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ing in rural areas in Oklahoma—and we do not have complete figures on urban areas—the median annual income was only \$1,000 in 1960 as reported by the Census. A study completed in a western Oklahoma county recently showed that, whereas the average income for all males in that county was \$3,281, the average income for Indian males in that county was half the non-Indian average, or \$1,613.

Considering these facts, it is not surprising that Indian unemployment is at a shockingly high level. Although I cannot get current figures on Indian unemployment in Oklahoma, nationally nearly half of Indians of working age are chronically unemployed. Some 50,000 working-age Indians living on reservations are unemployed at present, and it has been estimated that within 10 years 10,000 new jobs must be created to absorb population growth on reservations.

A statement made by this Committee two years ago is still true today: "That Indians remain at the bottom of the economic ladder, have the highest rate of unemployment, live in the poorest housing, and suffer chronic poverty, is a clear indictment of past programs and policies pursued by the Bureau."

What shall we do, then, about the problems of Indians and Alaskan natives?

I think there are some particular areas in which we especially ought to seek improvement and change, right away. I would like to see us end the emphasis on termination and place it on individual as well as tribal self-determination.

I would like to see a tremendous expansion of involvement of Indians and Alaskan natives in programs which are designed for their benefit. The Bureau of Indian Affairs, and to a somewhat lesser extent the Division of Indian Health, acted for a great many years like the white administrators of a colonial empire. The disadvantages of such a system have been recounted many times. They include the view, on the part of some administrators, that Indians and Alaskan natives are child-like, incapable of advancing to that height occupied only by the white man where one can be allowed a little responsibility for his own destiny. These disadvantages include the fear, on the part of Indians and Alaskan natives, that increased responsibilities will mean termination of the meager benefits which the programs of the Bureau and the Division have offered them.

I would like to see new political and social arrangements created through which Indians and Alaskan natives can assert greater control over their daily lives and over the institutions which serve them—as, for example, in Indian school boards and boards of health.

I would like to see a far greater commitment on the part of the young and old idealists in white society to the human problems of Indians and Alaskan natives. The Peace Corps offers a fine model in this respect, and something of that kind should be institutionalized, in addition to VISTA, for greater opportunities for working with Indians and Alaskan natives.

I would like to see schools and hospitals for Indians and Alaskan natives become models for the nation.

I would like to see the opportunity for a job made real for every American Indian and Alaskan native who can work.

I would like to see us clearly state the goals of our policy to be self-determination for Indians and Alaskan natives and a real choice—not one limited socially, politically, or economically—on the part of each Indian and Alaskan native individual to live and work where he wants to and reach his full potential. We must recognize the right to be different—a fundamental right in America—but we must make full participation in the total society for those who desire it far easier than it is today.

I would like to see a government-wide effort—at least as strong as that for Negroes

and Americans of Spanish surname—to raise the social, political and economic level of American Indians and Alaskan natives, wherever they live, in urban areas or on reservations, in public or Bureau of Indian Affairs schools. American Indians and Alaskan natives are, first and foremost, American citizens, and they are not the sole possession of the Bureau of Indian Affairs. Every agency and department of the Federal government should focus its programs to be sure they are applicable and really available to American Indians and Alaskan natives.

"It is time," the President's National Advisory Commission on Civil Disorders recently said, "to adopt strategies for action that will produce quick and visible progress. It is time to make good the promises of American democracy to all citizens—urban and rural, white and black, Spanish-surname, American Indian, and every minority group."

I am proud of the new stirrings and new interest in Indians and Alaskan natives which have arisen in recent years in America. I am proud of the renewed spirit of pride and self-help which characterizes today's American Indian and Alaskan native.

I am pleased with the new sense of purpose and new urgency which has developed under this Administration in the Bureau of Indian Affairs. I am proud of the vigorous push in Indian affairs that has been given by the U.S. Office of Economic Opportunity and the efforts by groups funded by it, such as Oklahomans for Indian Opportunity, founded and formerly headed, as you know, by Mrs. Harris, who is present here today. I am impressed by the development in the Department of Health, Education, and Welfare which will coordinate and give impetus to new government-wide interest in American Indians and Alaskan natives. I take heart from the fact that President Johnson and Secretary Udall have given more fruitful attention to Indian and Alaskan native affairs than have any President and Interior Secretary in history. Lastly, I am grateful for the important, dedicated and sustained work of this Committee, and I am pleased to endorse the pending resolution, Senate Concurrent Resolution 11.

PRESIDENT COMMENDED FOR INDIAN MESSAGE

Mr. CHURCH. Mr. President, Indians of the United States have been too long neglected, coerced and deprived of equality and it is heartening to have a President establish the precedent of sending the Congress a special message dealing with programs for their betterment.

Far too many Indians still live in dilapidated dwellings, the unemployment rate of Indians is 10 times the national average though there is increasing industrial development in Indian country, and Indian school children are far behind non-Indian children.

