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The PRESIDING OFFICER. Without objection, it is ordered.

Mr. BAKER. I thank the Senator from Arizona.

#### MARTIN LUTHER KING, JR. HOLIDAY

Mr. GOLDWATER. Mr. President, I know that sometime today we will take up the subject contained in H.R. 3706, which is an act to amend title 5 of the United States Code to make the birthday of Martin Luther King, Jr., a legal public holiday.

Mr. President, several weeks ago I commented on this. I would like to repeat it, or substantially repeat it, because I do not know if I will have a chance to get the floor when the vote comes.

Mr. President, I think Martin Luther King has done a great deal of good for his country. I think he performed in an honorable way. But, Mr. President, when it comes to naming a holiday after a man—I do not care if he is black or whatever he is—I think that person should have been dead at least 50 years.

I can think, for example, of Thomas Jefferson. He does not have a holiday named after him. Abraham Lincoln does not have a holiday named after him. Charles Lindbergh does not have a holiday named after him.

With no disrespect meant to Martin Luther King, I intend to vote against the bill for a national holiday, frankly, for two reasons: One, the one which I have recited, the fact that we have not had enough time to fully judge his contributions to our country; and, second, because it means one more Monday that is a holiday. And we are slowly getting ourselves into a way in this country where we are going to have nothing but holidays every Monday. I oppose this move for that reason, if for no other reason.

So, again, I say, Mr. President, without any disrespect to Martin Luther King or any disrespect for his memory, but out of the great respect for many, many, many Americans, black and white, who have gone before us who are not recognized in this manner, I do not intend to vote for a holiday for Mr. King.

I hope the good judgment of my colleagues will prevail, because there are many, many, many people that we should recognize in this fashion in this country.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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 President, I ask unanimous consent that the order for the quorum call be rescinded.

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

#### BIRTHDAY OF MARTIN LUTHER KING, JR., AS A FEDERAL HOLIDAY

Mr. HOLLINGS. Mr. President, many outstanding Americans and their individual accomplishments have been acclaimed in these Halls. And we have special days to mark the anniversaries of the birth of some of our most heralded forefathers, like Washington and Lincoln. But today it is time to recognize a man who accomplished a great deal not because of the power of his office, but because of the power of his message.

Few have done more to change America than Martin Luther King, Jr., a man of vision who for many Americans came to symbolize the equality of all Americans. Perhaps most important, he had a dream—the American dream. And he fought mightily for it without sticks, stones, or fists, but with the call that we, the people, shall overcome.

Dr. King's words will be remembered and so will his profound influence on historic legislation affecting civil rights and voting rights. Yet, some may forget the struggle, the determination, and the crusade. They may forget that the air was saturated with hate and fear and that the perseverance and eloquence of one great man inspired a people and a world to search souls and right civil wrongs.

Twenty-seven years ago there was Rosa Parks, a weary black seamstress who was arrested and fined \$10 for failing to take a seat at the back of a Montgomery City lines bus. Dr. King organized a boycott of the bus system and arranged car pools to carry the 25,000 blacks who ordinarily rode the buses. Dr. King and his fellow ministers who organized against the bus system were later fined \$500 for their actions and charged another \$500 for court costs. But the cause marched on.

Dr. King told the story of one black minister, stopping his car to pick up an elderly black woman during the bus boycott. The minister said to the woman, "Sister, aren't you getting tired?" She replied, "My soul has been tired for a long time. Now my feet are tired and my soul is resting."

Thus a chain reaction for social change through peaceful means was started. The cause marched on with the freedom riders in the summer of 1961. It marched on through the streets of Birmingham in 1963. It marched on across the Edmund Pettus Bridge into Selma. And it marched on to the Nation's Capital and beyond.

But the journey was never easy. Freedom riders were slugged, burned, and savaged with iron pipes. In Birmingham of 1963 "white only" signs were almost as plentiful as the blossoms on magnolia trees. Hundreds of peaceful demonstrators were thrown in jail at the singing of "we shall overcome." Dr. King himself spent a week in solitary confinement where he wrote his famous "Letter from a Birmingham Jail," telling America that it was not pleasant to be called "boy" or "nigger," to be made to feel inferior, to be black in America.

The struggles in Birmingham and the struggles in Selma, throughout the South and throughout the Nation, were often met by tear gas, clubbings, and mass arrests. But the confrontations of violence and nonviolence not only called attention to specific incidences, places or civil wrongs, it induced a Nation to confront its conscience and protect the most fundamental rights of a free society—the right to vote and the freedom to be.

Mr. President, I urge my colleagues today to commemorate the birth of a man who sought to make a living reality of our fundamental principles, that "all men are created equal," and that we all have a right to "life, liberty, and the pursuit of happiness." Dr. Martin Luther King, Jr., not only furthered the cause of black Americans, he furthered the cause of all Americans. Indeed, America was his cause. It is time that we recognize his efforts, his accomplishments, and his spirit, for with them lies not only a dream but the foundation of freedom upon which this great Nation has been built.

#### PENTAGON SPENDING SPREE

Mr. EAGLETON. Mr. President, understandably, nothing rankles American taxpayers more than waste in Government spending. When someone rips off the food stamp program (and some people do) or when someone rips off the welfare program (and some people do), taxpayers get indignant. Taxpayers work hard to make a living and rightfully resent that the money they pay in taxes sometimes goes to waste.

It is a curious thing that that same righteous indignation does not apply to the Defense Department when it squanders money by the hundreds of millions of dollars.

In the category of egregious, frenetic waste, consider this article from the Kansas City Star of October 2, 1983.

The Defense Department, like all government agencies, hates to have money left over at the end of the fiscal year. So when the Pentagon faced the end of the government's fiscal year Friday, it went on a one-day, \$4.2 billion shopping spree.

Veteran Pentagon observers said it was the largest single-day defense expenditure since the Vietnam War ended a decade ago.

To avoid having to return any part of its fiscal 1983 appropriation to the Treasury Department, the Pentagon awarded 234 contracts and wiped out what would have been a surplus. Just the bare-bones description of

those last-minute contracts covered 29 pages.

The Wall Street Journal describes this as a spending binge. Amongst the largest recipients of this binge were Honeywell, Inc. (\$562.5 million) and General Electric (\$434.5 million). The 29 pages of contracts cover several dozen corporations scattered around the country.

To be sure, not all of these contracts are wasteful. Many are probably in our national security interest. But why the last-minute spending rush to pour the dollars out of the Pentagon treasury before the money lapses at fiscal year end?

If the Agriculture Department did this same thing with food stamp money, taxpayers probably would be aroused. They should be just as aroused when the Pentagon does it.

To get to the bottom of this situation, I have by letter urged the chairman of the Senate Defense Appropriations Subcommittee, Senator TED STEVENS, to utilize the investigative resources of the Senate Appropriations Committee to probe this matter and to schedule an oversight hearing thereon. This hearing should determine whether these last-minute expenditures were truly necessary.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mrs. HAWKINS). Without objection, it is so ordered.

#### MARTIN LUTHER KING, JR. HOLIDAY

Mr. BAKER. Madam President, for some time now I have announced the intention of the leadership on this side to go to the consideration of the Martin Luther King holiday bill. It was postponed once for good and sufficient reasons. The announcement was made at that time, and then again last week, that on today we would go to that measure, and indeed we will. That is H.R. 3706, which is Calendar Order No. 343.

Madam President, I have discussed this with the minority leader, who is aware of the situation; with the distinguished chairman of the Judiciary Committee, the Senator from South Carolina, with the distinguished Senator from Kansas (Mr. DOLE); and with Senator HELMS, who is on the floor.

Madam President, first, I ask unanimous consent that the Senate now proceed to the consideration of H.R. 3706, Calendar Order No. 343.

Mr. HELMS. Madam President, reserving the right to object, I am

always reluctant to oppose a unanimous-consent request by the leadership, but in this case I must.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Madam President, as always, the Senator from North Carolina has been kind enough to advise me that was his intention.

Madam President, also, as I will move shortly to the consideration of H.R. 3706, I suspect that the debate will not be swift and prompt.

No Senator will be taken by surprise, I am sure, when I say that it is the intention of the leadership on this side—I would even presume to say perhaps the joint leadership—to attempt to limit the debate on the motion to proceed as and when we reach that, the bill itself.

Mr. BYRD. Madam President, will the majority leader yield?

Mr. BAKER. Yes, I yield.

Mr. BYRD. So Senators should not be under any delusion, I signed the cloture motion. I was No. 16 on it.

Mr. BAKER. That may be. Madam President, and, notwithstanding the warm and cordial friendship that really does exist between the minority leader and me, I am told that it is perhaps the first time that the minority leader and I, since I have been majority leader, have both been singatories to the same cloture motion.

Mr. President, I now move that the Senate turn to the consideration of H.R. 3706, the Martin Luther King holiday bill.

Mr. HELMS. Madam President, just a few hours before the Senate recessed on August 4, there was a movement in the Senate to rush through at the last minute H.R. 3706, which would make a national holiday of the birthday of Martin Luther King. I felt obliged at that time to register strong objection. I did not then and I do not now favor another national holiday, shutting down this country, for Martin Luther King or anybody else. What we need to concentrate on in this country, Madam President, is more productivity, not more leisure time. Moreover, the extreme haste with which some wanted the Senate to move on such significant legislation was not at all in keeping with the Senate tradition of full debate and careful deliberation.

Madam President, just so the record will be clear as to how quickly the proposed national holiday legislation has moved and how scant the consideration has been in connection with this matter in the 98th Congress, let me review the measure's chronology.

On June 16 of this year, H.R. 3345 was introduced in the House of Representatives to make a national holiday of Dr. King's birthday. No hearings were held, yet the bill was favorably reported by the House Committee on Post Office and Civil Service to the

full House of Representatives on July 26.

On July 29, a bill identical to H.R. 3345 but with a new number, H.R. 3706, was introduced. This change obviously was made in order to accommodate certain House Members who wanted their names included on the printed bill as original cosponsors.

On August 2, this new bill, H.R. 3706, was discharged by the Post Office Committee by suspension of the rules. On that same day, again by suspension of the rules, the House called up the measure and passed it.

Bear in mind, Madam President, not 1 minute of hearings was conducted on the pros and cons of this legislation. Not one.

In any case, Madam President, the Senate received the bill on August 3. Instead of its being sent to the appropriate committee, the Committee on the Judiciary, for consideration, for hearings, the bill was read twice and placed right on the calendar.

The very next day, August 4, with Senators expecting to go into recess within a few hours, some of my distinguished colleagues proposed that the bill be brought up quietly so that it could sail through, probably with a voice vote, with little or no debate.

Madam President, what goes on? Why are those who favor this national holiday, which will cost our economy between \$4 and \$12 billion, depending on whose estimate you take—why could not, why should not this bill have been referred to the Committee on the Judiciary for consideration, as is normal procedure? Why the haste?

The Senate was in no position to act on this matter on August 4, because I regretfully told the majority leader that I would be obliged to talk a while on it. As I indicated earlier, that was the day that the Senate went into recess for the month of August.

Madam President, because of my opposition to the legislation and because of what has been perceived by many Americans as a steamroller approach, I had to make clear on August 4 that I felt obliged to resist consideration at that time of H.R. 3706. I had hoped that a measure of comity and commonsense would prevail during the August recess and that the we would come back here and that the bill would be referred to the Committee on the Judiciary and that hearings would be held so that the pros and cons of the proposition could be heard. But that did not occur. The bill is still on the calendar and my good friend, whom I admire and respect so much, the distinguished majority leader, has just moved for its consideration by the Senate.

Madam President, it continues to be my strong hope that, after having an opportunity to reflect further on the implications of this proposal, the pro-

ponents of this legislation will abandon any inclination to move precipitately or rashly and consider what we are doing with such a proposal.

If this bill is laid before the Senate, it is my intention to move to commit it to the Judiciary Committee for consideration and for hearings. That is all I ask. If the Senate will simply follow its normal procedures in matters of important legislation, I assure Senators that it would not be my intent to delay consideration of this proposal once it has been reported back to the Senate by the Judiciary Committee. But unless and until the public has been given a right to say yea or nay, for or against, pro or con, I must object.

It is unrealistic to expect quick passage on the floor of any measure that Congress has had before it in one form or another for 15 years but repeatedly has declined to act. Now there is an atmosphere of pressure, intimidation, even threats that if Senators do not vote for this bill, all sorts of unhappy things will happen next year. I, for one, am not going to knuckle under to such intimidation, and I hope other Senators will not.

I do not ask Senators to change their position; I ask Senators simply to vote to send the bill to the Senate Judiciary Committee, where it should have gone in the first place, and let there be consideration and public hearings on it.

I cannot understand why that is not a fair request.

As to the merits of H.R. 3706, I must confess that I find it difficult to believe that the proponents of the bill have given even scant thought to the ramifications and the implications of this proposal.

Madam President, can they be serious about virtually shutting down this country for yet another holiday each year? Have they considered what it will cost in terms of money and taxes and jobs? I have come to the conclusion that many have not given those implications one iota of consideration. And I do not think it speaks well of the Senate. Frankly, with the economy struggling to make a comeback, I am convinced that we need fewer, not more, national holidays. There are nine already: New Year's Day, Washington's Birthday, Memorial Day, Fourth of July, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, and Christmas Day.

Now, one distinguished Member of the House of Representatives has estimated that the potential cost to the American economy—and he is talking about Government and the private sector—would be \$12 billion.

Now, I do not know whether his estimate is correct or not, but I think that perhaps the correct figure lies somewhere between \$4 and \$12 billion. How much closer to one than the other I do not know.

And the ironic thing to me is that black citizens, who, above all others, need jobs would ask, demand this Senate to pass this legislation without any hearings, without the normal processes of the Senate being utilized. I just do not understand it.

Madam President, I asked the Library of Congress to give me an assessment of the direct costs of this proposal. I was informed that at the beginning it would cost U.S. taxpayers \$270 million for pay and benefits and lost productivity among the Federal employees alone. That is just for openers. The taxpayers will be hit for another \$692 million to cover the pay, benefits and lost productivity among State and local government employees, assuming—and I think it is a fair assumption—that the States follow the Federal lead in this matter.

In addition, the Chamber of Commerce of the United States estimates that the cost to the private sector in terms of payroll for full-time employees would be \$4.3 billion for this one additional day of shutting down this country.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. HELMS. I would prefer to finish my statement, if the Senator does not object.

Mr. KENNEDY. I would hope that in his statement—

Mr. HELMS. Mr. President, who has the floor?

Mr. KENNEDY [continuing]. The Senator will give the authority for such a statement.

The PRESIDING OFFICER (Mr. COCHRAN). The Senator from North Carolina has the floor.

Mr. HELMS. I thank the Chair.

The picture of direct cost for an additional holiday looks something like this. The public sector cost, Federal, State and local, \$962 million for one single new national holiday; private sector cost, estimated, \$4.3 billion, for a total of \$5.262 billion per new national holiday.

Now, Mr. President, that figure is horrendous enough in an economy that is struggling to recover, at a time when a chorus of political voices rises every day saying we must do something about unemployment, we must do something, they say, about productivity. I agree with both of them. But as the saying goes, "Here we go again."

This figure does not, I say again, account for the indirect cost to the overall economy. Trying to get all the costs, indirect as well as direct, is difficult, but at least we know that there are valid estimates concluding that \$5.262 billion will be taken out of this economy.

Now, is it worth it? Every citizen, every Senator, of course, is obliged to make his or her judgment about that. In any case, whether one is inclined to

accept any specific or precise figures, the fact remains, no matter who is doing the figuring, the cost of an additional national holiday is enormous.

Now, I have given a great deal of thought to that. All of us have our individual heroes. I have mine. There are many notable Americans in our history for whom no holiday exists. As the matter now stands, for example, I have often wondered why there was not a national holiday for Thomas Jefferson, who happens to be my favorite. There are many who would like to see a holiday for Franklin D. Roosevelt or John F. Kennedy or Booker T. Washington. Each of us could compile a sizable list.

Mr. President, I have been told that it is political suicide to oppose this proposal. It may be, but America needs to get productivity up, not water it down more. We need to reduce the tax burden, not increase it. We need to cut Federal spending, not increase it.

Mr. President, when one sector of the electorate feels very strongly and very passionately about a cause, it is a serious matter to oppose that cause. When people on one side feel very passionately about the matter, it is extremely difficult to ask them to lay their passion to one side and be objective in their assessment of the matter. I am not about to say that I do not have strong convictions myself about the proposal to create this new national holiday, to shut this country down for another national holiday. But I think that there are reasonable arguments and dispassionate analyses which ought to help bring our people together on this issue rather than drive them apart.

I think the best way for that to occur is for the Senate to say we are going to follow our normal procedures. Since it has not been given 1 minute's consideration in hearings in the House of Representatives or in the Senate, let us say we are going to send this bill to the Senate Judiciary Committee where hearings can be held and the people invited to come in and speak pro or con.

Those who object to it can never say that they were not given an ample opportunity to make themselves heard. But if we proceed along the track that we are now following, there are citizens all across this country who will be resentful. They will be hostile toward this Congress, and they will feel that they did not get a fair shake in being able to express themselves on a controversial, vital issue.

A holiday—a national holiday, in particular—is, or should be, an occasion for shared values, for the commemoration of things which we as a nation as a whole hold in common. While Dr. King, in his public image, did appeal to many of those shared values, his very name itself remains a

source of tension, a deeply troubling symbol of divided society.

I do not refer to the tensions of racism. I readily admit that racism lingers in our society. But I think it is interesting, when one talks about racism, to try to find at least two people in the Senate or in any other group to agree what the word racism means. So I am reluctant to use a word that is subject to so many different interpretations, some of them completely at odds with each other, because too often the word racism is used as a smear word to convey exactly the kind of hatred that the word pretends to deplore.

A great many of our thought leaders in the media keep at a hand quickly available ax handle to bludgeon those with whom they disagree. They dredge up the word racism and apply it, as fact—when it is not fact. But I contend that relations between persons depend upon what is in their hearts, not upon their color; and I suspect that what we often hear described as racism are merely the same old vices to which mankind has always been susceptible at its worst.

The human soul is capable of both good and evil, and there is a good bit of both in each of us. We know from experience, even from our personal experiences, that human beings sometimes choose evil, so we should not be surprised that evil exists in the world, even though some persons, for political or sociological reasons, may refer to some of these evils as racism, instead of using the more accurate and traditional moral categories.

I say that to emphasize that Martin Luther King's repeated and well-publicized appeals to love and brotherhood found, during his lifetime—and still find—a broad appeal to men of goodwill, because they are basic things upon which we can all agree. But there are many who point out—and they are sincere and they are not without foundation when they say it—that the image of Dr. King as a religious leader blends quickly into the image of Dr. King as a political leader, as a man who was seeking to use the power of government to reshape and redistribute the power within the Government. Indeed, the veneer of religious imagery with which he cloaked his political concepts created the very tension which his name still invokes.

Mr. President, I submit that Dr. King's political views did not necessarily follow from his stated religious convictions, nor is there any reason for a Christian or any religious person to apply Dr. King's principles to the structure of society in the way that Dr. King did.

The tension between his religious and his political views was matched by the tension in his methods, between his preaching of nonviolence and his calculated use of nonviolence as a pro-

vocative act to disturb the peace of the State and to trigger, in many cases, overreaction by authorities.

So the perceptions exist among many in this country, right or wrong, that the legacy of Dr. King was really a division, not love; and although the anger of that division has cooled, mistrust remains. In any case, two generations have been led to concentrate on politics instead of production; and the bitterness that remains results from the failure of political methods to solve economic problems.

The palpable truth is—and many Americans are learning it—that you cannot eat politics. Dr. King has been presented as a hero to his people by a generation of people who may qualify as myth makers. Although Dr. King used the categories and rhetoric of Christianity in preaching the Bible, there are countless Americans who remember his associates, who remember that the then President of the United States advised him to disassociate himself from people specified by the then President.

