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white and Negro races years to forget—if ever.

The Times and Democrat, as a responsible newspaper has reported these events as accurately—and as objectively—as possible. T&D staff writers have covered many of the events and thousands and thousands of words have been written about them. These stories were written in a “let the chips fall where they may” attitude. Other events have been covered by press association writers who, too, have also been eyewitnesses and have reported the facts as they saw them, not as they wished they saw them. No more can be expected of a newspaperman.

But The Times and Democrat has refrained from discussing the situation editorially until today. The situation has been fluid; there has been emotionalism and tenseness. Editorial comments seemed superfluous until it became resolved and some measure of composure returned to the community.

Out of the series of events two things become apparent. A thorough investigation of all phases of the shooting of the three teenage Negroes last Thursday night by the Federal Bureau of Investigation would be welcomed not only by this newspaper but, we are sure by the State Highway Patrol. Second, a thorough investigation of South Carolina State College by the state, initiated by the General Assembly, to determine whether the college is, and will remain, an institution of higher education and learning of what, it seems, is a hotbed of black extremism. This The Times and Democrat would welcome as would we are sure, the Orangeburg community, white and black.

An FBI investigation should not be confined to the actual shootings themselves. There are too many other fields of interest in which such an investigation should be concerned:

1. How deeply is the Black Power movement rooted on the State College campus?
2. Was the All-Star Bowling Lanes a target of integration or an excuse for violence?
3. Were the students who were fatally shot last Thursday night Black Power advocates, or were they three young people led to the firing line by outside agitators?
4. Was sniper firing done from the State College or Claflin College campus for more than an hour before the confrontation between the highway patrolmen and the students that led to the three deaths as reported by responsible newspapermen and law enforcement officers? (In this The Times and Democrat had two reporters on the scene who were eyewitnesses to the shooting and who offer full cooperation in this phase of an investigation.)

As to State College, we do not believe that Black Power is deeply rooted. But the institution now is challenged. A legislative investigation, a thorough investigation, is desired to clear the atmosphere there. If it is found to be a Black Power cell, then it should be closed—and no one, white or Negro, wants that. But on the other hand, if it is cleared then the administration could continue along its way of providing a comprehensive and quality educational program for the young people of the state for which it was created.

For that reason, we ask the Orangeburg County delegation to the General Assembly to introduce necessary legislation and take other steps to provide an objective calm and sober look at State College and to follow through with the proper actions based on the results of the investigation's findings.

#### CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that during the disposition of the tabling motion, the Sergeant at Arms be directed to clear the floor of all staff personnel except those on the staff of the Secretary of the Senate, the Sergeant at Arms, the secretary for the majority, the secretary for the minority, and the two policy committees.

The PRESIDING OFFICER. Without objection, it is so ordered. The Sergeant at Arms is directed to clear the Chamber in accordance with the rules.

The Senator from Montana is recognized.

The Senate will be in order.

#### RECOGNITION OF SENATOR CHURCH

Mr. MANSFIELD. Mr. President, a unanimous-consent request was granted some days ago by means of which the distinguished Senator from Idaho [Mr. CHURCH] would have been recognized at this time. In view of the developments which have occurred since that time, I ask unanimous consent that on the disposition of any business connected with the present bill after I have completed my remarks, that the distinguished Senator from Idaho [Mr. CHURCH] will be recognized at that time.

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

Mr. ERVIN. Mr. President, I would like to make one reservation. I want to ask for the yeas and nays on the Mondale amendment when the Senator gets through.

Mr. MANSFIELD. Oh, yes, indeed; but—

Mr. ERVIN. I should like to ask for them now.

The PRESIDING OFFICER. There is no motion before the Senate. The unfinished business has not yet been laid down.

Mr. HOLLAND. That is the pending business; is it not?

Mr. ERVIN. Mr. President, I should like to ask for the yeas and nays before the tabling motion.

I ask for the yeas and nays on the Mondale amendment.