The outline of clear national goals to help Indians raise their standard of living to that of the country as a whole and otherwise gain full equity while retaining their culture, heritage and identity is timely.

Attention of our citizens is centered on the plight of minorities as never before, and the most disadvantaged minority is comprised of the Indians of this country.

The cumulative results on present day Indians of two centuries of neglect and, if I may so say, mistreatment, cannot be reversed without a major effort at the Federal level, involvement of Indians themselves as never before, and participation of Government at all other levels to help open the way for Indian participation in the life of modern America with full economic and racial equality.

INTERFERENCE WITH CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

AMENDMENT NO. 539

Mr. ALLOTT. Mr. President, I yield myself such time as I may need.

I send to the desk an amendment and ask that it be read. I offer it for adoption.

The PRESIDING OFFICER. Was this amendment submitted prior to the vote on cloture?

Mr. ALLOTT. Yes.

Mr. President, I ask unanimous consent that the amendment, which has had some technical changes, may be presented at this time. In purpose, it is the same as my amendment No. 539.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Reserving the right to object, may we have the amendment read?

The PRESIDING OFFICER. The clerk will read the amendment. The clerk will have to read the amendment that was filed prior to cloture. The amendment submitted now has not qualified as an amendment. It will require unanimous consent.

Mr. ALLOTT. Mr. President, let us have the reading of the original amendment.

The legislative clerk read the original amendment (No. 539), as follows:

On page 3, line 10, strike "; and" and insert in lieu thereof the following: ", not including mortgages held by FDIC and FSLIC institutions; and".

Mr. ALLOTT. Mr. President, the Chair has ruled that my change cannot be read by the clerk, and I will read it to the Senate myself.

On page 8, line 22, insert the following: "strike "; and" and insert in lieu thereof the following: ", provided that nothing contained in subsection (B) and (C) of this subparagraph shall be applicable to dwellings solely by virtue of the fact that they are subject to mortgages held by an FDIC or FSLIC institution; and".

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the amendment is so modified.

Mr. ALLOTT. Mr. President, under sections (A), (B), and (C)—particularly (B) and (C)—on page 8 of the Dirksen substitute, certain dwellings are set forth which have been constructed or which exist under aid of loans, advances, grants, or contributions made by the Federal Government, and dwellings provided in whole or in part by loans insured, guaranteed, or otherwise secured by the credit of the Federal Government.

I believe I know what the writers of the Dirksen amendment had in mind. But we are also aware that in the case of banks which pay into a fund established by the Federal Deposit Insurance Corporation, with which we are all familiar, this might be taken to blanket in any loan made by a bank. Banks also make FHA loans, which are either direct or guaranteed, and this would not affect FHA loans that are made. The purpose of the amendment is to clarify the question of whether dwellings which have been financed by loans issued by FDIC

or FSLIC institutions are covered under paragraph (B) and (C) of the subparagraph in question, and to insure that merely by virtue of the fact that they are a part of this insurance fund, either in the case of the bank or in the case of the savings and loan institution, would not therefore be brought into the qualification under paragraphs (B) and (C).

I have discussed this matter with the managers of the bill and with others who are interested in it. I believe they are all of a mind that this was the intent and purpose of the amendment as written, and I would be happy to have their comments on it.

Mr. MONDALE. Mr. President, the Senator's modified amendment clearly intends that a dwelling shall not be deemed to have been provided by loans secured by the Federal Government solely by virtue of the fact that the mortgagee is an FDIC or FSLIC institution. This is what was intended. It makes our intention clearer.

Federally assisted housing, within the meaning of the fair housing section, applies to such things as FHA-guaranteed loans, VA loans, other kinds of federally assisted housing. It was not intended to apply to loans made by institutions that happen to be under FDIC or FSLIC coverage, and the amendment just clarifies this. We have no objection to it.

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

Mr. ALLOTT. I am happy to yield to the distinguished Senator from Kentucky.

Mr. COOPER. I ask whether the purpose of this amendment is to assure that a bank, in making a commercial loan to a borrower—not involving Federal funds or a Federal guarantee of any kind—would not be subject to the sanctions imposed by this measure? If it refused to make a loan of its funds, without Federal involvement to a person to buy housing, an ordinary commercial loan—would the bank be subject to the sanctions of this measure? Would it be charged with discrimination if the amendment is not adopted simply because its deposits are insured? I do not think so.

Mr. ALLOTT. I will answer the Senator. I believe it is very clear that the purpose of the amendment is not to make them subject to it unless it is in the area in which they are handling, for example, FHA or Veterans' Administration loans which do involve a direct financing or guarantee by the Federal Government.

Mr. COOPER. I recall that 2 years ago, when the housing bill had been passed by the House and was before the Senate, in reading the hearings on that bill, and particularly the hearings on the housing provision, the representatives of the administration—I cannot recall whether they were from the Department of Justice or from the housing departments—testified that sanctions could be imposed against the bank, and that under the powers given administratively or through the courts, the administration could ask that the Federal charter of the bank be revoked. Federal insurance of deposits is for the benefit of the depositors, and to revoke the bank charter would be beyond all reason.

