverty in the villages just off base limits. I shall never forget my shock of such conditions 90 miles from our shores. We deserve Castro, and we seem as though the rest of the world agrees. I hope to God, Senator, that there are enough men like you in government that will eventually cause us to go into a shining example of good will toward all men instead of the laughing stock it appears to be.
Sincerely,

From Washington State:
Hon. Senator Wayne Morse, Senate Office Building, Washington, D.C.

Dear Senator Morse: Thank you, thank you for your forthright stand against the extension of the war in Vietnam, and for calling for the return of our troops.
I have just written to the President and the New York State senators urging that they work for these objectives.
It is terrifying to think of the possible consequences of carrying the war to the North. Apart from the many thousands of casualties that would result, both ours and Vietnamese, it could easily lead to a nuclear holocaust.
I congratulate you on your stand and know that you will keep on working for peace and peaceful solutions to all world problems.
Respectfully yours,

From New York State:
Hon. Wayne Morse, Senate Office Building, Washington, D.C.

Dear Senator Morse: I heartily approve your March 4 call for U.S. withdrawal from South Vietnam, and have said so in my letters to President Johnson and Senators Engle and Kuchel. I hope fervently that you will raise your voice in this cause again and again, and I can think of no way in which you could better serve your country in these too-disturbing days. Your honesty and courage in this matter give me hope. More power to you.
Gratefully,
"We should get out," Morse said in a Senate floor speech Wednesday. He proposed a motion to interrupt debate on the civil rights bill for his speech.

From New York:
Senator Wayne Morse, Senate Office Building, Washington, D.C.

Dear Senator Morse: I am very happy to read of your speech in the Senate Friday, advocating that the United States get out of Southeast Asia. I hope you have many supporters, as well as in the House, to make an impression on the State Department and the administration to see the folly of this action. Despite its material and financial resources in such a vain effort to contain communism in that area.

Here is how I feel, Senator Morse:

1. That in spite of the free world's efforts (largely the United States) that the Communists will eventually take over all of Southeast Asia anyway, and that includes all of former Indochina. And in such a takeover, all the natural resources and installations we have laid there will fall to the Communists. Billions down the rat hole.

2. The State Department holds its hands up in horror apparently at the thought of more military aid (and so-called foreign aid) as billions to Southeast Asia for economic and military purposes. Farmers are patrolling the roads at night.

3. I hold that this Nation might better devote some of the billions now being wasted in South Vietnam, Laos, and Cambodia to a further buildup of our military, air, and naval forces in this hemisphere; make this Nation impregnable from attack.

4. That in South Vietnam the way I see it, the truth of more Communist penetration in Indochina. So what? This does not endanger the territorial integrity of our country in any way that I can see. And if it is argued that such penetration would endanger the Philippines and Japan, I believe that the presence of our mighty 7th Fleet and its accompanying Air Force squadrons, as well as the land-based air forces in Japan would be sufficient deterrent to hold off the Communists. And surely our Polaris subs could deliver a mighty barrage of missiles. I do not believe that land forces are the answer, certainly not in those steamy, stinking jungles.

5. I hold that this Nation might better devote some of the billions now being wasted in South Vietnam, Laos, and Cambodia to a further buildup of our military, air, and naval forces in this hemisphere; make this Nation impregnable from attack. Frankly, Senator Morse, I am just a bit more afraid of the general deterioration and crumbling within this Nation as a result of nefarious underground organizations, than I am from an all-out attack from without our borders. Witness the wave of terrorism seeping the country: the dynamiting by Cuba of the American diplomatic and consular offices in New York, the many derailments of freight trains on the Erie-Lackawanna and New York lines, the sabotage by the longshoremen in New York State during the last 4 months; the unrest and violence of the civil rights demonstrations, which I believe have been largely Communist agitated; and right in our own Finnegan Lakes section of central New York State there has been a wave of dairy barn fires by arsonists, which could be the result of Communist youth underground activities trying to undermine and weaken our economy by destroying our agricultural potential. You will recall that the New York State College of Agriculture is located at Cornell University in Ithaca; this area has many of the State's richest dairy farms. This area's best dairy herds and herds and processing plants are hard at work on trying to solve this wave of incendiarism; farmers are patrolling the roads at night.

4. Senator Morse, it seems that the obstinate and stubborn State Department seems to forget that in pouring billions to southeast Asia for economic and military aid (and so-called foreign aid) as well, that they are but weakening the ability and potential of this Nation to exist and to compete on a world truck and fighting for the freedom of our own country; to insure the continuance of our American way of life; to maintain financial integrity and the value of the dollar. Economists are forecasting that inflation is a near possibility; even that the United States could bleed itself poor, as we are rapidly becoming. It seems, if useless expenditures are not halted.

5. Best of luck to you, Senator Morse, in your worthy efforts to make the administration and the State Department to see the light of reason and sanity in foreign affairs. I hope I have not bored you with all this. If it, perhaps, has given you any ammunition in your battle, I will be happy; also, to hear from you, if you will, the opportunity.

Thanking you, I am, sir.

Sincerely,

From California:
Senator Wayne Morse, U.S. Senate, Washington, D.C.

Dear Mr. Morse: I am a physician, a captain in the U.S. Army Reserve, presently on active duty in Korea. I am moved to write to you in reference to your statement on Vietnam, made in the Senate on Tuesday, March 10, 1964. I want to communicate to you my sense of grateful relief that there is someone in high places who has both the insight and the integrity necessary to say what you did. Thank you.

I imagine that there are few people who would not be willing to risk their lives when necessary to preserve what they consider to be their inalienable rights. Too loose a definition of such rights implies too great a risk involved in their defense. The tragedy is that there are so many people who would fight and die—or worse, who would commit others to fight and die—for unjustifiable causes.

I wish to propose that the members of the executive, legislative, and judicial branches, and every one of the people from whose consent the Government derives its just power, consider our foreign policy, when lives are at stake, not in terms of our prestige, or our fortunes, but in terms of the necessity to preserve for ourselves and our posterity these three inalienable rights: life, liberty, and the pursuit of happiness.

Very respectfully yours,

From Colorado:
Senator Wayne Morse, Washington, D.C.

Dear Senator Morse: I have just finished reading a quote of yours to the effect that, "millions of Americans are beginning to realize that it is time to get out of South Vietnam." Would you please tell me whether you agree with this line of thinking and why?

In case your answer is yes, and you do go along with this line of thinking, I would like to know if you think that the end of the road for South Vietnam is the end of the Communist road of conquest? If you think this is so, then do you think that Communist aggression in South America, Latin America, Africa, and the Far East is diversionary for the overthrow of this single country?

Being as humble as is required of a mere ignorant high school student, I would like to point out that in a good many, too many of the great contests in history, that we have fought them in an attempt to remain neutral, or for whatever reasons. This is no longer possible. A wrong step in this contest would mean destruction, a wrong move, can be the move that destroys us.

Surely, Vietnam is not this move, but the fall of Vietnam would certainly weaken the United States and strengthen the Communists for their next move.

Withdrawal from Vietnam would surely echo down the halls of history as loudly as if we had: "...lost the war in 1848. They would both be stupid mistakes.

And so, in closing, Sir, I would like to most eagerly suggest that you reexamine the facts involved, and keep in mind that it is easier combating the arms and territory across the street than on your doorstep or in your own house.

With regards and suggestions for contemplation,

From California:
Hon. Wayne Morse, Washington, D.C.

Dear Sir: Although I have not written to you for a long time I am still an ardent supporter of yours, for the issues you stand for are always for the general welfare instead of for a privileged few.

This time let me say a hearty thank you and thank God for your recent protest of our direction in Viet Nam. I feel the former administration that got us into this stupid mess, and I feel the Democrats ought to be smart enough to get us out.

Also let me ask you to support the reparation bill to the Seneca Indians of Pennsylvania. It's our past record of dealings with the Indians is shameful. Sincerely and respectfully.

From Wisconsin:
The Honorable Wayne Morse, Senate Office Building, Washington, D.C.

Dear Sir: We would like to thank you for the prompt and courteous attention that our request for material on foreign aid received.

Our team proposed that all economic foreign aid be discontinued. We turned-out to be the victors in the debate and we are sure that the success of the debate is due largely to the help you gave us in the material that you sent us.

Thank you very much for your kind service.

From California:
Senator Wayne Morse, U.S. Senate, Washington, D.C.

Dear Senator Morse: I was more than delighted to read in the Allen-Scott column of your stand regarding Vietnam. I consider this stand life saving in such a project is murder, as you so aptly expressed it. Although I am not one of your constituents I have long admired your commonsense, decency, and courage in expressing your convictions. In the present case I am sure that you would have an overwhelming following if you continued to oppose our present policy in Vietnam and other obscure areas of the world, in many of which we have no business being in the first place, and where we are much resented for all our efforts.

I enclose the copy of a letter to President Johnson sent over a month ago, to which I have not yet received a reply. I am pursuing the matter further with the help of several influential Santa Barbara friends. I am particularly interested in knowing how you feel regarding the use of draftees in areas like Vietnam and whether it is possible to initiate legislation prohibiting their use except on a volunteer basis which would be more like our pre-World War II professional army. Respectfully submitted.

Lyndon B. Johnson, President, United States, White House, Washington, D.C.

Dear Mr. President: Though our present foreign policy, stemming from previous administrations, particularly that of Eisenhower (and Dulles) has committed us to odd and obscure corners of the world, it must be
evident to our leaders that such policy may be very unpopular with many people in the country. It might be among them.

I directed a note to Mr. Sorenson, as adviser to President Kennedy, expressing this viewpoint and specifically asking about our policy of sending American boys to serve in our Armed Forces in these areas. He acknowledged the letter but did not answer the question. It seems to me this will be abhorrent to many in the United States and against the Saigon government. I said I didn't want this McNamara getting away with it. It is a World War by proxy, and it may lead to a world war.

I hope you will continue your efforts to get the United States out of this South Vietnam mess—before we are dragged into a bigger mess.

I also urge you, sir, to help the southern bloc defeat the civil rights bill. You probably wouldn't do any real good to see the Negroes are doing down here in California. I would suggest that people in this country, who feel there is a possibility of what Negroes and white people just won't ever mix—read Lincoln's real contribution to the Negroes.

Best wishes for now.

From California:

Baldwin Park, Calif.

Dear Senator: I, too, am yelling evacuate Vietnam. I advocate and support your stand. The sooner we pull out of southeast Asia, the better off we will be.

"EVACUATE VIETNAM," MOSES YELLS

WASHINGTON—Senator Wayne Morse, Democrat of Oregon, told the Senate on Friday he will not "support the murder of American boys in South Vietnam."

Moses said it was "presumptuous" for Secretary of Defense Robert S. McNamara to try to say what this Government should do there.

"We should get out," Morse shouted, adding that fighting between the Communist and anti-Communist factions in South Vietnam would end in a neutralization "if we were not egging them on."

Moses obtained permission to interrupt debate on this third speech in as many days against U.S. foreign policy in South Vietnam.

From Florida:

Hon. WAYNE MORSE, Senate Office Building, Washington, D.C.

Dear Senator: I want you to know that I agree with you on every thing but your view of things. All I do is to say I agree with you on every thing but your view of things. I am not making a suggestion.

Best wishes.

Respectfully,

From California:

The Honorable Wayne Morse, Senator
Senate Office Building, Washington, D.C.

My Dear Ms. Morse: I commend you for speaking out so courageously to the State Department on getting out of Vietnam.

I have been following this situation since 1961 and have written to late President Kennedy, Mr. Rusk, my Senators, Representatives, etc., but only received printed material. Once in a while I'd get a personal reply telling me that I agree with you on one or two points.

We need more men like you. Best wishes. Sincerely yours,

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Dear Senator: I want you to know that I agree with you on every thing but your view of things. All I do is to say I agree with you on every thing but your view of things. We need more men like you. Best wishes. Sincerely yours,
arouse our lawmakers to the sinister threats posed by our efforts to step up the bloodshed further involve our forces. Can we learn nothing from past disasters? Let us turn to the use of negotiations, cease to consider ourselves the sole arbiters, and recognize that military force cannot solve the problems any more than it did for Indochina. More power to you. Thousands now look to you for leadership, with hope.

Sincerely yours,

From New York:

DEAR Mr. Morse: I am so glad you are leading in a movement to stop the fighting in Vietnam. It has been a privilege to me for some time now both immoral and impractical for the United States to be shoring up government over there that are of at least doubtful value. It seems to me we cannot spread democracy with arms, as war promotes communism. Moreover, it is not our duty any more than it was Britain's—up until recently—to police the whole earth, to the end that only governments friendly to the United States. This is no way to "win friends and influence people."

So we wish you much strength and express our wholehearted support of your strength to get our forces out of South Vietnam. It would be good to get them out of a lot of other places, too, like Spain and Portugal, but we can't hope for everything at once.

Sincerely,

From New York:

Hon. Senator Wayne Morse: We are in full agreement with your stand on the situation in Vietnam. We hope our President will act in accordance with this.

Sincerely yours,

Senator Wayne Morse,
The Senate,
Washington, D.C.

Dear Sir: I have just written to Senator Gurney and I wish to inform you as well, that I fully support your statements calling for the withdrawal of all American troops from South Vietnam war. That war was never ours to win. We never should have gotten ourselves involved in attempting to crush a movement which is based upon social revolution and possesses a raison d'être independent of the will of various U.S. administrations, including the most recent.

All of the above is really beside the point. We should get out and not waste more time, men, or moneys in defense of the indefensible. This so-called war is a lie and a lying at this time, particularly in view of the opposition of the administration and most conditioners of public opinion.

Please do not lose heart. The McNamara and the Rusks and similar "yes" men, pollute the histories of all nations with their doings. They need no emulation. They need no emulation.

We wish to express our appreciation of your stand as well as that of Senators Mansfield and Humphrey.

Sincerely yours,

From the State of Washington:

March 8, 1964.

Lyndon B. Johnson,
The White House,
Washington, D.C.

Dear President Johnson: As a Vietnamese-American I am very much concerned about the present struggle in that unhappy country. I would like to bring to your attention the following facts:

1. The so-called guerrillas are not invaders from the north but simple South Vietnamese people--not against the people's forces of liberation there seems no better chance of our winning the present struggle. Rather a disaster similar to that suffered by France at Dienbienphu seems much more likely.

2. Since France with armies numbering almost a half million was unable to overcome the stubborn resistance of the much smaller Vietnameses, then a smaller Vietnameses—people of liberation there seems no better chance of our winning the present struggle. Rather a disaster similar to that suffered by France at Dienbienphu seems much more likely.