The PRESIDING OFFICER. The Chair informs the Senator from North Carolina that the unfinished business has not yet been laid down.

Mr. MANSFIELD. Mr. President, I do not yield to the Senator from North Carolina for that purpose at this moment.

#### INTERFERENCE WITH CIVIL RIGHTS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate.

The PRESIDING OFFICER. The bill will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate resumed the consideration of the bill.

Mr. MANSFIELD. Mr. President, I think that the author of the amendment, the Senator from Minnesota [Mr. MONDALE], should have some notice of this. I am sure that the Senator from North Carolina [Mr. ERVIN] would like that to happen. So, in the meantime, I should like to get on with my remarks and then I will yield for that purpose.

Mr. McCLELLAN. Mr. President, will the Senator from Montana yield for a question?

Mr. MANSFIELD. I yield.

Mr. McCLELLAN. I do not quite understand the agreement or the arrangement concerning the Senator from Idaho [Mr. CHURCH].

Mr. MANSFIELD. He was supposed to be recognized at the conclusion of the morning hour today, for 1 hour; but, because of this development, I asked that the unanimous-consent agreement be honored after I get through with my remarks.

Mr. McCLELLAN. What I am trying to determine—

Mr. ERVIN. Mr. President, I was going to reserve the right to object to the unanimous-consent request concerning the Senator from Idaho [Mr. CHURCH]—which objection I would not make, however—if the majority leader would agree to modify it—

Mr. MANSFIELD. Of course.

Mr. ERVIN. And say that I will be recognized immediately before the Senator from Idaho [Mr. CHURCH].

Mr. MANSFIELD. Yes, indeed. That is a fair request.

Mr. McCLELLAN. I do not understand what time is being reserved for the Senator from Idaho [Mr. CHURCH].

Mr. MANSFIELD. As soon as we have disposed of the business connected with the bill and the votes.

Mr. McCLELLAN. That might be next week.

Mr. MANSFIELD. Oh, no. It will be this afternoon. It pertains to the votes. There will not be that many votes today.

Mr. McCLELLAN. Oh, Votes. I understand it now. I thank the Senator.

Mr. HICKENLOOPER. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. HICKENLOOPER. I was going to ask, at the conclusion of what?—pertaining to the pending business?

Mr. MANSFIELD. That is correct. Having to do with votes.

Mr. HICKENLOOPER. I thank the Senator from Montana.

Mr. MANSFIELD. Mr. President, the vote yesterday on the cloture motion fell several votes short of the required two-thirds. A majority decided that the debate on H.R. 2516 has been adequate. A majority of this body said that the issues have been fully developed.

The PRESIDING OFFICER. The Senator from Montana will suspend.

Let us have order in the Chamber. We have cleared the Chamber of attachés and we must have order in order to hear the Senator from Montana.

The Senator from Montana may proceed.

Mr. MANSFIELD. Mr. President, a majority favors a vote on the merits but that vote cannot take place. Whenever a cloture motion receives more than a constitutional majority—as it did yesterday—the question extends understandably to the relative merits of the present provisions of rule XXII. However, the Senate had a clear opportunity to express itself on the merits of rule XXII at the beginning of the 90th Congress. At that time, the issue was resolved overwhelmingly. The present rules were unchanged. I think it is best now to face the realities of considering the present bill under the present rules.

In my judgment, at this time, the necessary two-thirds cannot be obtained on H.R. 2516 with the Mondale amendment attached. I say that as one who, as a Senator from Montana and as the majority leader, voted for the cloture motion and strongly favors the freedom-of-choice concept for all Americans in housing. Shortly, the distinguished minority leader and I shall propose a motion to the Senate that shall be most difficult for me because of my attitude toward the provisions of the amendment. I do so, however, after seriously weighing the possible ramifications of pressing for the amendment on the bill at this time.

