April 25, 1963

Dear:

I do appreciate having your comments with reference to the open housing portion of the Civil Rights Bill. This measure was signed into law on April 11 by the President.

For your information, I am enclosing a copy of remarks I made on the Senate floor during the debate on this important issue.

Sincerely,

Everett McKinley Dirksen

Enclosure
"(a) Any person because of his race, color, religion or national origin and because he is or has been seling, purchasing, renting, financing, occupying, or contracting or negotiating for any term of years or for life shall be fined not more than $1,000, or imprisoned not more than ten years, or both; and if any property is acquired by any person or by any organization, corporation, or facility relating to the business of selling or renting dwellings, or (3) Any person because he is or has been, or in order to discourage such person or any other person or any class or classes from- (1) participating, without discrimination on the basis of race, color, religion or national origin, in any of the activities, services, organizations or facilities described in subsection (a), or encouraging or inducing others to so participate; or (2) participating lawfully in speech or peaceful assembly opposing any denial of the opportunity to so participate; or (3) affording another person or class of persons opportunity or protection so to participate shall be fined not more than $1,000, or imprisoned not more than one year, or both; and any property acquired by such person or facility relating to the business of selling or renting dwellings shall be forfeited to the United States."

"Mr. HOLLAND. Mr. President, reserving the right to object, is my understanding correct that the so-called Mondale-Brooke amendment, which has been disposed of finally?"

"The PRESIDING OFFICER. The amendment has been disposed of by tabling. It does not apply."

"Mr. HOLLAND. I thank the Chair. "

"Mr. DIRKSEN. Mr. President, at this hour, I propose no explanation of the bill, nor very extended remarks. There are a number of meetings yet this evening that must be attended. And I presume, of course, that I am compelled to do so. However, there are a few remarks that I would like to make.

"It will be an exercise in futility for anyone to dig up the speech I made in September 1966, with respect to fair housing, in which I took the firm, steadfast position that the fair housing program was in the domain of the State because it was essentially an enforcement problem."

"Mr. President, there are only two categories of people who do not change their minds in the face of reality. One group is sacrely emblazoned in the last resting places of the country and could not change their minds for which we do not have a cure. The other group consists of the recipients of the many problems in the field of mental health that have committed them to institutions, and they are not competent to change their minds. But other than that, one would be a strange creature indeed in this world of mutation if in the face of reality he did not change his mind.

"I remember an incident that occurred in one of the classes of the noted Dr. Ochsner who liked to teach along with doing other things. In one class he described the affliction of a patient and asked, does anyone who would act as a minister. He then gathered up the replies. And when he got back to his desk in the classroom, one student stood up and said, "Doctor, I would like to change my answer."

"The doctor said, "You are too late. Your patient has been dead 3 minutes."

"I say that because I do not want to worsen the condition of the patient—namely, the restive condition in the United States. I do not want to have this condition erupt and have a situation develop for which we do not have a cure and which probably has more violence and more damage done."

"There are other reasons also. There are young men of all colors and creeds and origins who are this night fighting and probably have more violence and probably have more violence and more damage done."

"There are other reasons also. There are young men of all colors and creeds and origins who are this night fighting 12,000 miles or more away from home. They will be back. They will return. They will have families. And some of them, after having lost arms in this war, will have no arms. There are veterans, with only the stubs of their legs remaining, will have families. Some of these veterans, with all manner of afflictions, will have families."

"If anyone wants to see it, let him go out to Walter Reed. When I have been there from time to time and have been the recipient of floral bouquets from my friends, I gave them to the veterans from Vietnam, and I had a chance to see them. Mr. President, if that does not act like back to a troubled soul, frankly, I do not know what will. They will be back. They will be citizens. They will want to be integrated into the economic and social life of our country. Unless there is something as a New Deal—" and I ask that the title be changed and simply made "fair housing"—"I do not know what the measure of their unappreciation would be for the ingratitude of their fellow citizens, after they are willing to lay their lives on the altar and in so many instances left arms and legs 12,000 miles behind."

"Mr. President, I am not going to charge my conscience with that sort of thing, believe me."

"It was said to me yesterday afternoon, in the press gallery, "Were you taking this course because you thought your party leadership was in jeopardy?"

"Mr. President, the party can have this leadership any time it wants it. I would have only one vote in the conference, where a determination would be made, and it would have not even gone so that they would not be inhibited in any discussion. What kind of creature would I be if I permitted such superficial and singular considerations to either entice me or to deter me with respect to my own concept of duty?"

"This matter, Mr. President, has been a long time before the country. The first State passed a fair housing law in 1869. That is 90 years ago. There are now 21 States and three territorial jurisdictions—and I include therein the District of Columbia—that have fair housing laws. Well, it is not half of the States in that period of 9 years. Now, one can equate it any way he pleases. But on the basis of past performance, it would require at least 15 years before all the States adopted any kind of a fair housing law that was reasonably good and enforceable. In some instances there are States that adopted such laws and then found that they had to be strengthened. There are States that had to do it exactly in order to come by a housing law that was reasonably effective."

"May I say, also, just equating what the enrolments out of the two-thirds of the people of the United States are today covered by State laws on fair housing. But there are some that
are not covered, and perhaps they will refrain from adopting a housing law. And the question is, What do you do? Or, what do you do with a State law which is ineffective and there is no disposition to make it so and to enforce it?

In such cases, I have to remember that a citizen has a dual citizenship under the Constitution of the United States. It says, as plainly as can make it, that he is a citizen of the United States and of the State where he resides. So we are dealing with the citizenship of the country and the State. And my only hope is that will be dealt with rather fairly, and that is the reason for the substitute proposal that is before the Senate today.