3. The people of South Vietnam, exhausted from more than 20 years of unceasing struggle, want to be left alone to organize their own government and restore their shattered economy.

4. The present Saigon government is no more popular with the people than was the cruel dictatorship of Diem and his family. Innocent people are still being tortured and young men forced into military service. American personnel in the country in the "advisers" are unsafe as they are regarded as foreign oppressors backing up the hated ruling group.

5. The South Vietnamese people do not consider their brothers in the north as enemies to be fought, but favor reunification with them under conditions set forth in the 1954 Geneva agreement for neutralization of both parts of the country.

6. President de Gaulle's proposals for neutralization of what was formerly French Indochina under the supervision of the powers which ratified the 1954 Geneva Agreement have been rejected.

Ho-Chi-Minh, President of North Vietnam, has also expressed interest in this plan. Senate Majority Leader Mike Mansfield's speech calling on the Senate to study the French President's proposals has given great encouragement to all those vitally concerned with the peaceful solution of the differences in Vietnam.

7. The Vietnamese people do not share the fear frequently expressed in this country that extension of the war to North Vietnam will result in the loss of her life of the U.S. Army advisors and officers are withdrawn. The history of Vietnam reveals that many invaders have attacked the country throughout the centuries. But so determined has the Vietnamese ever been to resist any foreign domination that the intruder has always been turned back. The Chinese who have lived with this stubborn Vietnamese resistance, are certainly aware of this fact.

8. The proposal of some Americans to carry the war to North Vietnam would prove, in my opinion, an extremely dangerous venture. Such action might very well lead to World War III. The problems existing in South Vietnam can never be settled through military action.

I ask you, Mr. President, to use your influence to bring about a peaceful settlement through neutralization of all Vietnam. You will be acting in the best interests not only of the Vietnamese and American people but of all mankind.

Respectfully yours,

From the State of Washington:

March 20, 1964.

Dear Crockett Old Wayne Morse: I salute you on the only paper in the house. I salute you with a title concerning that in these times—honorable and beyond being above the correct one.

Yours sincerely,

From Pennsylvania:

March 22, 1964.

Hon. Senator Wayne Morse, Senator Office Building, Washington, D.C.

Dear Senator Morse: I wish to commend you on your efforts to try to change our policy.

Sincerely yours,

From New York:

DEAR Senator Morse: On the issue of Vietnam and the extension of the war into North Vietnam, as proposed by some circles—I'd like to congratulate you on your position.
I'm a wild-eyed liberal, so you can see conservatives have no corner on horsesense. Talk to me.

Kudos,

From Florida:

"A critic of the U.S. foreign aid program and an advocate of the withdrawal of U.S. forces from South Vietnam, Morse called Rusk's speech 'disgraceful and disruptable' and one of the most unfortunate by a responsible government official in many years.'" Yes. Re Vietnam.

Dear Senator: Thanks for your opinion on Vietnam I am 100 percent for you.

Senator WAYNE MORSE, Senate Office Building, Washington, D.C.

Dear Senator Morse: I congratulate you on your courage in calling for the withdrawal of U.S. troops from South Vietnam. Our sons and daughters have been there shedding their blood for a cause which is not ours. American fathers and mothers will be grateful to you forever for trying to save the lives of their strong young sons. Yours is a lonely voice now, but it will be joined by the voices of millions of peace-loving Americans.

Demands for peace, freedom and abundance for all the people of the earth.

Gratefully yours,

From New York:

Senator WAYNE MORSE, Senate Office Building, Washington, D.C.

Honor and glory to you for your courageous stand regarding South Vietnam.

There is still hope for mankind when people like you are in the Senate.

The voice of Senator Dooz and his ilk is the voice of evil. What they stand for can lead only to nuclear war and man's destruction.

Keep up your good work. Decent men in the United States of America and the rest of the world are with you.

Respectfully,

From New York State:

Senator WAYNE MORSE, Senate Office Building, Washington, D.C.

My Dear Senator Morse: It is with heartfelt support that I hasten to urge your courageous position for the withdrawal of U.S. forces from Vietnam.

Our policy is a failure and can only ignite a world configuration. We must not permit this to happen.

You must be a lonely battle but be assured that while few citizens write, many are strong in support of your efforts.

I am also writing to the President urging him to support your position, thereby proving to the world that we are willing to negotiate.

This is indeed an age of deep apprehension. But we must learn to survive it.

Respectfully yours,

From Pennsylvania:

Senator WAYNE MORSE, Senate Office Building, Washington, D.C.

My Dear Senator Morse: It is with heartfelt support that I hasten to urge your courageous position for the withdrawal of U.S. forces from Vietnam.

Keep up your good work. Decent men in the United States of America and the rest of the world are with you.

Respectfully,

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Respectfully,

From New York State:

March 21, 1964.

Senator WAYNE MORSE, Senate Office Building, Washington, D.C.

My Dear Senator Morse: It is with heartfelt support that I hasten to urge your continued fight for the withdrawal of U.S. forces from Vietnam.

Our policy is a failure and can only ignite a world configuration. We must not permit this to happen.

You must be a lonely battle but be assured that while few citizens write, many are strong in support of your efforts.

I am also writing to the President urging him to support your position, thereby proving to the world that we are willing to negotiate.

This is indeed an age of deep apprehension. But we must learn to survive it.

Respectfully yours,

From Illinois:

Senator WAYNE MORSE, Senate Office Building, Washington, D.C.

Six: Last night after reading an article in the Chicago American titled, "Two Dems Attack Rusk Talk as 'McCarthyism,'" byline, one Ernest B. Vascaro, and reading remarks attributed to you therein it is my unpleasant necessity to get outside and retch.

Within my memory this is the second occasion you have besmirched yourself as an
tor McCarthy has been proven right "again and again and again and again" and it is apparent that paragon of journalism, the Daily Worker gutter and using a foul phrase coined by the so-called foreign aid bill this makes it has allowed me to blow off a little of this thing.

I'm in the service stationed at an air base in Japan; quite a ways from Vietnam and the fighting that goes on there. I live in comparative safety and comfort to the people that are stationed in Vietnam. I don't really know how they feel or how I would feel if I was there. I should probably be there. I think many of the people in general will understand a little as you already have your own ideas but it will have served its purpose in the fact that it has allowed me to blow off a little steam, and maybe, just maybe, I'll take a closer look and come out with a different understanding of our country's stand in Vietnam.

The article begins with the bold headline: "Senator Morse Raps Vietnam Policy, Calls American Deaths 'Murder'." The headline was a stark contrast to the compassion it expressed in the rest of the article which stated, "Senator Wayne Morse, Democrat, of Oregon, told the Senate Tuesday..." It had a purpose for which some Americans could say it had a purpose for which some Americans were worth the life of one American boy and maybe some kids across the country to keep the U.S.S.R. from sailing into New York harbor, isn't it worth the price?

To apologize you should stand in front of a mirror and first render an apology to the so-called foreign aid bill this makes the so-called foreign aid bill this makes the so-called foreign aid bill this makes that the so-called foreign aid bill this makes a responsible Government official.

From California:

Senator Morse: The March 13 edition of the Stars and Stripes carried the report of your visit to the Senate that you made March 10 on the Vietnam policy. I respect your right to your opinions as I hope you do mine and I will undoubtedly think little as you already have your own ideas but I will have served its purpose in the fact that it has allowed me to blow off a little steam, and maybe, just maybe, I'll take a closer look and come out with a different understanding of our country's stand in Vietnam.

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Although I'm a long way from Oregon would it be possible for me to receive your Newsletter? I'd appreciate it.

Sincerely,

VIETNAM WITHDRAWAL URGED; EVENTS RE-LEADERS TO INSPECT NATION; LEADERS NOR PEOPLE WANT OUR HELP

To the EDITOR OF THE NEW YORK TIMES:

Reporting to the House Armed Services Committee on January 27, Secretary of Defense McNamara said:

"In the case of South Vietnam our help is clearly not wanted. I wish there is not a great movement to force them into fortified villages and people in their war against the Communist Vietcong."

Senator Wayne Morse, who has expressed the reservation of many congressmen, meant to say "our help is clearly not wanted," for almost as he was speaking the government which presumably wanted our help to keep fighting was overthrown by another military coup, and the Times reported this event in headlines which read: "Vietnam Junta Ousted by Military Who Fear Neutralism."

In other words, the generals whom our Government supported in their coup to replace the Diem government which was beginning to "flirt with neutralism" began in turn to incline toward the same policy. If anything seems clear in this grim situation it is that our Government is finding it increasingly difficult in its war effort largely because of the "clearly not wanted" to continue their fratricidal strife. As for the Vietnamese people, it has never been their war. If reports in the Times (and our newsweeklies) have made anything clear, it is that the Vietnamese people have supported the war so little that a ruthless policy of forcing them into fortified villages was introduced to prevent them from helping the country. And the so-called Vietcong may or may not be Communists, or pro-Communist, but they are unquestionably Vietnamese.

LACK OF OUTCRY

The situation in Vietnam is so unworthy of us that the apparent lack of popular outcry against it suggests a condition of indifference, and seems to be the result of a callousness toward us would have believed possible only a few years ago. It is this growing apathy and callousness that is the true enemy of the values we hold dear.

The U.S. Government should at once present the problem of Vietnam to the U.N. Security Council and should withdraw all military advisors and stop providing millions of dollars a day to keep a war going.

If our leadership means only destruction and death for the people who live in distant areas our commentators call "strategic real-estate" our Nation will go down in history as another rampaging great power, self-confident that our might makes right. And it will not be the Communists who will have betrayed us. It will have been ourselves.

From Pennsylvania:

Senator Wayne Morse, Washington, D.C.

DEAR SIR: I approve of your stand to withdraw our men from Vietnam. I wish there were more congressmen like you in Congress and Senate. Out of all the 50 states, not one approves of our meddling and sending troops all over the world. What business have we in Korea?

I would like to see a man like you as President of our country.

I oppose to the conscription law called selective service except when country is at war.

Only Congress has the right to declare war; to tell with police actions like Korea. Where one writes you as I am doing, thousands intend to, but put it off and neglect to do so.

This from a combat veteran that has seen many men killed and to hell with foreign aid.

From Ohio:

Senator Wayne Morse, Washington, D.C.

DEAR SIR: I recently wrote a large article about withdrawing our armies from all over the world and set this program out and the revolutionary people overthrow their government and not until they go down in defeat. The sooner we learn to do as our first President warned the nation to do, the better off we will be. No tangling alliances are necessary. I am glad you and Senator Russell stand for this type of thing. Stay by the program that cut out growth of Christ's sayings. All I can think of these ruling people is they are tools of Satan and getting the country and people in the world against the people. This is why things are going in this country. I wish you would let Mr. Gruening read the enclosed also.

Just thought I ought to let you know something perhaps that no one ever has told you before and something which I never have run across—a person able to say this same thing I have been doing. I have traveled through the near east—14 countries the first time and 15 countries the second time. It is this: In October of 1915 one night at 11 p.m. and our Lord Jesus Christ came to the same place I was. I was so dumb struck that I could not talk or open my mouth. He stayed 1 minute and never said one word and turned and went out the same way he came in. I have been talking about His coming ever since and the only way to escape this next war which will be "Hell" is by being a born-again believer in Him and loving and looking forward to His coming. You will be caught up to meet Him at the marriage feast. And the so-called Vietcong may or may not be Communists, or pro-Communist, but they are unquestionably Vietnamese.

DEAR SIR: I would like to see a man like you as President of our country.

I have unorthodox opinions regarding colonialism: It would have been better had we not repealed the Platt amendment, instead we should have so Americanized the territories that are imposed by Western nations on the less civilized. Algeria is on a subsistence level now. Under the French, railroads were built, sewer lines installed, magnificent buildings, boulevards, and measures taken against the creeping Sahara. The heritage of the Dutch in Indonesia is highly similar: the British left India a viable country despite the almost inevitable oppressions of a colonial power. I think this country, too, has gained immeasurably by the colonial process since the 1600's. The export money from Amsterdam and London were the more potent factor in early development; and, in the 19th century a lot of money came from abroad—along with the immigrants—to make possible the transcontinental railroads, the big ranches of Texas, and development of cities.

I believe we should retrench in foreign aid (and use some of that money in, say, "Appalachia" instead). Let each payment be scrutinized to each country. What would the cut be? How much would fill down to those who need it? We should get a quid pro quo. Perhaps the Peace Corps should handle more of the work, and the members be auditors for fiscal work. Selectivity in foreign aid: "What do we get out of it?" should be at the top of our mind.

Best wishes,

From Washington, D.C.:

Senator Wayne Morse, Senate Office Building, Washington, D.C.

DEAR SIR: Your realistic approach to the problem in Vietnam is one of the best things I have read. And I wish you would let Mr. Gruening read the enclosed also.

Just thought I ought to let you know something perhaps that no one ever has told you before and something which I never have run across—a person able to say this same thing I have been doing. I have traveled through the near east—14 countries the first time and 15 countries the second time. It is this: In October of 1915 one night at 11 p.m. and our Lord Jesus Christ came to the same place I was. I was so dumb struck that I could not talk or open my mouth. He stayed 1 minute and never said one word and turned and went out the same way he came in. I believe we should retrench in foreign aid (and use some of that money in, say, "Appalachia" instead). Let each payment be scrutinized to each country. What would the cut be? How much would fill down to those who need it? We should get a quid pro quo. Perhaps the Peace Corps should handle more of the work, and the members be auditors for fiscal work. Selectivity in foreign aid: "What do we get out of it?" should be at the top of our mind.

Sincerely and respectfully yours,

From New York State:

DEAR SIR: Your forthright attack on the appalling Vietnam policy of our Government deserves the support and commendation of every American.

It is appalling to think that the brave old jingo's in our Senate and in the Pentagon willing to let country's young men die and rot in this miserable way to simply prove a reckless anti-communism. I hope you will continue to try to lead us in the right sort of sanity.

Cordially,

DEAR SIR: Although I am not from your State, I would like to thank you for your stand on Vietnam, and ask you to consider your efforts for withdrawing our troops.

Our position is unjust and the methods (backed by the United States) are loathsome. I have written to Senator Javens to register my opposition to our involvement in Viet-nam's affairs, but I doubt that he paid any attention to my letter. Senator

And as I see it in time Malayasia would be lethally embraced by the Indonesian expansionists from the south, while the Chinese— including the Vietcong—would absorb the mainland, even to Sinkiang.

Perhaps we should write it off and let them do what they will, for otherwise, we'll be bogged down for years; an endless drain of both men and money.