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

Mr. COOPER. Is the Senator aware that that testimony was given?

Mr. MONDALE. I believe there is one clarification that is critical that must be made.

If the Senator will turn to page 12 of the Dirksen substitute, and look at the language starting on line 8 of that page, there is a separate section that deals with discrimination in the financing of housing by banks, building and loan associations, insurance companies, and other organizations.

The amendment of the Senator from Colorado does not run to this particular section, but rather, runs to the section which defines federally assisted housing, that is, FHA, VA, public housing, or other kinds of federally assisted housing. So there are two sections relating to this matter.

Mr. COOPER. I am aware of the section.

Mr. MONDALE. That is probably the provision to which the testimony referred.

Mr. COOPER. I ask whether for the purpose of the interpretation of section 205, if the amendment which the Senator from Colorado is offering is accepted and agreed to by the Senate and should become law, would the Senator consider that in the case of an ordinary commercial loan where no Federal funds are provided or guaranteed or involved, the bank would be liable to the sanctions of this bill?

Mr. MONDALE. Section 205 deals with lending institutions in the business of making commercial real estate loans and prohibits them from discriminating on the basis of race, color, or religion in making such loans. That is in section 205.

Mr. COOPER. I know the section.

Mr. MONDALE. That section deals with lending practices.

The section to which the Senator directs his amendment is an entirely different section, dealing with the kinds of housing that have already been financed that would come within the antidiscrimination provision of the Dirksen substitute.

Mr. ALLOTT. And refers only to a dwelling. Section 205 refers to the institutions; the amendment refers only to a dwelling.

Mr. COOPER. I think it helpful that the distinction and interpretation has been made in the debate.

Mr. MONDALE. Mr. President, we have no objection to the amendment.

Mr. ALLOTT. Mr. President, may we have a vote on the amendment?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Colorado [Mr. ALLOTT], as modified. [Putting the question.]

The amendment was agreed to.

Mr. ALLOTT. Mr. President, I move that the Senate reconsider the vote by which the amendment was agreed to.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

AMENDMENT NO. 576

Mr. THURMOND. Mr. President, I call up my amendment No. 576.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 5, line 22, immediately preceding the quotation marks, insert the following: "As used in this section, the term 'participating lawfully in speech or peaceful assembly' shall not mean the urging, instigating, or inciting of other persons to riot or to commit any act of physical violence upon any individual or against any real or personal property in furtherance of a riot."

Mr. THURMOND. Mr. President, I ask unanimous consent to modify the amendment on line 4 by striking out the words "urging, instigating," and inserting in lieu thereof the words "aiding, abetting."

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. THURMOND. Mr. President, this amendment would restore the language which was incorporated in H.R. 2516 as it was passed by the House.

I believe that this language is necessary to assure the law-abiding citizen that we are not seeking to protect unlawful activity. Amendment No. 576 states that, when a person is in fact "aiding, abetting, or inciting others to riot" or participate in a riot, he is not engaged in a federally protected activity.

The spirit of this amendment was accepted yesterday when we adopted the antiriot amendment, but this language is needed to clearly define the limits of protected activity.

The language of my amendment was deemed necessary by the House of Representatives, and I urge my colleagues to reinstate it in this bill. If we are to maintain law and order, we must not pass laws which condone lawlessness.

The Supreme Court has said that the freedoms of speech and assembly are not licenses to create public disorder and violence. In *Cox v. Louisiana*, 379 U.S. 559 (1965) the Court said:

We emphatically reject the notion that the First and Fourteenth Amendments afford the same kind of freedom to those who communicate ideas by conduct such as patrolling, marching, and picketing on streets and highways, as these amendments afford to those who communicate ideas by pure speech.

In *Walker v. City of Birmingham*, 388 U.S. 307 (1967) quoting from an earlier case, the Court says:

Civil liberties, as guaranteed by the Constitution imply the existence of an organized society maintaining public order without which liberty itself would be lost in the excesses of unrestrained abuses.

Mr. President, as we consider legislation to protect the individual's rights, we must also seek to protect the rights of society. The language of my amendment No. 576 is needed to protect society from the extremist element which advo-

cates the destruction of our Nation; I urge the Senate to adopt this amendment.

Mr. President, I think the amendment speaks for itself and needs no further explanation. I have discussed the amendment with the manager of the bill and I believe he will accept it.

Mr. HART. Mr. President, the statement of the Senator is correct and I urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment (No. 576) of the Senator from South Carolina. [Putting the question.]

The amendment was agreed to.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MONDALE. 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. THURMOND. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MONDALE. Mr. President, I move that the motion to reconsider be laid on the table.

The motion to lay on the table was agreed to.