Many reasons have been cited for deferring action on the Mondale amendment—reasons which, valid or not, could affect the outcome. There has been serious question, for instance, that the amendment is not germane to the present bill; that it properly should be placed on a more relevant matter if, but only if, such a measure cannot be reported by the committee. What is clear is that if the action I propose is successful it will not end the effort to obtain for all Americans the freedom of choice for a home anywhere in the Nation. I think, however, it is extremely important at this time that the Senate pass a needed and meaningful civil rights bill. H.R. 2516 as reported from committee is such a bill. In essence it protects the rights granted by the Civil Rights Acts of 1964 and 1965 and, more fundamentally, by the Constitution itself. Those rights must not be frustrated. They must not be made the prey of violence or intimidation. Under H.R. 2516, if interference of this kind should occur, the trial for assault or murder or intimidation may—let me repeat that word “may”—take place in the Federal courthouse in the community of the crime rather than in the county courthouse; but even then only if the Attorney General determines that such

a forum is necessary to effectuate substantial justice. This is what the so-called Hart bill does. Its reasonableness is attested to by the overwhelming support of the concept in the House of Representatives. I would hate to see that overwhelming bipartisan support gained in the House now be sacrificed in an effort—in my opinion futile at this time—to obtain the provisions of the Mondale amendment.

The merits of the bill reported by the committee are modest and necessary, but I think the bill has great importance. The experience in the past two summers which has seen some of our greatest cities torn apart, has generated fear and tension throughout the land.

The great Civil Rights Acts of 1964 and 1965—of which the distinguished Senator from Illinois [Mr. DIRKSEN] was the architect, as has been stated on this floor, because his was the decisive influence—renewed the hope of many Americans. The passage of those acts also emphasized the viability of the institutions of our Government in recognizing and responding to the needs of all of the people. The Senate of the United States played a most critical role in initiating and formulating those great acts of 1964 and 1965. I hope the Senate will act now to preserve the notion that the institutions of this Government are responsive to the just causes of the people.

In 1968, a new dimension has been added to the issue. There are being preached in our society doctrines of separatism, of racism, and divisiveness as potent as anything in our history. This venom is spewed out with the contention that the institutions of government are unable or unwilling to provide an effective forum for the legitimate grievances of the people.

I do not believe that the Federal Government, and particularly the Congress, will turn its back on legitimate demands. But each of us knows that in an atmosphere of fear, the type of distrust generated by violence, threats of violence and riots, does not present an optimum climate for considering any legislation. Nevertheless, we must continue to try to reach for remedies for just grievances even though they may be regarded as less than total.

The spring and summer of 1964 and 1965 are gone, but our duty is no less clear. It is a matter of telling the people of this country that the Congress of the United States has not turned its back on a just grievance. It is a matter of telling all responsible Americans that the institutions of this Government will continue to judge every proposal by its merits. It is a matter of telling the preachers of racism and riot that the Senate of the United States will not aid and abet their actions by its own inertia. It is a matter of making clear that much more remains to be done before the promise of the Constitution is fulfilled for all Americans and that the Senate will continue to do its part in moving toward that goal.

I shall, along with the distinguished minority leader, under these circumstances, move to table the Mondale

amendment in the hope of improving the chances of passing H.R. 2516. I do so with regret, but I do so because in my considered judgment the procedural situation created by the defeat of the cloture petition has made this course necessary. The efforts to obtain a bill or legal basis for freedom of choice in housing should and will continue, but I think it is unrealistic to hope for success on this bill. To pursue them further at this time will destroy the chance the Congress has for making any progress in the field of civil rights during this session.

We have spent 5 weeks on H.R. 2516—the worker protection bill. It is a modest proposal. I think the Senate should be given the opportunity to vote on its merits. The votes are there—Republican and Democrat alike. Ultimately I hope it passes by an overwhelming margin.

Mr. President, I promised to yield to the Senator from North Carolina [Mr. ERVIN] first, before I make the motion on behalf of the leadership. I yield to the able Senator from North Carolina.

Mr. ERVIN. Mr. President, I ask for the yeas and nays on the Mondale amendment.