Leaving them to stew in their own rice paddies we would gain this benefit: A big mob of End-off-the-War voters, which could conceivably be aimed at Cuba (although I think we are too late for that there).

I have unorthodox opinions regarding colonialism: It would have been better had we not repealed the Platt amendment, instead we should have so Americanized the territories that are imposed by Western nations on the less civilized. Algeria is on a subsistence level now. Under the French, railroads were built, sewer lines installed, magnificent buildings, boulevards, and measures taken against the creeping Sahara. The heritage of the Dutch in Indonesia is highly similar: the British left India a viable country despite the almost inevitable oppres-
has never represented me or my views and I didn't even bother to let him know how I feel about this. Please do not let Secretary Rusk's smear tactics deter you, but continue to make your points loud and clear. Perhaps the American public will listen to you. Thank you.

From Connecticut:

DEAR SENATOR MORSE: Thank you. Thank you, Mr. Vice President. I have written to President Johnson to tell him I agree with your position on Vietnam. Your courage and wisdom in this matter has been an inspiration to me.

On Thursday I saw an AP photo of a Vietnamese father holding his badly burned baby in his arms. The baby was burned by American bombs, dropped in his arms. The baby was burned.

I didn't even bother to let him know how I felt about this. Please do not let Secretary Rusk's smear tactics deter you, but continue to make your points loud and clear. Perhaps the American public will listen to you. Thank you.

From Ohio:

Senator Morse: The absolute need to pare down foreign aid is very much with us in this session of Congress. For this reason I draw much basic sympathy from the American public. The need in Vietnam and related areas of Asia must be looked into in the light of domestic needs. Nevertheless, more vigorous steps and Communist policies must be talked about fully.

Is it really true that our worldwide position vis-a-vis to communism and to our allies will be compromised by spending less money here?

I doubt that very much. There is such a thing as exaggerating dangers in order to justify outlays. The foreign program in many cases has been a near failure. In other areas it has proved valuable.

The point you must take up in Congress is the golden road of minimum expenditure with maximum international security. Realistically speaking. Not with the eternally pessimistic view of our military spending.

We have poured much treasure and some blood in these areas of the world. It is time to look honestly at the fruits. I dare say what we have here is a sin. It is a crime. Is this the best policy in the long-term sense?

Is it enough to close the door to Communist infiltration and self-styled wars of liberation? Are we to pour aid ad infinitum in a delaying or holding action here? Is this the best our planners can present us with? Is this the limit of their resourcefulness?

Are we the prisoners of our own fears of a nuclear war? Every time a vigorous step is advocated the cry goes up of such steps escalating into world wars. Apparently the Reds have no such inhibitions. They start all sorts of local bonfires and we are forced to do their bidding by fighting their kind of scrap.

Among both Russian or Chinese long-term policies call for a nuclear showdown with a superior United States over Cambodia or North Vietnam or in any other peripheral area of the Red Empire because a fool of the nuclear jitters or irresponsible. These are hard times and hard times require stern and firmness. We must decide if the interest of historical democracy and democratic causes can be served by piecemeal efforts such as we have in Vietnam. I trust you will bring these questions before of the Congress.

Sincerely yours,

From California:

Senator Wayne Morse:

Dear Senator Morse: How can we, the people, thank you that you have had the guts to address the so-called sacred persons and departmen ts of war? (Articles 3, 4 and 5) and by telling them the unminced, blunt truth about Vietnam, that we should get out of there, that in first place we never should have gotten in, that it would be disastrous to escalate that war to the north of South Vietnam. Also then we should not "get back" China.

Why does nobody in the administration listen to this reasonable argument? Why do they think that the world is still in the year 1900 and nothing has changed since then?

Please, Senator Morse, we common people urge you to insist upon your right opinion and repeat it, repeat it, repeat it, very loudly until even the dead would hear it—the dead and the miserably tortured in that unhappy country, where the Americans are not without guilt, rather.

Then I wish fervently to urge you to concentrate your words and courage on hindering the event of conveying nuclear weapons and control over them to Germany (Bonn) via NATO. Then the world would really be near the brink and soon over the brink. I think you know that.

So we are proud to have once in a while a reasonable and just thinking Senator or Congressman who speaks out what is what. Plain language is fine; louder and more often, please.

Wishing you success, I am

Very sincerely,

From New Jersey:

The Honorable Wayne Morse,
Senator Office Building,
Washington, D.C.

Dear Senator Morse: I stayed out of the controversy over Vietnam until I read the New York Times this morning. I now take pen in hand.

I want you to know that I am writing President Johnson and my own Senators (Case and Williams) urging the modification of our policy to the point of seeking a negotiated settlement and reparations for the people of Vietnam, recognition of the legitimate aspirations of the Vietcong, and a withdrawal of our troops from Vietnam.

The frightening logic of our remaining there leads either to defeat or willful expansion of the war—which means ultimate final defeat for mankind.

For the true notes you sound, my heartfelt thanks.

Respectfully yours,

From Nebraska:

"Man longs for a moral order, logically supported."—Hugo Black

Re "The U.S. decision to pull out most of the 155,000 troops in Vietnam by 1965 had official Washington split down the middle. State Department and White House advisers were against it (they thought it would have a bad effect on the Saigon Government). Defense Secretary McNamara, argued it would spur the Vietnamese into rebellion, LBJ backed McNamara."—Newsweek, March 2, page 10, Periscope.

Hon. W. J.
Senator Office Building,
Washington, D.C.

Dear Senator Morse: Bravo 5 times! When I read above, I was delighted and thought LBJ should invite McNamara to the vice presidency position on the ticket.

The White House advisers had better think in terms of the United States before either bad or good effects on Saigon—where we have absolutely no business as you have declared. LBJ's advisers are going to make him into a warmonger as they are war minded. The people have always been peace minded. Truman knew he couldn't be saved because of his choice will never believe that Eisenhower was elected because his speechwriter, John Emmet Hughes cleverly inserted "if elected, I will go" on the ballot with these words implying exit as they are war minded. The ladies thronged to the polls, 3 million who'd never voted before, marked only Eisenhower's name. Idolism is Stevenson's millstone—Senator Morse! Your position that elected him. Bunk. It was the implied cease-fire. You have access to L.B.J.; please explain the parallel, Saigon will be turned over to the Commies, and if it is, L.B.J. will be voted out. Even if McNamara has now changed his mind, and is going to push the war, it doesn't change the fact that he was right the first time.

Our boys must be removed from Saigon, from Vietnam at the earliest possible moment. L.B.J. will assure his reelection if he does; he will assure his defeat if he does not. Let him learn to spit in the warmongers' eyes—and to discharge any adviser who is not peace minded.

If McNamara comes out again for returning our boys to the United States of America, where they belong, there the best and most honest Republican candidate, and he will be elected. L.B.J. better understand this. Where U.S. troops are needed; in the South. It is horrorific to see the war hawks starving, one murder of our colored relatives after another and the late President's scared bandits running about doing nothing. U.S. racists killed his brother and we hear nothing of the Justice Department investigating this barbarity. We have so much to do at home, life ill behooves us to go abroad anywhere. The United States of America needs political leadership that does not think about votes but about peace—economic justice—for the people. If President Johnson forgets the election, and proceeds to serve justice, his White House occupancy will be extended by a landslide.

Enclosed copy of letter to unspeakable DIREKSEN.

Sincerely,

Senator Everett Dirkksen,
Washington, D.C.

Sir: At a "Meet the Press" type broadcast, you indicated the United States of America could not get out of Vietnam.

United States of America can and should get out of Vietnam because it has no business in Vietnam in the first place and but for the likes of demented Spellman determined to make Catholics out of Buddhists would not be there. Nearby China has kicked out Vatican adherents—Spellman's outfit is after China, too; and, of course, the Rockefeller thieves miss their big take from the Orient.

The sooner U.S. boys are removed from Vietnam the better. Why don't you get into Vietnam, take a look at it and the likes of you whooping it up for death in Vietnam should be put right on the firing list.

A recent broadcast told about a Virginia couple who would not accept the body of their son the Army had sent back from Vietnam. These folks who viewed the corpse said it was the boy. The parents finally brought themselves to face the tragic reality with which they could not deal and accepted their precious son's body. From here on these bereaved parents will know a living death. They will smile at people but in the privacy of their home.

You and I dolls like you are murderers. I hope you are defeated in the next election.

With unlimited repugnance, ____
From New York:

DEAR SENATOR MANSER: Your views on our policy in Vietnam seem obvious enough to be self-evident. I hope they made it obvious that this policy has been conducted without adequate attention to the essential requirements of a wise and effective foreign policy. Senator Goldwater's experience in the New Hampshire primaries might be a clue as to what the public thinks of a hard line in Viet Nam. The criticism from the boundaries of the state will have to make the most of it—most of the population then being tractors.

Respectfully,

From Wisconsin:

DEAR SENATOR MORSE: I was very pleased to see on TV and in the press your vigorous stand on Vietnam. I am and your coworkers can put a stop to the sacrifice of the lives of American boys and the wasting of billions of the taxpayers money.

Sincerely,

From Illinois:

Senator Wayne Morse, Old State Capitol Building, Washington, D.C.

DEAR Senator Morse: I congratulate you on your major speech on Vietnam 2 or 3 weeks ago about the harm to American prestige by the matter periodically from now on. I note that a small but growing number of Senators are joining you in speaking frankly about questions which are too often left under the rug.

Because you have been outstanding in your devotion to debate on foreign policy free of partisanship, I have enclosed an article which I wrote 2 weeks ago on the danger of partisanship over Vietnam. It largely ignores the fact that the administration's policy is already rigidly set simply for fear of any domestic outcry—the fact that the threat of partisanship is as good as partisanship itself in limiting foreign policy to the line of least resistance.

I am also too early to take note of the fact that Senator Goldwater has indulged in exactly what was feared: the demand that the war be won and labeling, in so many words, the Johnson administration, "appeasement." The prospects, in other words, are grim. I wish you well in your series of foreign policy speeches.

Sincerely yours,

The newspaper article follows:

[From the Daily Illini, Mar. 11, 1964]

PARTISAN DANGER

(By Gary Porter)

The startling victory of Ambassador Lodge in the New Hampshire primary should make the Republican Party think deeply about its strategy for this election year.

It makes the use of the Vietnamese war in the Republican campaign proposition at best, for if Lodge is indeed a serious contender for the party's nomination—as the rejection of the hard campaigners indicates—then it would seem a foolish thing for Republicans to stress too strongly an issue with which he is so closely identified.

In their campaigns thus far, neither Goldwater nor Rockefeller has said much about Vietnam; in fact, Goldwater has apparently been totally silent on the subject. Rockefeller is reported to Ambassador Lodge to come home and "tell us what is wrong." Minority Leader Everett M. Dirksen avoided any discussion of Vietnam in issuing a statement for the Republican leadership which referred to "President Johnson's continuing the late Mr. Kennedy's highly questionable policy of coexistence with the Communist world."

There is not enough in what has happened so far within the Republican Party to conclude that Republican candidates are going to use Vietnam as a campaign issue, but the possibility cannot be ruled out. If it does happen, the partisan attack will take the form of demanding that the United States either win the war in southeast Asia and threaten the independence of the island or withdraw from that frustrating exercise.

Such a campaign could be successful; it would resemble the strategies that the Democratic administration and, while not taking any concrete position on policy alternatives, would stand for "victory." The obvious effect of such a position would be unusual pressure on President Johnson to either extend the war into North Vietnam or inform the American people that no drastic measures are necessary in order to win.

This partisan danger will remain until or unless Lodge makes public his intention of being a candidate. Partisanship in foreign policy always involves the possibility of mischief in our foreign policy because of two facts.

The first fact is that the American people as a whole do not themselves have the means to grasp the complexities of foreign affairs; they too often rely on the basis of what they would like to happen rather than what is actually possible. They are accounted for at the hands of men whose immediate motives are the interests of a party rather than of a nation.

The second fact is that American foreign policy cannot in the long run rise above the level of the American people. Except in an emergency, and where it is believed a particular action is unambiguous to the Executive, foreign policy will be limited by the moods and perceptions of the people.

Taken together, these two facts make for the "extraordinary power of domestic politics—to subvert foreign policy," of which Ambassador Lodge is so fond of talking. Therefore, Lodge, who is thought to have great influence in his party's foreign policy, can, if he chooses, prevent the American people from acting as the个多月-sided woman.

In the end, Lodge could make it possible that President Johnson would either defend or resign, depending on whether he believed he could win the war or not.

The strength and incompetence against an adversary are both a matter of concern; if Lodge makes public his intention of being a candidate, it would be equally important for Lodge to explain his position to the American people. It would be a rare moment when Lodge could afford the luxury of foreign politicians, is real good fighting men.

Seems to me that our aid adds up to soft living for several thousand U.S. citizens, hardship and death to many of our military people, and keeps a bunch of South Vietnamese politicians in fancy uniforms, palaces, women, and boost.

I am for trying to turn loose of this tar baby.

Sincerely yours,

From Pennsylvania:

DEAR Senator Morse: A heartfelt word of appreciation from a family of three for all you have said on Vietnam. This comes from a family who are better informed than the average, and who read extensively comments of the world's press, and the material of major peace groups.

We wish you would add one thing, the next time you speak on Vietnam. When we see the photographs of refugees, of Vietnamese in the concentration camps, of hamlets—of the wounded and dead, we cringe, and know ourselves to be morally gullible. We think you should add something which those who are pressing the war in Vietnam, and this includes Johnson and McNamara, are guilty of genocide, and one day they will be tried by a world court, just as the Nazis are today tried for genocide. It may take a little longer—simply because the Vietnamese are "yellow," but tried they will be one day.

And at least the Alloys and Morse will be able to say "Not guilty." We cannot understand Senator Clark's silence and we have not been able to persuade him to speak up, and to prop up Senator Mansfield, who collapses every time the administration scolds him. Perhaps you can persuade Clark and Mansfield to join you.

Sincerely,

From Kansas:

Hon. Wayne Morse, U.S. Senate, Washington, D.C.

DEAR Sen. Morse: I wish to commend you for your recent speech and your presentation of the situation in South Vietnam. May I urge you to expend every effort to get some sanity into our foreign policy relative to Asia.

Truly yours,
From Minnesota:
Hon. Wayne Morse, U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR: Well, I don't always agree with you, but thanks for telling the truth about Vietnam. Respectfully,

From New York:
Senator Wayne Morse, Senate Office Building, Washington, D.C.