Mr. MONDALE. Mr. President, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, may I say for the information of the Senate that we intend to go on considering amendments. If no amendments are pending, it is still the intention of the leadership to move for final passage of the pending bill. Thus, I want to serve notice that any Senators who leave do so at their own risk. I want the Senate to be aware of the situation.

NEW MISSION AGREES WITH WILLIS ROBERTSON

Mr. SPARKMAN. Mr. President, in the Richmond Times-Dispatch, several days ago, an article was published which I feel Senators will find most interesting particularly those who served through the years with our very good friend Willis Robertson, a Member of this body from the State of Virginia for 20 years.

The article is entitled "New Mission Agrees With Willis Robertson," and is written by Charles McDowell, Jr. I do not know whether all Senators know that former Senator Robertson became connected with the World Bank after leaving the Senate. He has been working hard, diligently, and most effectively in that office

The article gives a most interesting insight into the valuable work that former Senator Robertson is doing, as well as his attitude toward his work and the program of the World Bank.

I ask unanimous consent to have the article printed in the RECORD.

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

[From the Richmond Times-Dispatch, Feb. 18, 1968]

NEW MISSION AGREES WITH WILLIS ROBERTSON
(By Charles McDowell, Jr.)

WASHINGTON.—A. Willis Robertson, the durable Virginian who was retired from politics by 611 votes in 1966 after 20 years in the Senate and 14 in the House, is beginning his second year as a consultant to the World Bank.

We dropped by his office at the bank's impressive Washington headquarters the other day to see how he was doing. He was doing fine.

Erect, robust and relaxed, Robertson stepped quickly around the desk in his large comfortable office and showed his visitor to a chair. The visitor, who was stooped and hobbled by a sprained back, lowered himself successfully into the chair on the third try while Robertson offered his sympathy.

He practically bounded back to his own chair, and we asked him, perhaps unnecessarily, how he was feeling. Robertson is 80 years old. His age was a factor in his defeat by William B. Spong Jr.

"I have never been in better health," he said. "I weigh 180 pounds, exactly what I weighed when I played tackle at the University of Richmond. A couple of times a week I swim and pull weights at the Senate gym—that's a fringe benefit for a former member. I do my setting-up exercises every morning. I shoot as well as I ever did and I don't wear glasses. My vision is 20-20."

Adjusting our glasses and shifting in the chair to ease the lower lumbar pressure, we tried to turn the conversation to the subject of the World Bank.

He did not respond immediately but gazed across the desk and said, "I hope you're not too uncomfortable. I've never had any back trouble in my life."

When Robertson left the Senate, he had been chairman of the Banking Committee for seven years; in the House he had specialized in foreign trade and tariffs, helping to pass Secretary of State Cordell Hull's reciprocal trade legislation. The World Bank, which makes nonpolitical loans to stimulate trade and national economies around the world, hired Robertson as a three-day-a-week consultant. He usually keeps office hours five days a week.

He reads the bank's reports and loan appraisals, and makes suggestions. Perhaps more important, he is a sort of liaison man between the bank and Capitol Hill.

"The World Bank is never political," he said. "We don't testify before committees or urge political action. But we do give details when we are asked for them; we do explain."

The United States is the largest contributor to the bank, and Robertson is available when his old colleagues in Congress want details and explanations of the bank's objectives and operations. He is available in the gym, at the senatorial prayer breakfast once a week, at lunch occasionally in the Senate dining room, and on bird-hunting trips every chance he gets.

"I would say, however, that my job primarily involves one billion people who are hungry," he said, and he popped out of his chair and began pacing back and forth as he talked.

"There are about 3 billion people in the world, and a billion are in what we call

the developed countries. Another billion are in countries where they get enough to eat but they are poor. The third billion are in countries like India or almost any country in Africa where there is extreme poverty and illiteracy and primitive agriculture. Those people are hungry."

A subsidiary of the World Bank, the International Development Association, or IDA, specializes in loans to those poorest countries, and Robertson concentrates his attention and enthusiasm on IDA.

"Sometimes IDA is called the soft-loan window of the bank," he said. "We extend credit for 50 years without interest. Now understand that we are talking about countries with an average per capita annual income of \$100 or less. We are talking about a billion people.

"There are about 45 borrowing nations, and we have about \$1.7 billion in outstanding loans. Obviously these are relatively small loans—a million dollars for building schools, for instance, or something to help improve agriculture.

"Efficiency is our keynote—no loans for political reasons. But we recognize that a nation must be able to feed itself and it must have a few educated people before it can begin to develop.

"People want to be free, but they're hungry. If we don't take a reasonable interest in them, the Communists go in there and make unscrupulous promises, and they'll get a foothold and make it a trading post and eventually a military station. We can't stand idly by."

As a conservative, Robertson expressed great enthusiasm for the World Bank's efforts to build up national economies and self-reliance through loans to private enterprise. His enthusiasm embraced the "soft loans" and almost anything the bank could do to help the poorest billion of the earth's people, "the hungry ones."