He was a proponent of the same movement which today goes by the name of liberation theology. The view of the liberation theology is that a theology of God and salvation from sin is outmoded.

Instead, they say salvation is to be found in this world and we work out our salvation by bringing about some idealized view of a just society even if to do so requires destruction, theft, terrorism, all the other fruits of revolution. It is the same kind of liberation, I guess, that was whispered to Adam and Eve in the biblical accounts and the result was always the loss of Eden rather than the achievement of Eden.

Be that as it may, Mr. King's political views were those of a radical political minority that had little to do with racial minorities. It is this fact, not his exploitation of racial feelings, that makes it inappropriate to rush ahead without hearings, without due process, if you want to call it that, in the Senate.

The fact is that Dr. King's program at least in part was conceived and aided by men and women who were not loyal to the United States. And I use the term "not loyal" not in the general sense, but in the technical political sense of those striving for the violent overthrow of the Constitution of the United States. I refer specifically to members of the Communist Party of the United States, a revolutionary action organization funded and directed from Moscow. Although there is no record that Dr. King himself ever joined the Communist Party, he kept around him as his principal advisers and associates certain individuals who were taking their orders and direction from a foreign power.

Dr. King kept as his adviser—perhaps, some would say, his key advisers—men who vowed to overthrow our Government and our way of life. He kept them even though non-Communist friends, who were sympathetic to his cause, repeatedly warned him that to keep Communists in his advisory and action structure was to bring disrepute upon his cause. Those who warned him included the President and the Attorney General of the United States.

There are some who might say that all of these things are irrelevant. What matters to them is that Dr. King seemed to be the conscience of a civil rights movement and that the aims of the civil rights movement were reform, not revolution, and some might argue that the participation of Marxists in Dr. King's movement did not taint the essence of what Dr. King accomplished. To the contrary, they might argue by participating in such a grand movement these Marxists themselves were brought into the political process and they argue that it is good to have Marxists participating in the system instead of trying to destroy it.

But this comes down to being an extremely tendentious argument which I do not believe a lot of Americans are willing to swallow.

I think most Americans would feel that the participation of Marxists in the planning and direction of any movement taints that movement at the outset. Not just communism itself but philosophical Marxism lies outside of the national consensus, or at least I hope it does.

Others may argue that Dr. King's thought may have been merely Marxist in its orientation. But the trouble with that is that Marxism-Leninism, the official philosophy of communism, is an action-oriented revolutionary doctrine.

And Dr. King's action-oriented Marxism about which he was cautioned by the leaders of this country, including the President at that time, is not compatible with the concepts of this country.

These are just some of the thoughts that many Americans have expressed to me. It has been widely advertised that I am going to filibuster this proposal. I do not know about that yet. We could put an end to the extension of time spent on this measure simply by sending this proposal to the Judiciary Committee with or without instructions to conduct hearings on it and report back at any time satisfactory to the Senate. That is all I ask.

I ask only that this proposal not be treated differently from other major controversial issues, that at least we give the people an opportunity to speak out pro or con and then report back if that is the will of the Judiciary

Committee so that the Senate can act on it.

I give my commitment, if that procedure is followed, this Senator will consume no more time than normal depending on the language of the legislative proposal reported out. I will be committed, as a Senator, to offer an amendment if I feel it is necessary.

But you are going to find, Mr. President, holy wrath in opposition to the proposal that we follow the normal procedures of the Senate. We are going to hear all sorts of explanations to the effect that we have heard all of this before in prior years et cetera, et cetera, et cetera, as the King of Siam said.

But these protestations will be hollow because if this proposal is as sacrosanct as it is pretended to be, then what fear should we have of an exploration of the proposal? As I say, at the appropriate time, I am going to offer a motion to send this legislation to the Judiciary Committee. We cannot recommit it because it was never there in the first place. So the motion will be to commit it to the Judiciary Committee. And I shall be very interested in observing how Senators vote on this proposal, particularly in light of my assurance, my guarantee, that once that is done, once hearings are held, once the legislation is reported out, this Senator will do nothing inordinate to hold up action on the proposal.

But I do feel obliged, Mr. President, to raise a respectful protest in response to the manner in which this proposal has been handled thus far. That is it. We can end this debate this very afternoon, get it over with. All we have to do is refer this legislation to the appropriate committee, ask for hearings, and ask for a prompt report to the Senate.

For the life of me, I cannot see that that is too much to ask.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, as a cosponsor of this legislation, I ask unanimous consent that the order for the quorum call be rescinded so that I may make an opening statement.

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

Mr. KENNEDY. Mr. President, before making a formal statement I must say that I am enormously distressed by these allusions, suggestions, inferences which are made by a colleague of mine, the Senator from North Carolina, about Dr. King's involvement with the Communist Party.

Those charges, Mr. President, were raised first and most vigorously by the arch-segregationists bent on retaining the rule of racism. It is their heirs in

the last-ditch stand against equal justice who seek to divert us today on this legislation with such matters.

I do not think that the comments of the Senator from North Carolina are worthy of response and I will not dignify them with a reply. They reflect no credit on this body, and I am sure they would be shunned by the vast majority of the American people, including the citizens of his own State.

Mr. President, there have been comments made on the floor of the U.S. Senate about whether this legislation has had adequate hearings, and there has even been some observation that I, in the U.S. Senate, have been somewhat remiss in not holding hearings on this legislation. As a member of the Judiciary Committee and as the former chairman of the Judiciary Committee when this legislation was introduced, I might say we had in 1979, 2 days of hearings.

The Senate Judiciary Committee reported this bill to the U.S. Senate by a vote of 10 to 6, and to suggest on the floor of the U.S. Senate that the Senate Judiciary Committee has not had the hearings or that the House of Representatives has not had the hearings, shows gross ignorance about the legislative history of this particular proposal, and I think it was demonstrated by the Senator from North Carolina in not only his understanding of the legislative history but also with regard to his comments about the costs of various holidays.

Mr. President, I will put into the RECORD at an appropriate place the information that the Senate Judiciary Committee and the House Judiciary Committee have, both reports which are available to the Members of this body, have available to them here on the floor of the U.S. Senate, in talking about the costs to the American economy of this particular holiday.

The fact is, Mr. President, this particular issue has been before the U.S. Senate for a period of some 14 years in one form or another. It does not come as any surprise to the Members of Congress or to this body. It does not come as any surprise to the Members of the Senate Judiciary Committee, or the House of Representatives Judiciary Committee. It passed the House of Representatives 338 to 90 some several weeks ago, and now the Senator from North Carolina is trying to suggest, after due notice has been given for a period of weeks by the majority leader, that this somehow is being sprung on the U.S. Senate. That is hogwash, Mr. President. It is hogwash. Those same kinds of representations that are being made here have been made time and time again, and I have heard them when we have had to call various pieces of civil rights legislation from the calendar, and it is not an appropriate kind of commentary when

we are considering the importance of this piece of legislation.

Mr. President, I welcome the opportunity to debate in the U.S. Senate, if we have that opportunity to debate in the U.S. Senate, the bill to create a national holiday commemorating the birth and life and message of Dr. Martin Luther King, Jr. This is a great day in the 200-year history of the struggle to make the American dream a reality for every American.

These are difficult times and more than ever before we must reaffirm our Nation's commitment to equality, to peace, to nonviolence, and to the right of all individuals to fulfill their potential free of prejudice and artificial limitations.

Martin Luther King dedicated his life and gave his life to complete the unfinished business of the American Revolution and the Civil War, and he helped this Nation to see that discrimination in our midst is eliminated and to accept the right of equality for all of our people, and the genius of Dr. King enabled America to confront and resolve that principle of equality in a peaceful and nonviolent manner, and he is one of the true giants of American history and he richly deserves the extraordinary honor we confer on him today.

In these years of deepening poverty and unacceptable unemployment there are millions of Americans whose skin is not white who wonder about their future and our Nation. They see a severe recession that closes the door of opportunity. They see an economic policy that is unfair, inequitable, and unjust. They see an attempt to retreat from voting rights and housing rights and civil rights, and, worst of all, they see a government that does not seem to care.

On August 27, over 200,000 people came to the Capital from every section of the land to ask this Nation to redeem its commitment to peace and jobs and freedom for all Americans. They came on the 20th anniversary of Dr. King's historic march on Washington in 1963. They proved in 1983 that the power of Dr. King's dream is still alive in the hearts of the American people, and the item at the top of the agenda of those who marched last month is the measure we are acting on today because in honoring Dr. King, we honor the cause of equity and the cause of fairness and the cause of decency in economic progress and social justice for all Americans.

A few weeks before his death he reaffirmed his dream for America and called upon each of us to struggle for that dream. And I quote:

Let us be dissatisfied until every man can have food and material necessities for his body, culture, and education for his mind, and freedom and human dignity for his spirit.

We face many vital issues in the present Congress. This legislation now before us may well be our most enduring achievement. Long after all other actions will have been forgotten people will remember his was the Congress that gave Dr. King the highest honor our Nation can bestow on any of its citizens. Presidents and Congresses will come and go, but Martin Luther King and his dream will go on so long as there is an America, and each year henceforth on this anniversary of his birth citizens of every region and every color will pause in their own lives, in their own way, in their own tribute to this man who brought us a fuller measure of justice than our Nation has ever known. In honoring Dr. King we honor the best in our country and ourselves.

Mr. President, I take some notice of the fact that we have a legislative bulletin that is put out, I imagine daily. In this case it is the one that is referred to as by the Republican Policy Committee. I am mindful that this legislation that has been introduced was introduced by, in this Congress by, Senator MARTIN and has had bipartisan support in the Judiciary Committee. But I do think that it is important that we know where the President of the United States is going to stand. I know where the members of the Judiciary Committee stand and I know where many of us who are cosponsors of this legislation stand, but I think it is important that we find out where the President of the United States is going to stand because this is a matter of enormous importance and consequence.

I take note, Mr. President, that in the U.S. Senate Republican Policy Committee on the issue of H.R. 3706, Martin Luther King, Jr. holiday, that on the bottom it says, "Administration position not available at press time."

Well, I dare say that when we pass this legislation and we go on down to the White House we are not going to find another statement, "not available at press time." Mr. President, we need your intercession now, not down at the White House, in the Rose Garden at the signing time, we need it now, just as we needed it at the time of the Voting Rights Act; just as we needed it at the time of the Civil Rights Commission compromise proposed by Senator DOLE; just as we needed it at other times. Instead you have made recommendations and made suggestions about giving tax credits to those who gave contributions to segregated schools. Today, it is members of your party as well as this party who are prepared to stand up to this issue.

I certainly hope that, as we start this debate and this discussion here this afternoon on an issue of such importance and consequence—called off the calendar credibly by a Republican leader and supported by many Repub-

licans in the U.S. Senate, as it was in the House of Representatives, and supported by millions of Republicans and Democrats and Independents across this country—that we have a right to know where you stand, Mr. President. Let us know, and perhaps we will not spend more time than absolutely necessary in this body on this issue which I think cries for action at this present time.

Mr. President, I know there are other of my colleagues that wish to speak on this issue. I yield the floor.

Mr. HELMS. Mr. President, in light of the comments by the Senator from Massachusetts (Mr. KENNEDY), it is important that there be such an examination of the political activities and associations of Dr. Martin Luther King, Jr., principally from the beginning of his work in the civil rights movement in the mid-1950's until his death in 1968. Throughout this period, but especially toward the beginning and end of his career, King associated with identified members of the Communist Party of the United States (CPUSA), with persons who were former members of or close to the CPUSA, and with CPUSA front organizations. In some important respects King's civil rights activities and later his opposition to the Vietnam war were strongly influenced by and dependent on these associations.

There is no evidence that King himself was a member of the CPUSA or that he was a rigorous adherent of academic Marxist ideology or of the Communist Party line. Nevertheless, King was repeatedly warned about his associations with known Communists by friendly elements in the Kennedy administration and the Department of Justice (DOJ) (including strong and explicit warning from President Kennedy himself). King took perfunctory and deceptive measures to separate himself from the Communists against whom he was warned. He continued to have close and secret contacts with at least some of them after being informed and warned of their background, and he violated a commitment to sever his relationship with identified Communists.

Throughout his career, King, unlike many other civil rights leader of his time, associated with the most extreme political elements in the United States. He addressed their organizations, signed their petitions, and invited them into his own organizational activities. Extremist elements played a significant role in promoting and influencing King's opposition to the Vietnam war—an opposition that was not predicated on what King believed to be the best interests of the United States but on his sympathy for the North Vietnamese Communist regime and on an essentially Marxist and anti-American ideological view of U.S. foreign policy.

King's patterns of associations and activities show that, at the least, he had no strong objection to communism, that he appears to have welcomed collaboration with Communists, and that he and his principal vehicle, the Southern Christian Leadership Conference (SCLC), were subject to influence and manipulation by Communists. The conclusion must be that Martin Luther King, Jr., was either an irresponsible individual, careless of his own reputation and that of the civil rights movement for integrity and loyalty, or that he knowingly cooperated and sympathized with subversive and totalitarian elements under the control of a hostile foreign power.

#### BIOGRAPHICAL DATA

Martin Luther King, Jr., was born on January 15, 1929, in Atlanta, Ga. He was the son of Alberta Williams and Martin Luther King, Sr., a Baptist minister. He was graduated from Morehouse College, Atlanta, in 1948, receiving the degree of B.A. He attended the Crozer Theological Seminary in Chester, Pa., receiving the degree of B.D. in 1951, and he received the degree of Ph. D. from Boston University in 1955. In 1953 he married Coretta Scott of Alabama, by whom he was the father of four children. On April 4, 1968, King was murdered by a rifle assault in Memphis, Tenn. On March 10, 1969, James Earl Ray, an escaped convict, pled guilty to the murder of King and was sentenced to 99 years in prison, a term he is now serving.

#### OPERATIONS "SOLO" AND STANLEY D. LEVISON:<sup>1</sup>

In the early 1950's the Federal Bureau of Investigation (FBI) undertook a long-term and highly classified counterintelligence operation against the CPUSA. The FBI persuaded a former member of the National Committee on the CPUSA and former editor of the "Daily Worker," the party newspaper, to become active again within the party leadership and to report on party activities to the FBI. This man's name was Morris Childs, and his brother, Jack Childs, also a Communist, agreed to act as an informant as well. The FBI operation was known as SOLO, and for nearly 30 years it provided reliable and highly sensitive information about the CPUSA, its activities within the United States, and its relations with the Soviet Union to the highest authorities in the U.S. Government. At least three U.S. Presidents were aware of SOLO, and Morris Childs may have briefed President Nixon prior to his trip to Moscow in 1972. In 1980 SOLO was brought to an end. Jack Childs died on August 12, 1980, and the operation was publicly disclosed and thus terminated by historian David J.

<sup>1</sup> Footnotes at end of article.

Garrow in a book published the following year.

Among the most important facts learned from SOLO was that the CPUSA was dependent on a direct financial subsidy paid by the Soviet Union. About 1 million a year in Soviet funds was paid to a member of the CPUSA, usually Jack Childs himself, in New York City. Although this subsidy was illegal, the FBI allowed it to continue for a member of reasons—prosecution would have exposed SOLO and necessarily brought it to an end, and the operation was of continuing value; and the dependence of the party on Soviet funds meant that it did not seek to increase its membership and importance within the United States.

In 1953 Jack Childs reported to the FBI that an individual named Stanley David Levison (1912-1979), a New York lawyer and businessman, was deeply involved in acquiring and disposing of the funds of the Soviet subsidy to the CPUSA. Levison may have been involved as a financial benefactor to the party as early as 1954 and may have established legitimate business enterprises in the United States and Latin America in order to launder Soviet funds to the party. In this connection Levison was said to have worked with Isidore G. Needleman, the representative of the Soviet trading corporation AMTORG.

Childs also reported to the FBI that Levison assisted CPUSA leaders to acquire and manage the Party's secret funds and that he directed about \$50,000 a year into the party's treasury. After the death of party treasurer William Weiner in 1954, Levison's financial role became increasingly important, and Levison, according to Childs, became "the interim chief administrator of the party's most secret funds."<sup>2</sup>

The FBI maintained close surveillance of Levison, but in mid to late 1955, Levison's financial role began to decline. The FBI decreased its surveillance, although Levison was believed to have occasional contacts with CPUSA leaders. The Bureau eventually terminated surveillance of Levison, probably sometime in 1957. Some indications that CPUSA leaders were disgruntled with Levison led the FBI to interview him on February 9 and March 4, 1960. It is not clear what Levison told the FBI at these interviews, but he definitely rejected the request of the FBI that he become an informant within the Communist Party.

In the summer of 1956 Bayard Rustin, himself a former member of the Young Communist League, the youth arm of the CPUSA, introduced Levison to Martin Luther King, Jr. in New York City. Levison and King soon became close friends, and Levison provided important financial, organiza-

tional, and public relations services for King and the SCLC. The FBI was not aware of their relationship until very late 1961 or early 1962, and it was the discovery of their relationship that led to the protracted and intensive FBI-DOJ surveillance of King for the remainder of his life. The FBI believed that Levison was still a Communist and that King's relationship with him represented an opportunity for the Communist Party to infiltrate and manipulate King and the civil rights movement.

Of King's dependence on Levison there can be no doubt. A DOJ task force investigating the FBI surveillance of King discussed this dependence in this report of 1977:

The advisor's (Levison's) relationship to King and the SCLC is amply evidenced in the files and the task force concludes that he was a most trusted advisor. The files are replete with instances of his counseling King and his organization on matters pertaining to organization, finances, political strategy and speech writing. Some examples follow:

The advisor organized, in King's name, a fund raising society. . . . This organization and the SCLC were in large measure financed by concerts arranged by this person. . . . He also lent counsel to King and the SCLC on the tax consequences of charitable gifts.

On political strategy, he suggested King make a public statement calling for the appointment of a black to the Supreme Court. . . . This person advised against accepting a movie offer from a movie director and against approaching Attorney General Kennedy on behalf of a labor leader. . . . In each instance his advice was accepted.

King's speech before the AFL-CIO National Convention was written by his advisor. . . . He also prepared King's May 1962 speech before the United Packing House Workers Convention. . . . In 1965 he prepared responses to press questions directed to Dr. King from a Los Angeles radio station regarding the Los Angeles racial riots and from the "New York Times" regarding the Vietnam War.<sup>3</sup>

After King's death, Coretta Scott King described Levison's role: "Always working in the background, his contribution has been indispensable," and she wrote of an obituary of King written by Levison and Harry Belafonte, "two of his most devoted and trusted friends," as "the one which best describes the meaning of my husband's life and death."<sup>4</sup> It may be noted that this obituary began with a description of America as "a Nation tenaciously racist \* \* \* sick with violence \* \* \* (and) corrosive with alienation." According to Garrow, Levison also assisted King in the writing and publication of "Stride Toward Freedom" the administration of contributions to SCLC, and the recruitment of employees of SCLC. King offered to pay Levison for all this help, but Levison consistently refused, writing that "the liberation struggle (that is, the civil rights movement) is the most positive and rewarding area of work anyone could experience."<sup>5</sup>

There seem to have been few if any agents and administrators in the FBI who knew of Levison's background of involvement in handling the secret and illegal Soviet funds of the CPUSA who doubted that Levison remained a Communist or under party control at the time he was working with King, and some FBI personnel have suggested that Levison may actually have held rank in the Soviet intelligence service. Garrow himself does not seriously question the accuracy of Childs' reports of Levison's earlier role in the party, but he appears to be skeptical that Levison continued to be a Communist at the time he worked with King and that he was not motivated in this work by any factor other than friendship for King and belief in the civil rights movement.

Garrow's conclusion in this respect is open to question. He is decidedly favorable to King, as opposed to J. Edgar Hoover and other anti-Communists of the time. It is not clear why Garrow came to this conclusion, since he does not appear to have had access to all FBI materials on Levison or derived from SOLO and since he appears to be largely ignorant of the nature of CPUSA activities in racial relations through front groups and surrogates and of the discipline of the party over its members.