DEAR SENATOR: May I write you how proud I was to read your local newspaper, The Schenectady Gazette that you had the courage to express your opinions about our present foreign policy in South Vietnam and the stand the Senate has taken that any citizens who disagree with our foreign policy are quitters and helpers of communism. I have written to our Senators and the President that I am much opposed to the continuation of the war in South Vietnam. Very truly yours,

From Ohio:
Senator Wayne Morse, Senate Office Building, Washington, D.C.

DEAR SENATOR: I want to express my support for a negotiated settlement in Vietnam as called for by Senators Mansfield and Boland. I believe favored by you too. Neutralization of Vietnam would be sought all the more if momentarily our position seems satisfactory, with more cooperative, as I am, the long history of guerilla tactics with wide popular support and our expensive, potentially explosive stalemate make a major policy change imperative without crisis or new adverse pressures.

Strong nationalistic feelings are said to perennially divide our country, and a doubt by the passing of the French. North Vietnamese leaders have been seeking a path not solely committed to either Peking or Moscow. Such possibilities should be explored while they persist. Ultimately, and basic to problems in all of southeast Asia is the need to open communications with Communist leadership and admission of Communist China to the U.N.

We need forthright public enlightenment on Vietnam, as it is indeed a power to the Federal Government. We need you.

Sincerely,

From New York:
Senator Wayne Morse, Senate Office Building, Washington, D.C.

DEAR SENATOR: Thank you for having the courage and honesty to stand up and say that we ought to get out of Vietnam. Please keep up the good fight. The whole country needs you.

Cordially,

From California:
Hon. Wayne Morse, Senate, Washington, D.C.

DEAR SENATOR: We saw and heard you on TV and certainly agree with you. "We can't win the war in Vietnam," unless it is an all-out war and is it worth it? Here we have Cuba on our doorstep. What is being done? Castro, telling us off. Little Panama telling us off. It seems all any country wants is our money. We do not lack for foreign aid. It does appear to only help the Communists to gain.

Our stand on some of the bills. Bill S. 1975. We ought to see this one pass.

We think all people should have civil rights. However, the civil rights bill we oppose—because we feel it does give too much power to the Federal Government.

We hear the Civil Liberties Union wants to do away with chaplains in the Armed Forces. We do indeed object to this. If they can't even have a chaplain to counsel with them, what are our boys fighting to save? Our only son is in the service of our country, we think we are all weary with appeasement. What is being done about our men shot down in East Germany? What's going to be done? We get clippings and hear facts from Alaska, how the Communists are about to put the fisherman out of business—our daughter teaches in a village of fishermen's homes.

May God help us all.
Thank you.

Sincerely,

From Maryland:
Hon. Wayne Morse, Senate Office Building, Washington, D.C.

DEAR SENATOR: I have so often admired your independent stand that I am sorry to disagree with you heartily about foreign aid. I have for years publicly said for yourself the need for it in Asia. I was there in 1959 and felt that the terrible poverty there would live longer than our generation.

The same thing is probably true in Latin America, which I have not read in Carl Rowan's book "The Pitiful and Proud." I realized that logic and a sense of decency told me that * * * It would be a costly mistake for the United States to lessen economic aid. I wish you could see that.

Yours truly,

From Florida:

DEAR SENATOR MORSE: I write to thank you for your speech of March 4. You said what needed to be said.

The war in Vietnam is a wicked war. Our whole foreign policy is wrong—because it is based on a wrong assumption, that we have a duty to keep the world in line with our policies, and our interests.

Sincerely,

Senator Wayne Morse, Senate Office Building, Washington, D.C.

HONORABLE SIR: You have the support of all Americans in your remarks about Secretary Rusk. Just what policy is he talking about? We do not have a foreign policy and are in retreat everywhere in the world. The defeats are so regular it looks very much that, they might be planned that way. Is it un-American to ask, why are we always appeasing the Kremlin? Now, we are pleading for the release of the men shot down in East Germany and are ready to give away some advantage on travel permits to get them back.

The same appeasement policy now has Russia pointing their rocketeers at us from Cuba and setting up a powerful seismatic complex capable of detecting nuclear tests in Nevada. Their ultimate goal: Annul American defensive and offensive missile power. The caves in Cuba are full of missile tracking stations according to an article by Dr. Fermado Penbas published in the Port Lauderdale News of this date.

The billions we have spent to stop communism has now turned into help the Communists. The money that went into Poland and Yugoslavia has supported the Russian economy for the past 17 years. All foreign aid must stop. Most respectfully,

Senator Morse: I wish to compliment you on the talk you gave on television. "Today" as to your thoughts on our spending of money and young American men in southeast Asia.

First man in the Government to talk like a down-to-earth man.

How in the world do we as a Nation expect to save everyone? Maybe they have a right to solve their own problems? Who are we to tell everyone how to live? Let us get our own house in order. All Russia wants us to do is spend ourselves into bankruptcy and we sure are doing a good job.

Stay in there and fight for solid business ideas and keep United States safe.
Your truly,

From New York State:

Hon. Wayne Morse, Hon. Ernest Gruening, Washington, D.C.

My Dear Senator: As one of the signers of the open letter to President Kennedy on ending the war and bringing peace in Vietnam which was run in a number of newspapers last summer, I am in a position to report to you the continuing and growing support, throughout the country, of the proposal to withdraw our forces and submit the problem to negotiation along the lines of the Geneva Convention.

P.S.—I have also expressed these views to Senators Mansfield and Bartlett and my State senators.

Very sincerely yours,

P.S. We need forthright public enlightenment on Vietnam, as it is indeed a power to the Federal Government. We need you.

Sincerely,

March 20, 1964.}

Dear Senator Morse: On this morning's newscast of the "Today" program, I heard you express your views with respect to our policy in Asia, and the foreign-aid program. I hope that many citizens heard you, and write to you as a way of supporting you. Keep it up, we need more like you in Washington.

Sincerely,

From Idaho:

Senator Wayne Morse, Senate of the United States, Washington, D.C.

DEAR SENATOR: Congratulations on your stand on the war in Vietnam—why, oh why, do we get in messes like that in the first place? I wonder, as you are part of this administration, if you can tell me just who is this "common man" the administration wants to help. If it means folks like my family, who have worked a lot, saved a little and generally
I enclose a copy of that open letter (which you probably saw) More than 20,000 reprints of it were requested by various groups throughout the country and evidence of support has continued to pour in, even today. I can assure you that there is even stronger sentiment for our withdrawal from Vietnam, as proposed in your speech in the Senate. In reporting the New York Times today, then there was last summer. People are becoming more informed as to the real issues. I wish to thank you for your untiring efforts to maintain some semblance of reason in this confused situation.

With my full endorsement of your position, and that of the regular voters in Connecticut with whom I have talked today I send you my best wishes.

Sincerely,

From Illinois:

Dear Senator Morse: Thank you. Thank you for your forthright brave words refusing to endorse the dangerous involvement of this Nation in the military operation in South Vietnam. Many of the American people do not wish to see this Nation so involved, but we have been fed the usual half-truths with the inference being that if we do not support this stupid intervention we are not patriotic Americans. I want to express my agreement with what you said.

In strong and vigorous terms you said it was your belief that we might as well face up to the fact that we are trying to do there cannot be done, and we should withdraw from there before more Americans are lost, and more U.S. dollars spent and wasted. You pointed out that Great Britain tried to fight France tried and failed, and we will fail. To this, I add hearty agreement. If we are going to fight the Communists, let’s reserve our strength to do it in our own hemisphere, and it looks like we will have to do this in Cuba eventually. And further, I want to take this opportunity of expressing the matter of foreign aid. The newest request from the White House should be defeated. If we can’t cut foreign aid entirely, then pare this $3 billion down at least 50 percent, and do that every year henceforward until it is gone entirely. We can use that money better right at home, in preparation against the Communist push, or even in that election year gimmick of the Democrats’ war on poverty.

Respectfully,

From California:

Senator WAYNE MORSE, Senate Office Building, Washington, D.C.

Dear Senator: On behalf of quite a few members of the community, I (we) wish to commend you on your admirable stand against the current Government policy of support in Vietnam, a very unwise policy to be maintained especially in view of the fact that it is your position and want to thank you. Sincerely,

Respectfully,

From Illinois:

Hon. WAYNE L. MORSE, Senate Office Building, Washington, D.C.

Dear Senator Morse: Thank you from the bottom of my heart for your courageous statement against the continuation of the war in South Vietnam.

Please spare a moment to read the enclosed copy of my letter to the Eugene Register-Guard.

No reply to me is necessary. Time is too valuable and you are one who uses every minute well. Sincerely yours,

Editor, Letters Column, Register-Guard, Eugene, Oreg.

Sm: I am so grateful for the wisdom, courage and commonsense of the Honorable Senator Wayne Morse. I cannot refrain from trying to reach as many citizens of Oregon as possible to say “Congratulations and thank you for electing Senator Morse.” For almost 3 years his has been one of the few voices speaking out against the pointless, brutal and futile war in South Vietnam.

Only recently have many other Senators and Congressmen joined him in the demand for a reevaluation of our policy in south Asia. Surely, voices of reason should be heeded by the administration. Negotiations for a peaceful settlement should be begun at once either by the nations concerned in the area or by the United Nations.

You Oregonians are also to be congratulated for your choice of Senator MAURINE Nelsen. She, too, can be relied upon to speak out on vital issues with independence, sound reasoning, concern for the health and welfare of people no matter where they live.

Very sincerely yours,

From Wyoming:

Hon. WAYNE MORSE, Senator from Oregon, Washington, D.C.

Dear Senator: On this morning’s TV news, I saw and heard you make an excellent statement regarding Vietnam, and I want to express my agreement with what you said.

In strong and vigorous terms you said it was your belief that we might as well face up to the fact that we are trying to do there cannot be done, and we should withdraw from there before more Americans are lost, and more U.S. dollars spent and wasted. You pointed out that Great Britain tried to fight France tried and failed, and we will fail. To this, I add hearty agreement. If we are going to fight the Communists, let’s reserve our strength to do it in our own hemisphere, and it looks like we will have to do this in Cuba eventually. And further, I want to take this opportunity of expressing the matter of foreign aid. The newest request from the White House should be defeated. If we can’t cut foreign aid entirely, then pare this $3 billion down at least 50 percent, and do that every year henceforward until it is gone entirely. We can use that money better right at home, in preparation against the Communist push, or even in that election year gimmick of the Democrats’ war on poverty.

Respectfully,

From California:

Hon. WAYNE L. MORSE, Senator from Oregon, Washington, D.C.

Dear Senator Morse: I hearly endorse your stand on U.S. policy in southeast Asia and am in sharp disagreement with what appears to be the official policy. Yours truly,

From California:

Senator WAYNE MORSE, Senate Office Building, Washington, D.C.

Dear Senator: On behalf of quite a few members of the community, I (we) wish to commend you on your admirable stand against the current Government policy of support in Vietnam, a very unwise policy to be maintained especially in view of the fact that it is your position and want to thank you. Sincerely,

Respectfully,
In Salonica, 30,000 Greeks gathered to hear speakers denounce the United States.

Behind all this was the Greek belief that the United States and the United Nations are the enemy of Turkey. In the dispute between the two countries over the island of Cyprus.

Most of the stories were true. Many of their signs and slogans were pro-Communist. Greek police protected U.S. property but—under orders—did nothing to disperse the mobs.

February 18, 1964.

HON. WAYNE B. MORSE, U.S. Senate, Washington, D.C.

DEAR SENATOR MORSE: I am writing you now, not much to say, on the contrary, I am writing to pass some information and views on to you so you can evaluate and consider them. They are worth. Sitting here as I am on duty in South Vietnam as I am, I sometime wonder if the people in the States are getting a complete and unabridged version of the news. From past experience I know that news is somewhat toned down by the time it is released for public information. To some extent I appreciate this fact as I would not want my wife and children as well as my family and friends to know the full truth about the situation. I believe it best that they be spared all of the worry which would be aroused by full and complete knowledge of what is happening in this area. I do believe though that our lawmakers should have this knowledge made available to them. From some of the resources here in the past I have seen that from the States it seems that they are either somewhat in the dark about affairs in this part of the world or simply do not care. I prefer to believe that the news is not made available to them. I believe that all available information should be evaluated before any decisions on any matter should be made.

I digress from reading the letter, Mr. President, to say that this sergeant has with a keen insight, been presenting an evaluation of the practices of the American news media. His views are similar to the one expressed here on this floor for a long time now. The American people are living in the dark, insofar as what is happening in South Vietnam is concerned—and not only insofar as what is happening in South Vietnam, but also insofar as what is happening in a good many other trouble spots in the world. If the American people only knew what is happening, it would not take them long to insist that there be a change in American foreign policy.

I return to the reading of the letter from this American sergeant:

There is an excellent English-speaking newspaper in Saigon, Vietnam, which this paper publishes as close to an unabridged sampling of the feelings of the Vietnamese people and the current news of southeast Asia as is obtainable. This newspaper will express a pat on the back when it is due, at the same time expressing a firm reprimand when it is deserved. This paper prints articles which attack as well as praise the policies of the United States, as well as Vietnam and many other countries. With your permission, I will send you articles as well as editorials of this paper along with my feelings on the matters concerned.

Inclosed is a blueprint plan In connection with the Pershing Field Blast clearly notes that the Vietnamese people knew that the bombing was to take place. The article on the Kinh-do-Capitol Theater bombing was truly a dastardly act, taking out vengeance on defenseless civilians and children as well as American troops (commonly referred to as advisors).

I digress from reading the letter, to state that my good friend, the Senator from Arkansas [Mr. Fulbright], had made that point, the other day, as well. I was sorry that his speech did not offer a blueprint plan in connection with the various points he discussed. As I said in my immediate reply to his speech, it was a good speech as far as it went, but it left us in his opinion with a confusion, because the Senator from Arkansas did not really offer constructive proposals as substitutes for the policies he was criticizing. However, it was well that he pointed out that a good deal in our thinking on foreign policy is characterized by myths. For some years, here in the Senate, I have pointed out that the American people, by and large, have been beguiled because which is another term which describes the state the Senator from Arkansas obviously had in mind when he talked about myths that have come to prevail in respect to a great deal of American thinking on foreign policy, “Dogmas” or “myths”—I care not which term is used; but the fact is that we should choose a better program as a substitute for the myths or the dogmas.

One of the great myths, of course, is that the American troops in South Vietnam are “advisers.” That is a lot of hogwash. In fact, it is worse than that, Mr. President; it is a lot of deception; these American boys in American military uniform, who are allegedly “military advisers” in South Vietnam are standing shoulder to shoulder in place after place in mortal danger with South Vietnamese soldiers; and they are going to get killed, too.

So the sergeant was quite correct when he made the very subtle comment about the so-called “advisers.”