"We are the richest nation in the world," he said, pacing again. "But we are not the happiest nation in the world. We are preoccupied with what Stevenson called 'the gathering of gear.' A scientifically administered program to encourage private enterprise and to help all those people ought to appeal to the humanitarian instincts of this country."

He sounded a little like an elder Sargent Shriver with a world-wide constituency, and his eyes shined like Shriver's as he talked. We reminded Robertson respectfully that he had not been known as a proponent of aid to underdeveloped countries when he was in the Senate.

He looked up quickly, nodded, and said, "I never fully understood the problem. I was busy. I had six subcommittees. I never had the time to get into the details.

"Now I see the need. It's astounding to me as I see the facts—the terrific world problem. I am in a different world down here, the world of reality. . . . As Wells said, a third world war would leave civilization as we know it cowering behind a wind-break or in the disease-soaked ruins of a slum."

"I don't say helping underdeveloped countries will prevent a third world war, but our technology, used along Christian principles, can bring a happier world."

Robertson recalled that he had given "unstinting support" to the Marshall Plan to rebuild Western Europe after World War II.

"But I began to be disillusioned with the lack of efficiency in the foreign-aid program. I was discouraged and I began to vote to cut down on foreign aid," he said.

Now, however, he had found in the World Bank with all its member countries and non-political approach a "scientifically administered program," one that he believes is efficient and also right in its reliance on private enterprise where possible.

The International Development Association is asking its members to contribute \$400 million in each of three years to replenish the fund for loans to underdeveloped countries. The United States' share each year would be \$160 million and Robertson obviously thought it was the best imaginable investment.

In fact, he said the program was very small. The war in Vietnam was preventing the United States from taking the leadership in making larger contributions, he said.

"I have thought a lot about that war, but what I think comes under the heading of a political opinion, and we don't talk politics at the bank. I will say that the war has had a profound effect on funds for other things. It has diverted our attention from providing a better manner of life for a billion underprivileged people," he said.

We harked back again to his days in the Senate, telling him that he sounded less like the very conservative senator than a new missionary.

"Maybe I am a little bit of a missionary," Robertson said, smiling. "I think I'm reverting to my boyhood training. I was trained to help people.

"You know, my father was a missionary. He gave up a fine city church in Lynchburg and declined a call to Roanoke. Instead, he went with a wife and five kids to Rocky Mount, Va., as a home missionary. He got a small parsonage and \$50 a month, part of which was paid in sweet potatoes and sorghum.

"We did have the essentials of life—food, shelter and clothing—but we all learned what the old man in Mississippi meant when he said about the small farm he bought: 'Me and Mary saved this money by doing without the things we had to have.'"

He talked on about his boyhood and his happy years at the University of Richmond (where he particularly likes to remember the varsity letters in football, track and tennis) and his career in Virginia politics. But in the end he came back to those "one billion poor people without enough to eat."

Preparing to leave, we remembered to ask Robertson what he thought of Secretary of Defense Robert S. McNamara, who soon will replace Robertson's friend George D. Woods as president of the World Bank.

"McNamara is a smart and very able man who can do a fine job down here," Robertson said. "You know, I think he has a touch of the missionary in him, too."

INTERFERENCE WITH CIVIL RIGHTS

The Senate resumed the consideration of the bill (H.R. 2516) to prescribe penalties for certain acts of violence or intimidation, and for other purposes.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MILLER. 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. MILLER. Mr. President, I move that the vote by which my amendment No. 594 was agreed to be reconsidered.

The motion was agreed to.

Mr. MILLER. Mr. President, I ask unanimous consent that my amendment be modified, in line 3, where it reads "Strike lines 8 through 10." to read "Strike lines 7 through 10."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

Mr. MILLER. Mr. President, I move that amendment No. 594, as modified, be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment—No. 594—of the Senator from Iowa, as modified.

Mr. LAUSCHE. Mr. President, what is the meaning of what the Senator seeks to do?

Mr. MILLER. Mr. President, in response to the inquiry of the Senator from Ohio, let me say that unfortunately there is another line in the Dirksen amendment in the nature of a substitute which my amendment should have eliminated. That is line 7 on page 27 of the Dirksen amendment. If the Senator will check—

Mr. LAUSCHE. What is the line?

Mr. MILLER. It is just a technical change. It was a case of where the language which should have been stricken out was lines 7 through 10, rather than lines 8 through 10, so we have some language left in the bill which is meaningless. What I am trying to do is strike out that line, so that we will have a complete, meaningful bill.

Mr. LAUSCHE. What would be the situation if the language were not stricken?

Mr. MILLER. If I may show the Senator from Ohio, he will readily see that the way the Dirksen amendment reads now, line 6 ends with the words "subsection 301(a)" and line 7 reads "encouraging others to so participate; or". That language should have been eliminated, because those words are just hanging there now.

It is merely a technical change in the amendment.