A number of factors support the belief that Levison continued to be a Communist or to act under CPUSA control during his association with King:

First, there is no evidence that Levison broke with the CPUSA; the termination of his financial activities on behalf of the party prior to his work with King means nothing as far as his affiliation with or loyalty to the party or the Communist movement is concerned.

Second, Levison had been involved not as a rank-and-file member but as an operative involved with clandestine and illegal funding of the CPUSA by a hostile foreign power. He had had access to the highest leaders of the party and to the inmost secrets of the party. It is not likely that such tasks would be given to one who was not fully trusted by both the CPUSA leadership and by the Soviets themselves. Even if Levison had changed his mind about communism, his activities would have constituted grounds for blackmail by the party.

Third, several years after the apparent end of his financial activities for the CPUSA, Levison rejected an opportunity to act as an FBI informant against the party. Details of his discussions with the FBI are not available, but apparently they were not friendly.

Fourth, Levison testified under subpoena at an executive session of the Senate Subcommittee on Internal Security on April 30, 1962. This testimo-

ny is still classified. His attorney at this time was William Kunstler, who became notorious for his far left activities in the 1960's and 1970's; Kunstler had been recommended to Levison by the latter's friend, Arthur Kinoy, also a far left activist. Although Levison in his opening statement before the subcommittee denied that he was or ever had been a member of the Communist Party, he refused to answer any questions during this hearing dealing with his relations with the party or his alleged financial role in it; he pled the fifth amendment throughout the hearing.

Fifth, Levison's known policy and personnel recommendations to King exhibit a leftist orientation. He was instrumental in persuading and influencing King to oppose the Vietnam war and in hiring at least one other individual with known Communist affiliations to work in SCLC.

Sixth, prior to his work in a New York-based civil rights group called "In Friendship" in 1955, Levison had never displayed any interest in civil rights activities. The sudden development of his interest in civil rights and his extensive, time-consuming, and costly assistance to King may have been motivated by a spontaneous and enduring dedication to this cause, but there is little reason to think so. His own description of the civil rights movement as a liberation struggle suggests a Marxist perspective.

Seventh, after King was urged by DOJ to disassociate himself from Levison and was subject to surveillance and distrust by the FBI and the Kennedy administration, there was no effort on Levison's part to try to explain his past or to persuade appropriate authorities (in the FBI, DOJ, or the White House) that he had been innocent of Communist connections or that his relationship with King was not connected to his Communist affiliation. Had he been able to do so, King and the civil rights movement would have been much more favorably received by the Kennedy administration and King himself would probably have been spared several years of surveillance and harassment by the FBI. Instead, Levison and King entered into a secret and deceptive relationship by which Levison continued to influence King through an intermediary, himself of far left orientation and background.

In short, Levison consistently behaved in a manner that lent itself to a sinister interpretation, and his behavior lends further credence to the firm belief of FBI agents involved that Levison remained a Communist or under Communist control. That Levison remained under Communist control was and remains a reasonable explanation of his activities in lieu of any evidence to the contrary or any

known behavior on his part that would contradict this explanation.

The FBI informed Attorney General Robert F. Kennedy of the close relationship between Levison and King and of Levison's Communist background on January 8, 1962. The Attorney General decided to warn King of Levison's background and to urge him to disassociate himself from Levison in order to spare himself, the civil rights movement, and the Kennedy administration any future embarrassment. Both Burke Marshall, Assistant Attorney General, acting through Harris Wofford, White House Civil Rights Adviser, and John Seigenthaler, Administrative Assistant to the Attorney General, informed King that persons close to him were Communists or had Communist backgrounds. King expressed skepticism and made no commitment to inquire further or to take any action. Marshall brought the matter to King's attention again in subsequent meetings. On June 22, 1963, King met separately in Washington with Marshall, Robert Kennedy, and President Kennedy. All three men again warned King about the Communist affiliations of Levison and Jack O'Dell, an official of SCLC who had been promoted by Levison and who had been—and may still have been—a member of the National Committee of the CPUSA. President Kennedy, in a private conversation with King in the White House Rose Garden, compared the situation with the Profumo scandal in Great Britain and specifically stated, with reference to Levison and O'Dell, "They're Communists. You've got to get rid of them."<sup>6</sup>

Even after this conversation, King "made no move to sever ties with either O'Dell or Levison."<sup>7</sup> It was not until the FBI leaked information to the press about O'Dell and the publication of this information that King accepted O'Dell's resignation from SCLC in a letter of July 3, 1963. King had still done nothing to sever ties with Levison, and not until after a meeting of Burke Marshall with Andrew Young of SCLC did a change in their relationship occur. In this meeting Marshall told Young:

I can't give you any proof, but, if you know Colonel Rudolph Abel of the Soviet secret intelligence, then you know Stanley Levison.<sup>8</sup>

This characterization suggests that the FBI may have had other facts about Levison showing a direct link with the Soviet Union.

Levison himself reportedly suggested to King that they curtail their association, and King reluctantly agreed. However, they now entered into a means of communication deliberately designed to deceive the FBI and the Kennedy administration. Levison and King were to communicate only through an intermediary—or "cut-out" in intelligence parlance—and to avoid

direct contact with each other. In this way Levison could continue to influence King. Whether Levison or King instigated this clandestine and deceptive relationship is not clear. The intermediary between King and Levison, from July 1963 until 1965, when the overt contact between them was resumed, was Clarence B. Jones, a black lawyer whose left political views and firm resistance to any symptoms of racial discrimination had placed him in hot water a number of times while serving in the U.S. Army in the 1950's.<sup>9</sup>

Jack O'Dell continued to maintain an office at SCLC offices in New York City even after his resignation of July 3, and King and SCLC issued contradictory explanations of this continuing relationship. King himself made commitments to Federal officials that he would sever his ties to Levison and O'Dell, but telephonic surveillance of King, Levison, and Jones showed that he had not done so in regard to either individual. As Burke Marshall stated in an interview in 1970:

If you accept the concept of national security, if you accept the concept that there is a Soviet Communist apparatus and it is trying to interfere with things here—which you have to accept—and that that's a national security issue and that taps are justified in that area, I don't know what could be more important than having the kind of Communist that this man was claimed to be by the Bureau directly influencing Dr. King.<sup>10</sup>

#### HUNTER PITTS O'DELL

Hunter Pitts O'Dell (also known as Jack O'Dell and J. H. O'Dell), known to have been extensively involved in CPUSA affairs at a high level of leadership, worked for the SCLC at least as early as 1961. O'Dell met Martin Luther King in 1959 and had communicated with him by mail in 1959 and 1960. In June, 1962, Stanley Levison recommended to King that he hire O'Dell as his executive assistant, and O'Dell subsequently was increasingly active in SCLC and was listed as a ranking employee of the organization.<sup>11</sup>

O'Dell testified under subpoena in hearings before the Senate Subcommittee on Internal Security (SISS) in New Orleans on April 12, 1956; he took the fifth amendment when asked about his organizational activities in New Orleans on behalf of the CPUSA. Materials discovered in O'Dell's apartment at the time the subpoena was served were described in the annual report of the subcommittee as "Communist literature from Communist parties in various parts of the world."<sup>12</sup> He also took the fifth amendment when asked if he was a member of the CPUSA in a hearing before the House Committee on Un-American Activities (HCUA) on July 30, 1958. O'Dell, according to an FBI report of 1962, was elected a member of the National Committee of the CPUSA in December 1959, and, according to information submitted to

HUCA in 1961, was a member of the national committee as of that year.<sup>13</sup> As Garrow states:

No one, including O'Dell, denied his work with the Communist Party from the late 1940's to at least the late 1950's.<sup>14</sup>

O'Dell is an associate editor of *Freedomways*, a magazine described in 1964 by J. Edgar Hoover as an organ which the CPUSA continues to use as a vehicle of propaganda. One of the editors of *Freedomways* is Esther Jackson, a member of the CPUSA and wife of James Jackson, a leader of the CPUSA. O'Dell, as well as James Jackson, are included in a "list of members" of the World Peace Council for 1980-83. The World Peace Council, long known as a Soviet-controlled front organization, was described by the Central Intelligence Agency in 1982 as "the major Soviet-controlled international front organization."<sup>15</sup>

In October 1962, various newspapers in the United States, using information provided them by the FBI, exposed O'Dell's Communist affiliations and his current ties to King and the SCLC. King issued an inaccurate statement that sought to minimize O'Dell's work with the SCLC and accepted O'Dell's resignation. As Garrow states:

The resignation . . . was more fiction than fact, as King's own message and appointment books for late 1962 and the first half of 1963 reflect.<sup>16</sup>

Further news stories of June 1963, which exposed O'Dell's continuing relationship with King and his presence in the New York office of SCLC, coupled with warnings from the Kennedy administration led King again to accept the resignation of O'Dell on July 3, 1963. Even after this date, however, FBI surveillance showed a continuing relationship between O'Dell and SCLC.

There is no doubt about O'Dell's extensive and high level activities in and for the Communist Party, and his affiliations since 1961 strongly suggest continued adherence to and sympathy for the CPUSA and the Soviet Union to the present day. Despite these ties and King's knowledge of them, King promoted O'Dell within the SCLC at the behest of Levison and retained his help after twice publicly claiming to have disassociated himself from O'Dell following strong and explicit warnings from the Kennedy administration about O'Dell's Communist background and affiliations.

#### SOUTHERN CONFERENCE EDUCATIONAL FUND

Stanley Levison and Hunter Pitts O'Dell were not the only individuals of Communist background with whom Martin Luther King was in contact and from whom he received advice, although they were in a better position than most to exert influence on him. From the mid 1950's through at least the early 1960's, King and the SCLC were closely involved with an organization known as the Southern Confer-

ence Educational Fund (SCEF), essentially a Communist front organization. SCEF was itself dominated by the Communist Party through the party members who ran it, and some of these individuals provided assistance to King and exerted influence on him and the SCLC.

#### A. BACKGROUND OF SCEF

SCEF was originally founded as part of an organization known as the Southern Conference on Human Welfare (SCHW), founded in Birmingham, Ala., on September 6, 1938. SCHW was originally located in Nashville, Tenn., but later moved to New Orleans, La. In 1947, the House Committee on Un-American Activities issued a report on SCHW, which found:

Decisive and key posts (of SCHW) are in most instances controlled by persons whose record is faithful to the line of the Communist Party and the Soviet Union. . . .

The Southern Conference for Human Welfare is perhaps the most deviously camouflaged Communist-front organization. When put to the following acid test it reveals its true character:

1. It shows unswerving loyalty to the basic principles of Soviet foreign policy.
2. It has consistently refused to take sharp issue with the activities and policies of either the Communist Party, USA, or the Soviet Union.
3. It has maintained in decisive posts persons who have the confidence of the Communist press.
4. It has displayed consistent anti-American bias and pro-Soviet bias, despite professions, in generalities, of love for America.<sup>17</sup>

In 1944 the Special Committee on Un-American Activities (SCUA) of the House of Representatives also cited SCHW as a Communist front.<sup>18</sup>

Soon after its identification as a CPUSA front in 1947, SCHW was dissolved, but the Southern Conference Educational Fund continued. SCEF maintained the same address as SCHW (808 Perdido Street, New Orleans, La.) and published the same periodical ("the Southern Patriot"). In 1954 the Senate Subcommittee on Internal Security (SISS) held hearings in New Orleans on SCEF and found that at least 11 former officials of SCHW were or had been also officials of SCEF. Among these were the president and executive director of SCEF, both of whom were identified in testimony taken under oath as having been members of the CPUSA and as having been under the discipline of the CPUSA. Both individuals in their own testimony denied these allegations. The Subcommittee concluded in its report that—

An objective study of the entire record compels the conclusion that the Southern Conference Educational Fund, Inc., is operating with substantially the same leadership and purposes as its predecessor organization, the Southern Conference for Human Welfare.

The subcommittee accordingly recommends that the Attorney General take the necessary steps to present this matter before the Subversive Activities Control

Board in order that a determination can be made as to the status of the Southern Conference Educational Fund, Inc.<sup>19</sup>

#### B. BACKGROUNDS OF INDIVIDUAL LEADERS OF SCEF

At least two key associates of Martin Luther King were formally associated with SCEF as well as with the SCLC itself. The Southern Christian Leadership Conference, King's principal vehicle for civil rights activism, was officially founded in Montgomery, Ala., on August 7-8, 1957. Among the guests at the organizational meeting in Montgomery was Ella J. Baker of New York City, of the "In Friendship" organization.<sup>20</sup> Baker was also formally associated with SCEF as of October 1963, as a "special consultant." In 1959 Baker established SCLC headquarters in Atlanta, Ga., and was a long-standing friend of Martin Luther King. She later played a key role in the Student Non-Violent Coordinating Committee (SNCC), an organization that became notorious in the 1960's for its advocacy and instigation of racial discord and violence. John Lewis, a founder of SNCC, described Ella Baker as the spiritual mother, I guess you would call her, of SNCC.<sup>21</sup>

Little appears to be known of the "In Friendship" organization of which Ella Baker was the representative at the SCLC organizational meeting in 1957. However, Stanley Levison also was closely involved with this organization in New York. According to Garrow:

Levison . . . had first become involved in the southern civil rights struggle as one of the most active sponsors of a New York group named In Friendship. Organized in 1955 and 1956, In Friendship provided financial assistance to southern blacks who had suffered white retaliation because of their political activity. In Friendship has sponsored a large May, 1956, rally at Madison Square Garden to salute such southern activists, and a good percentage of the funds raised went to King's Montgomery Improvement Association.<sup>22</sup>

It was Levison who, with Bayard Rustin, sent Ella Baker to Atlanta to oversee the SCLC office in that city, just as he had brought O'Dell into the SCLC office in New York.

Fred L. Shuttlesworth, corresponding secretary of SCLC in 1957, was in 1963 the president and a former vice president of SCEF. Shuttlesworth was responsible for the formation of the Montgomery Improvement Association, through which King and other civil rights activists became involved in civil rights work. Several other individuals affiliated with SCEF as organizational leaders were alleged under oath to have been members of the Communist Party and to have accepted party discipline or can be shown to have had ties to known Communist Party front organizations. Internal documents of SCEF reveal that Martin Luther King

was in close contact with some of these leaders of SCEF.

First, Aubrey Williams: president emeritus of SCEF in 1963, Williams had been identified as a member of the CPUSA and as having accepted the discipline of the Communist Party in the testimony of two former members of the party, Paul Crouch and Joseph Butler, before SISS in 1954. Williams denied these allegations.

Second, Dr. James A. Dombrowski: executive director of SCEF, Dombrowski had also been identified as a member of the Communist Party and as having accepted party discipline by witnesses Crouch and Butler before SISS in 1954. Dombrowski denied these allegations.<sup>23</sup>

Third, Carl Braden: field organizer for SCEF, Braden was identified as a member of the CPUSA in the testimony of Alberta Ahearn, an FBI informant in the party, before SISS on October 28, 1957. Braden later served as executive director of SCEF (1966-70) and, until 1973, information director of SCEF. Braden was indicted and convicted of advocacy of criminal sedition in the State of Kentucky in 1954 and was sentenced to 15 years imprisonment; the conviction was reversed by the decision of the U.S. Supreme Court in *Pennsylvania v. Nelson*, 350 U.S. 497 (1956), which struck down State sedition laws. In 1959 Braden was convicted of contempt of Congress for refusing to answer questions before HCUA. Braden served a year in a Federal penitentiary for this offense, and his conviction was upheld by the U.S. Supreme Court. Braden's wife, Anne McCarty Braden, was also identified by Alberta Ahearn as a member of the Communist Party in testimony before SISS in 1957. Anne Braden also was active within the leadership of SCEF.<sup>24</sup>

Fourth, William Howard Melish: Eastern representative of SCEF (in New York City) in 1963, Melish was identified as a member of the Communist Party in testimony before the Subversive Activities Control Board (SACB) in 1956 in connection with SACB hearings on the National Council of American Soviet Friendship, described by HCUA as the Communist Party's principal front for all things Russian and included in the Attorney General's List of Subversive Organizations pursuant to Executive Order 10450. William Howard Melish is the father of Howard Jeffrey Melish (also known as Jeff Melish), a member of the Student for a Democratic Society (SDS) and of the violent Weatherman faction of SDS. Jeff Melish was arrested in Chicago during the violent days of rage rioting organized by the Weatherman faction in 1969; he attended the "9th World Youth Festival in Sofia, Bulgaria," in 1968 and traveled to Cuba in 1970.<sup>25</sup>

Fifth, Benjamin E. Smith: formerly counsel to and in 1963 treasurer of SCEF, Smith as a member of the executive board of the National Lawyers Guild (NLG), repeatedly cited as a Communist front organization, in 1956 and in 1962 was listed as cosecretary of the NLG Committee to Assist Southern Lawyers. In the 1950's Smith was active in the legal defense of persons charged with violating the Smith Act, and in at least one instance he was reported to have received funds from the Emergency Civil Liberties Committee, an organization also identified as a Communist front organization.<sup>26</sup>

#### C. INTERNAL DOCUMENTS OF SCEF

On October 4, 1963, State and local police raided the headquarters of SCEF in New Orleans and seized a number of internal documents, memoranda, and letters. Much of this material shows extensive involvement on the part of SCEF and its staff in the activities of other CPUSA front organizations. Several of the documents reveal a close relationship between SCEF and Martin Luther King, Jr. These documents include the following:

First, an appeal to sign a petition to President Kennedy for executive clemency for Carl Braden, recently convicted of contempt of Congress for his refusal to answer questions before HCUA. Among the signatures on the appeal found in SCEF offices are those of the Reverend Martin Luther King, Jr., Atlanta, Ga. and of two former presidents of SCEF Aubrey Williams and Edgar A. Love and of a future president of SCEF, Fred Shuttlesworth. In addition to King and Shuttlesworth, other officers of the SCLC also signed the appeal: Rev. C. K. Steele, first vice-president of SCLC, and Rev. Ralph Abernathy, treasurer, SCLC.<sup>27</sup>

Second, a memorandum, dated January 18, 1963, from Carl Braden to Howard Melish (both of whom had been identified as members of the Communist Party), "In re Martin King." Complaining that Martin King has a bad habit of arriving late at meetings and sundry affairs such as the one we are planning in NYC on February 8, Braden suggested, as a means to correct King's habit, that—

Either you or Jim Dombrowski should write him at his home, asking him to come to a dinner with you or Mogulescu or some of the key people . . . . The dinner invitation to his home will serve to remind him of the engagement that night and will also pin down whether he will be there.<sup>28</sup>

The significance of this memorandum is that it shows identified Communists—Braden, Melish, and Dombrowski—planning the influencing and manipulation of King for their own purposes. The assumption of the memorandum is that Melish and Dombrowski at least were close enough to King to invite him to dinner and to

expect to be able to exert influence on him.

Third, a photograph of Martin Luther King, Jr., Carl Braden, Anne Braden, and James A. Dombrowski, with the legend on the back of the photograph in the handwriting of Dombrowski, "The 6th Annual Conference of the Southern Christian Leadership Conference, Birmingham, Alabama, September 25 to 28, 1962."<sup>29</sup>

Fourth a check dated March 7, 1963, for \$167.74, issued by SCEF to Dr. Martin Luther King, Jr., with the notation "N.Y. exp." (New York expenses), and signed by Benjamin E. Smith and James A. Dombrowski, treasurer and executive director of SCEF respectively. The Southern Patriot of March 1963 reported that King paid high tribute to SCEF in his remarks at the reception of the New York Friends of SCEF, and the UE News, official organ of the United Electrical, Radio and Machine Workers of America, reported on October 21, 1963, that King protested the seizure of the records of SCEF in Louisiana and the arrest of two of its leaders and an attorney during the course of his remarks.<sup>30</sup>

Fifth, a letter on the stationery of SCEF apparently from Dombrowski to Dr. Lee Lorch, dated August 2, 1963. Lee Lorch was identified as a member of the Communist Party in testimony under oath by John J. Edmiston, former member of the party, in a hearing before HCUA on July 12, 1950. The letter from Dombrowski to Lorch discusses activities supportive of civil rights legislation then being considered in the Congress, and proposes the following:

As part of a massive letter writing campaign, we propose to place a full-page ad in at least one newspaper in each of these 15 states.