I read further from his letter:

The article on the Kinh-do-Capitol bombing of February 18, 1964 clearly shows by the way that the Vietnamese policeman left prior to the blast that a bombing was either suspected or known to be following. Reference 18 February edition; Sahahouk Threatens to Seek Alliance with North Viet-namese. You will note the picture of Cambodian Chief of State Prince Norodom Sihanouk inspecting Russian Mig-17 jet fighters. The article quotes Prince Sihanouk as saying “We will not help North Vietnam against Saigon and Saigon will not favor the Vietcong but in case North Vietnam is attacked, Cambodia will war at her (North Vietnam’s) side and vice versa.” Another incident which is alleged as happened when a Cambodian village was bombed by the Vietnamese Air Force could touch off another incident such as Korea.

On page 2 you will notice that some 12,000 persons are being treated for starvation in hospitals overwrought with patients, and that the Cambodian men and women are being paid a dollar a day to dig ditches. The people will not stand for this. It is only natural that they feel that their lives are in danger and that they should be paid a wage in order to work. The government of Cambodia has taken the additional step of paying one dollar a day to every member of the armed forces.

I would like to make a statement on the situation in South Vietnam, which has been changing rapidly. The Dulles policy was to keep the enemy busy and out of Vietnam. Now the situation has changed and the President has a new policy. He has said that the United States will support South Vietnam and he has asked for a new aid program for Greece. The bill will be presented to Congress soon and it will be interesting to see how the United States will vote. I believe that the United States should support South Vietnam and I hope that Congress will pass the new aid program.
I wonder if this action won’t leave a bad taste in the mouths of the peoples of the southeast Asian countries. Also on page 5 I note the Russians are borrowing a half billion dollars from Great Britain. Do you think we should reevaluate our policy of international economics that we may in the long run be paying for the wheat which we sold to the Russians?

The 76 or more American casualties in an 8-day period plus a compounding of the aforementioned incidents, plus many other questionable acts of late, cause grave concern in the minds of many of us serving in this area. I might well imagine this concern is shared by many others in the United States as well as overseas.

Had this been even 1 year ago, I would have written the Honorable Clair Engle, of California. I have always had the utmost respect and admiration for him. I do not know the status of Mr. Engle, as news is rather limited from the States. Just before I left the States in August he had just been operated on for a brain tumor, and the press releases at that time indicated that he would not be able to sit in office again. I was indeed sorry to hear this.

I consider home to be Red Bluff, Calif. Currently my wife and three children are living in Maxwell, Calif. I have been in the U.S. Air Force for about 12 years and am planning to continue my service, making this my home until I leave the service.

I do not make a habit of writing Senators, sir. In fact, I probably hate letter writing more than most people, but I feel so strongly about these matters that I felt it my duty to write and express my opinion. I decided upon you to write to, as I have requested assignment in the State of Oregon upon return from a 2-month tour of duty here in South Vietnam. I have requested duty at Kingsley Field at Klamath Falls, Ore.

I hope for your indulgence in these matters and sincerely hope that you do not take offense to these opinions and observations which I have stated. I personally feel much better having written you, and, so to speak, getting these matters off my chest.

Yours truly,

Mr. President, that letter is an interesting sampling of mail dealing with the South Vietnam problem. As I have said, it is only a small portion of my mail. From time to time, in the exercise of the right to petition, I shall make known the views of these free American citizens, at least by putting them into the CONGRESSIONAL RECORD. I could think of no better use of the CONGRESSIONAL RECORD than to carry out the right of free Americans to petition their Government. From time to time this week I shall have a few other things to say on the South Vietnam problem, because I wish to make perfectly clear that the senior Senator from Oregon does not intend that the McNamara war in South Vietnam be conducted without strong dissent in the Senate.

I have merely a sampling of the mail from Oregon. There have been Senators who have wondered what people in the people in Oregon would take to the position I have taken on foreign policy. I will stand ready and willing to submit my position on any major issue to a referendum. There is no doubt in my mind what the overwhelming majority of the people in my State think of this unfortunate McNamara war in South Vietnam. So, for the benefit of some Senators who have expressed concern about the matter, I have placed a few of the Oregon letters in the RECORD.

The letters are typical.

I am satisfied that as more and more of the ugly facts about the McNamara war in South Vietnam become known to the American people, they will make perfectly clear, as I said at the beginning of my speech, that this administration had better bring an end to the McNamara war in South Vietnam by proceeding to carry out our obligations under existing treaties, including the SEATO treaty and the United Nations Charter, and to recognize that there is no justification whatsoever for unilateral U.S. action in South Vietnam. If there is to be any action in South Vietnam from any source or forces outside of South Vietnam itself, it ought to be by way of joint action carried on under existing rules of international law and procedure as provided for in existing treaties, pacts and charters, such as the United Nations.

TRANSACTION OF ADDITIONAL ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

ADDITIONAL BILL INTRODUCED

Mr. HART, by unanimous consent, introduced a bill (S. 2703) to amend the Merchant Marine Act, 1936, in order to provide for the equitable treatment of Great Lakes ports, which was read twice by its title, and referred to the Committee on Labor and Public Welfare.

(See the remarks of Mr. Hart when he introduced the above bill, which appear under a separate heading.)

ADDITION OF GREAT LAKES PORTS TO PROGRAM OF SUBSIDIES UNDER MERCHANT MARINE ACT OF 1936

Mr. HART. Mr. President, the Merchant Marine Act of 1936 provided for the program of flag and construction subsidies which permit American-flag steamship operators and domestic shipyards to compete with the low-cost foreign-flag competitors. This act has been of significant value in helping to build, and maintain our American merchant marine.

The 1936 act spelled out the Atlantic, gulf, and Pacific coastal areas for participation in the subsidies. Our new seacoast must be recognized. We must include the Great Lakes not only in our thinking about coastal areas, but in our laws affecting coastal areas.

Where the 1936 Merchant Marine Act specifically mentions the Atlantic, gulf, and Pacific coasts for consideration of these subsidies we must now include the Great Lakes. It is the compelling claim and principle of equality that I want recognized and applied. It is not the intention of the legislation which I am introducing to limit any privileges now enjoyed at the historic seaboards, but merely to extend these privileges to the Great Lakes, a seaboard in fact and entitled to equal treatment.

At a time when the United States is in the midst of a major export drive, and our national defense a strong American merchant marine, advantage must be taken of all our resources and economic facts of life should be acknowledged. The export origin studies of 1960 established that 24 percent of all exports of U.S.-manufactured...
The bill (S. 2703) to amend the Merchant Marine Act, 1936, in order to provide for the equitable treatment of Great Lakes ports. Introduced by Mr. Hart, was received. read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the Record, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 211 (a) of the Merchant Marine Act, 1936 (46 U.S.C. 1212) is amended by inserting before the semicolon at the end thereof a comma and the following: "and with the further added consideration of the benefits of the foreign commerce of the United States of each domestic seacoast, Atlantic, gulf, Pacific, and Great Lakes, being provided services primarily interested in and devoted to the development and fostering of the commerce of that seacoast".

Sec. 2. The first sentence of section 809 of the Merchant Marine Act, 1936 (48 U.S.C. 1213) is amended by striking out "and Pacific" and inserting In lieu thereof "Pacific, and Great Lakes.

RECESS UNTIL 11 A.M. TOMORROW

Mr. MORSE. Mr. President, if there is no further business to come before the Senate, I move, in accordance with the order previously entered, that the Senate stand in recess until 11 a.m. tomorrow.

The motion was agreed to; and (at 9 o'clock and 13 minutes p.m.) the Senate, under the order previously entered, took a recess until tomorrow, Tuesday, March 31, 1964, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate March 30, 1964:

DIPLOMATIC AND FOREIGN SERVICE

William McCormick Blair, Jr., of Illinois, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Philippines.

Mrs. Katharine Ehrus White, of New Jersey, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Denmark.

Dorothy B. Jacobson, of Minnesota, to be a member of the Board of Directors of the Commodity Credit Corporation.

IN THE NAVY

Having designated, under the provisions of title 10, United States Code, section 5231, Rear Adm. Elster M. Macterson, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of the preceding section, I nominate him for appointment to the grade of vice admiral while so serving.

CONFIRMATIONS

Executive nominations confirmed by the Senate March 30, 1964:

U.S. COAST GUARD

Carl W. Selin, to be a member of the permanent commissioned teaching staff of the U.S. Coast Guard Academy as an instructor with the grade of lieutenant commander.

INTERSTATE COMMERCE COMMISSION

Laurence Wurth, of Florida, to be an Interstate Commerce Commissioner for the term of 7 years expiring December 31, 1970.
Mr. MANSFIELD. I would assume that that would be the prerogative of any Senator at any time.

Mr. ISSA. Yes; if he could be recognized. But yesterday the proponents of the bill spoke, and would not yield for debate or for questions or for any other purpose.

Therefore, I should like to know whether it is proposed that today there be a live quorum call.

Mr. MANSFIELD. Yes. Mr. RUSSELL. Very well; then I have no objection.

Mr. ELLENDER. Mr. President, let me ask whether the proponents of the bill plan today to continue to present to the public their version of the bill. I understood from the press that they would be so engaged all this week.

An article in the Washington Post stated that the long speeches of yesterday by the bill's floor managers were "setting a pattern of alternate Democratic and Republican speakers taking the floor, the bill's merits." Now we find that such is not the case. Can the Senator from Montana inform us as to the situation?

Mr. MANSFIELD. I cannot give the Senator from Louisiana definite information. I would hope that both sides would be heard. I understood that one of the Senators in opposition to the bill was waiting to speak; but I understand that he has already spoken. As for the Senator from Minnesota, I thought he had been gone for some time.

So I hope Senators will present their views.

Mr. ELLENDER. But yesterday the press carried headlines to the effect that Members on the side of the proponents would present their views to the people all this week. The Senator from Minnesota intimated as much at the beginning of his long speech of yesterday.

Mr. MANSFIELD. Yes. But we are now having the morning hour.

Mr. ELLENDER. Yes. Therefore, I shall not object.

Mr. HOLLAND. Mr. President, reserving the right to object—The ACTING PRESIDENT pro tempore. The Senate is proceeding in the morning hour.

Mr. HOLLAND. But I understood the Senator from Montana to ask unanimous consent for a morning hour with a 3-minute limitation; and there were reservations of the right to object. I wish to speak under a reservation of the right to object.

Is it not correct that the Senator from Montana did ask unanimous consent for a morning hour with a 3-minute limitation?

Mr. MANSFIELD. That is correct.

Mr. HOLLAND. I am glad the majority leader understood the situation in the way that I did.

So, Mr. President, reserving the right to object—let me say that I was the one who was ready to speak yesterday. I returned all the way from Florida, in order to speak. I had been told by my two leaders, the Senator from Georgia (Mr. Russell) and the Senator from Alabama (Mr. Hill), that I would be heard first, yesterday. Over the weekend, I saw in the press, statements to the effect that the advocates of the bill were going to be heard at length yesterday and throughout this week. I returned here from Florida; but I found that the advocates of the bill, who would not agree to be questioned at all, occupied the floor for the entire day, yesterday, until well after 7 p.m.

I thought that under those conditions I would allow them to proceed to prove their lung capacity; and I am not prepared to speak today, because I am not on the team which is to be on the floor today.

I wish to say to the distinguished Senator from Montana that, as he well knows, I telephoned him from Florida, and asked whether I could be heard yesterday; but yesterday there developed in the Senate a long-winded couple of speeches by the acting majority leader (Mr. Humphrey) and by the acting minority leader (Mr. Kuchel), that no Senator on our side had an opportunity to say anything.

I was particularly distressed when both of them announced that they did not want to be questioned and that they did not want to have any debate, but that they merely wanted to speak for a great length to make long-winded statements in connection with their advocacy of the pending measure.

I hope the distinguished majority leader will not put himself in the position of maintaining that no announcement was made to the press, and to the radio and television representatives that the advocates were to occupy most of the time this week, because the majority leader himself made that statement to me over the long-distance telephone, when I telephoned from Florida. We all know perfectly well that that was the plan.

If the advocacy of the bill has broken down temporarily, I think the Recessional show should it. I believe that to be the case.

I thank the majority leader for yielding.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

Mr. STENNIS. Mr. President, reserving the right to object.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi reserving the right to object.

Mr. STENNIS. Let me again ask the majority leader—for I shall be on the floor today—in regard to the schedule for the debate. I had understood that an announcement was made that the proponents proposed to present their views on this measure during this week. Then I heard by radio last night, that the Senator from Minnesota (Mr. Humphrey) proposed that the proponents of the bill not speak today, but that, instead, they be answered by the opponents.

To have the Senator from Minnesota stake out a pattern under which he plans to operate, and also at the close of the session yesterday to stake out a pattern of procedure for his adversaries to operate under, I thought would be contrary to the situation in the Senate, although it is better than the anonymous memorandum in which an attempt was made to answer the speech made on the preceding day by the Senator from Mississippi. So at least we are making headway.

I take it that the majority leader is not adopting the pattern which was suggested yesterday by the acting majority leader (Mr. Humphrey).

Mr. MANSFIELD. There is an old saying that "John should speak for himself." I am not referring to the Senator from Mississippi; I think that the manager of the bill, can speak for himself. So I yield now to the Senator from Minnesota.

Mr. HUMPHREY. I thank the Senator from Montana.

I am sorry that the efforts of those of us who favor the bill have confused the opposition. But on that basis, we are ready to have the Senate vote immediately on the bill.

I did not feel that it was my obligation to help determine the tactics for the opposition.

Yesterday, the Senator from California (Mr. Kuchel) and I spoke in advocacy of the bill, and tried to explain what the bill would do and why its enactment is needed.

I deeply regret that Senators who are in opposition to the bill feel that, somehow or other, it is not the purview of those of us who favor the bill to discuss it.

I deeply regret that Senators who are in opposition to the bill feel that, somehow or other, it is our manifest duty to have some duty to continue to debate.

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Yesterday the Senator from Minnesota took the floor of the Senate and announced that he would not yield to any Senator for any purpose during the course of his remarks. He spoke for approximately 4 or 5 hours, and now he is ready to yield.

Mr. HUMPHREY. Three hours.

Mr. RUSSELL. Three hours. The speech was longer than that because I entered the Chamber at about 4 o'clock and the Senator was still speaking.

Mr. HUMPHREY. Edited only.

I was somewhat surprised yesterday when the Senator from Minnesota took the position that he would not yield, because I had previously interrupted almost every speaker against the bill from time to time and broke their speakers' train of thought, as only the Senator can do, by queries that only slightly related to what the Senators were talking about, so as to take them away from the main train of their thought.