Mr. LAUSCHE. Mr. President, does this amendment deal with the riot amendment that was adopted yesterday?

Mr. MILLER. No; it has nothing to do with that at all.

Mr. LAUSCHE. What will be the situation if the Senator's proposal is not agreed to, and what will it be if it is agreed to? Will the Senator please illustrate that?

Mr. MILLER. Yes. If my modification is not agreed to, there will be some completely meaningless language left in the bill, which nobody could understand, because, through an oversight, this language in line 7 was not stricken by my amendment—No. 594—which limits protection of civil rights workers to American citizens.

It is purely a technical change.

As the Senator will see if he will look at the bill which is at the desk, this language inadvertently left in here does not make any sense whatsoever.

Mr. LAUSCHE. The Senator still has not answered my question, to show by illustration the significance of the language that is sought now to be stricken.

Mr. MILLER. May I say to the Senator from Ohio that if the Dirksen substitute is left as it now is, uncorrected, it would read:

SEC. 301. Whoever, whether or not acting under color of law, by force or threat of force willfully injures, intimidates or interferes with, or attempts to injure, intimidate or interfere with—

(a) any person because of his race, color, religion or national origin and because he is or has been selling, purchasing, renting, fi-

nancing, occupying, or contracting or negotiating for the sale, rental, financing or occupation of any dwelling, or applying for or participating in any service, organization, or facility relating to the business of selling or renting dwellings; or

(b) any person because he is or has been, or in order to discourage such person or any other person or any class of persons from—

(1) participating, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 301(a); encouraging others to so participate; or

(2) affording another person or class of persons opportunity or protection so to participate; or

(c) any citizen because he is or has been, or in order to discourage such citizen or any other citizen from lawfully aiding or encouraging others to participate, without discrimination on account of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection 301(a), or participating lawfully in speech or peaceful assembly opposing and denial of the opportunity to so participate—

The Senator will note that, in the new subparagraph (c) which was added by my amendment, the language "encouraging others to so participate" is the same language which is sought to be stricken out here in line 7. The purpose of the elimination of line 7 is to make the bill read sensibly, so that it does not duplicate the language in the new subparagraph (c) added by my amendment.

Mr. LAUSCHE. Is the Senator on the committee which acted on this bill?

Mr. MILLER. I have checked this technical modification with the proponents of the bill, and I am advised that my modification is completely acceptable to them. As a matter of fact, this matter was called to our attention by the clerk at the desk as a necessary technical change.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The question is on agreeing to the amendment of the Senator from Iowa, as modified. Is there objection?

Mr. LAUSCHE. Mr. President, in the discussion I have just had, I have been convinced that all that is sought to be done is to make a technical correction without changing at all the substance of the provisions which eventually will become law if the bill is passed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa, as modified.

The amendment (No. 594) was agreed to.

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

Mr. MILLER. Mr. President, will the Senator from New York withdraw his suggestion?

Mr. JAVITS. Mr. President, I withdraw my suggestion of the absence of a quorum.

AMENDMENT NO. 586

Mr. MILLER. Mr. President, I move that the vote by which my amendment No. 586 was agreed to be reconsidered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Iowa.

The motion was agreed to.

Mr. MILLER. Mr. President, I ask unanimous consent that my amendment be modified in line 7, so that the words "fails to carry" be changed to read "carries."

The PRESIDING OFFICER. Is there objection to the request of the Senator from Iowa?

There being no objection, the amendment was so modified.

Mr. MILLER. Mr. President, the vote by which my amendment No. 586 was agreed to has been reconsidered. I have obtained unanimous consent to modify my amendment.

I point out to my colleagues that this is purely a technical amendment.

Mr. President, I move the adoption of the amendment, as modified.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Iowa, as modified.

The amendment, as modified (No. 586), was agreed to.

AMENDMENT NO. 517

Mr. LONG of Louisiana. Mr. President, I call up my amendment No. 517, as modified.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment (No. 517).

ORDER OF BUSINESS

Mr. KUCHEL. Mr. President, will the Senator yield, on my time, for 30 seconds?

Mr. LONG of Louisiana. Mr. President, I yield to the Senator from California on his own time.

Mr. KUCHEL. Mr. President, I have two noncontroversial amendments submitted by the distinguished minority leader [Mr. DIRKSEN] the author of the substitute proposal now before the Senate. I wonder if my able friend, the junior Senator from Louisiana, will temporarily permit his amendment to be set aside so that I might present the amendments of the senior Senator from Illinois to the Dirksen substitute.

Mr. LONG of Louisiana. Mr. President, if I may do so without prejudice to my rights, I will do so.

If this matter drags on for a period of time, I could insist on my rights. With that understanding, I ask unanimous consent that my amendment be temporarily set aside.

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

AMENDMENT NO. 587

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

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

Mr. KUCHEL. Mr. President, as we know, the distinguished Senator from Illinois is absent by reason of a death in his family. He has two amendments to offer to his substitute. They are amend-

ments Nos. 587 and 588. Both of these amendments are termed noncontroversial.