When the Hart bill was before the Judiciary Committee, I voted against it. It carried by a one-vote margin in the Judiciary Committee. I felt I could not well support it in the form in which it came to the floor. And that was equally true of the amendment dealing with the question of fair housing.

And so, what choice was there except to try to develop a new measure that more nearly comport with my own views, my own experience, and my own conscience in the field? What is before the Senate today represents exactly that and deals both with law enforcement in the cases of assault and with the question of fair housing. It is not the product of my sometimes weary brain.

Oh, the many who have participated in it, and how grateful I am to all. The last time I took any office at this hour was this morning. It was attended by many distinguished Senators—Senator HARKIN of Nebraska; Senator BARKLEY of Tennessee; Senator HARR of Michigan; Senator Eckerson of Massachusetts; Senator Javits of New York, and myself. The Attorney General was there, and probably spent more time in my office than he had in any other Senator's office since he has been the Attorney General. He brought three staff members with him, and my staff was there and the staffs of other Senators. It was probably the 10th or 11th conference that took place in this office. And on other occasions the majority leader of this body participated very freely.

So this is, after all, the distillation of our very best thinking.

We are aware of what the difficult problem is here, and we have tried to wrestle with it and to be eminently fair, to the point of bending backward. I should include that our distinguished friend, the Senator from Minnesota (Mr. MONDALE), was with us, also. So we labored earnestly, patiently, in good grace and with the utmost of candor, because all the cards went on the table.

Oh, Mr. President, I am not unmindful of the fact that this substitute has its imperfections. What was it that Abraham Lincoln said about Government policy? He said that all such policies are a compound of good and evil, and the true rule is to accept that where the good preponderates.

I expect that rule in this day and age is just as good as when it was uttered by our beloved President a long time ago.

Mr. President, I allude to one more fact with respect to the statement I made on the 14th of September 1966. The riot in New York started in July 1967, many months after that address was made. And, of course, Mr. President, that put this whole matter in a different frame, and that frame was certainly enlarged when I sat down after day as a member of the Committee on Government Operations and I made the statement about the riots in Flanniel, Flanniel, New York, and the mischief in Nashville, Cincinnati, and elsewhere. This ugly and wicked finger touched over 200 cities in this country. It was a great grievance with a rather strange emotional feeling as to what is going to happen and where we have been deficient and derelict in facing up to a duty. We are now talking about a $10 billion program for the cities.

Why talk about it unless you start at the bottom and get a predicate or a foundation upon which you can build, and that predicate must of fairness dealing with the citizens of any particular metropolitan area, for unless we approach it from that standpoint, we just labor in vain and what we may bring about will certainly lack durability.

Now, Mr. President, there is no particular reason why I should discuss this bill any further tonight. Perhaps I ought to make sure by unanimous consent that the entire text will appear in the Record tomorrow morning, and I do ask consent, although it has been read in the Record, and that might not be necessary.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment has been printed in the Record.

Mr. DIREKSEN. Mr. President, I add this one thought. I have lived in this atmosphere a long time and I have lived also in the sweet atmosphere of a small town that almost fits into the poem entitled "The Deserted Village" by Oliver Goldsmith:

Sweet Auburn; loveliest village of the plain,
Where health and plenty cheer the laboring man.

I tasted of that atmosphere at a time when we knew no wickedness and had no such problems. But I am not unmindful of them as I cast my eye over the country and think from the pedestal of the lawmaker what I believe is my duty and responsibility.

And so we labor together precisely as we did in 1964 because I am in almost the identical position. It was no easy task to keep that bill and it was no easy chore to keep it in hand, and to be a little blunt, and to be a little selfish and say to a Member, "I went to your State and campaigned for you. I need a favor and I wish you would pay me. I wish you would give me a vote on closure."

And so this body voted closure, and there was the Civil Rights Act of 1964. As you look at its impact upon the country it has been a judgment made with good grace. Since that time we have added a voting rights bill that I helped pilot through this body and through conference. Now there are still some gaps, and what we are dealing with are the gaps in civil rights, and as long as they exist, I do not believe we can honestly conclude that we have properly consummated our labors.

So, Mr. President, to all who have gathered in that office, to all who participated, and to my own staff, who have done such yeoman service, I can only say, "Thanks, I am deeply grateful."

Mr. President, I ask unanimous consent that all printed amendments to H.R. 616, at the desk, be considered as having been read for the purpose of complying with the provisions of rule XXII, and that a point of order not lie against them because of their parity and line reference.

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

Mr. JAVITS and Mr. ERVIN addressed the Chair.

Mr. DIREKSEN. I yield to the Senator from New York.

Mr. JAVITS. Mr. President, I have one confession to make as we look at the proposal which the distinguished Senator from Illinois laid down, a proposal which I think has an excellent prospect for passage. When I became involved with a fair housing proposal, I recognized that in the final analysis the judgment of the Senate would be critical to the disposition of the matter.

I went to the Vice President of the United States, my predecessor in the office I now hold, and I asked him about Everett Dirksen and what would finally motivate him on the issue. He said, in effect, "I have always assumed in my legislative career, in my years in this body with Everett Dirksen, that his motivation is what this country, and that Everett Dirksen, when he focuses on this issue, can be, counted to take those steps he regards to be best for this Nation.

If you deal with him on that basis, you case, calling for the removal of the curse of discrimination in the sale and rental of housing, will receive the yeoman service of the Senate from Illinois will have the courage to stand up and do what is right according to his own conscience and to act in accordance with what he thinks is in the best interest of the country. I think that is exactly what he has done.

I am pleased that it has been my privilege to serve in this body and to have had an experience parallel to that of the