When the Senator entered the Chamber yesterday he was fortified with a book. I momentarily thought he had made a mistake and brought in an encyclopedia. Then I saw the depth of the Senator from Minnesota did so yesterday at great length. His address was well organized and well prepared.

I likewise appreciate the fact that the Senator from Minnesota has written a book on the subject. I have not read it yet.

Mr. HUMPHREY. Edited only.

Mr. RUSSELL. I intend to read it. I do not know that I would be particularly enlightened as to many phases of the bill. But I would at least get the views of the Department of Justice and the Civil Rights Commission, which have been printed and distributed many times, and which have now been somewhat revised in the compendium of the Senator from Minnesota, and sent around as his priceless contribution to the subject.

Mr. President, does the statement that only slightly related to what the Senators were talking about, so as to take them away from the main train of their thought.

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Mr. President, it does not matter who speaks today, who speaks for the next 2 or 3 hours. The Senator from Minnesota, having made his speech and thinking he now has the votes, is ready to vote. I expect to hear him say every day, "Let us vote. Let us proceed to a decision."

I might as well tell him now that while he may get headlines every day, the statement will not bring about a vote immediately. We, who are opposed to this bill, are at a great disadvantage in combating all of the monumental power of the greatest bureaucracy that the world has ever seen in the Federal Government, which is at the beck and call of the Senator from Minnesota anywhere, and yet he is not in the Senate Chamber today. He has not caught anyone off guard. If we do not believe that in the final analysis we shall be able to get the real contents of the bill made known to the people of the United States by the process of debate on the floor of the Senate.

Mr. MANSFIELD. Mr. President, reserving the right to object—and I must do so in order to obtain the floor—may I the Chair recognize the Senator from Georgia (Mr. RUSSELL) a moment ago?

Mr. RUSSELL. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from Georgia will recognize the Senator from Montana (Mr. MANSFIELD), and the minority leader, the Senator from Illinois (Mr. DRAXLER), in that order.

The ACTING PRESIDENT pro tempore. The Chair will try to recognize the Senator who has first addressed the Chair. The majority leader of the Senate, the Senator from Montana (Mr. MANSFIELD), and the minority leader, the Senator from Illinois (Mr. DRAXLER), in that order.

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Senate the majority leader or anyone designated by him as acting majority leader will be recognized.

Mr. RUSSELL. That is the response I expected, I may say.

THE ACTING PRESIDENT pro tempore. In the ordinary course of debate if any Senator is occupying the majority leader’s seat he is not, in the opinion of the present occupant of the chair, the acting majority leader and he will have to take his place on the list for recognition, the same as any other Senator.

Mr. RUSSELL. In other words, if the assistant majority leader is sitting in the chair of the majority leader, he will be given precedence, but if the Senator from Georgia should attempt to usurp that prerogative and slide into that chair, that right would not carry over to him?

THE ACTING PRESIDENT pro tempore. The distinguished Senator from Georgia has put words in the mouth of the Presiding Officer.

Mr. RUSSELL. The Senator from Georgia did not intend to do so; but when the majority leader is absent, it has been the custom for the assistant majority leader to occupy his position on the floor of the Senate, and he is given precedence.

THE ACTING PRESIDENT pro tempore. Is the understanding of the present Presiding Officer that, for example, when the Senate convenes in the morning the occupant of the majority leader’s chair will be recognized first for routine motions, and so forth, and he will have precedence over any other Senator seeking recognition. During the course of debate in the morning hour, if some other Senator obtains the floor, he will be recognized. Of course, when the majority leader comes into the Chamber and seeks recognition, and some other Senator has yielded the floor, the majority leader will be recognized, if the present Presiding Officer is in the chair. But as occupant of the “team captain,” and so forth, he is concede d, whether it is the group championed and captained by the Senator from Georgia or the one championed and captained by the Senator from Oregon, they will have to take their places on the list for recognition, if the present Presiding Officer is in the chair.

Mr. MANSFIELD. Mr. President, the word “right” has been used. The minority leader and the majority leader have no “right” to take precedence over other Senators. It is a courtesy.

THE ACTING PRESIDENT pro tempore. As a matter of protocol and courtesy, occupant of the “team captain” will recognize them first. Every other Senator has a right to recognition by being the first to address the Chair.

Mr. RUSSELL. Only a part of the rules of the Senate are involved. If there is any time-hallowed custom or tradition or practice, it is that the majority leader and minority leader are accorded recognition; and it should be that way. If that were not the case, there would be chaos in the Chamber, and that is not something we want to happen about that now. The Senator from Montana [Mr. MANSFIELD] is too modest. As majority leader, he is entitled to recognition. It is a custom that has been followed for so far back that it is almost a rule of the Senate. I feel sure that the Parliamentary would so rule.

THE ACTING PRESIDENT pro tempore. The Parliamentary advises the Chair that it has the custom and tradition and practice going back to Vice President Curtis.

Mr. RUSSELL. It goes back to prior to that time. I was here before Vice President Garner was Presiding Officer of the Senate. At that time the majority leader, Senator Robinson of Arkansas, and his opposite number, the minority leader, received such recognition by Vice President Curtis.

Mr. President, that is as it should be. I am not questioning that tradition. I merely want to know how far down the line that recognition is to be extended in this case. At times the privilege of recognition is very important.

Several Senators address the Chair.

THE ACTING PRESIDENT pro tempore. The Senator from Oregon [Mr. Morse] has been seeking recognition.

Mr. MANSFIELD. Mr. President, do I still have the floor?

THE ACTING PRESIDENT pro tempore. The Senator from Montana has the floor on his unanimous-consent request.

Mr. MANSFIELD. I should like to withdraw my unanimous-consent request, because the hour is fading, and I would like to be heard on another subject.

THE ACTING PRESIDENT pro tempore. The Senator from Montana withdraws his unanimous-consent request. The Senator from Montana is recognized.

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

Mr. MANSFIELD. I yield to the Senator from Oregon.

Mr. MORSE. Mr. President, I enthusiastically support the ruling of the Chair on the question of recognition, but I would like to raise a question, because I would not want the rule of the Chair to be assumed by the public as being the way the Senate is conducted. I would like the Senate to operate in that way. I think it is important, in the consideration of the civil rights bill, that the Senate be operated in that way.

My parliamentary inquiry is this: Is it not a fact that much of the time the Senate is in session there is at the desk, for the use and the advice of the Presiding Officer, a list of speakers, and that the Presiding Officer is expected to follow that list of speakers in the order of recognition, rather than follow the rule that the Presiding Officer has so correctly stated? I do not like pretense in any form. To have the statement that Senators are recognized in order of their names is known to be on the list, that the Chair in advance of Senators whose names are known to be on the list, that Senators are recognized. The Senator from Oregon himself has enjoyed such recognition in advance of other Senators because he has addressed himself to the Chair in advance of the Senator next on the list. The present occupant of the Chair stands by the ruling previously made—that he will recognize the Senator who first addresses the Chair.

Mr. MORSE. If the present occupant of the chair is following that practice, he is an exception, because I have been in the Senate long enough to know how the Chair operates. It is the common practice of Presiding Officers who sit in the chair now occupied by the Senator from Montana [Mr. MERCUR] to follow the list given, irrespective of who addresses the Chair for recognition. That rule or practice should be abolished.

THE ACTING PRESIDENT pro tempore. The ruling is that the Senator who first addresses the Chair shall be recognized.

Mr. MORSE. The practice is to breach that rule.

THE ACTING PRESIDENT pro tempore. The Senator from Montana [Mr. Morse] is recognized.

Mr. MANSFIELD. Mr. President, the question raised by the Senator from Oregon [Mr. Morse] has in the past also been raised by the distinguished senior Senator from Georgia [Mr. RUSSELL]. The Chair has done has been a matter of courtesy.

In this respect, I believe the Senator from Oregon is entitled to a special vote of thanks, because what he has done, time after time, has been to wait until the late hours of the evening, when all other Senators had finished their speeches before starting his. It is most unusual for any Senator to do that. But it is most appreciated, and I hope that the Senate understands the courtesy which has been accorded it.

LIMINATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, the Chair has laid down the rule. I should like at this time, in the hope that there would be no objection, to ask unanimous consent that there be a morning hour, and that statements therein be limited to 3 minutes.

THE ACTING PRESIDENT pro tempore. Will the Senator please state his question?
Mr. MANSFIELD. In view of the circumstances, will the Chair put the requested floor time to the vote?

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the unanimous-consent request propounded is granted.

The Chair will read the rule about which the unanimous-consent request was inquiring, in order that the record may be clear at this point.

The rule appears on page 271 of "Senate Procedure."

While in practice the Presiding Officer, for convenience, frequently keeps a list of Senators desiring to speak at the desk, and recognizes them in the order in which they are so listed, when the Speaker desires the Chair to be recognized upon a point of order being made, and the Chair on various occasions has held that the list at the desk gives way to the rule for recognition.

SENATOR METCALF—A STRONG PRESIDING OFFICER

Mr. MANSFIELD. Mr. President, in view of what has happened since the Senate convened at 11 o'clock following the conclusion of the prayer, I believe that what I am about to say is in good order.

Mr. President, the role of Presiding Officer of the U.S. Senate has had its ups and downs in the history of this legislative body. In recent years, and more particularly in recent weeks, the Presiding Officer has assumed a position of renewed importance. The man most responsible for this new role is my distinguished colleague from Montana, Senator METCALF.

Senator METCALF, in his role as Acting President pro tempore, brings vigor, knowledge of the legislative process to a position which all too often is looked upon as a chore. In this respect, he has been ably backed by the Senators of the class of 1962 who have taken their turns in the chair and, without fail, have comport themselves with dignity, understand, and, in a word, exemplify the rulings of the Senate. Mary McGrory, of the Sunday Star, gives a new insight into the role of Senator METCALF as Presiding Officer, and I ask unanimous consent to have the March 29, 1964 article printed in the Record.

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

VITAL IN RIGHTS FIGHT: METCALF FOUNDS POSITION DOWN

(By Mary McGrory)

Anybody attending the recent session of the Senate as it decided, after 16 days, to take up the civil rights bill, was extremely conscious of the Presiding Officer.

"The Senate will be in order," roared Senator METCALF, Democrat, of Montana, as he pounded the desk and the handlers (irony gave the Prime Minister of India, Jawaharlal Nehru, the Nation for just such moments.

"The Senators, as is their wont, ignored the order. "Mr. President..." Senator METCALF pounded again. The Senate is not in order," he shouted, and glared at Senators who were chatting in their places in the front row.

Senators were so startled at the iron fist and the bull voice that they actually "sus- pended," which is Senate parlance for sitting down and shutting up when requested to do so by the Presiding Officer.

A FORMER JUDGE

Senator METCALF, a sandy-haired, boyish 53-year-old Montana ex-judge, is gradually draining most of the Throttlebottom quality out of the job of Presiding Officer. When he is in the chair, things are there.

Presiding over the Senate has always been considered at best an empty honor. At worst, it has been regarded as a dreary chore to be performed by the lowest of fresh- man Member. Constitutionally it is the duty of the Vice President.

But since the Senate officially designated him Acting President pro tempore to back up the President pro tempore, Senator HAYDEN, of Arizona, Senator METCALF has been more than just "Mr. President..."

The conclusion of the prayer, I believe the Chair should be recognized upon a point of order being made, and the Chair on various occasions has held that the list at the desk gives way to the rule for recognition.

the rule for recognition. In recent years, and more particularly in recent weeks, the Presiding Officer has assumed a position of renewed importance.

The man most responsible for this new role is my distinguished colleague from Montana, Senator METCALF. In the vital matter of recognizing Senators seeking the floor, Senator METCALF is always in the chair for the important rulings and the infrequent votes on the bill.

He is actually a member of Senator HUMPHREY's "big four" of officers. The other three are Democratic Senators BAW- STER, of Maryland, MCINTYRE, of New Hamp- shire, and NELSON, of Wisconsin. Although Senator STENNINGTON serves as an Under Secretary of the Presiding Officer, Senator METCALF sits in the chair reading his mail or writing letters for only 2 hours at a stretch, during the civil rights debate, the big four do longer duty.

"It is my contribution to the filibuster," says Senator METCALF, a committed liberal who witnessed the House rose to be chairman of the Democratic study group, the liberal entity which instructs and or- ganizes its own members.

Senator METCALF for CHAIR

From the first day, Senator METCALF illustrated the importance of having a liberal in the chair. Senator MANSFIELD met the House civil rights bill "at the door" and moved that it be sent to the floor rather than to the Judiciary Committee.

Naturally the move was objected to by the South, but Senator METCALF ruled in Senator MANSFIELD'S favor. Senator RUSSELL appealed the ruling, and Senator MANSFIELD moved to lay the appeal on the table. The motion carried and House was saved.

Under similar circumstances in 1957, Vice President Nixon referred the matter to the Senate, and it was debated for several days.

Senator METCALF much respects the leader of the southern forces, Senator RUSSELL, and does not consider himself a match for him in knowledge of Senate rules and parliamen- tary skill. But he is bunting on Senate rules and prepares diligently for each new parliamentary inquiry.

While in principle opposed to filibusters, he rather enjoys the speeches of Senator EVIN, the cracker-barrel wit from North Carolina. He is regarded as a peerless order keeper who insists on schoolroom quiet during high moments. It is a tribute from that miraculous order keeper in the House, Speaker Sam Rayburn.

In the vital matter of recognizing Senators seeking the floor, Senator METCALF has no rules and only a slender protocol to guide him. The majority leader has prior right of recognition whether or not more are calling, "Mr. President..."

The majority leader is second. But when a friend and a foe of civil rights are vying for recognition, Senator METCALF has only his liberal conscience to guide him.

EXECUTIVE COMMUNICATIONS, ETC.