We enclose a layout and text for the ad to be signed by the Southern Christian Leadership Conference; Dr. Martin Luther King, president; the Student Nonviolent Coordinating Committee; and SCEF.

SCEF will raise the money. It will take about \$10,000 to place the ad in one newspaper in each of the 15 states, \$20,000 in two papers per state, etc.<sup>31</sup>

Sixth, a memorandum from Dombrowski to members of the executive committee of SCEF, dated June 20, 1962, "Re: Atlanta Conference on Civil Rights and Civil Liberties." The memorandum states in part:

For almost a year the staff has been discussing with various leaders in Atlanta the possibility of a Southwide conference in that city on civil rights and civil liberties. There has been a most encouraging response. Most gratifying is the interest shown by a number of organizations which in the past have not publicly associated themselves with projects in which the SCEF was involved.

The Rev. Wyatt Tee Walker of SCEF has promised his cooperation, including the personal participation of the SCLC president, Dr. Martin Luther King, Jr.<sup>32</sup>

Seventh, a letter, dated July 27, 1963, from Carl Braden to James Domrowski, which states in part:

The pressure that has been put on Martin (Luther King, Jr.) about (Hunter Pitts) O'Dell helps to explain why he has been ducking us. I suspected there was something of this sort in the wind.

The UPI has carried a story quoting Martin as saying they have dumped O'Dell for the second time because of fear that the segregationists (sic) would use it against them. He expressed no distaste for Communists or their beliefs, merely puts it on the pragmatic basis that SCLC can't handle the charges of Communism. This is a quite interesting development.

So I think it is best to let Martin and SCLC alone until they feel like coming around to us. They'll be back when the Kennedys and other assorted other [deleted] opportunists with whom they are now consorting have wrung all usefulness out of them—or rather when they have become a liability rather than an asset. Right now the Red-baiters in New York are holding Martin and SCLC as prisoners through offers of large sums of money. We shall see if they get the money and, if they do, how much of a yoke it puts upon them.<sup>33</sup>

It will be recalled that in the summer of 1963, President Kennedy had urged King to sever relations with O'Dell and that King had appeared to do so by accepting O'Dell's resignation from SCLC. FBI surveillance showed, however, that O'Dell continued to frequent the New York office of SCLC.

The documents cited above show clearly first, that individuals in the leadership of SCEF, identified in testimony under oath as members of the Communist Party or generally well known for their activities on behalf of communism, considered themselves to be on close terms with Martin Luther King and in a position to exert influence on him, and second, that King himself had no objection to working with identified Communists except on the pragmatic basis that Communist affiliation might lend his activities a negative public image and be counter-productive. Indeed, King appears to have worked closely with individuals generally identified as Communists.

#### KING'S ACTIVITIES ON BEHALF OF OTHER COMMUNIST OR COMMUNIST FRONT GROUPS

In addition to his association and cooperation with SCEF and its leaders, Martin Luther King also associated and cooperated with a number of groups known to be CPUSA front organizations or to be heavily penetrated and influenced by members of the Communist Party. On October 4, 1967, Congressman John M. Ashbrook of Ohio, at that time the ranking minority member of the House Committee on Un-American Activities and an authoritative spokesman on internal security matters, inserted in the CONGRESSIONAL RECORD extensive documentation of King's activities in this regard:<sup>34</sup>

First, Martin Luther King, Jr., was listed as a sponsor of the "National Appeal for Freedom," held in Wash-

ington, D.C., November 19-21, 1960, of the Committee to Secure Justice for Morton Sobell, a group identified as a Communist front organization by HCUA and SISS in 1956.

Second, King sent a congratulatory telegram to the 27th annual convention of the United Electrical, Radio and Machine Workers of America (UE) in 1962. UE was expelled from the Congress of Industrial Organizations (CIO) in 1949 on grounds that it was dominated by Communists, and in 1944 the SCUA, in a report on the CIO Political Action Committee, found that—

The 600,000 members of the United Electrical, Radio, and Machine Workers of America (employed in many of the most vital American defense industries) are submitting to an entrenched Communist leadership.<sup>35</sup>

Third, in May 1962, King addressed the convention of the United Packinghouse Workers of America (UPWA). Stanley Levison wrote this speech. Charles Hayes of Chicago of UPHW was a guest at the founding meeting of the SCLC in Montgomery, Ala., in 1957 with Ella J. Baker of "In Friendship." The annual report of HCUA for 1959 states that Charles A. Hayes of Chicago had been identified as a member of the Communist Party by two witnesses: by John Hackney, a former member of the Communist Party who had served as a Communist in several party units within the meatpacking industry, and by Carl Nelson, who stated that he had attended many Communist Party meetings with Mr. Hayes.<sup>36</sup> In 1952, in testimony before HCUA, witness Roy Thompson, a former member of the Communist Party and a former official of UPWA in Chicago, stated that he had attended Communist training meetings in which instructions in communism were given by a Mr. Charley Hayes.<sup>37</sup> In 1959, witness Carl Nelson, a former Communist and worker in the meatpacking industry, testified before HCUA that the Communist Party deliberately sought to infiltrate its members into the meatpacking industry because they would be in an excellent position to cut off food for the Armed Forces in the event of war.<sup>38</sup> Mr. Nelson also identified as having been Communists the editor of the official organ of the UPWA, two field representatives of the union, a departmental director of the union, a district secretary-treasurer of the union, a secretary in the international office of the union, and a former president of a local of the UPWA, in addition to Mr. Hayes, who was a district director of the UPWA, and his secretary.<sup>39</sup>

Fourth, Martin Luther King was a luncheon speaker at a conference in Atlanta, Ga., of the National Lawyers Guild Committee to Assist Southern Lawyers, held on November 30 and December 1, 1962. The National Lawyers

Guild was cited several times as a Communist front, and in 1962 the committee stationery listed Benjamin E. Smith, cosecretary of the committee and treasurer of SCEF and Arthur Kinoy, as affiliated with it. Kinoy is reported by Garrow to have been a friend of Stanley Levison and to have recommended William Kunstler as an attorney to Levison for the latter's appearance before SISS in April, 1962.<sup>40</sup>

Fifth, King also lent his support to the National Committee to Abolish the Committee on Un-American Activities, identified as a Communist Party front by HCUA in 1961. Seven of the thirteen founders of this organization were identified as having been members of the CPUSA, including William Howard Melish. Carl Braden was also active in the Committee, as was Anne Braden.<sup>41</sup>

Sixth, King also assisted in the initiation of appeals for executive clemency for Carl Braden and, in 1962, for Junius Scales, former chairman of the North Carolina-South Carolina district of the Communist Party and sentenced to a 6-year prison term for violation of the Smith Act.

Seventh, Highlander Folk School: One of the most controversial aspects of King's career concerns his association with the Highlander Folk School of Monteagle, Tenn., and the nature of the school. In the 1960's groups in opposition to King frequently publicized a photograph showing King at the school, which was described as a Communist training school, sitting in the company of persons alleged to be Communists or pro-Communists.

This photograph is an authentic one, taken on September 2, 1957, when King addressed the 25th anniversary celebration of the Highlander Folk School. Shown in the photograph sitting adjacent to King are Abner Berry, a correspondent for the Communist Party newspaper, the Daily Worker; Aubrey Williams, identified as a member of the CPUSA and president of SCEF; and Myles Horton, a founder and director of the Highlander Folk School. Although Myles Horton was not identified as a member of the Communist Party, a witness before SISS in 1954 and a former member for 17 years and a former official and organizer for the party, Paul Crouch, testified that he had solicited Horton to join the party:

At that meeting after we discussed the (Highlander Folk) school I asked Mr. Horton to become a formal member of the Communist Party and his reply was, as near as I can recall his words, "I'm doing you just as much good now as I would if I were a member of the Communist Party. I am often asked if I am a Communist Party member and I always say no. I feel much safer in having no fear that evidence might be uncovered to link me with the Communist Party, and therefore I prefer not to become a member of the Communist Party."<sup>43</sup>

Crouch also testified that Horton had been affiliated with the Southern Conference Educational Fund and with its predecessor organization, the Southern Conference for Human Welfare.<sup>44</sup>

The Highlander Folk School (HFS) was founded in 1932 by Myles Horton and became well known for its involvement in a number of leftist causes. Both Aubrey Williams and James Dombrowski, each of whom was identified as a member of the Communist Party, were affiliated with HFS. Paul Crouch, who had been district organizer for the State of Tennessee for the Communist Party, described in his testimony the uses of the HFS for the party as they were developed in a conference that included himself, Horton, and Dombrowski:

The purpose of the conference was to work out a plan by which the Daily Worker would be purchased by the school. They would be made accessible to the students, that everywhere possible the instructors should refer to the Daily Worker, to news that had come in it, to encourage the students to read it, and it was agreed that the Communist Party should have a student, a leader, sent there as a student whose job it would be to look around for prospective recruits and Mildred White, now in Washington, D.C., was selected to attend the Highlander Folk School for the purpose of recruiting for the Communist Party and carrying the Communist Party line among the student body there.

Mr. ARENS (Special Counsel to the Subcommittee). You said it was agreed? Who agreed?

Mr. CROUCH. Mr. Horton and Mr. Dombrowski.<sup>45</sup>

Based on this information and considerable evidence of a similar nature collected by the Joint Legislative Committee on Un-American Activities of the State of Louisiana in 1963 and by other investigative bodies, it is not inaccurate to describe the Highlander Folk School as a Communist, or at least a pro-Communist, training school.

Although Martin Luther King, Jr., was present only briefly at HFS on September 2, 1957, when the photograph was taken, his relations with HFS appear to have been prolonged and positive. On February 23, 1961, the New York Times reported that—

The Southern Christian Leadership Conference . . . and the Highlander Folk School have joined forces to train Negro leaders for the civil rights struggle.<sup>46</sup>

In 1962 the Highlander Center opened in Knoxville, Tenn., with Myles Horton on the board of directors. In December 1962, Martin Luther King, Jr., was listed as a sponsor of the Highlander Center on its letterhead.<sup>47</sup>

#### MARTIN LUTHER KING AND THE VIETNAM WAR

As the Vietnam war escalated in the mid 1960's, Martin Luther King became one of the most outspoken critics of U.S. policy and involvement in Vietnam. It is probable that Stanley

Levison in particular encouraged King's criticism, since Levison himself was also critical of the war and wrote President Johnson to urge American withdrawal from Vietnam, describing American policy in Vietnam as completely irrational, illegal, and immoral and as supportive of a succession of undemocratic regimes which are opposed by a majority of the people of South Vietnam.<sup>48</sup> FBI surveillance of King showed that Levison was urging King to speak out publicly against American military involvement in Vietnam.<sup>49</sup>

On December 28-30, 1966, a conference was held at the University of Chicago to discuss and make plans for a nationwide student strike against U.S. involvement in the Vietnam war. This conference, which led to a week of demonstrations against the war known as "Vietnam Week," April 8-15, 1967, was initiated by Bettina Aptheker, daughter of Communist Party theoretician and member of the national committee of the CPUSA Herbert Aptheker, and herself a member of the CPUSA. The Chicago conference, as a report of the HCUA found, "was instigated and dominated by the Communist Party, U.S.A., and the W.E.B. DuBois Clubs of America," described by Attorney General Katzenbach in 1966 as substantially directed, dominated and controlled by the Communist Party.<sup>50</sup>

The scheduled after-dinner speaker at the Chicago conference was Rev. James L. Bevel, of the Southern Christian Leadership Conference, who had been released from his duties with SCLC by Martin Luther King in order to serve as national director of the "Spring Mobilization Committee To End the War in Vietnam," an organization found by the HCUA to be heavily influenced, supported, and penetrated by Communists and in which Communists are playing a dominant role. Bevel joined the DuBois Clubs as a coplaintiff in a suit to prevent the "Subversive Activities Control Board" (SACB) from holding hearings on the DuBois Clubs as petitioned by Attorney General Katzenbach, and Bevel was a sponsor of Vietnam Week and of the Chicago conference that initiated it.<sup>51</sup> The report of the HCUA concluded that—

The proposal for a nationwide student strike was completely Communist in origin.

Communists are playing dominant roles in both the Student Mobilization Committee and the Spring Mobilization Committee. Further, these two organizations have unified their efforts and are cooperating completely in their purpose of staging on April 15 (1967) the largest demonstrations against the war in Vietnam ever to take place in this country. . . .

Dr. Martin Luther King's agreement to play a leading role in the April 15 demonstrations in New York City, and his freeing Rev. James Bevel from his key position in the Southern Christian Leadership Confer-

ence to head up the Spring Mobilization Committee, are evidence that the Communists have succeeded, at least partially, in implementing their strategy of fusing the Vietnam and civil rights issues in order to strengthen their chances of bringing about a reversal of U.S. policy in Vietnam.<sup>52</sup>

The major statement of Martin Luther King on the Vietnam war is contained in a speech he delivered at the Riverside Church in New York City on April 4, 1967, a few days prior to the beginning of Vietnam Week. Analysis of this speech shows that King's criticism of U.S. policy in Vietnam was not based on a consideration of American national interests and security nor on a belief in pacifism and nonviolence but on an ideological view of the Vietnam conflict that is indistinguishable from the Marxist and New Left perspective.<sup>53</sup>

King portrayed U.S. troops in Vietnam as foreign conquerors and oppressors, and he specifically compared the United States to Nazi Germany:

They (the South Vietnamese people) move sadly and apathetically as we herd them off the land of their fathers into concentration camps where minimal social needs are rarely met. . . . They watch as we poison their water, as we kill a million acres of their crops. . . . So far we may have killed a million of them—mostly children. What do they think as we test out our latest weapons on them, just as the Germans tested out new medicine and new tortures in the concentration camps of Europe?

King described the U.S. Government as the greatest purveyor of violence in the world today and President Ngo Dinh Diem as one of the most vicious modern dictators, but he spoke of Ho Chi Minh, the Communist dictator of North Vietnam, as a national leader and the innocent victim of American aggression:

Perhaps only his (Ho Chi Minh's) sense of humor and of irony can save him when he hears the most powerful nation of the world speaking of aggression as it drops thousands of bombs on a poor weak nation more than 8,000 miles away from its shores.

The Communists, in King's view, were the true victims in Vietnam

In Hanoi are the men who led the nation to independence against the Japanese and the French. . . . After 1954 they watched us conspire with Diem to prevent elections which would surely have brought Ho Chi Minh to power over a united Vietnam, and they realized they had been betrayed again.

In King's view, the National Liberation Front (NLF), the political arm of the Vietcong terrorists controlled by North Vietnam, was that strangely anonymous group we call VC or Communist, which consisted of a membership that is less than 25 percent Communist.

King might have been interested to learn of the television interview given in France on February 16, 1983 by North Vietnamese generals Vo Nguyen Giap and Vo Bam. As reported by the

Economist (London) in its issue of 26 February, 1983:

General Bam admitted the decision to unleash an armed revolt against the Saigon government was taken by a North Vietnamese communist party plenum in 1959. This was a year before the National Liberation Front was set up in South Vietnam. The aim, General Bam added, was 'to reunite the country.' So much for that myth that the Vietcong was an autonomous southern force which spontaneously decided to rise against the oppression of the Diem regime. And General Bam should know. As a result of the decision, he was given the job of opening an infiltration trail in the south. The year was still 1959. That was two years before President Kennedy stepped up American support for Diem by sending 685 advisers to South Vietnam. So much for the story that the Ho Chi Minh trail was established only to counteract the American military build-up. . . . General Bam got his orders on May 19, 1959. 'Absolute secrecy, absolute security were our watchwords,' he recalled.<sup>54</sup>

King included himself as one of those who "deem ourselves bound by allegiances and loyalties which are broader and deeper than nationalism and which go beyond our Nation's self-defined goals and positions. We are called to speak for the weak, for the voiceless, for victims of our Nation and for those it calls enemy, for no document from human hands can make these humans any less our brothers."

Apart from the arrogance and ingratitude displayed by these remarks, it is a logical implication of this self-proclaimed universal humanism that King should have denounced Communist atrocities and tyranny at least as strongly as those he attributed to his own country. Yet throughout King's speech there is not a single word of criticism, let alone of condemnation, for North Vietnam or for Ho Chi Minh, for Ho's internal and external policies by which a totalitarian state was created and its institutions were imposed on adjacent States, for the use of terrorism by the Vietcong or for the terrorism and systematic repression perpetrated by the Communists in North Vietnam.

King portrayed American policy in Vietnam and U.S. foreign policy in general as motivated by a need to maintain social stability for our investments and formulated by men who refuse to give up the privileges and the pleasures that come from the immense profits of overseas investment. He saw individual capitalists of the West investing huge sums of money in Asia, Africa, and South America, only to take the profits out with no concern for the social betterment of the countries.

King, in other words, did not dissent from U.S. policy in Vietnam because he was concerned for the best interests of the United States or because of moral and humanitarian beliefs. His opposition to the war was drawn from an ideological, and false, view of Amer-

ican foreign policy as motivated by capitalist and imperialist forces that sought only their own material satisfaction and which were responsible for the giant triplets of racism, materialism, and militarism.

This view of American foreign policy is fundamentally Marxist, and it parallels the theory of Lenin in his "Imperialism: The Highest Stage of Capitalism." It was a doctrine that became increasingly fashionable in New Left circles of the late 1960's and 1970's, although it has been subjected to devastating scholarly criticism.

Public reaction to King's speech on Vietnam was largely negative. The Washington Post, in an editorial of April 6, 1967, said that the speech was filled with bitter and damaging allegations and inferences that he did not and could not document.

He has no doubts that we have no honorable intentions in Vietnam and thinks it will become clear that our "minimal expectation is to occupy it as an American colony." . . . It is one thing to reproach a government for what it has done and said; it is quite another to attribute to it policies it has never avowed and purposes it has never entertained and then to rebuke it for these sheer inventions of unsupported fantasy.

Life magazine, in its issue of April 21, 1967, described King's speech as "a demagogic slander that sounded like a script for Radio Hanoi." Carl Rowan wrote that King "has alienated many of the Negro's friends and armed the Negro's foes \* \* \* by creating the impression that the Negro is disloyal."<sup>55</sup> John P. Roche, a former director of Americans for Democratic Action (ADA), in a memorandum to President Johnson, wrote that King's speech indicates that King—in desperate search of a constituency—has thrown in with the commies.<sup>56</sup>

#### CONCLUSION: WAS MARTIN LUTHER KING A COMMUNIST?

As stated earlier there is no evidence that Martin Luther King was a member of the Communist Party, but the pattern of his activities and associations in the 1950's and 1960's show clearly that he had no strong objection to working with and even relying on Communists or persons and groups whose relationships with the Communists Party were, at the least, ambiguous. It should be recalled that in this period of time, far more than today, many liberal and even radical groups on the left shared a strong awareness of and antipathy for the antidemocratic and brutal nature of communism and its characteristically deceptive and subversive tactics. It is doubtful that many American liberals would have associated or worked with many of the persons and groups with whom King not only was close but on whom he was in several respects dependent. These associations and, even more, King's refusal to break with them, even at the expense of public criticism and the alienation of the Kennedy ad-

ministration, strongly suggest that King harbored a strong sympathy for the Communist Party and its goals.