Mr. JAVITS. Mr. President, a point of order. As I understand, the Senator did not yield for that purpose.

Mr. MANSFIELD. I did yield.

Mr. JAVITS. It was not for that purpose.

Mr. MANSFIELD. I stated no purpose.

Mr. JAVITS. Mr. President, I make the point of order that this cannot be done without the unanimous consent of the Senate, unless the Senator gets the floor independently.

The PRESIDING OFFICER. The Senator from Montana wishes to retain the floor; is that not correct?

Mr. MANSFIELD. That is correct.

The PRESIDING OFFICER. The Senator from Montana has the floor. Does the Senator from Montana yield to the Senator from North Carolina?

Mr. MANSFIELD. I yield to the Senator from North Carolina. I have already yielded.

Mr. ERVIN. Mr. President, I ask for the yeas and nays on the Mondale amendment.

Mr. JAVITS. Mr. President, is it not a fact that for the purpose of making an independent motion, which the Senator from North Carolina proposes to do, there must be unanimous consent? Otherwise, the Senator from Montana must surrender the floor.

The PRESIDING OFFICER. The point of order of the Senator from New York is well taken. If the Senator from Montana yielded for that purpose, he would lose the floor. The Chair inquired whether or not the Senator from Montana wished to retain the floor.

Mr. ERVIN. Mr. President, I raise the point of order that the Senator from Montana yielded for a motion.

The PRESIDING OFFICER. The Senator can yield for a motion only by unanimous consent.

Mr. MANSFIELD. Mr. President, do I have the floor?

The PRESIDING OFFICER. The Senator from Montana has the floor.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that I may yield to the Senator from North Carolina without losing my right to the floor.

Mr. JAVITS. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from Montana has the floor.

Mr. MANSFIELD. Mr. President, I am in a peculiar position here. I am prepared to file a tabling motion. However, I believe, not understanding fully the merits of the proposal to be made by the distinguished Senator from North Carolina, that he should have his say; and, Mr. President, I will yield to the Senator from North Carolina for that purpose, without losing my right to the floor.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President—

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

Mr. MANSFIELD. I yield to the Senator from Michigan.

Mr. HART. Mr. President, the consequences of obtaining an order for the yeas and nays on the Mondale amendment, as I understand, would be that that amendment, bearing that number, thereafter would be subject to modification only by unanimous-consent. The modification of that amendment thereafter could not occur unless there was unanimous consent of the Senate.

Mr. HOLLAND. Mr. President—

Mr. HART. This is the point we ought to understand in order to eliminate the momentary tension.

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

Mr. HART. Even if the yeas and nays are ordered on that amendment, the Senator from Minnesota, the Senator from Massachusetts, or any of us could offer thereafter, and prior to cloture, an amendment with respect to fair housing which could be in any variety or sweep or reach.

Mr. MANSFIELD. Mr. President, I yield to the Senator from North Carolina. I understand the Senator from New York has withdrawn his objection.

The PRESIDING OFFICER. Without objection, the Senator from North Carolina is recognized.

Mr. ERVIN. Mr. President, I ask for the yeas and nays on the Mondale amendment.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. ERVIN. Mr. President, I want to thank the distinguished majority leader for yielding and also the Senator from New York for withdrawing his objection.

Mr. MANSFIELD. Mr. President, is it the understanding of the Chair that when the votes on the pending business are concluded, the Senator from Idaho [Mr. CHURCH] will be recognized?

The PRESIDING OFFICER. That is correct.

Mr. MANSFIELD. Mr. President, it is with reluctance that I shall make, on behalf of myself and the distinguished minority leader, a motion to table the

pending amendment, but I now do so. I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the amendment of the Senator from Minnesota [Mr. MONDALE]. The yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. METCALF (after having voted in the negative). Mr. President, on this vote I have a pair with the Senator from Florida [Mr. SMATHERS]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." Therefore, I withdraw my vote.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada [Mr. CANNON], the Senator from Oklahoma [Mr. MONRONEY], and the Senator from Georgia [Mr. RUSSELL] are absent on official business.