Mr. President, I call up amendment No. 587 and ask that it be stated.

If the Senators will listen to the reading of the amendment, I think they will understand what the Senator from Illinois is trying to do.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

On page 13, line 22, insert after the sentence ending "origin," the following words: "Nor shall anything in this title prohibit a bona fide private club, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members."

Mr. KUCHEL. This amendment seeks to tighten up the exemption now included in the substitute amendment regarding private clubs. It would eliminate, for example, the possibility of a developer attempting to discriminate in the sale of tract homes by labeling the tract a private club. I am sure that the terms of this amendment by the Senator from Illinois are understandable to my colleagues. I move that it be adopted.

Mr. ERVIN. Mr. President, would the Senator from California explain the amendment to me?

Mr. KUCHEL. Mr. President, the amendment states:

Nor shall anything in this title prohibit a bona fide private club, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. LAUSCHE. Mr. President, does the amendment change at all the rights of the private dwelling owner?

Mr. KUCHEL. Mr. President, it has nothing to do with a private dwelling owner.

Mr. LAUSCHE. But it does give special protection to private clubs.

Mr. KUCHEL. Bona fide private clubs.

Mr. LAUSCHE. Why does the amendment distinguish between the two?

Mr. KUCHEL. In my judgment, it is because Senators who are interested in having this legislation passed want to make it very clear that the author of the pending substitute, the distinguished minority leader, desires to tighten the exemption now provided in the substitute referring to bona fide private clubs.

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

Mr. KUCHEL. I yield.

Mr. LAUSCHE. Mr. President, may I complete my statement?

Mr. MONDALE. I think I can clarify it.

Mr. LAUSCHE. Mr. President, why does the amendment give greater preference to the members of a private club than to a humble citizen with a home that he wants to sell?

Mr. MONDALE. Mr. President, will the Senator yield? I think I can clarify this matter.

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

Mr. LAUSCHE. Mr. President, I ask the Senator from California why the amendment would give greater preference to members of a private club than to the humble citizen who has a home? We propose to tell him that he cannot rent it or sell it unless he complies with the Federal requirements.

Mr. KUCHEL. Mr. President, I think my friend, the distinguished Senator from Ohio, knows what the distinguished minority leader is seeking to do in attempting to perfect his amendment. The substitute seeks to prohibit racial discrimination in the sale or rental of housing.

The Senator from Illinois wants to make it crystal clear that he does not want his substitute amendment to operate against bona fide private clubs which are not in the business for commercial purposes, but which do have lodging available. This exemption is already provided for in the substitute. The Senator from Illinois wants to tighten his amendment as much as possible to avoid possible abuse.

Mr. LAUSCHE. What about the private homeowner? In what way is he engaged in commercial operations? He has a private home that he wants to sell or rent. The pending bill would provide that he cannot rent or sell it unless he conforms with the provisions of the law.

Why do we propose to give greater preference to a private club than we give to a private homeowner?

Mr. KUCHEL. We are dealing here with the rental of property—that is to say, lodging in a bona fide private club. The author of the amendment, the distinguished Senator from Illinois, desires to make this fact crystal clear to all Senators.

Mr. LAUSCHE. I subscribe to the fact that it should not apply to a private club, but why should it apply to a private homeowner? The Senator has not answered that question, and I wish someone else would answer it.

Mr. KUCHEL. Let me say in response to the Senator from Ohio that the distinguished minority leader's amendment seeks only to tighten an exemption now provided in the substitute and does not concern the private homeowner.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. KUCHEL. I yield.

Mr. LONG of Louisiana. Mr. President, in this amendment, the Senator has the words "bona fide."

Those words were considered by the Senate in connection with the Civil Rights Act of 1964. We modified that proposal in the Senate by leaving out the words "bona fide," and we said instead a club which is not in fact open to the public.

May I say to the Senator that the question involved was whether this was in fact a private club. We sought to circumvent the argument that a club, all of whose members were Caucasians, did not cease to be a private club by virtue of the fact that the public policy might be against segregation of any type whatever. In that situation, the test is whether the club is in fact a private club.

This test has been effectively used, may I say, by the Justice Department in my own hometown, to demonstrate that a commercial establishment claiming to be a private club was in fact open to the public and that, therefore, it required that it accept people of all races at the restaurant.

I am sure that this is what the Senator has in mind, and I hope he would modify his amendment to stay in line with what we did in the Senate on that occasion—that is that "bona fide" would not be included; and if he desires to substitute language for it, that is all right with me.

Mr. KUCHEL. Mr. President, a member of the staff is bringing me the exact language of that statute, so that all can be sure that the language offered in this amendment will be similar to the appropriate section of the Civil Rights Act of 1964.