This conclusion is reinforced by King's own political comments and views—not only by the speech on Vietnam discussed above but also by a series of other remarks made toward the end of his life. King apparently harbored sympathy for Marxism, at least in its economic doctrines, from the time of his education in divinity school. The Rev. J. Pius Barbour, described by Garrow as perhaps King's closest friend while at Crozer Theological Seminary from 1948 to 1951, believed that King was economically a Marxist \* \* \*. He thought the capitalistic system was predicated on exploitation and prejudice, poverty, and that we would not solve these problems until we got a new social order.<sup>57</sup> King was critical of capitalism in sermons of 1956 and 1957, and in 1967 he told the staff of the SCLC:

We must recognize that we can't solve our problems now until there is a radical redistribution of economic and political power.<sup>58</sup>

In 1968 he told an interviewer that—

America is deeply racist and its democracy is flawed both economically and socially \* \* \* the black revolution is much more than a struggle for the rights of Negroes. It is forcing America to face all its interrelated flaws—racism, poverty, militarism, and materialism. It is exposing evils that are rooted deeply in the whole structure of our society. It reveals systemic rather than superficial flaws and suggests that radical reconstruction of society itself is the real issue to be faced.<sup>59</sup>

In 1967, in his remarks to the SCLC staff, he argued that—

For the last twelve years we have been in a reform movement. . . . But after Selma and the voting rights bill we moved into a new era, which must be an era of revolution. I think we must see the great distinction here between a reform movement and a revolutionary movement (which would) raise certain basic questions about the whole society . . . this means a revolution of values and of other things.<sup>60</sup>

And in 1968 he publicly stated, "We are engaged in the class struggle."<sup>61</sup>

King's view of American society was thus not fundamentally differed from that of the CPUSA or of other Marxists. While he is generally remembered today as the pioneer of civil rights for blacks and as the architect of nonviolent techniques of dissent and political agitation, his hostility to and hatred for America should be made clear. While there is no evidence that King was a member of the Communist Party, his associations with persons close to the party, his cooperation with and assistance of groups controlled or influenced by the party, his efforts to disguise these relationships from public view and from his political allies in the Kennedy administration, and his views of American society and foreign policy all suggest that King may have had an explicit but clandestine

tine relationship with the Communist Party or its agents to promote through his own stature, not the civil rights of blacks or social justice and progress, but the totalitarian goals and ideology of communism. While there is no evidence to demonstrate this speculation, it is not improbable that such a relationship existed. In any case, given the activities and associations of Martin Luther King described in this report, there is no reason to disagree with the characterization of King made by Congressman John M. Ashbrook on the floor of the House of Representatives on October 4, 1967:

King has consistently worked with Communists and has helped give them a respectability they do not deserve and I believe he has done more for the Communist Party than any other person of this decade.<sup>62</sup>

## ADDENDUM

On January 31, 1977, in the cases of *Bernard S. Lee v. Clarence M. Kelley*, et al. (U.S.D.C., D.C.) and *Southern Christian Leadership Conference v. Clarence M. Kelley, et al.* (U.S.D.C., D.C.), U.S., District Judge John Lewis Smith, Jr., ordered that the Federal Bureau of Investigation purge its files of:

All known copies of the recorded tapes, and transcripts thereof, resulting from the FBI's microphonic surveillance, between 1963 and 1968, of the plaintiffs' former president, Martin Luther King, Jr.; and all known copies of the tapes, transcripts and logs resulting from the FBI's telephone wiretapping, between 1963 and 1968, of the plaintiffs' offices in Atlanta, Georgia and New York, New York, the home of Martin Luther King, Jr., and places of accommodation occupied by Martin Luther King, Jr.

Judge Smith also ordered that—

At the expiration of the said ninety (90) day period, the Federal Bureau of Investigation shall deliver to this Court under seal an inventory of said tapes and documents and shall deliver said tapes and documents to the custody of the National Archives and Records Service, to be maintained by the Archivist of the United States under seal for a period of fifty (50) years; and it is further

Ordered that the Archivist of the United States shall take such actions as are necessary to the preservation of said tapes and documents but shall not disclose the tapes or documents, or their contents, except pursuant to a specific Order from a court of competent jurisdiction requiring disclosure.

This material was delivered to the custody of the National Archives and Records Service to be maintained by the Archivist of the United States under a seal for a period of 50 years.

## FOOTNOTES

<sup>1</sup> Most of this section is drawn from David J. Garrow, *The FBI and Martin Luther King, Jr.: From "Solo" to Memphis* (New York: W.W. Norton & Company, 1981), esp. ch. pp. 21-78.

<sup>2</sup> *Ibid.*, p. 41.

<sup>3</sup> United States, Department of Justice, *Report of the Task Force to Review the FBI Martin Luther King, Jr., Security and Assassination Investigations*, January 11, 1977, pp. 121-22.

<sup>4</sup> Victor S. Navasky, *Kennedy Justice* (New York: Atheneum, 1971), pp. 162-63.

<sup>5</sup> Quoted in Garrow, *FBI*, p. 28.

<sup>6</sup> Quoted in Garrow, *FBI*, p. 61.

<sup>7</sup> *Ibid.*

<sup>8</sup> *Ibid.*, p. 62.

<sup>9</sup> *Ibid.*, p. 63.

<sup>10</sup> *Ibid.*, quoted, p. 95.

<sup>11</sup> *Ibid.*, p. 151.

<sup>12</sup> United States, Congress, Senate, *Report of the Subcommittee to Investigate the Administration of the Internal Security Act and Other Internal Security Laws*, Committee on the Judiciary 84th Congress, 2nd Session, for the Year 1956, Section III, December 31, 1956, p. 46. (Publications of this Subcommittee hereinafter cited as SISS).

<sup>13</sup> United States, Congress, House of Representatives, *Structure and Organization of the Communist Party of the United States, Part 1*, Hearings before the Committee on Un-American Activities, 87th Congress, 1st Session, November 20, 21, and 22, 1961, Testimony of Francis J. McNamara, p. 576. (Publications of this Committee hereinafter cited as HCUA).

<sup>14</sup> Garrow, *FBI*, p. 50.

<sup>15</sup> *World Peace Council, List of Members, 1980-1983* (Helsinki, Finland: Information Centre of the World Peace Council), pp. 141-42; for O'Dell's background, see *Review of the News*, July 13, 1983, pp. 49-50; *Soviet Active Measures*, Hearings before the Permanent Select Committee on Intelligence, House of Representatives, 97th Congress, 2nd Session, July 13, 14, 1982, p. 57.

<sup>16</sup> Garrow, *FBI*, p. 50.

<sup>17</sup> HCUA, *Report on Southern Conference on Human Welfare*, 80th Congress, 1st Session, June 16, 1947, pp. 2 and 17.

<sup>18</sup> HCUA, *Guide to Subversive Organizations and Publications (and Appendices) Revised and published December 1, 1961, to supersede Guide published on January 2, 1957*, p. 154 (hereinafter cited as *Guide*).

<sup>19</sup> SISS, *Southern Conference Educational Fund, Inc., Hearings*, March 18, 19, and 20, 1954, p. VIII.

<sup>20</sup> Trezza Anderson, "New Rights Group Launched in Dixie," *Pittsburgh Courier*, August 17, 1957, p. 2; this article misprints "In Friendship" as "In Fellowship."

<sup>21</sup> Robert H. Brisbane, *Black Activism: Racial Revolution in the United States, 1954-1970* (Valley Forge, Pa.: Judson Press, 1974), p. 49; see also the masthead of *The Southern Patriot* of October, 1963, reproduced in State of Louisiana, The Joint Legislative Committee on Un-American Activities, Report No. 4, November 19, 1963, "Activities of the Southern Conference Educational Fund, Inc. in Louisiana," Part I, p. 74, Exhibit 29 (hereinafter cited as JLCUA).

<sup>22</sup> Garrow, *FBI*, p. 26.

<sup>23</sup> SISS, *Southern Conference Educational Fund, Inc. Hearings*, pp. VI and VII.

<sup>24</sup> SISS, *Communism in the Mid-South, Hearings*, October 28 and 29, 1957, Testimony of Alberta Aheran, p. 37; John M. Ashbrook, "Rev. Martin Luther King: Man of Peace or Apostle of Violence," *Congressional Record*, October 4, 1967, p. H13013.

<sup>25</sup> JLCUA, p. 14; *Guide*, pp. 117-18; United States, Congress, House of Representatives, Special Committee on Un-American Activities, *Report on the C.I.O. Political Action Committee*, 78th Congress, 2nd Session, March 29, 1944, p. 156; United States, Department of Justice, Federal Bureau of Investigation, *Foreign Influence—Weather Underground Organization (WUO)*, August 20, 1976, p. 332.

<sup>26</sup> See *Guide*, p. 1212, for citations of the National Lawyers Guild as a Communist front; JLCUA, pp. 14-16.

<sup>27</sup> JLCUA, p. 86, Exhibit 37.

<sup>28</sup> *Ibid.*, p. 97, Exhibit 41.

<sup>29</sup> *Ibid.*, p. 100, Exhibit 43a.

<sup>30</sup> *Ibid.*, p. 101, Exhibits 44 and 44a; Ashbrook, *Congressional Record*, October 4, 1967, p. H13012.

<sup>31</sup> JLCUA, p. 102, Exhibit 45; for the identification of Lee Lorch as a member of the Communist Party, see HCUA, "Hearings Regarding Communist Activities in the Cincinnati, Ohio, Area—Part 1," 81st Congress, 2nd Session, July 12, 13, 14, and 15; August 8, 1950, p. 2675.

<sup>32</sup> JLCUA, p. 104, Exhibit 46.

<sup>33</sup> *Ibid.*, p. 106, Exhibits 47 and 47a.

<sup>34</sup> Ashbrook, *Congressional Record*, October 4, 1967, pp. H13005-H13017 *passim*.

<sup>35</sup> *Report on the C.I.O. Political Action Committee*, p. 183.

<sup>36</sup> For Hayes's presence at the SCLC meeting in Montgomery, see Trezza Anderson, *Pittsburgh Courier*, August 17, 1957, p. 2, where Hayes's name is given as "Chris Hayes, United Packinghouse Workers . . . of Chicago." And see HCUA, *Annual Report*, 1959, p. 40.

<sup>37</sup> HCUA, "Communist Activities in the Chicago Area—Part 2 (Local 347, United Packinghouse Workers of America, CIO)," Hearings, 82nd Congress, 2nd Session, September 4 and 5, 1952, Testimony of Roy Thompson, p. 3767.

<sup>38</sup> HCUA, *Annual Report*, 1959, pp. 37-38.

<sup>39</sup> *Ibid.*, pp. 38-39.

<sup>40</sup> Ashbrook, *Congressional Record*, October 4, 1967, p. H13010; JLCUA, p. 75, Exhibit 30.

<sup>41</sup> Ashbrook, *Congressional Record*, October 4, 1967, pp. H13011-H13013.

<sup>42</sup> *Ibid.*, pp. H13010-H13011.

<sup>43</sup> SISS, *Southern Conference Educational Fund, Inc., Hearings*, Testimony of Paul Crouch, p. 136; see also Ashbrook, *Congressional Record*, pp. H13000-H13012; and JLCUA, pp. 23-37.

<sup>44</sup> SISS, *Southern Conference Educational Fund, Inc., Hearings*, Testimony of Paul Crouch, p. 137.

<sup>45</sup> *Ibid.*, p. 135-36.

<sup>46</sup> Quoted. Ashbrook, *Congressional Record*, October 4, 1967, p. H13011.

<sup>47</sup> *Ibid.*, p. H13012.

<sup>48</sup> Garrow, *FBI*, pp. 137-38.

<sup>49</sup> *Ibid.*, p. 139.

<sup>50</sup> HCUA, *Communist Origins and Manipulation of Vietnam Week (April 8-15, 1967)*, Report, March 31, 1967, pp. 53 and 5.

<sup>51</sup> *Ibid.*, pp. 25-26, 53, and 33-37.

<sup>52</sup> *Ibid.*, p. 53.

<sup>53</sup> The Text of King's speech, "Beyond Vietnam," was inserted by Congressman Don Edwards, "Dr. Martin Luther King on Vietnam," *Congressional Record*, May 2, 1967, pp. 11402-11406; all quotations given below are from this text.

<sup>54</sup> "Vietnam: We Lied to You," *The Economist* (London), 26 February 1983, pp. 56-57.

<sup>55</sup> Carl T. Rowan, "Martin Luther King's Tragic Decision," *Reader's Digest* (September, 1967), p. 42; for further negative reaction, see Garrow, *FBI*, pp. 180-81.

<sup>56</sup> Quoted in Garrow, *FBI*, p. 180.

<sup>57</sup> *Ibid.*, p. 304, n. 25.

<sup>58</sup> *Ibid.*, pp. 213-14.

<sup>59</sup> *Ibid.*, p. 214.

<sup>60</sup> *Ibid.*

<sup>61</sup> *Ibid.*

<sup>62</sup> Ashbrook, *Congressional Record*, October 4, 1967, p. H13005.

## CLOTURE MOTION

Mr. BAKER. Mr. President, I indicated earlier that I was prepared to file a cloture motion under the provisions of rule XXII to bring to a close the debate on the motion to proceed. I send such a motion to the desk at this time.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of H.R. 3706, a bill to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

Senators Howard Baker, Ted Stevens, Strom Thurmond, Slade Gorton, Paula Hawkins, Ernest F. Hollings, Quentin Burdick, Spark Matsunaga, Bob Dole, John Danforth, Charles H. Percy, Edward M. Kennedy, Bob Packwood, David Durenberger, Arlen Specter, Robert C. Byrd, and Mark Hatfield.

Mr. BAKER. Mr. President, as Members know, under the provisions of rule XXII, the vote on this motion cannot occur prior to Wednesday. Unless the time is changed by unanimous consent, it will occur 1 hour

after the Senate convenes and after the presence of a quorum is established pursuant to that rule. I will discuss with the minority leader the possibility of adjusting that time in order to suit the maximum convenience of the greatest numbers of Senators. It is anticipated, however, that the vote will occur no later than 1 hour after we convene and the establishment of a quorum as the rule provides.

If cloture is invoked, Mr. President, I would hope to proceed to debate the bill itself and perhaps even to finish it.

I must say in all candor that I am advised that we will not finish the bill on Wednesday and Members should know that I also have a cloture motion for Wednesday, too. But we will cross those bridges as we come to them.

Mr. President, I hope debate will continue on this motion today and that we can utilize the time remaining to us during the day to good advantage.

It is the intention of the leadership on this side, since we cannot vote on cloture tomorrow and if Senators wishing to speak on the motion to proceed do not require the entire day, to ask the Senate to turn temporarily to the consideration of some other matter, and that may be the Labor-HHS appropriations bill, which is here and available.

But on Wednesday, which is the first moment at which we can vote on this measure absent unanimous consent, we will be back on it. I intend to vote for cloture, obviously, and I am very hopeful that we will obtain cloture.

Mr. President, I yield the floor.

Mr. SPECTER. Mr. President, I support the majority leader, the distinguished Senator from Tennessee, in his efforts to bring this matter to a vote at the earliest possible time and on his placing the matter on the calendar.

While I agree with what the distinguished Senator from Massachusetts (Mr. KENNEDY) had to say, I would underscore the comments that he had made about the bipartisan nature of the effort to commemorate the birthday of Dr. King and would underscore Senator KENNEDY's comments about Republican support as well as Democratic support on this issue. I would not like to see undue emphasis placed upon the President's position because he has not responded in time for a bulletin to be put out.

The President is not obligated to make responses at a time when bulletins are issued. I, for one, am optimistic and even confident that, when the matter reaches the President's desk, the President of the United States will support this measure.

Mr. KENNEDY. Will the Senator yield on that point?

Mr. SPECTER. I yield.

Mr. KENNEDY. I hope that the comments that I made would not be considered to be unfair.

This is an issue which is not new, which has been before the Congress and has been before the Senate for years. If the Senator from Pennsylvania can give me any indication at any time where the President has made a statement in favor of it, then I would be glad to correct the record. But he has not. I think the record ought to at least be clear that this is not some new kind of an issue which we are springing on the President and, therefore, he should be excused from exercising some judgment.

If the Senator can point out some kind of a comment or statement that the President has made, I would be glad to go back and offer to change the record and say so publicly at this time. If he has not and has not spoken about it, then I do think that the observations that I made about his failure to take a position on an issue, which has been a major civil rights issue for millions of people in this country over the period of years, should be noted as we begin this particular debate.

Mr. SPECTER. Mr. President, I thank the Senator from Massachusetts. I think the Senator from Massachusetts has noted that I make no representation that the President has spoken on the subject. But I do make the assertion that the President does not have any obligation to speak on it in accordance with the publication timetable of the Republican bulletin. The time that the President has an obligation to speak on this matter is when the Congress of the United States has acted and has submitted the matter to the President for his signature.

Mr. KENNEDY. Will the Senator yield 1 more minute?

Mr. SPECTER. Please allow me to finish, then I will yield before I move away from it. I have not responded yet.

But I do think that this matter is a very important subject which ought to be addressed on the merits and I do believe that the Senator from North Carolina has raised certain issues which ought to be addressed.

I think it preferable at this time not to inject partisanship into this issue about recognizing Dr. King's birthday as a national holiday. I think the more important factor is that, when the issue passed in the House 338 to 90, it received overwhelming Republican support, and, as the distinguished Senator from Massachusetts has noted, there is Republican support in this body, that the focus should be, I submit, on what we ought to be doing at this time, and that there was a note of partisanship injected by what the Senator from Massachusetts has had to say.

It might have been preferable if the President had spoken out on this subject, or a great many other subjects, prior to this time on somebody else's timetable. But when he has not chosen to do so, I do not think that that is a germane issue.

I simply note—I do not wish to argue at length—but I simply note that Dr. King's birthday as a national holiday has received widespread bipartisan support—Republican as well as Democratic—and that the President does not operate on the timetable of the Republican bulletins.

I now yield further.

Mr. KENNEDY. I thank the Senator.

Since the matter is before us, I say to my good friend and colleague from Pennsylvania, does he think it is appropriate that the President of the United States indicate his position on this issue, as he is delighted to do as he has demonstrated on any number of three dozen issues which the Senator from Pennsylvania and I can possibly name or list? Does the Senator think that it is asking too much for the President to at least indicate to his party his position for those that might be interested?

Obviously, we make up our own minds. But I also like to support the President whenever I can, and I am sure that others here would like to be able to do so whenever they can, as well.

Mr. SPECTER. I would like to support the President wherever I can, and I think I do so more often than the Senator from Massachusetts.

I do believe that it would be appropriate for the President to indicate his approval. It would be appropriate for him to indicate his disapproval. It would also be appropriate for him to do nothing if he chooses to do nothing.

It is certainly true, as the Senator from Massachusetts has asserted, that the President has indicated his position on some three dozen items or more. I think it is also true that the President has not indicated his position on some 30 dozen items or more. There are many, many matters which are pending before the Congress on which the President has not spoken out. Not that he does not necessarily have a position, but that he has a great many matters which confront him, more than confront the Senator from Pennsylvania, for example.

I do not think that the President is the issue at the moment. What I perceive to be the issue at the moment is the underlying merits of making a national holiday in commemoration of Dr. King. More specifically, the reason that I rose was not to take issue with the Senator from Massachusetts, but to make some comments about the discussion of the distinguished senior

Senator from North Carolina (Mr. HELMS), which I will proceed to do at this time.

The subject matter of a national holiday in commemoration of Dr. King I think is appropriate and timely now. In my judgment, Dr. King has been a herculean figure on the American scene. He has taken stands against racism and discrimination which make him fitting to be commemorated by a national holiday, not as a representative of the blacks or a representative of minorities, but a representative of all Americans. That is the standard for a national holiday.

The Senator from North Carolina made a number of comments about Dr. King. I would like to add my own experience to this record at this time.