I also announce that the Senator from Minnesota [Mr. MCCARTHY], the Senator from Rhode Island [Mr. PASTORE], and the Senator from Florida [Mr. SMATHERS] are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota [Mr. MCCARTHY] and the Senator from Nevada [Mr. CANNON] would each vote "nay."

On this vote, the Senator from Georgia [Mr. RUSSELL] is paired with the Senator from Rhode Island [Mr. PASTORE]. If presenting and voting, the Senator from Georgia would vote "yea" and the Senator from Rhode Island would vote "nay."

On this vote, the Senator from Oklahoma [Mr. MONRONEY] is paired with the Senator from California [Mr. MURPHY]. If present and voting, the Senator from Oklahoma would vote "nay" any the Senator from California would vote "yea."

Mr. KUCHEL. I announce that the Senator from California [Mr. MURPHY] is necessarily absent.

On this vote, the Senator from California [Mr. MURPHY] is paired with the Senator from Oklahoma [Mr. MONRONEY]. If present and voting, the Senator from California would vote "yea" and the Senator from Oklahoma would vote "yea."

The result was announced—yeas 34, nays 58, as follows:

[No. 8 Leg.]

YEAS—34

Allott	Fulbright	McClellan
Baker	Hansen	Mundt
Bennett	Hayden	Sparkman
Byrd, Va.	Hickenlooper	Spong
Byrd, W. Va.	Hill	Stennis
Cotton	Holland	Talmadge
Curtis	Hollings	Thurmond
Dirksen	Hruska	Tower
Eastland	Jordan, N.C.	Williams, Del.
Ellender	Jordan, Idaho	Young, N. Dak.
Ervin	Long, La.	
Fannin	Mansfield	

NAYS—58

Aiken	Brewster	Clark
Anderson	Brooke	Cooper
Bartlett	Burdick	Dodd
Bayh	Carlson	Dominick
Bible	Case	Fong
Boggs	Church	Gore

Griffin	Magnuson	Percy
Gruening	McGee	Prouty
Harris	McGovern	Proxmire
Hart	McIntyre	Randolph
Hartke	Miller	Ribicoff
Hatfield	Mondale	Scott
Inouye	Montoya	Smith
Jackson	Morse	Symington
Javits	Morton	Tydings
Kennedy, Mass.	Moss	Williams, N.J.
Kennedy, N.Y.	Muskie	Yarborough
Kuchel	Nelson	Young, Ohio
Lausche	Pearson	
Long, Mo.	Pell	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY RECORDED—1

Metcalf, against.

NOT VOTING—7

Cannon	Murphy	Russell
McCarthy	Pastore	Smathers
Monroney		

So Mr. MANSFIELD's motion to lay Mr. MONDALE's amendment on the table was rejected.

Mr. MANSFIELD. Mr. President, in view of the overwhelming majority of the Senators who have just voted against tabling the Mondale amendment—which I think expresses the overwhelming will of the Senate—I think it is incumbent upon me at this time to make another motion in an attempt to bring this matter to a decisive head.

UNANIMOUS-CONSENT REQUEST

Mr. President, I ask unanimous consent that the vote on the pending amendment, on which the yeas and nays have been ordered, take place at 2 o'clock today.

Mr. ERVIN. I object.

Mr. THURMOND. I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. MANSFIELD. Mr. President, I send to the desk a cloture motion and ask that it be read.

The PRESIDING OFFICER. The clerk will state the cloture motion.