The ACTING PRESIDENT pro tempore laid before the Senate the follow-
WHEREAS the 1980 report could not or did not take cognizance of:
1. The development of the oil industry in Alaska; and
2. The inauguration of the State marine highway system and its subsequent expansion; and
3. The unprecedented increase in highway traffic related to the successful promotion and expansion of the tourist industry and the use of the marine highway system; and
4. The completion and expansion of the ballistic missile warning complex at Clear and the heightened use of the highway system by the several other military installations adjacent to or on the State's road system; and

WHEREAS the exclusion of Alaska from the Federal Aid Highway Act in all the years preceding statehood when combined with the fact that highways meeting the criteria for preceding statehood when combined with the State and the continued high use of the highway system in the National Interstate and Defense Highway System; and

WHEREAS along with the unanticipated development of the State and the continuing problem of trying to catch up with highway needs, there is the concomitant interest in Congress in having the Alaska Highway as it traverses Canada improved: Be it

RESOLVED, That the Secretary of Commerce is requested to have the Bureau of Public Roads review the request of the State of Alaska for the inclusion of the Anchorage-Fairbanks highway and that portion of the Alaska highway located in the State and to submit a recommendation to Congress pursuant to section 13(c) of the Federal Aid Highway Act (42 U.S.C. 2068) to add the routes noted to the National System of Interstate and Defense Highways; and be it further

RESOLVED, That copies of this resolution be sent to the Honorable Lyndon B. Johnson, President of the United States; the Honorable Carl Hayden, President pro tempore of the Senate; the Honorable John W. McCormack, Speaker of the House of Representatives; the Honorable Luther H. Hodges, Secretary of Commerce; the Honorable Clayton D. Mabry, Jr., Under Secretary of Commerce for Transportation; the Honorable Rex M. Whitton, Federal Highway Administrator, Bureau of Public Roads; and the members of the Alaska delegation in Congress.

Passed by the house March 14, 1964.

BRUCE KENDALL, Speaker of the House.

ATTACH.

PATRICIA R. SLACK, Chief Clerk of the House.

Passed by the senate March 24, 1964.

FRANK PERATOVICH, President of the Senate.

EVELYN K. STEVENSON, Secretary of the Senate.

WILLIAM A. EGAN, Governor of Alaska.

The petition of Clifford L. Karchner, of Memphis, Tenn., praying for the enactment of legislation to authorize the installation of a radio relay communications system on the Federal Okinawa Islands for the purpose of providing communication and transportation facilities to the military personnel stationed on the Okinawa Islands.

Passed by the senate March 23, 1964.

FRANK PERATOVICH, President of the Senate.

EVELYN K. STEVENSON, Secretary of the Senate.

WILLIAM A. EGAN, Governor of Alaska.

CONCURRENT RESOLUTION OF THE STATE OF NEW JERSEY

WHEREAS many New Jersey citizens in certain age brackets are now receiving social security benefits but are precluded from earning more than $1,200 annually without suffering reductions in their social security payments; and

WHEREAS this $1,200 limitation on earnings has ceased to be a realistic figure in the light of increased living costs applicable to New Jersey citizens including those receiving social security benefits and are therefore finding it extremely difficult to attempt the meeting of these increased living costs; now, therefore, be it

RESOLVED, That the New Jersey Legislature hereby memorialize the Congress of the United States to take such action as may be necessary to provide for an substantial increase in the amount or amounts which may be earned by social security beneficiaries in order that they may meet increased living costs by their social security benefits plus what they may be able to earn in the outside employment; and be it further

RESOLVED, That copies of this resolution shall be forwarded by the secretary of the Senate to the Speaker of the United States Senate; to the Speaker of the House of Representatives and to the Members of Congress representing the State of New Jersey in the Senate and in the House of Representatives.

HENRY H. PATTERSON, Secretary of the Senate.
1964

CONGRESSIONAL RECORD — SENATE

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tion or charter of the Italian American War Veterans of the United States.

There being no objection, the concurrent resolution was ordered to be printed in the Record, as follows:

RESOLUTION 29 OF THE STATE OF NEW YORK

Concurrent resolution memorializing the Congress of the United States to incorporate or charter the Italian American War Veterans of the United States, Inc.

Resolved (if the Senate concur), That the Legislature of the State of New York hereby respectfully urges the Congress of the United States to enact appropriate legislation to incorporate or charter the organization known as the Italian American War Veterans of the United States, Inc., and be it further

Resolved (if the Senate concur), That the clerk of the assembly transmit copies of this resolution to the Presiding Officer and Clerk of each House of the Congress of the United States, and to each Member thereof from the State of New York.

By order of the assembly.

ANSLY B. BORKOWSKI,
Chairman in the Senate.

Albert J. Abrams, Secretary.

REPORT ENTITLED "PYRAMIDING OF PROFITS AND COSTS IN THE MISSILE PROCUREMENT PROGRAM"—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 970)

Mr. McCLELLAN. Mr. President, on behalf of the Committee on Government Operations, I submit a report made by its Permanent Subcommittee on Investigations entitled "Pyramiding of Profits and Costs in the Missile Procurement Program."

This report is the result of studies made and hearings held by the subcommittee on three procurement programs of the Department—Nike, Bomarc, and Atlas missile systems.

One of the principal conclusions reached by the subcommittee is that the procurement offices of the Department of Defense have not been able to keep pace with the tremendous advances in the state of the art of modern weapons in this space and missile age.

When we are spending billions of dollars where formerly millions were adequate, we must be vigilant against errors of judgment or poor procurement practices either of which can result in waste and improvised expenditure of millions of dollars.

Let us look at the huge amounts of taxpayers' dollars that were involved in the three missile programs we studied. The Nike program had cost, at the time of our hearings, $2 1/2 billion. The cost of the Bomarc program was $1.631 billion. The Atlas missile system was another multibillion-dollar program.

Each of these programs was essential to the defense of the Nation, although they will become obsolete in a relatively short period of time. No one, however, can quarrel with the decision to procure them. That decision was right. They were definitely needed at that time.

We have a right to expect, however, that tax dollars shall not be wasted or misspent, and to be reassured that we are not paying too much for the weapons systems that we buy.

The studies and hearings of the subcommittee concerning the procurement of the Nike system show that the Army was unable to properly manage and control the acquisition of a complex missile system. We found similar failures in administrative practices in the procurements of the Bomarc and Atlas systems.

The development and production of a new weapons system represents a complete departure from procurement methods traditionally used by the armed services. Wherein a tank, a cannon, a rifle, or a uniform, among other standard items of military equipment, are purchased in quantity directly from the manufacturer, who is required to meet specifications of quality and performance in a highly competitive marketplace.

The new post World War II weapons with their advanced electronic searching, guidance and firing systems, new exotic propellants and explosives, and new conceptions in aerodynamics required commensurate performance of the contractor. However, during this period the armed services did not have these skills and delegated to the contractors not only research and development but the management of these systems.

This inability, in the judgment of a majority of the subcommittee, resulted in some wasteful practices and excess profit expenditures. Due to the inability of the Armed Services officers to manage the Nike program, the Government was unable to procure components of the system separately on a competitive and economical basis. When such a break-out was accomplished after many years of discussion, we found that on one item alone—the highway transporters for the Nike missile—the cost dropped from $12,000 to $5,300 per unit under competitive bidding.

Pyramiding it seems, was a general practice in weapons system procurement. For example, the Nike system was composed of four major subsystems: Electronic, aeronautical, mechanical, and optical. The primary contractor, the Western Electric Corp., produced only the electronic package. It subcontracted the other three subsystems to Douglas Aircraft Corp.

However, Western Electric levied a profit on all the work of all subcontractors even though the subsystems were delivered by the subcontractors directly to the Army. The subcontractors performed more than 75 percent of the work on this program.

The total in-house effort of Western Electric was $399 million, while more than $1 billion was either subcontracted or purchased. Western Electric, however, took a profit of $12.5 million, which represents a profit of 7.8 percent of all costs in the program. That percentage on its face is not excessive as related to the cost. When this profit is measured, however, against the performance of the contractor the profit becomes 31.3 percent. That the subcommittee believes to be excessive.

In similar fashion Douglas Aircraft Co., who was a major subcontractor, performed only $103 million of the tasks assigned to it by Western Electric Co. It farmed out to third tier subcontractors $496 million of work or 83 percent of the total. However, it took a profit of $46 million computed on the entire task. Someone other than Boeing subcontractors performed 17 percent of the contract, its profit, as related to its own in-house effort, was 44.3 percent. The subcommittee believes that to be excessive.

The details of profit pyramiding in all three of these missile programs are contained in the report of the subcommittee. As a remarkable example, however, I would like to call attention, Mr. President, to conclusion No. 27 in the report, concerning contract No. 1373 of the Nike procurement.

Douglas Aircraft subcontracted for the manufacture and delivery of 1,032 launcher loaders for the missile at a price of $13.9 million. This contract with Consolidated Western Steel included that company's profit. The Douglas firm made a plastic cover, costing about $3 each, for the 1,032 launcher loaders, while it also took a profit of $3,361 for Douglas of $3,361. Yet the Douglas Corp. took a profit not only on the $3,361, but it also took a profit on the total Consolidated Western costs of $13.9 million.

For a sense, Douglas was allowed a profit of $1,211,771 for making $3,300 worth of plastic dust covers. The subcommittee does not believe such profit to be justified.

In the Bomarc program, the committee found inadequacies on the part of the Army to procure the system not only encouraged, but insisted that the Boeing Aircraft Co. enter into an incentive-type contract prematurely. Both the contractor and the Government recognized that there was insufficient cost data upon which to base estimates of incentive profits.

It was natural that because of this uncertainty the company wanted and the Air Force gave them inflated target costs. Incentive profits were then based on the so-called saving computed on the exaggerated target costs. The Boeing Co. pointed out the inadequacy of the cost data and suggested a cost plus fixed fee contract. Had the Government entered into the contract suggested by the company, it would have saved the Government a considerable amount of money.

Under the cost-saving features of the incentive contract Boeing was paid millions of dollars of extra profits because of these cost underruns. However, upon close scrutiny as to the reasons for these underruns, it was determined that the lion's share of them was generated by Boeing subcontractors and did not result from any inherent Boeing efficiency. However, Boeing got the profit.

The underruns, as opposed to the target cost, in the Bomarc program varied from 70 percent on one contract, 56 percent on another contract, and 35 percent on a third contract.

Mr. President, the subcommittee believes that the profit motive is the better way to use our country's industrial might in our defense. Our detailed study of several missile systems, however, also shows that the Government faces an ever-present danger of profit pyramiding...
In the acquisition of major weapons systems as long as present procurement methods are utilized.

The subcommittee has found, therefore, that the Government needs to make a thorough reexamination of the weapons acquisitions practices now in general use with a view to making improvements that will insure proper and prudent expenditure of the vast sums that are expended by the Defense Department.

The subcommittee has also concluded that traditional methods of measuring profits as a percentage of cost or as a rate of return on investment are not necessarily the best or the most economic in modern missile procurement. New methods should be sought which will provide profits that are based upon effort. In other words, profits paid for procurement of major weapons systems should also reflect the work that has actually been done to produce the new weapon and not be based solely on the overall dollar amount of the contract.

In procurement of major expensive weapons systems the Government should undertake to obtain the services of special units of top-level negotiators and specialists. The ability of such a group should be at the equivalent and match the ability of the contractors' counterparts across a bargaining table.

Mr. President, our hearings further showed that waste and profit pyramiding are reduced and controlled appreciably whenever the armed services manage to procure components and subsystems of major weapons systems directly from the producing source. This policy of breakthrough should be expanded and extended wherever possible.

One of the important recommendations made by the subcommittee in this report is that the President appoint a high-level study group to examine the Government's procurement practices, particularly in those areas in which the space age, with its advanced technology and its tremendous expenditures, has produced new problems in Government-industry relationships.

Mr. President, this report has been approved by a majority of the Senators who participated in the hearings; however, Senator Cato T. Curtis, Republican of Nebraska, and Senator Sam J. Ervin, Democrat of North Carolina, have expressed their individual views which are attached hereto.

Mr. President, I ask that the report be printed, together with the individual views, which are attached hereto.

The ACTING PRESIDENT pro tempore. The report will be received, and, without objection, the report will be printed as requested by the Senator from Arkansas.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session.

The following favorable reports of nominations were submitted:

By Mr. BIBLE, from the Committee on the District of Columbia, to be a Commissioner of the District of Columbia; and

John S. Croker, for appointment as a member of the District of Columbia Redevelopment Land Agency.

EXTENSION OF TIME FOR JUDICIAL COMMITTEE TO FILE ANNUAL REPORTS

Mr. DIRKSEN. Mr. President, on behalf of the Committee on the Judiciary, I ask unanimous consent that the time for the filing of reports pursuant to Senate Resolutions 56 through 58, and Senate Resolutions 61, 63, 65, 66, and 68, of the 88th Congress, be extended to May 1, 1964. This request concerns annual reports of certain subcommittees of the Committee on the Judiciary.

The ACTING PRESIDENT pro tempore. Is there objection?

Several Senators addressed the Chair.

Mr. HOLLAND. Mr. President—

Mr. MORSE. Mr. President, reserving the right to object—

Mr. DIRKSEN. Mr. President, I have the floor. If there is objection—

The ACTING PRESIDENT pro tempore. The Senator from Illinois has pronounced an unanimous-consent request. Is there objection?

Mr. MORSE. Mr. President, reserving the right to object; I should like to inform the Senator from Illinois that I did not hear the heart of his request and would ask him to repeat it quickly.

Mr. DIRKSEN. Subcommittee reports under various resolutions are due now, but they have not been entirely completed. The request is for an extension of time only until May 1 for filing reports.

Mr. MORSE. Mr. President, I have no objection.

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

EXTENSION OF TIME FOR COMMITTEE ON GOVERNMENT OPERATIONS TO FILE A CERTAIN REPORT

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the Committee on Government Operations receive an extension of time until June 30, 1964, to file a report by the Permanent Subcommittee on Investigations to which I referred deals with the Department of Agriculture and its relationships with Billie Sol Estes. The draft of the report was delayed because of necessary postponements in the appearance of Estes. Estes appeared before the subcommittee last fall and a report was drafted concerning this subject matter. The draft has been in the hands of committee members for some time now but they have not yet completed their deliberations.

For this reason, I ask unanimous consent that the time for filing this report be extended until June 30, 1964.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and it is so ordered.

PROPOSED AMENDMENT TO CONSTITUTION RELATING TO RELIGION IN THE UNITED STATES—ADDITIONAL COSPONSORS OF JOINT RESOLUTION

Under authority of the orders of the Senate of March 11 and 20, 1964, the names of Mr. Jordan of Idaho, Mr. Jordan of North Carolina, Mr. Mansfield, Mr. Humphrey, Mr. Tower, and Mr. Walters are added as additional cosponsors of the joint resolution (S.J. Res. 161) proposing an amendment to the Constitution of the United States relating to religion in the United States.

Mr. MAVITS. Mr. President, I ask unanimous consent that the name of my colleague, the junior Senator from New York (Mr. Keating), be added as a co-sponsor to amendments Nos. 458, 459, and 460, which I submitted to Senate bill 2484, the Housing Act of 1964, on March 3, 1964.