The Senator from North Carolina made a comment about liberation theology as one of destruction and Marxist theory as action oriented. It is my view that they do not accurately describe the actions of Dr. Martin Luther King. I make this statement based upon personal experience as the district attorney of Philadelphia, where, during the midsixties, I had the responsibility, along with others, for the maintenance of the enforcement of the laws of the Commonwealth of Pennsylvania.

In that particular era there were riots in many parts of the United States, starting in Watts in Los Angeles and moving through Pittsburgh, Newark, Detroit, and many cities. Dr. King was in Philadelphia on a number of occasions and I had the opportunity to hear him speak in 1965, which I remember very well.

Dr. King spoke eloquently but specifically on the issue of nonviolence. He spoke on the approach of changing the system within lawful means in the best tradition of the democratic approach and in the best tradition of freedom of speech, addressing the issue to change people's minds, to move against racism, to move against discrimination, and to move for equality.

In 1966 and 1967 I recall very well the very difficult times of the long hot summers, and I recall the riots which plagued our sister city of Pittsburgh. Detroit, Newark, and Philadelphia did not have that problem, but I think the contributing factor was the presence of Dr. King, as I recall very well in 1965, and I believe he was present on other occasions.

I think he was a stabilizing influence at a time when many who sought similar objectives did so through violent means, where there were those riots.

I can testify, which is somewhat unusual, perhaps, for a statement on the Senator floor, as to what Dr. Martin Luther King said as to his state of mind, as to what he thought ought to be carried out and as to what followed at least in the city of Philadelphia

where he spoke eloquently on that subject.

So I do not believe that it is accurate to characterize Dr. King as an exponent in any way, shape, or form of a theory of destruction which may or may not be part of the liberation theology. I do not know the details of liberation theology as articulated by the distinguished Senator from North Carolina. But I do know that Dr. King did not talk of or incite destruction.

Similarly, I think it is inaccurate to characterize Dr. King as part of a Marxist philosophy which would be action oriented for destruction, because I saw him and I heard him speak about nonviolence, and I saw that carried out in accordance with what he was advocating at least in the city of Philadelphia.

I think there might have been other procedures followed by the distinguished majority leader (Mr. BAKER), but in placing this matter before this body at this time I think it most appropriate and I urge this body to consider this matter at the earliest moment and enact this legislation and submit it to the President, who I think will be ready, willing, and able to speak on the subject. As I say, I am optimistic, and in fact confident, that the President will support a national holiday for Dr. King and that we can move on this very constructive measure. I thank the Chair and I yield the floor.

Mr. THURMOND addressed the Chair.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. THURMOND. Mr. President, although the bill to make the birthday of Dr. Martin Luther King, Jr., a legal public holiday is not officially before us at this time, a motion has been made to proceed to its consideration. It will be brought up and, I anticipate, will be passed within a few days.

Mr. President, the Senate will then have before it H.R. 3706, a bill to make the third Monday in January a legal public holiday in honor of Dr. Martin Luther King, Jr.

I intend to support this legislation, principally for the following two reasons:

First, my past opposition to a 10th paid holiday for Federal employees, regardless of how noble the purpose or how substantial the contributions of the individual memorialized, has centered on the excessive cost of these holidays. At the same time, I have never opposed a day of recognition for Dr. King, provided the cost problem could be adequately addressed. Congressional leaders recently have assured me that legislation will be considered shortly to reduce the overall cost associated with these holidays. That may be a more desirable means of handling this problem.

Second, Mr. President, I fully recognize and appreciate the many substantial contributions of black Americans and other minorities to the creation, preservation and development of our great Nation. For their numerous military and civilian achievements and services, our minority citizens are surely deserving of the highest honor and recognition. Many feel that a Federal holiday is a means of annually commemorating those significant aspects of American history which are of special importance to our minority citizens.

Furthermore, the preference of black leaders with whom I have conferred is that the birthday of Dr. Martin Luther King, Jr., should be the focus of such a holiday. I might say, Mr. President, that I have extensively discussed this issue with presidents of the historically black colleges, black elected officials, and a wide spectrum of other minority leaders in South Carolina and across the Nation. Clearly, the overwhelming preference among our minority citizens is for a holiday honoring Dr. King, and I respect these views.

In summary, Mr. President, I support prompt passage of this legislation, based on the assurances that the cost concerns will be addressed subsequently, and out of respect for the important contributions of our minority citizens and the symbolic significance of this particular holiday to them.

Mr. President, as chairman of the Committee on the Judiciary, let me say that my committee would have received this House-passed legislation if it had been referred to committee. However, the majority leader held it at the desk and it is now the subject of his motion to bring it before the Senate. In view of the other duties I have on hand, I have requested the able and distinguished Senator from Kansas, Senator ROBERT DOLE, who is a member of the Judiciary Subcommittee and chairman of the Courts Subcommittee, and who has had a prominent interest in this and other civil rights legislation, to handle this bill on the floor. Senator DOLE has agreed to do this. So, from this point on, I shall turn this matter over to the distinguished and able Senator from Kansas, with the request that he take charge of the bill.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I know the distinguished Senator from North Carolina (Mr. EAST) wants to make a statement. I have one that will take about 10 minutes. If he would like to precede me, I shall be happy to yield to him.

Mr. EAST. If the distinguished manager of the bill has no objection, I would like to proceed, if I could, if it is suitable with him, to make a few com-

ments on this particular proposal and measure and the concerns that I have about it.

Mr. DOLE. I am happy to yield the floor to the Senator.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. EAST. Mr. President, I think the debate that will eventually ensue over this measure needs to be in an atmosphere of nonpartisanship and in an absence of deep acrimony and loose accusations. I think Senator SPECTER is correct, that partisanship ought not to be introduced into it.

The one only I greatly fear is that those of us who, for what I think are very fair and legitimate reasons, oppose the measure will be cast by high-flown rhetoric as invariably prejudiced or racist on this matter. I think that is unfair and I think that the tone of it ought to be cast in terms of the merits of the bill, of the legislation.

Not everything done in the name of civil rights necessarily advances the cause of civil rights; not everything done in the name of anticommunism necessarily serves the cause of anti-communism; and not everything done in the name of a stronger defense supports stronger defense. I know there are people here who often fear that if they take a position on something, wrath will come down upon them that some way or other, they are prejudiced and biased people and that no reasonable mind or fairminded or thoughtful person can disagree.

I submit, and I intend to be a part of this debate, that a fairminded, thoughtful person, which I like to think I am, could be opposed to this particular measure yet be fully supportive of the notion that every American ought to be evaluated on the basis of his talent and ability regardless of race, color, religion, sex, or national origin; that a fairminded person could support that position, which I do, and yet oppose the creation of this 10th national holiday.

Mr. President, hearings may have been held before the Committee on the Judiciary in 1979, but since 1980, for example, since I have been here and been a member of the Judiciary Committee, no hearings have been held—not in the current Congress, not in the current composition. It has not been so dealt with. So I think my distinguished senior colleague from North Carolina makes a valid point.

After all, there are many implications and facets to this measure that we ought to explore. For example, just to show that this thing ought to be done in the spirit now of fairness and civility and lack of rancor about racism, we have now currently nine nationally paid legal holidays. Nine of them.

We have New Year's Day, Washington's Birthday, Memorial Day, Inde-

pendence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving Day, and Christmas Day. You will note of those nine, that only one is named after an American—George Washington's birthday. Columbus was the discoverer of the New World and, of course, Christmas—Christ. But only one is in honor of a specific American; namely, that was the father of the Revolution and the first President of the United States.

What we are saying here is that Martin Luther King, for whatever merit he had, and I am not questioning that, ought to be elevated to that stature and, I remind you, done to the exclusion of other great Americans like Jefferson, the author of the Declaration of Independence; James Madison, the father of the Constitution; Abraham Lincoln, who issued the Emancipation Proclamation; perhaps to Franklin Delano Roosevelt, one of the most influential Presidents of the 20th century; great public figures of our time such as Douglas MacArthur, or great public figures of the 19th century, such as Robert E. Lee.

All I am saying is that once you go beyond Washington, the founder and the first President, you set a precedent where other groups and interests naturally will wish to come in. Why should they be denied?

We might, for example, as an alternative, set aside a day called National Civil Rights Day. It would be a day where people were expected to go to work, or it might be a Sunday. And on that day, we could honor America's commitment to the idea, on National Civil Rights Day, that every American, regardless of race, color, religion, sex, or national origin, ought to be judged on the basis of talent and ability and not these other irrelevancies. That would be a good thing to do. To me, for example, I just throw it out as an alternative—what day might we pick? How about the birthday of James Madison, known as the father of the Constitution and the man who shepherded through the First Congress the Bill of Rights, from which many of the rights come that have protected minorities? I come from a group of handicapped Americans. In short, candidly, there is no end to how far you might wish to go.

I know prominent, handicapped Americans that I think it might be nice and appropriate to dedicate a national holiday to. Franklin D. Roosevelt would be one. He was a polio paraplegic, as I was, and after contracting polio, he was elected Governor of New York twice and President of the United States four times. He founded the National Foundation for Infantile Paralysis at Warm Springs, Ga., which eventually developed the vaccine that destroyed and eliminated polio. How about a day for that, a nationally paid holiday?

Is that any less significant? If so, why so?

I am going to be strongly resistant in this debate to the notion that unless you support this particular measure, this particular vehicle, hidden somewhere down deep in the recesses of your heart and soul is bigotry, because that is not true.

(Mr. MATTINGLY assumed the Chair.)

Mr. EAST. A fairminded, reasonable person could not agree on the method here but agree on the end, where we included not only our distinguished black citizenry in this country but all other groups who have, as we frequently look back in history, been excluded from the mainstream of participation in American public life—women, for example, or again ethnic origin or religion or the physically handicapped. And so it goes.

I submit, Mr. President, no one in this debate is going to be allowed to proclaim—and there is no way I can stop it—that they have a monopoly on compassion and solicitude for the rights of minorities and the disadvantaged. And so I think one thing we could have taken up in the Judiciary Committee hearings, and I will want to take up on the Senate floor debate, is why we would single out this group and this particular day as opposed to these other things. If we set the precedent of going beyond the founder of the country, is that going to be good? Do we have the historical perspective yet to do it? This takes a long time. It is not to say after the year 2000 and we evaluate the history of the 20th century that Martin Luther King was not an important historical figure. But will he rank with the stature of Washington? I do not know. There may be other black leaders who will rise to ever greater heights than he. Historical perspective is needed.

Mr. President, with all due respect to my colleagues who wish to rush through this quickly, as was done in the House—and it is going to happen in the Senate, I know that, I know that as well as you do—I think the issue has become highly politicized. That I regret, but it will eventually pass, of course.

I am simply here to defend the notion that it is possible to look at other alternatives. I wish to hear the arguments of those who will be contending that Martin Luther King's birthday should be elevated to the stature that Washington's was; that it is a good precedent and we should not anticipate more. Women's groups will want it, and why not? Handicapped groups will want it, and why not? Eventually we run—and I do not mean to be facetious on the point—the risk in which we have no Federal working days; they are all holidays, in commemoration of great Americans.

Maybe the prudent thing to do, I am suggesting, for example, is to stop with George Washington, the first President, the leader in the American Revolution, the founder, and say that is that, and henceforth other famous Americans will be recognized in other ways—days set forth to simply recognize them, not paid now. They will have to work that day. Because I do not see how, if this day is made a national holiday, you can resist the other groups that will come forth.

I resist the idea on the basis of precedent. I could offer alternatives. I could suggest, well, let us do one for Jefferson, the father of American democracy, the author of the Declaration of Independence, or, as I have said, James Madison, the father of the Constitution, or Abraham Lincoln, certainly a towering figure of the 19th century, or Robert E. Lee, a towering figure of the 19th century.

It has nothing to do with partisanship. It has nothing to do with who your particular favorite hero is. But with every group or area in the country, there is the same problem.

In the 20th century, who might you pick? Again, I suggest Franklin D. Roosevelt for his contribution to the handicapped or his enormous impact upon American politics.

Could one really say as a matter of historical balance at this time that King ought to be elevated to the status of Washington and that there are not other appropriate ways of doing it? I think there are and we could find them.

I offer the possibility of an amendment called the National Civil Rights Day, in which it would be encouraged, at the Federal and State and local level, that we renew the spirit in America that we are committed to the idea of each individual American being judged on the basis of talent and ability and not race, color, religion, sex, national origin, or physical disability.

That sounds like a good alternative. We could have appropriate celebrations on that day. The President could use his office to remind us, because we do need to be reminded. I, as a person in one of these categories, am sensitive to that. I realize great progress has been made in the area of the handicapped—architectural barriers, generosity of spirit, openness of the American people, employers. But there is still a long way to go, and we need to be reminded from time to time. That would be true of other groups—women, religious bigotry, and so forth.

It is imperative at the outset of this debate, whether it is on a motion to proceed or a motion to send it back to the Judiciary Committee for hearings, which have not been held, or on the general merit of the bill once it is out on the Senate floor, that those who are for and against, decide this debate can take place at a civil, intelligent,

and rational level without charges and countercharges about who has the greatest commitment to the rights of the excluded, minorities, and the disadvantaged in American life, because I will go on record and ultimately vote against this measure. I will concede that. But I do it not out of disdain for black Americans, for whom I have the greatest admiration. I have them on my staff, and I expect to have more. I have found them very talented and creative people.

Again, I will take the birthday of Franklin D. Roosevelt. I have exactly the same disability he had, polio paraplegic. I know the kind of physical struggle he had to go through to carry on in public life and to accomplish what he did. But I am reluctant to offer a day to mark handicapped American's because it goes beyond the precedent. And I do not think Franklin Roosevelt would want it. To anyone who spent any time at Warm Springs and has seen the great contribution that he made there—and out of that seed grew the conquest of polio in this country; people do not get it anymore—it would be obvious it deserves a national holiday.

But I am not going to propose that because I think it would break my own concern about the precedent—how far we go, once we let this genie out of the bottle, beyond recognizing Washington.

I think that is a fair question. I do hope the national media will try to give us a fair shot of putting the reasonable arguments in perspective. Let us express those arguments, instead of trampling this underfoot with the charge that here again is the ugly head of racism and bigotry. If I offered a proposal to make Franklin D. Roosevelt's birthday a national holiday because of his great contribution to the world of the physically disabled and you resisted it for some reason, I would not say you are spiteful and prejudiced against the handicapped. You could have other good reasons for opposing it, just as much as I have reasons for opposing Martin Luther King's birthday.

I have talked at some length—perhaps ad nauseum—and made my point more than I needed to. But I am troubled that as this debate proceeds on any point—motion to proceed, motion to commit to the committee, ultimately the substance of the bill—there will be a steamroller effort made by certain high-pitched voices in this Chamber, eloquent men, honorable men, good men, in which the intimation will be that only the prejudiced and only the bigoted could oppose it.

That, right there, is the ultimate form of bigotry, because you condemn out of hand those who might, in a fair, a reasonable, a civil, and I hope intelligent way, offer arguments against this national holiday.

All I am asking of my colleagues and all I am asking of the media, for that handful of Senators—and it will only be a handful; I know that; I can count—is that you at least respect that we feel that our position is an honorable one, not rooted in bigotry or hatred or prejudice, but rooted in genuine concern about whether this is a wise thing to do. Please give us that chance. Please give us that fair hearing. Let us not make it partisan. Let us not see who can outdo one another in saying, "I am a greater defender of the civil rights, of so and so, than somebody else is."

Let us carefully consider it, then, if it will not be sent back to committee, and probably the vote will be against it, and eventually we will get down to debating the merits of the bill.

Please, all I ask from colleagues and, yes, candidly, from the national media is this: Give us a fair chance to state our point of view; because a fair-minded person, a reasonable minded person, a civil person, and I hope an intelligent person could be opposed to this bill for a variety of reasons, some of which I have only hinted at, and at the same time be fully committed to the idea—I repeat—that every American, regardless of race, color, religion, sex, national origin, or physical handicap, ought to be judged on the basis of their talent and their merit, not these irrelevancies. It is in that spirit that I will debate this issue. I hope we can keep the tone and the level of this debate at that point.

I know that Senator SPECTER, my distinguished colleague from Pennsylvania, supports this measure, and he is a bright and able and talented Senator. In fact, I was in Pennsylvania not too long ago, and I spoke there on behalf of a candidate running for mayor. I said what a fine Senator they have in Senator SPECTER as well as Senator HEINZ. I do not know how Senator HEINZ will vote on it, but Senator SPECTER has indicated that he will vote for it. I have the deepest admiration for him. He will have good reasons for it. He is a bright and able man.

Senator SPECTER, I think, is correct in raising this point: Let us not make it a partisan issue. Let us not get the decibel level of this debate to where it is simply one based upon acrimony, name calling, the progressives versus the bigots, unfair, inaccurate, not true.

So I only plead this at the outset: That the tone and the character of the debate be befitting the greatest deliberative body in the world, the U.S. Senate, of which I am proud to be a Member, and I am honored that the people of North Carolina sent me here.

Some will disagree with me on this issue; some will agree. But I hope that when it is over, they can at least say: "What EAST did say, he said fairly and

civily. It sounded at least reasonably intelligent, and he did a good job as being a part of the national debate on this, though he was on the losing side, and though he voted with a handful of Senators in opposition to this bill."

Mr. President, I know that the distinguished manager of this bill, the Senator from Kansas, wishes to make some comments, and there may be others. I will yield the floor and, of course, avail myself of the right, at a later point in this ongoing discussion and debate, to comment from time to time.

I thank my colleagues for their indulgence, and I yield to my distinguished colleague from Kansas.

Mr. DOLE. Mr. President, I have listened very carefully to the distinguished Senator from North Carolina, and as he has indicated, I believe there should be serious debate.

We can have a different view on any matter in the Senate without inferring that anyone who may disagree, lacks compassion or is insensitive, or whatever it may be, on this bill or on any other bill. Certainly, the Senator from North Carolina has demonstrated time and again his sensitivity, concern, and compassion.

I share the view he expresses in that this is a serious matter. It is one where differences of opinion exist on both sides of the aisle. I certainly take seriously what he says, as it should be, and I think there will be debate. I do not believe there will be any attempt to railroad any such legislation.

Frankly, it would have been preferable, I believe, to have run the normal course and had hearings in the Judiciary Committee. This would have given people a better idea on this side, even though we had hearings 3 years ago, that this was a matter of importance, that it deserves careful attention. But for reasons that the majority leader felt were compelling and sound at the time, the House-passed bill was held at the desk. That is a judgment the majority leader made, and I support him in that.

So now we need to perhaps cover some of the questions raised by the Senator from North Carolina and by other Senators on both sides of the aisle, without any doubt the last thing this should be is a partisan debate.

I guess if you looked at numbers you would say why should Republicans vote for this legislation anyway? Every black leader in America is an active Democrat. They are out trying to defeat Republicans. There is all kinds of evidence where you could say, "this is certainly not a matter for Republicans to be concerned about at all."

But as I look around the past several years I have been in Congress, one area in which we truly have had bipartisanship or nonpartisanship, for the most part, has been on civil rights legislation. And those of us on the Re-

publican side are optimistic. We are looking at the future. Things will change. New leaders will emerge. New ideas will be exchanged by political leaders, black, white, Hispanic, whatever, in the next 10 to 20 years.

In my view, even though we may be on the low end of the totem pole now with 5 percent or 7 percent of the black vote, that in no way should impede what we consider to be sound legislation, whether it is a Martin Luther King public holiday or whether it is fair housing, or whether it is voting rights or whatever it may be.

So I would say as I said in a telegram I sent to Mrs. King and WALTER FAUNTROY during the recent commemorative march on Washington, let us keep civil rights a nonpartisan issue. There are those of us in the Republican Party who are strong supporters of civil rights, and we will continue to be strong supporters.

So I just suggest that there is going to be debate and we are going to pass this legislation. I am not certain when. And I do not suggest for a moment that anyone who speaks on the other side or offers amendments or in any way tries to underscore his views is holding up the legislation. But the legislation probably will pass. There are other matters that are pending that I believe we need to consider.