The legislative clerk read the motion, as follows:

MOTION FOR CLOTURE

We the undersigned Senators, in accordance with the provisions of Rule 22 of the Standing Rules of the Senate hereby move to bring to a close the debate upon the pending business, H.R. 2518, an act to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

DANIEL K. INOUE, JACOB K. JAVITS, P. A. HART, THOMAS H. KUCHEL, MARK O. HATFIELD, HUGH SCOTT, HARRISON WILLIAMS, CHARLES H. PERCY, ROBERT F. KENNEDY, WALTER F. MONDALE, STEPHEN M. YOUNG, ROBERT P. GRIFFIN, GEORGE D. AIKEN, WARREN MAGNUSON, GALE W. MCGEE, EDMUND S. MUSKIE, BIRCH BATH, MIKE MANSFIELD, JENNINGS RANDOLPH, FRANK J. LAUSCHE, FRANK CHURCH, JOSEPH S. CLARK, WILLIAM PROXMIRE, EDWARD M. KENNEDY, STUART SYMINGTON, LEE METCALF, ERNEST GRUENING, JOHN SHERMAN COOPER, CLIFFORD P. CASE, ABRAHAM RIBICOFF, HENRY M. JACKSON, THOMAS J. MCINTYRE, FRED R. HARRIS, FRANK E. MOSS, WAYNE MORSE, JOSEPH D. TYDINGS, GEORGE MCGOVERN, CLAIBORNE PELL, THOMAS J. DODD, GAYLORD NELSON, DANIEL BREWSTER, VANCE HARTKE, JOSEPH M. MONTOYA, HIRAM L. FONG.

The PRESIDING OFFICER. Under the previous order, the Senator from Idaho is recognized.

Mr. CHURCH. Mr. President, I yield to the Senator from Michigan.

Mr. HART. Mr. President, many Members, by reason of the holiday occasion following George Washington's Birthday, will be leaving tomorrow.

Mr. MANSFIELD. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order so that we can hear the Senator from Michigan.

The Senator from Michigan may proceed.

Mr. HART. Mr. President, what I have to say, I think, must be on the minds of each of us. The institutions of a free society, history tells us, sometimes have failed because of their inability to respond to national needs.

The people of this country in the last several years, have asked themselves the question more frequently than ever before: "Has in our evolution time and events begun somehow to run faster than our institutions can react?"

I do not pretend that all who voted a moment ago against tabling will turn up on Monday and vote for the Mondale-Brooke amendment, but I think an obvious, fair analysis of several votes we have had; the tabling vote on the amendment of the Senator from North Carolina [Mr. ERVIN]; the vote on cloture yesterday, and the vote refusing to table the Housing amendment of today, demonstrates that a majority of the Senate of the United States, in February 1968, seek to put on the Federal statute books the proposition in form reported by the Committee on the Judiciary, the so-called Hart bill, as a means of responding to an identified need, and, second, that a majority of the Senate seek to put on the Federal statute books the proposition that one's religion and race and place of origin, is not to be a test when a man goes out to seek or to buy a home for his family. Nothing could be more clear than these votes.

If history records that this institution thereafter failed to do those two things because of something called rule XXII, it will be a pretty severe verdict on all of us. I would hope that history would not record our failure. All the learned parliamentarians would never be able to explain to the people of this country why, after 5 weeks of debate and these votes, the majority was prevented from acting.

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

Mr. CHURCH. I yield.

Mr. MANSFIELD. On behalf of the minority leader and myself, we can confirm for the Senate the fact that the vote under the unanimous-consent agreement will take place 1 hour after the Senate convenes at 12 o'clock on Monday next. So all Senators should be on notice and should be in attendance.

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

The PRESIDING OFFICER (Mr. MUSKIE in the chair). The Senator from Idaho has the floor.

Mr. CHURCH. Mr. President, I recognize the importance of this subject. I desire to accommodate Senators, but I

have a speech to deliver, and the Committee on Foreign Relations will meet at 2:30 p.m. for a very important executive session, some part of which I hope to attend. I hope Senators will keep that in mind and foreshorten their remarks.

Mr. JAVITS. Mr. President, will the Senator yield for 30 seconds?

Mr. CHURCH. I yield.

Mr. JAVITS. Mr. President, I wish to adopt the views of Senator HART as my own, and to add that it is not history, but that the verdict will be recorded this year in the major American cities of the United States, exactly as he has said.