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

NOTICE OF HEARINGS ON SENATE BILL 2671, TO REDEFINE THE SILVER CONTENT IN SILVER COINS

Mr. ROBERTSON. Hearings have been scheduled for 9:30 a.m., Thursday, April 2, on S. 2671. Senator Metcalf's bill to change the content of silver coins.

Two of the sponsors of the bill, Senators Bible and Cannon, will not be able to testify Thursday because of important commitments in their States. They have asked instead for an opportunity to testify on the bill Wednesday morning.

In accordance with their request, the Banking and Currency Committee will meet at 10 a.m., tomorrow, Wednesday, April 1, in order to hear Senators Bible and Cannon.

The other witnesses, including Senator Metcalf, who introduced the bill, Senator Mansfield, the Treasury Department, and the public witnesses, will be heard on Thursday, April 2, at 9:30 a.m. The hearings will be held in Room 5302, New Senate Office Building.

CIVIL RIGHTS ACT OF 1963

Mr. MANSFIELD. I yield to the Senator from Montana.

Mr. JAVITS. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield to the Senator from Montana.

Mr. JAVITS. Mr. President, first, a correction. I am advised that it has been broadcast to the world that my colleague, the Senator from New York (Mr. Keating), cannot be reached, to state the facts. Rather than state the facts myself, I have called my colleague to come to the floor and disclose to the Senate that he is ready to speak. He will be here very shortly. I wish to make it clear that the statements which have been advertised, to the effect that he is not ready, are not the facts.

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

The ACTING PRESIDENT pro tempore. The Senator from Montana still has the floor.

Mr. MANSFIELD. Very well.

Mr. JAVITS. The Senator from Montana yielded to me.
Mr. MANSFIELD. I cannot farm out all the time.

The ACTING PRESIDENT pro tempore. The Senator from Montana still has approximately 1 minute left.

Mr. MANSFIELD. Mr. President, I yield one-half minute to the Senator from New York.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from New York will state it.

Mr. JAVITS. The Chair just spoke about recognition as a matter of courtesy to the majority leader and the acting majority leader. Does that include the acting majority leader, even though he is the Senator in charge of a bill before the Senate?

The ACTING PRESIDENT pro tempore. The Chair has already ruled on that question, and has held that on routine bills addressed by the Senate to friends on who occupies the position of the majority leader or the minority leader will be recognized. If there is general debate, of course the Senator who is a team captain takes his own chances of recognition.

Mr. JAVITS. We are talking about the Senator in charge of the bill.

The ACTING PRESIDENT pro tempore. The Senator in charge of a bill.

Mr. JAVITS. The Senator in charge of a bill is only the majority manager.

The ACTING PRESIDENT pro tempore. The Senators in charge of the bill both addressed the Chair for recognition for the pending opening motions. Both the Senator in charge of a bill and a Senator in opposition must address the Chair to be recognized.

Mr. HOLLAND. Mr. President, I wish the Record to show clearly that what has happened today is a complete breakdown of the lumbering cart of the so-called debate by the advocates of the pending bill.

At page 6470 of the Congressional Record for March 26, 1964, appears the announcement of the acting majority leader, the Senator from Minnesota [Mr. HUMPHREY], last Thursday. I read:

"Starting on Monday, March 30, the proponents of the civil rights bill will attempt to open the debate and place before the Senate and the public the arguments in behalf of the title of the civil rights bill. It will be my intention on Monday, when I can gain recognition by the Chair, to open the debate for the proponents or supporters of the bill, the pending business, H.R. 7152. That will be followed by my friends on the Republican side of the aisle. We shall attempt to alternate the speeches on each of the titles. There will be several speakers on each title. After a general presentation has been made relating to the bill as a whole.

Mr. RUSSELL. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. RUSSELL. I should also like to direct attention to page 6538 of the Congressional Record for yesterday, March 30, 1964. The Senator from Minnesota [Mr. HUMPHREY] is entitled to priority in telling the Senate and the country about the distress that had been visited upon his State.

As we have previously announced, the bipartisan leadership supporting H.R. 7152 has determined to present the affirmative case for civil rights legislation in general, and the pending bill in particular. The distinguished Senator from California, Mr. KUCHEL, and I intend, as I have indicated, to make a comprehensive presentation on H.R. 7152 today. We intend to analyze the bill by title, setting, explaining the substantive provisions, responding to arguments which have already been raised in opposition, and, in general, initiating the debate on the bill itself in a thoroughly constructive fashion.

Then follows this language:

"On subsequent days the bipartisan team of captains assigned to each title of the bill will lead additional discussions. There will be Senator HARRIS and Senator KARTING on title I—voting rights; Senator MAGNUSON and Senator HARKER on title II—public accommodations; Senator HARRIS and Senator HOLLAND on public facilities and Attorney General's powers; Senator DOUGLAS and Senator COOPER on title IV—school desegregation; Senator LOWE of Missouri and Senator SCOTT on title V—Civil Rights Commission; Senator PASTORE and Senator CORROR on title VI—federally assisted arrangements; Senator CLARK and Senator CASAS on title VII—equal employment opportunity; and Senator DOCE for the Democrats on titles VIII and XI—voting surveys appeal of remedies, compliance relations service, and miscellaneous items.

Mr. HOLLAND. I thank the Senator from Georgia for that insertion. Now if I may hurry along: On Friday last, at my direction, my legislative assistant contacted the office of the distinguished Senator from Minnesota [Mr. HUMPHREY], who is in charge of the advocacy of this bill, to request that I be permitted to speak on Monday, as had previously been scheduled by the majority leaders on my side of the issue, since that would be the only opportunity I would have to make my speech during the present week.

My assistant was informed that the Senator from Minnesota would speak first on Monday, that he would be followed by the Senator from California [Mr. KUCHEL], that the Senator from California would be followed by other advocates of the measure and that arrangements had been made for the proponents of the bill to consume all the time of the Senate on Monday, Tuesday, and probably Wednesday—and, therefore, the Senator from Florida could not expect to make his speech by Monday.

Whereupon, I attempted to call the Senator from Minnesota, but was told by his office that he could not be reached. So, learning that the Senator from Minnesota was incommunicado, I then called the majority leader, the Senator from Montana—

The ACTING PRESIDENT pro tempore. The time of the Senator from Florida has expired.

Mr. HOLLAND. I wish to make it very clear that the announcement on the ticker today, that the opponents of the bill have asked for the right to reply to the distinguished declarations yesterday by our friends from Minnesota and California, is, as far as I am concerned, not in accord with the facts. I certainly have made no such request nor do I know of anyone who has.

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

Mr. HOLLAND. I shall be glad to yield in a moment. The fact is that the civil rights bill has broken down. The program, as it was outlined and planned, has been announced, has proved to be one based on visions, and not upon realities. There has not been the slightest debate as yet upon the question of support for the bill, because both distinguished Senators who spoke yesterday did not yield and declined to enter into any debate on the question at all. I ask, Where are their speakers today?

I am now glad to yield to the Senator from California.

Mr. KUCHEL. I wish to refresh the Senator's recollection by asking him whether it is not a fact that he came to my desk yesterday and told me that he intended to speak, but would not seek recognition until I had concluded.

Mr. HOLLAND. The Senator is completely correct. By the time the Senator from California had obtained the floor, the sun was already setting, because the Senator from Minnesota had consumed between 3 and 4 hours.

By the time the Senator from California had concluded his remarks, the sun had already set. The Senators neither debated the bill nor yielded for any colloquy at any time. No questions have been propounded based on the able presentations of the Senators from Minnesota and California. Their presentations were evidently drawn in a scholarly manner, but they were not debate; they were declamations and opinions.

Mr. KUCHEL. If the Senator wishes to ask me any questions, I shall do my best to answer them. The Senator told me yesterday that he had spoken yesterday. He did not speak yesterday.

Mr. HOLLAND. The Senator from Florida came to speak yesterday. He was very sorry that he did not have the opportunity to speak, and I wish to apologize to the Senator from Alaska on the great tragedy that has occurred there and the great emergency that exists there. The Senate should have had the facts firsthand.

1964 CONGRESSIONAL RECORD—SENATE
Several Senators addressed the Chair. The PRESIDING OFFICER (Mr. Kitts, in the chair) announced that the Senator from Minnesota is recognized.

Mr. HUMPHREY. Mr. President, I shall take only a moment to set the record straight.

First. The Senator from Florida contacted the Senator from Florida that he would be more than happy to try to do everything he billed, in terms of limiting the debate, to accommodate the Senator from Florida.

I said we would not accept questions or yield for interruptions during our presentations, because we had long presentations to make and did not want to take undue time in delivering them. I said we were prepared at the proper time to debate our presentations.

Late yesterday I was told that the Senator from Florida did not intend to speak, after arrangements had been made for him to speak in the evening. It is the duty of the Senate to transact business. Therefore, I wish the RECORD to take undue time in delivering them. I

The Senator from Alaska [Mr. Bartlett] came to the Chamber in the afternoon and asked that he might be heard. I said to him, "If you can obtain recognition, you can be heard, but the fact is the Senator from Florida seeks to speak, because he has commitments in his State. We want to accommodate him."

With reference to Thursday's Recess, there is nothing in the Recess of Thursday or any day last week to indicate that we said that on Tuesday the proponents of the bill intended to have particular speakers address the Senate on the bill. The proponents are prepared to debate the bill. We laid down the affirmative case yesterday, in general, for the bill. When an affirmative case is laid down, an affirmation of one's arguments is made.

We are prepared today for our friends of the opposition to challenge what we said yesterday. That is the purpose of debate. They can consume the whole day, and the whole night, if they wish, without interruption. That is their privilege.

When the distinguished Senator from Georgia said we had stated that on subsequent days other speakers in favor of the bill would be heard, I am sure he understood that "subsequent days" is not limited to any single day. That statement could refer to Wednesday or to Friday. I see no reason why the proponents of the bill must telegraph every so-called maneuver to their friends.

We are prepared to debate each title, not only by title, and in the order of the titles, but we are ready to mix them up, and play a game of scramble or scrabble. We are ready to debate title VI, title IV, title I, or any other title when Senators are ready to debate it. We will lay down our case on this side when we can obtain the floor. As the previous Presiding Officer has said, the Chair will recognize the Senator who first addresses the Chair.

I wish to make it clear that no Senator has been denied any rights. I am quite interested to note how our friends of the opposition say that the wagon or cart has broken down. I do not think that has happened. The only conclusion I see is that the opposition is not prepared to oppose. The opposition is attempting to delay the Senate before the adjournment of the Senate for almost 3 weeks. I believe that is about enough time in which to discuss most aspects of the bill.

I appreciate the fact that other Senators have come home in order to discuss the various titles of the bill, we shall be prepared to yield also. We are prepared to give our southern friends as much time as we had yesterday, and more.

It would seem to me to be only common courtesy that we give Senators who oppose us an opportunity to reply, particularly since we insisted that we would not yield for interruption during the main presentation.

I have no apology to make for taking 3 hours and 12 minutes to discuss a far-reaching and important piece of legislation. We shall keep track of the debate hour by hour, and record the time used by Senators who are for the bill, and by Senators who are against the bill. I believe that in due time the Recess will show that the opponents will have used a very generous portion of the time.

The PRESIDING OFFICER. The time of the Senate has expired.

Several Senators addressed the Chair. Mr. HOLLAND, the Senator from Florida mentioned the Senator from Florida by name. Will he yield to me?

Mr. HUMPHREY. Mr. President, I ask unanimous consent that I may yield to the Senator from Florida. The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. I wonder if the distinguished Senator from Florida was guilty of anything other than causing his time to go to the distinguished Senator from Alaska, who had just returned from an exhausting trip, so that he might report on the floor of the Senate to the Senate and to the country the terrible facts concerning the disaster in Alaska.

Mr. HUMPHREY. The Senator from Florida is always courteous. I am glad he yielded to the Senator from Alaska.

With all respect to the Senator from Florida, there was nothing to prevent him from speaking last night. He asked to be heard. I was in favor of his speaking yesterday. I should like to hear him speak today. If he was ready to speak yesterday, I am sure he is able to speak today.

Mr. HOLLAND. I was ready to speak at any time yesterday, as the Senator knows. However, today does not happen to be my day to speak.

Mr. HUMPHREY. I am sorry. I noticed that the distinguished Senator from Minnesota was not present during the speech of the Senator from Alaska.

Mr. HUMPHREY. That is not so.

Mr. HOLLAND. The Recess will show that by virtue of his participation in the proceedings the senior Senator from Florida remained in the Chamber until the late hours of the evening in order to hear the senior Senator from Alaska give a vivid and moving account of what he saw in his distressed State.

Mr. HUMPHREY. Let me say with due respect to the senior Senator from Florida that I did participate with the Senator from Alaska [Mr. Gruening] in the proceedings earlier in the day. I did not wish to take the time of the senior Senator from Alaska [Mr. Barkley] in the evening to repeat part of the speech of the senior Senator from Alaska. I was present when the senior Senator from Florida took the floor. I was present in the Senate until late, and I was at my desk until after midnight. I take a back seat to no one in terms of my presence in the Chamber or in the office.

Mr. JAVITS. Mr. President, the subject under discussion may seem unimportant, but it is in fact very important. It is a widespread estimate that the debate on the bill will require 4 weeks, 6 weeks, or months. This is not a timetable chosen by the proponents. It is the duty of the proponents to press forward with all deliberate speed as the Senator from Alaska said and pertinent case. I have great confidence that we will fulfill that obligation. I hope very much that that duty will be performed on both sides. I hope that when the subject has been explored, as in my judgment it will have been within not more than 2 to 3 weeks, the Senate will go forward to a conclusion of the debate by means of a vote, as constitutionally it should yield.

Estimates as to the length of the debate on the bill are an indication of the fact that it is taken for granted that the debate must drag on and on and on. That is not so, Mr. President. It can be terminated whenever both sides are willing to terminate it and have made their arguments.

There was a disposition on the part of some opponents not to yield to certain Senators because they desired to preserve the continuity of the Recess. There was nothing wrong with that, any more than there is anything wrong with our side doing it. When I am "at bat," as the saying goes, I shall be happy to yield for any debate or argument. I always have been and I always will. However, we should not take it for granted that the debate must take weeks and months. It does not have to take that long. All amendments have already been made ready. They have been remade. The procedural problem can be handled by clouture.

No one is enforcing a timetable which requires the debate to take so many weeks or months. If there were a timetable in force, it would be speedily clear as to which side was consuming more time on the bill. However, we cannot take it for granted.

I support the statements of the Senator from Minnesota and the Senator from California that we shall proceed to make our case when we can obtain recognition.

We are not setting a timetable for anyone else but ourselves. We shall proceed in that way.