Mr. LONG of Louisiana. Then, why does not the Senator withhold this amendment until we can look at the statute itself? I have no particular quarrel with accepting the amendment, provided it follows the language of the statute itself.

Mr. KUCHEL. I believe that is a wise suggestion. May I then withdraw amendment No. 587, Mr. President?

The PRESIDING OFFICER. Is the Senator withdrawing or asking to postpone consideration?

Mr. KUCHEL. I am asking to postpone consideration until the staff has the text of the present law.

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

AMENDMENT NO. 588

Mr. KUCHEL. Mr. President, I call up amendment No. 588.

Mr. LAUSCHE. Mr. President—
Mr. KUCHEL. I have withdrawn amendment No. 587 temporarily, until we can get a copy of the present law.

Mr. LAUSCHE. I still wish the Senator would answer my question, which he has not done.

Mr. KUCHEL. When that amendment is again pending, I will again attempt to clarify its provisions.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment (No. 588), as follows:

In section 210(a) after the words "such actions may be brought" insert the words "without regard to the amount in controversy".

Mr. KUCHEL. Mr. President, this is a technical amendment, and the Department of Justice states:

It is desirable to make clear that the private suits authorized by section 210(d) need not satisfy any jurisdictional amount requirement.

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

Mr. KUCHEL. The language of this amendment offered by the Senator from Illinois is—

Mr. HRUSKA. I have the language, but I do not have the reference in the bill.

Mr. KUCHEL. In section 210(a) after the words "such action may be brought" insert the words "without regard to the amount in controversy".

Mr. HRUSKA. What line is it in?
Mr. KUCHEL. That is on page 19, line 13, after the third word in line 13. The third word is "brought".

Vote, Mr. President.
Mr. LAUSCHE. Mr. President, will the Senator yield for a question?

Mr. KUCHEL. Yes, of course, I will yield to my able friend.

Mr. BYRD of West Virginia. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will be in order.

Mr. LAUSCHE. I understand that under present laws, the ability of a court to take jurisdiction may depend upon the amount of money involved in the litigation, and that this amendment contemplates removing that prohibition and giving the court jurisdiction to take the case regardless of the amount involved.

Mr. KUCHEL. That is correct.
Mr. LAUSCHE. Will the Senator from California illustrate how this becomes pertinent and applicable?

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

Mr. KUCHEL. I yield.
Mr. JAVITS. I yield myself 30 seconds.

If you had a small renter with a rent involving \$2,500 a year, or a small home purchase under \$10,000, the Federal court would not have jurisdiction to act under this law, if it became law, because the amount is not \$10,000.

The PRESIDING OFFICER. Is there any further discussion of the amendment?

Mr. KUCHEL. Vote, Mr. President.
The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 588) was agreed to.

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

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

AMENDMENT NO. 587

Mr. KUCHEL. Mr. President, the staff, as a result of the comments of the distinguished Senator from Louisiana [Mr. LONG], recommend that Amendment No. 587 be modified to the following language.

On page 13, line 22, strike everything after "origin" down to and including line 3 on page 14 and insert the following words: "Nor shall anything in this title prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members."

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. LONG of Louisiana. Mr. President, if the Senator will yield, I would

like to explain that the language the Senator is inserting is language which we unanimously agreed to when considering the Civil Rights Act of 1964, and that is the language of the Civil Rights Act of 1964.

Mr. KUCHEL. I thank the Senator for his helpful contribution.

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

In 1964, the civil rights bill applied only to transients, those moving from one State to another State, in hotels, theaters, and places serving food.

This proposal disregards transients and deals with all, and, therefore, the 1964 measure is not at all applicable.

I wish to repeat my question. Mr. President, how do you apply the law to the single-property-dwelling owner and not apply it to the member of an affluent club? Let somebody answer that.

The PRESIDING OFFICER. The question is on—

Mr. LAUSCHE. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. LAUSCHE. 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.

ORDER OF BUSINESS

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

The PRESIDING OFFICER. The Senator from Montana is recognized.

PRESIDENT JOHNSON'S MESSAGE PLEDGES HELP TO THE AMERICAN INDIAN

Mr. MANSFIELD. Mr. President, President Johnson's eloquent message on the American Indian is a pledge that the first among us shall no longer be the forgotten.

The American Indian has enriched America's folklore, vocabulary, art, and literature. Yet for two centuries he has been an alien in his own land.

Mr. President, until 1871, 4 years before the battle of the Little Bighorn in Montana, at which Custer met defeat at the hands of the Northern Cheyenne Indians and the Sioux Indians, we dealt with our Indian tribes as foreign nations.

It has been only some 40 years since the Indian's citizenship was affirmed—and but 22 years since we acknowledged the Nation's debt to the first Americans for their land.

During this tragic period of neglect, the Indian's plight has grown steadily worse. His unemployment rate is more than 10 times the national average; 50 percent of the Indian schoolchildren drop out before completing high school; the rate of Indian sickness and poverty are among the highest in the Nation; and