I thank my colleague for yielding.

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

Mr. CHURCH. I yield to the distinguished Senator from North Carolina.

Mr. ERVIN. Mr. President, on tomorrow we will celebrate the anniversary of a great American hero, George Washington, who fought for 7 years to make Americans free. The Mondale amendment proposes to rob all Americans of the substance of their right of private property and to centralize the control of that private property in one Cabinet member in Washington.

I, for one, will continue the fight George Washington made to keep Americans free and to prevent the passage of an amendment which would convert all Americans from the status of free men into helpless puppets on a string to be pulled by one bureaucrat in Washington.

I thank the Senator for yielding.

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

Mr. CHURCH. I yield.

Mr. FONG. Mr. President, I ask unanimous consent that my name be appended to the motion for cloture.

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

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

Mr. CHURCH. I yield to the distinguished Senator from Pennsylvania.

Mr. SCOTT. Mr. President, I associate myself with the statement made by the Senator from Michigan. I agree with what he has said, and I underscore the seriousness of the problem.

I believe that what we have failed to do here will sound resoundingly throughout the cities of America this summer, and our task has been made the more difficult by reason of the difficulties we have experienced in this body. I am sorry that the functioning of our system has prevented the will of the majority from prevailing.

I thank the Senator for yielding.

#### THE TORMENT IN THE LAND

Mr. CHURCH. Mr. President, the war in Vietnam enters its fourth year since we commenced the bombing of the north, its fury intensified, and no end in sight. As though fascinated by the baited trap, we are poised to plunge still deeper into

Asia, where vast populations wait to engulf us and legions of young Americans are being beckoned to their graves.

Confounding our construction of the Vietnamese war as an aggression from the north, the Vietcong remains primarily an indigenous force of the south, honeycombed through every city and village, capable of striking from nowhere, moving with relative impunity among the people. Without a single area immune from enemy penetration, where he cannot obtain local cover, it should be obvious that we can find no magical answer to our dilemma in South Vietnam by striking out elsewhere. I listen, dismayed, to the reckless talk of "hot pursuit" into North Vietnam, Cambodia, or Laos, where, presumably, we shall deny the Communists their "sanctuary," when all of Asia behind them is their sanctuary.

The involvement of the United States in Vietnamese affairs, we should remember, began as just another foreign aid program. Our purpose was to help certain anti-Communist elements in South Vietnam strengthen themselves. But when we commenced to take over their fight in their country, converting their political struggle into an American war, I could no longer support the policy. As early as September 1964, I began to speak out against it.

In the intervening years, I have seen my worst fears confirmed. Step by step, we have been caught fast in a precarious Asian bog. Into its quicksands, we can readily stray farther and sink deeper, but out of it there is no quick or easy path of extrication.

Can unheeded warnings over many years now be used to unmake a war? Clearly, they cannot; the questions must be reframed. The victims of events, we must now ask if the premises of 1958, which have brought us to the realities of 1968, will be relevant in the world of 1978.

As America now ponders the price of its policy in Asia—

Writes Emmet John Hughes—

the quest for any healing wisdom must begin with the facing of one truth; the reckoning has been inevitable, for the policy was forever fatally flawed. Such a truth is almost too bitter to bear. For many, it will be so much easier to explain away the Vietnam tragedy in terms of cruel misfortunes or chance misjudgments. But this kind of history has not been decreed by blunders—but by premises. It has not been ruled by anguishing circumstance but by avowed purpose. And its full warning is not to be read as a matter of what America failed to do but what America tried to do.

It is with what we have tried to do, not only in Asia but in the world at large, that I would speak today. I am deeply concerned about our concept of the world around us and the proper role that we should play in it. It is my belief that the time has come to search our souls—to ask what, indeed, is the true condition of our country, and how that condition relates to the course we are embarked upon abroad.

There is a story making the rounds of an airline pilot who announced to his passengers that he had two pieces of news for them, one bad and the other