So, I believe, we will go on with this debate, for some time this afternoon. I guess tomorrow there are other things planned, like we will come back on this on Wednesday.

A nation defines itself in many ways; in the promises it makes, and the programs it enacts, the dreams it enshrines or the doors it slams shut. A great nation defines itself in poetry as well as politics, in its heroes and in its holidays.

Carl Sandburg defined America. "The people of the earth," he wrote, "the family man, wanted to put up something proud to look at, a tower from the flat land of earth on up through the ceiling into the top of the sky."

From her birth in the furnace of revolution, America was designed as an exercise in applied idealism. She would inspire other people who loved liberty and hungered for justice—or else she would become just one more straggler in history's long parade, a nation addicted to temporal power and corrupted by personal pride. Fortunately, that has not happened. We have not adjourned our covenant with each other, nor have we grown tired of the old, ringing words that proclaim equality under the law and promise better times ahead to anyone who would invest his own individual bit of divinity into the life struggle.

When we have been slow to keep the promise, men and women have stood up and pricked our national conscience. "It is never too late to give up

our prejudices," said Thoreau. "Be as beneficent as the Sun or sea," proclaimed Emerson, "but if your rights as a rational being are treasured on, die on the first inch of your territory." And there was Lincoln, the patron saint of my party and the greatest testament to democratic government we have produced. "As I would not be a slave, so I would not be a master. Whatever differs from this," he said, "to the extent of the difference, is no democracy."

Lincoln was a controversial man. Abe Lincoln presided over the deaths of a million of his countrymen. They did not die, nor did he, to preserve, protect, and defend the status quo.

#### FREEDOM—AN AMERICAN STANDARD

Now as then, America is a country about rights. Take that away, and what is left? Yet rights, as we learned more than 200 years ago, are not always handed down from above. They must sometimes be forced by pressure from below. The process of forcing can disturb the peace. It can shatter the placid calm of tradition. But such is the price that society must pay for living up to its own high standards.

As we forged a new nation at Concord and Lexington, Saratoga, and Yorktown, so we welded it together at Bull Run and Gettysburg, projected it on to the world stage at Chateau-Thierry, seized for it the moral high ground at Anzio and Guadalcanal—and renewed its historic status as the last best hope of human freedom in our own time—at Selma and Montgomery, Birmingham and Atlanta, Chicago and Washington.

Nothing less than a new American Revolution raised our consciousness and made us ask questions of ourselves—questions delayed or simply avoided for far too long. Questions that went to the heart of what America thinks of herself and offers her own citizens. Questions put with eloquence and irrefutable force by a man whose birthday we seek to make a national holiday—not to honor him alone, nor even the millions who marched and prayed and demanded our attention when some of us would have preferred to look elsewhere. We seek to honor Martin Luther King's idea, an idea as old as the New England town meeting, and yet as endangered in the modern world as the dignity of man himself.

"Segregation," he wrote, "is the offspring of an illicit intercourse between injustice and immorality."

Yet in the same year that I first came to this Congress, no black man or woman could share a whites-only lunch counter in an Atlanta department store.

Injustice anywhere, said Dr. King, was an injustice everywhere. Yet in those same years, millions of black Americans were denied equal access to

the voting booth, decent housing, a good job.

"We will not be satisfied until justice rolls down like waters," said Dr. King, "and righteousness like a mighty stream"—and some people called him a radical for quoting the Book of Amos.

But in America, the home of the brave and the land of the free, it was segregation that was radical, denial of opportunity that was revolutionary, and the smothering of individual hope that was an affront to decency. Thanks to Dr. King more than anyone else, America renewed her alliance with true democracy. She listened to the voices of her own oppressed. She caught the rhythm of their suffering, and she brought it in from the streets to the Halls of Congress and the centers of power. She wrote new laws to strike down old barriers. She built bridges in place of walls. She invited the black man and woman into the mainstream of American society—and in doing so, opened the way for women, the disabled, and other minorities who found their own voice in the civil rights movement.

#### A HOLIDAY FOR ALL THE PEOPLE

Some will oppose this legislation because they say it would cost too much. It might cost \$18 million or \$173 million, or even in the billions, we are told. Let's assume for the moment that they are accurate. Since when did a dollar sign take its place atop our moral code? And to those who worry about cost, I would suggest they hurry back to their pocket calculators and estimate the cost to 300 years of slavery, followed by a century or more of economic, political, and social exclusion and discrimination.

Others will contend that Dr. King was too controversial a figure to merit such a tribute. They forget that George Washington himself was called a tyrant during his second term in office. Or they suggest that this added holiday is somehow the exclusive property of black Americans. That is like saying that Columbus Day is exclusively for Italian Americans, or Labor Day reserved for union members. In my opinion, we can all profit from a day of national reflection on the faith that binds together a diverse people, and a chance to measure our own adherence to that faith.

We propose to celebrate Dr. King's birthday because his work—which in reality must be our work—is unfinished. Since he first commanded national attention, legal obstacles to voting, fair housing, and employment have fallen. The number of black elected officials has multiplied more than tenfold. The number of black kids pursuing a college degree has doubled in a decade, and incomes of young black couples have nearly reached parity with their white counterparts.

But much remains to be done. A dream has yet to be fully realized. And that brings me to my final point.

The pursuit of equal opportunity is a drama without intermission. Its cast is proudly nonpartisan. My own support of this legislation is nothing new; I take some pride in having been one of its original sponsors back in 1979. As a Republican, I can never forget that it was my party that originally struck the shackles from black Americans. As a Republican, I am appalled by waste—financial, to be sure, but human even more. In achieving economic and social emancipation, in putting an end to the waste of human talent and potential, Republicans have contributed much, not least of all our votes when crucial bills came before this body.

For there is nothing partisan about justice. It is as Conservative as the Constitution, as liberal as Lincoln, as radical as Jefferson's sweeping asserting that all of God's creation is equal in his eyes. So let us not congratulate ourselves simple because the cattle prods and police dogs of the 1960's have vanished from our streets. Instead, let us acknowledge more subtle forms of discrimination wherever they exist, and pledge anew to root them out, inspired by the example of a man of God and an authentic hero to tens of millions of Americans, black and white or whatever.

It is too late to bring him back—and muct too late to be debating his impact or inspiration. With this vote, we can show to the world that, while a man may have died in Memphis, his message lives on. Both deserve official recognition, on our calendar and in our priorities.

Mr. BRADLEY. Mr. President, I ask unanimous consent that my name be added to the cloture motion that was filed earlier today.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

(The text of the cloture motion, with the addition of the name of Mr. BRADLEY, reads as follows:)

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to the consideration of H.R. 3706, a bill to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

Senators Baker, Stevens, Thurmond, Gorton, Hawkins, Hollings, Burdick, Matsunaga, Dole, Danforth, Percy, Kennedy, Packwood, Durenberger, Specter, R. C. Byrd, Hatfield and Bradley.

Mr. BRADLEY. Mr. President, I rise not to make a speech but to make a brief comment to my distinguished colleague from Kansas. I felt his remarks were eloquent and to the point, and I think played upon a very fine

tradition in his party, and yet at the same time in response to earlier points made today, that this initiative does emanate from that side of the aisle as well, and I do not say that in a partisan sense. I say that only in the sense that I think there is still an ambivalence; you representing, the Senator from Kansas representing, one thrust, the Senator from North Carolina representing another, and it is that ambivalence that I think we see today at the highest levels of our Government. I know where the Senator from Kansas is on these kinds of issues. I have seen his work in the Voting Rights Act, I have seen his work in the Finance Committee, but I am not sure where the highest reaches of this Government are on these kinds of issues.

I think that is what Senator KENNEDY was referring to earlier when he sought to know the President's position on this holiday because I believe that this issue should be beyond partisanship. One would like to think that this basic commitment to civil rights is so profound that it goes beyond party label, and I think the Senator's statement today is only further evidence that that is still a possibility and perhaps a probability and perhaps in a real sense a fact today.

Yet, I mean, I remember back in 1964 as a college student when I sat right up there in the corner of this Senate gallery the day the 1964 Civil Rights Act was passed. I remember how good I felt about government, about keeping promises, about fulfilling the best of our Nation's ideals. And I will say to the Senator from Kansas, as he knows, 2 years ago how badly I felt about government when this administration attempted to protect the tax-exempt status of schools that discriminate on racial grounds.

In my view I do not think that these things, particularly questions of brotherhood, should be treated as political chits but as personal commands. I think the Senator from Kansas feels that way as well, and that is why I did not intend to make a speech today but simply to make that comment in hopes that the future of his party will be one that speaks for the values that he so eloquently expressed today and not the values that have been expressed on the floor today by the Senators from North Carolina.

Mr. DOLE. Mr. President, I certainly thank my distinguished colleague from New Jersey. There is no doubt in my mind where the Senator from New Jersey stands on issues of this kind, and I appreciate his comments.

I do think, you know, as I said earlier, you look at it cold turkey as Republicans and say, "Well, there is no future in anything like this for the Republican Party" and if it is going to be based on any partisan consideration of political or political gain, then it

loses its meaning in the first place and could not be seriously debated.

But I do believe, and I think just in my tenure in the Congress, there has been a big, big change, vast changes, and those changes for the most part—obviously there have been great black Americans, Hispanic Americans, white Americans, great leaders, but the spark that started the big movement was Martin Luther King, Jr.

So I join the Senator from New Jersey, and it is my hope as one on this side of the aisle that in 10 years from now when we look back on the debate on this issue we will be looking at full employment and no discrimination in housing or jobs for any American, handicapped, disabled, whatever; that progress is being made. But for those who have had to wait 300 years, 200 years, 100 years, 1 year, it seems mighty slow.

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. LEVIN. 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. LEVIN. Mr. President, this is a day I have wanted to happen since I was first elected to the U.S. Senate. It is a day when we in the Senate seek to memorialize the magnitude of a man who sought to protect the dignity of a people and awaken the conscience of a Nation. It is a day when we in the Senate seek to transcend the routine legislative agenda, as he sought to transcend the prejudices of centuries. It is a day when we in the Senate recognize Dr. Martin Luther King, Jr. as deserving a unique place in our national life and our cultural heritage.

Dr. King's death is 15 years behind us now. To some extent, deeply felt passions and the frustration, anguish, and bitterness with which the Nation was consumed during the tragic year of 1968 have cooled.

But what remains with us and what is indelibly woven into the fabric and history of our Nation is the vision which Dr. King lived for and the dream for which he died. This vision and dream embraced all Americans in Dr. King's quest to make a living reality of equality of opportunity and economic and social justice for all humankind, those fundamental principles in our Constitution.

This great warrior, whose battlefield was the hearts and minds of those who did not feel that justice and dignity were meant for all people, whose shield and armor was strong determination and an unassailable character and whose ammunition was moral conviction and self-sacrifice, deserves the fullest honor of this Nation.

Few have dedicated their life so tirelessly in the struggle for equality as Dr. King.

From the bus boycott in Montgomery to the sanitation workers in Memphis, his unyielding commitment to improve the lot of all Americans was demonstrated—he achieved significant goals by peaceful and nonviolent actions.

To Dr. King, those means were beneficial to those in the struggle as the ends they were seeking.

With reference to the 11-month long successful Montgomery bus boycott, he said:

Nonviolence had tremendous psychological importance to the Negro. . . . This method was grasped by the Negro masses because it embodied the dignity of struggle, of moral conviction and self-sacrifice. The Negro was able to face his adversary, to concede to him a physical advantage and to defeat him because the superior force of the oppressor had become powerless. . . . I am convinced that the courage and discipline with which Negro thousands accepted nonviolence healed the internal wounds of Negro millions who did not themselves march in the street or sit in the jails of the South. One need not participate directly in order to be involved. . . . to have pride in those who were the principals. . . . to restore to them some of the pride and honor which had been stripped from them over the centuries.

When the Supreme Court order to end segregation on buses was delivered to Montgomery, Dr. King proudly told an overflow crowd at a local church:

We came to see that, in the long run, it is more honorable to walk in dignity than ride in humiliation. So in a quiet dignified manner, we decided to substitute tired feet for tired souls, and walk the streets of Montgomery until the sagging walls of injustice have been crushed.

One way of insuring renewed dedication to his goals of freedom and equality is to enact legislation to honor Dr. King by designating his birthday as a national public holiday—allowing Americans at least 1 day each year to honor Dr. King's contributions to this country, 1 day to remember Martin Luther King's dream that our children will one day live in a Nation where they will not be judged by the color of their skin but by the content of their character.

Mr. DURENBERGER. Mr. President, recently I spoke with a young woman who, as a 1-year-old was present at the 1963 March on Washington. Obviously, she was unaware 20 years ago that segregationists were physically stopping blacks from entering public schools, that blacks and whites were being threatened and in many cases assaulted for their commitment to equality and that our society was divided by a barrier of color.

Twenty years later, this same woman—now a young adult—was back in our Nation's Capital to commemorate the anniversary of the march and Dr. Martin Luther King's "I have a

dream" speech. As the young woman rode the bus into Washington for the rally, she noticed that men and women, blacks and whites, Jews and gentiles, Protestants and Catholics were side by side.

She told me later that what struck her most about the experience was the sense of history—not just the historical nature of the 20th anniversary of the march, but the evidence of the changes in our society during the last two decades. Most importantly, she was reminded that she and millions of other Americans still share Dr. King's dream.

On that same day I was doing a radio call-in show in my home State of Minnesota. A caller identified himself as a teacher and said:

The best reason I can give you, Senator, for creating a Martin Luther King holiday is that it will give me and generations of teachers a role model of human rights and liberties with which to prepare our young for their obligations as American citizens.

I strongly believe that we as a nation need to celebrate that dream and the man, Dr. Martin Luther King.

National holidays are important occasions for the people of our country to annually break their routine and celebrate the accomplishments of our Nation, the ideals and principles upon which the United States is founded, and the men and women who have stood for those ideals. Memorial Day, for example, was created in 1868 as a day on which to decorate the graves of those killed in the Civil War. Today, Memorial Day commemorates all men and women who have died for our country. President's Day remembers not just George Washington and Abraham Lincoln—whose birthdays I had off from school as a youngster—but the principles for which they and other leaders of our country stood.

In the same way, a national holiday for the Reverend Martin Luther King will celebrate not just a very special man, but a cause. Dr. King's crusade, for which he gave his life, was the beginning of the end of our country's equivocation on the constitutional guarantees of equal rights, not just for blacks, but for other minorities, women, the elderly, the handicapped, and other groups.

Certainly, we still have a way to go to make those guarantees a permanent reality. But Dr. King's role in opening our eyes to the tragedy of discrimination and the fundamental principle of equality under the law should be celebrated. I think the recognition that a national holiday on Dr. King's birthday commemorates an ideal that is greater than any one man is the reason for President Reagan's support and the overwhelming vote of endorsement in the House of Representatives.

I am sure Dr. King would agree that the eloquence of his speech and his

devotion to justice are not so much a reason for us to remember him as a person, but to remember his cause. For one 24-hour period in every 365 days we need to take the time to recel-  
 ebrate civil rights and recommit ourselves to Dr. King's cause.

Mr. President, I ask unanimous consent that an editorial from the St. Paul Pioneer Press be included in the RECORD with my remarks this afternoon.

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

#### KING HOLIDAY WOULD BEST HONOR ALL

Ronald Reagan is reported to be warming up to the idea of a federal holiday commemorating the birthday of Dr. Martin Luther King, Jr. Advisers are telling him it would be a friendly gesture toward blacks and other minorities—in other words, good politics. If he softens his previous opposition for purely political reasons, he would be engaging in the worst sort of hypocrisy.

By 338-90, the House voted last week to set aside the third Monday in January to honor the assassinated civil rights leader. The measure is now on the Senate calendar for debate after Congress returns from the August recess.

Attempts have been made to memorialize Mr. King in this way every year since his death in 1968. With the president's support, passage would be a near certainty this year.

Mr. Reagan has his problems with minorities, who are angered by his soft civil rights stance. It is understandable that he would want to strengthen his relations with blacks. But this method sounds calculating and opportunistic rather than sincere.

It would be quite appropriate for the nation to set aside a national holiday to honor the contribution of all minority groups, and to remind ourselves of the ongoing struggle to eliminate injustice and achieve equality. But should that celebration be in the name of one person, such as Mr. King, or should it be on behalf of all those who have contributed to these causes? We believe it should be the latter, even if Mr. King's name graces the holiday.

That is not to belittle Mr. King's contributions. His most lasting gift was his dedication to non-violence, and that gift was to all Americans. For that gift, he was awarded the Nobel Peace Prize in 1964, the youngest man ever to be so honored.

While his stature in the 1960's civil rights movement was towering, there were many before him and since his death who have fought mightily for the same principles he espoused. Those principles, we believe, are what such a holiday should honor.

Independence Day, after all, makes no mention of Jefferson, Franklin, or other founders of the Republic. Labor Day does not evoke George Meany or Samuel Gompers specifically. And there is no Pocahontas in the words, "Thanksgiving Day."

Perhaps what we need most of all is a Civil Rights Day, or even a Human Rights Day. Ask a Hispanic American, or a homosexual, or an American Indian, or a woman or a member of any number of other groups if we have a distance yet to travel on the road to liberty and freedom.

Whatever Mr. Reagan decides to do on this issue, his decision will be respected and accepted more if it is based on logic and merit, rather than how many votes it will

win him or cost him in his anticipated 1984 re-election campaign.

Mr. JOHNSTON. Mr. President, today I express my support for the designation of the third Monday of every January as a legal public holiday in honor of Dr. Martin Luther King, Jr. Dr. King was a man of great vision, whose peacefulness, yet determined leadership had a profound and lasting impact on American civil rights. It is only right that we as a nation should thank him for what he has given us with an equally lasting tribute.

As a U.S. Senator from the South, I am in a unique position to see the results of Dr. King's lifetime work. I can remember the conditions and difficulties faced by southern blacks prior to the civil rights movement. I can remember the segregated schools, stores, restaurants, drinking fountains, and bathrooms. I can remember blacks being denied the right to vote.

All of this was very much a way of life in the South. No one questioned it. We were living in a two-tiered society with the whites on one tier and the blacks and other minorities on the other. It took courage and conviction for Martin Luther King, Jr., and his followers to challenge this status quo and it was with great difficulty that the blacks of the 1950's and 1960's managed to convince those in the mainstream of the southern political arena that their treatment of blacks was unjust and unfair.

Even so, Dr. King accepted the challenge and proceeded to push his message in a nonviolent manner. In an effort to desegregate the city's bus service, King masterminded the Montgomery bus boycott of 1956. He marched in Birmingham for fair hiring practices and an end to segregation of public facilities and department stores. He was the founder and first president of the Southern Christian Leadership Conference, an organization of black leaders committed to eliminating discrimination and increasing black voter participation.

Dr. King did not limit his activities to the South. He also worked for slum rehabilitation in Chicago and called for an end to the war in Vietnam. Many urged him to remain silent about the war, however, he argued that it was worthless to talk about integration if there was no world left to integrate.

Dr. King was also a moving force behind the 1963 March on Washington. Since that time great strides have been made to fulfill Dr. King's legacy. For example, the passage of the Voting Rights Act of 1965 brought many millions of black voters to the polls for the first time and it resulted in the election of thousands of blacks to every level of government. In the South alone, this legislation has resulted in an elevenfold increase in the number of blacks who now hold elec-

tion office, with the greatest increase occurring in the State of Louisiana.

During his lifetime, Dr. King also saw the passage of the Civil Rights Act of 1964. This act has been instrumental in integrating more than 25 million people into the mainstream of American society and it still serves as the catalyst for the entry of many more.

While Dr. King's activities did not physically bring him into Louisiana, the reverberations of his activities had a profound and lasting impact on my State. Many of the present prominent black leaders of Louisiana were early disciples of Martin Luther King, Jr., and the civil rights movement. Today, they continue to carry his message throughout the State. Their place in the political heritage of Louisiana was laid down by Dr. King's work throughout the country. A national holiday in honor of Dr. King would also serve as a national holiday in honor of these individuals and all of the other followers of Dr. King who have contributed to making his dream a reality.

While it cannot be denied that much progress has been made over the years, we still have a long way to go. We still must seek parity in the job market at home. Furthermore, worldwide unrest makes it especially important that we continue Dr. King's message into the 1980's and beyond.

Presently, there is a civil war raging in Lebanon. Martial law and a strong Soviet presence are felt in Poland. Russia has invaded Afghanistan and it has ruthlessly shot down the Korean civilian jet 007. By honoring Dr. King and his dream of peace, freedom and equality in this appropriate fashion, the United States would be sending a signal to the world that we as a nation are committed to peace and equality, both at home and abroad.

Throughout his life, Dr. King received many honors. He was named the 1963 Time magazine "Man of the Year," the first black to be so honored. In the following year, he was awarded the Nobel Peace Prize, thus becoming the youngest person ever to be so honored. These tributes are minor in comparison to the immeasurable contribution Dr. King made to our heritage. Dr. King brought our prejudices and faults to the forefront and forced us as a nation to examine our conscience and thus to move toward becoming a nation of truly one people. By honoring Dr. King with a national holiday we will be reminded of his dream each year. We will be forced to reexamine our national conscience to see whether we are still striving to make that dream a reality.

Mr. President, Dr. King had a great impact on 20th century America, perhaps the greatest impact of any man or woman. His march from Montgomery to Memphis has permanently

shaped the course of our history. Mr. President, I have been a cosponsor of this important legislation for many years and I call upon my colleagues to show their support for it and for the continuation of Dr. King's dream today.

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

The PRESIDING OFFICER (Mr. EVANS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STEVENS. 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. Mr. President, will the acting majority leader yield for a question?

Mr. STEVENS. Yes.

Mr. BYRD. Will there be any further rollcall votes today?

Mr. STEVENS. Mr. President, there will be no further rollcall votes today.

#### MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Saunders, one of his secretaries.

#### EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

#### ANNUAL SCIENCE AND TECHNOLOGY REPORT—MESSAGE FROM THE PRESIDENT—PM 79

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Commerce, Science, and Transportation:

*To the Congress of the United States:*

I am pleased to submit to the Congress the fifth *Annual Science and Technology Report*, as required under the National Science and Technology Policy, Organization, and Priorities Act of 1976, as amended.

Today the United States faces major challenges to both our economic well-being and our national security. We turn increasingly to science and technology to help us maintain the competitiveness of our industries in the international marketplace and to

ensure the continued technological superiority of our defense capabilities.

The science and technology policies described in this report outline the framework in which our Administration is addressing these challenges. The significant increases in Federal R&D support, especially in basic research—the fount of new technologies and new knowledge—is evidence of our long-term commitment to strengthening the economy and security of America through science and technology. Programs to increase the supply of well trained scientists and engineers will ensure the best possible talent for continued technological advances in industry, universities, and government. The results of these important actions, in conjunction with the vigorous investment in research and development by the private sector, will be greater security and strong economic growth in the years ahead.

RONALD REAGAN.

THE WHITE HOUSE, October 3, 1983.

#### DEFERRAL OF CERTAIN BUDGET AUTHORITY—MESSAGE FROM THE PRESIDENT—PM 80

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with certain papers; which, pursuant to the order of January 30, 1975, was referred jointly to the Committee on Agriculture, Nutrition, and Forestry, the Committee on Commerce, Science, and Transportation, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on the Budget, the Committee on Labor and Human Resources, the Committee on Foreign Relations, the Committee on Finance, the Committee on Environment and Public Works, and the Committee on Appropriations:

*To the Congress of the United States:*

In accordance with the Impoundment Control Act of 1974, I herewith report nineteen new deferrals of budget authority totaling \$1,909,569,000 and one new deferral of outlays totaling \$15,209,000.

The deferrals affect programs in the Departments of Agriculture, Commerce, Defense (Civil and Military), Energy, Health and Human Services, Interior, State, Transportation, Treasury, and the Appalachian Regional Commission, Pennsylvania Avenue Development Corporation, Railroad Retirement Board, Tennessee Valley Authority, and the U.S. Railway Association.

The details of the deferrals are contained in the attached reports.

RONALD REAGAN.

THE WHITE HOUSE, October 3, 1983.

#### MESSAGE RECEIVED FROM THE HOUSE DURING THE ADJOURNMENT

##### ENROLLED BILL AND JOINT RESOLUTIONS SIGNED

Under the authority of the order of the Senate of September 30, 1983, the Secretary of the Senate, on September 30, 1983, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. WRIGHT) had signed the following enrolled bill and joint resolutions:

H.R. 3962. An act to extend the authorities under the Export Administration Act of 1979 until October 14, 1983;

H.J. Res. 137. Joint resolution authorizing and requesting the President to issue a proclamation designating the period from October 2, 1983, through October 8, 1983, as "National Schoolbus Week of 1983"; and

H.J. Res. 368. Joint resolution making continuing appropriations for the fiscal year 1984, and for other purposes.

Under the authority of the Senate of September 30, 1983, the enrolled bill and joint resolutions were signed on September 30, 1983, during the adjournment of the Senate by the Vice President.

#### MESSAGES FROM THE HOUSE

At 12:14 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the House disagrees to the amendment of the Senate to the bill (H.R. 3929) to extend the Federal Supplemental Compensation Act of 1982, and for other purposes; it agrees to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and appoints Mr. ROSTENKOWSKI, Mr. STARK, Mr. PEASE, Mr. MATSUI, Mrs. KENNELLY, Mr. CAMPBELL, Mr. MOORE, and Mr. FRENZEL as managers of the conference on the part of the House.

The message further announced that the House agrees to the amendment of the Senate to the bill (H.R. 3813) to amend the International Coffee Agreement Act of 1980.

The message also announced that the House has passed the following joint resolutions, without amendment:

S.J. Res. 140. Joint resolution to provide for the designation of the week of October 2 through October 8, 1983, as "Myasthenia Gravis Awareness Week"; and

S.J. Res. 142. Joint resolution designating the week of October 3 through October 9, 1983, as "National Productivity Improvement Week."

##### ENROLLED BILL AND JOINT RESOLUTION SIGNED

At 12:33 p.m., a message from the House of Representatives, delivered by Ms. Goetz, announced that the Speaker has signed the following enrolled bill and joint resolution:

S. 216. An act to amend title 18 of the United States Code to prohibit certain tam-

century was separated from the beginning of the sixteenth century.

"Naturally, I am not taking the time here to discuss the usefulness of available military strength in putting out 'prairie fires'—spots where American interests are seriously jeopardized by unjustified outbreaks of minor wars. I have contented myself with a few observations on the implication of a major arms race.

"Finally, I do not believe that I shall ever have to defend myself against the charge that I am indifferent to the fate of my countrymen, and I assure you that there are experts, technicians, philosophers and advisers here, who give far more intelligent attention to these matters than do the Alsops.

"With warm regard, sincerely, Dwight D. Eisenhower."

The letter was marked "personal and confidential." But if ever there was a message that echoes across the decades to our own time, it is this one.

In eight short paragraphs, the remarkable man who led the Allied armies to victory over Hitler and served the nation as its last two-term president, distilled a lifetime of wisdom.

There is one sentence which deserves to be carved in stone, or better, imprinted on the mind of anyone who occupies the Oval Office. Just read it slowly—clause by clause—and think about it:

"When we get to the point, as we one day will, that both sides know that in any outbreak of general hostilities, regardless of the element of surprise, destruction will be both reciprocal and complete, possibly we will have sense enough to meet at the conference table with the understanding that the era of armaments has ended and the human race must conform its actions to this truth or die.

#### CREATING A NATIONAL HOLIDAY HONORING THE BIRTHDAY OF MARTIN LUTHER KING, JR.

Mr. CHAFEE. Mr. President, we have a long road to travel before the infection of racism is finally eradicated from the United States. The fact that we have come as far as we have is largely due to the vision of one man, Martin Luther King, Jr. He understood that no nation could claim to be free if it continued to suppress the aspirations for equality of any minority.

As a nation, it is the force of our ideas and our ideals that have altered history. Two hundred years ago, a small band of colonists living on what was then the frontier of the Western World wrote an end to British tyranny. In so doing, they changed the course of history forever with the radical notion that sovereignty belongs to the people. The civil rights movement led by Dr. King was, in a profound sense, a second American revolution, founded upon the dream that as a nation of law, we must judge men and women not by the color of their skin, but by their talents as individual human beings.

In commemorating Dr. King's birthday, we will be honoring not just the man, but also his vision of an America truly free.

In honoring the vision, we will be committing ourselves to a yearly rededication to his ideals of nonviolence, the rule of law, and the intrinsic equality of all people.

And finally, in making that yearly rededication through the celebration of Dr. King's birthday, we will be looking to the future and the fulfillment of his dream, leaving behind the racism, hatred, and violence of the past.

In sum, Mr. President, this legislation is a fitting tribute to Dr. King, to the principles and ideals for which he stood, and to our Nation's perpetual effort to assure equality of opportunity to every citizen. I urge its adoption.

#### FCC RULES

Mr. MOYNIHAN. Mr. President, I was troubled to read this morning in the Washington Post that the Chairman of the Federal Communications Commission was recently summoned to the White House by the President to discuss a matter currently pending before the agency. I was even more deeply troubled by one report that, indeed, it was a trip to the woodshed and not to the Oval Office.

Today a White House spokesman acknowledged that the President asked for the meeting with Chairman Fowler, but that the White House would take no public position on the issue. If this suggests that there is a private position, then clearly an inadmissible form of intervention is in prospect.

At issue are two 12-year-old FCC rules which restrict the business practices of the networks and, thus, have consequences for the quality of television viewing for each of our constituents and for the television program businesses in States such as New York. It is an important and controversial matter which has been the subject of scholarly and governmental study for nearly 6 years. Yet just as this laborious and careful process of reconsidering, refining, and improving Government regulation of a dynamic industry is reaching its natural conclusion, an independent regulatory agency faces the possibility of Presidential intervention.

The FCC rules to which I refer are the so-called financial interest and syndication rules. The financial interest rule prevents networks from investing risk capital in network television program production in exchange for profit-sharing rights. The networks become mere lessors of the product which is their life's blood. The syndication rule prevents the networks from selling either original or off-network programs to individual television stations on a nonnetwork basis. They were adopted in 1970.

I have taken a close look at the issue. I find that the television mar-

ketplace of the 1980's is much different than that of the 1970's and that these rules are quite deserving of reconsideration. I find that the process of reconsidering them has been deliberate and thorough and conducted by some of the best experts in the field of telecommunications policy, economics, law and the practical aspects of the businesses affected. And I find that the FCC has issued a tentative decision which is not a complete victory for either side in this debate, but a decision which is supported by the independent analysis and conclusions of the Brookings Institute, the American Enterprise Institute, a specially appropriated congressional/FCC task force, the New York Times, the Wall Street Journal, and most notably, the Federal Trade Commission and the Departments of Commerce and Justice of this administration. Indeed, it is remarkable to note that both the Department of Justice and the Department of Commerce in pleadings filed recently with the FCC as a part of this rule-making took the FCC somewhat to task for not going further to eliminate what they clearly believed were unjustified Government regulations.

President Reagan assuredly has a natural interest in this matter. After all it does affect a business in which he spent the better part of his life. His position as President does entitle him to be fully informed of the policies and actions of the Federal regulatory agencies. But it would be completely improper in my judgment for his personal interest to go any further. Briefings are one thing; Presidential interference in the functioning of an independent regulatory agency—which after all is a creature of this Congress—is an entirely different matter.

I believe it is imperative for the integrity of all regulatory processes that the President unequivocally declare that he will express no view on the matter and that he will do nothing to intervene in the work of the FCC as they proceed diligently to complete their required work.

Under law and precedent the President can have but one position, public or private, which is that he supports the position of his Departments of Justice and Commerce—which departments support the tentative finding of the FCC—and that he awaits the final outcome with equanimity and impartiality.

#### JOHN A. LUKE AT THE SOUTH CAROLINA INTERNATIONAL TRADE CONFERENCE

Mr. THURMOND. Mr. President, recently, I received a copy of a speech delivered to the South Carolina International Trade Conference held in Charleston, S.C., by Mr. John A. Luke, president of Westvaco Corp.

Wednesday instead of Monday and Tuesday.

The PRESIDING OFFICER. If there be no further amendment to be proposed, the question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

Mr. WEICKER. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. WEICKER. Madam President, I made no opening statement on this legislation, preferring to await the judgment of the Senate. I think my colleagues have made all the statement that is necessary by virtue of doing something that has not been done in 5 years. I now hope we can proceed to a final vote on this matter.

The PRESIDING OFFICER. The bill, having been read the third time, the question is, Shall the bill pass? The yeas and nays have been ordered and the clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER) and the Senator from Maryland (Mr. MATHIAS) are necessarily absent.

Mr. BYRD. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from California (Mr. CRANSTON), the Senator from Hawaii (Mr. INOUE), the Senator from Vermont (Mr. LEAHY), and the Senator from Maine (Mr. MITCHELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Delaware (Mr. BIDEN), the Senator from Vermont (Mr. LEAHY), and the Senator from Maine (Mr. MITCHELL) would each vote "yea."

The PRESIDING OFFICER. Is there any other Senator in the Chamber who desires to vote?

The result was announced—yeas 70, nays 23, as follows:

[Rollcall Vote No. 282 Leg.]

YEAS—70

Abdnor	Glenn	Nunn
Andrews	Gorton	Packwood
Baker	Hart	Pell
Bentsen	Hatch	Percy
Bingaman	Hatfield	Pressler
Boren	Hawkins	Pryor
Boschwitz	Hecht	Quayle
Bradley	Heinz	Randolph
Bumpers	Hollings	Riegle
Burdick	Huddleston	Rudman
Byrd	Jepsen	Sarbanes
Chafee	Johnston	Sasser
Chiles	Kassebaum	Simpson
Cochran	Kasten	Specter
Cohen	Kennedy	Stafford
D'Amato	Lautenberg	Stennis
Danforth	Levin	Stevens
DeConcini	Long	Tsongas
Dixon	Matsunaga	Warner
Dodd	McClure	Weicker
Domenici	Melcher	Wilson
Durenberger	Metzenbaum	Zorinsky
Evans	Moynihan	
Ford	Murkowski	

NAYS—23

Armstrong	Grassley	Proxmire
Baucus	Heflin	Roth
Denton	Helms	Symms
Dole	Humphrey	Thurmond
Eagleton	Laxalt	Tower
East	Lugar	Trible
Exon	Mattingly	Wallop
Garn	Nickles	

NOT VOTING—7

Biden	Inouye	Mitchell
Cranston	Leahy	
Goldwater	Mathias	

So the bill (H.R. 3913), as amended, was passed.

Mr. WEICKER. I move to reconsider the vote by which the bill passed.

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

The motion to lay on the table was agreed to.

Mr. WEICKER. Madam President, I move that the Senate insist on its amendments on H.R. 3913 and request a conference with the House of Representatives on the disagreeing votes of the two Houses thereon, and that the Chair be authorized to appoint conferees on the part of the Senate.

The motion was agreed to and the Presiding Officer (Mrs. KASSEBAUM) appointed Mr. WEICKER, Mr. HATFIELD, Mr. STEVENS, Mr. ANDREWS, Mr. RUDMAN, Mr. SPECTER, Mr. MCCLURE, Mr. DOMENICI, Mr. PROXMIRE, Mr. HOLLINGS, Mr. CHILES, Mr. BURDICK, Mr. INOUE, and Mr. STENNIS conferees on the part of the Senate.

CONGRATULATIONS TO MANAGERS AND STAFF

Mr. BAKER. Madam President, I take this opportunity to extend my congratulations to the managers on both sides and their staffs. I am looking at today's calendar of business, on the back of which is a chart called "Status of Appropriation Bills, First Session, 98th Congress." This is the fourth day of October and on that, I see that we have 12 appropriations bills reported by our committee; 4 of them have become law, 2 on the President's desk; 9 of them passed by the Senate; and I can recall previous Octobers when there has not been a single entry on that column. I think the Senate owes a special vote of thanks to the chairman of the committee (Mr. HATFIELD), and the ranking minority member (Mr. STENNIS), to the chairman of the subcommittee in this case for managing this bill (Mr. WEICKER), and Senator PROXMIRE for his management on behalf of the minority. They have both done an extraordinary job in bringing this matter to a conclusion at this time.

I am advised that we spent 7 hours on this bill. There were 23 amendments and passage in the space of 1 day. That must be close to a record for consideration of a Labor-HHS appropriations bill. If my memory serves me, we have not even passed a Labor-HHS appropriations bill for 5 years. They have all been funded through continuing resolutions.

We still have not passed this one. We go to conference now with the House and I have great confidence that Senator WEICKER and Senator PROXMIRE will ably represent the point of view of the Senate and that the bill that comes out of the conference committee will be a good bill, as first presented at the House and the Senate and then to the President for his signature.

Madam President, I think they have done a remarkable job, all of those who have participated, but Senator WEICKER and Senator PROXMIRE in particular deserve a special vote of thanks and gratitude for the expeditious handling of a very, very difficult measure, which, in the past, has baffled both the House and the Senate in their best efforts.

Mr. BYRD. Will the majority leader yield, Madam President?

Mr. BAKER. Yes, I yield.

Mr. BYRD. I wish to associate myself with the remarks of the majority leader. I, too, congratulate Senator WEICKER and Senator PROXMIRE. The Senate can be proud also for the consideration and understanding they gave to Senators who offered amendments and participated in the debate.

Mr. BAKER. Madam President, I know full well that many Senators voted on tabling motions and on amendments that they preferred not to, but it is a measure of the responsibility of Members that they comport themselves as well as they did.

THE MARTIN LUTHER KING HOLIDAY BILL

Mr. BAKER. Madam President, I indicated earlier that I hoped to get unanimous consent on the Martin Luther King holiday bill. I cannot propose that agreement tonight because the clearance process has not yet been completed. I have high confidence that we can do it in the morning. Since I am not able to clear that tonight, I am obligated to try to make arrangements for the Senate tomorrow on the assumption that we shall have to go through with a cloture vote. As I say, I do not think we will, but I cannot say I am prepared at this time to ask that the vote be vitiated.

Mr. BYRD. If the majority leader will yield, just in the event he might not be sure what the situation is on this side, we have cleared the matter. I hope he will be glad to hear it.

Mr. BAKER. I am glad to hear it.

Mr. BYRD. Let us hope it does not come unstuck overnight.

Mr. BAKER. I hope not. I am tempted to come in very early.

Whereas such facilities provide to over one million disabled people a year comprehensive medical and vocational rehabilitation services not available in general hospitals;

Whereas the services and expertise provided by the personnel of such facilities are instrumental in enabling disabled people to return home or to resume working; and

Whereas an increase in national awareness and recognition of rehabilitation facilities will help the Nation further understand the needs and abilities of disabled people: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the week of September 25, 1983, through October 1, 1983, is designated as "National Rehabilitation Facilities Week", and the President is authorized and requested to issue a proclamation calling upon the people of the United States to observe the week with appropriate programs, ceremonies, and activities.

Mr. BAKER. Madam President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

#### NATIONAL DISABLED VETERAN'S WEEK

The joint resolution (S.J. Res. 155) designating the week beginning November 6, 1983, as "National Disabled Veteran's Week," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

##### S.J. RES. 155

Whereas there are two million five hundred thousand disabled veterans in the United States;

Whereas disabled veterans have sacrificed their well-being in the service of their country;

Whereas disabled veterans endure severe disabilities, such as loss of limb, paralysis, blindness, deafness, and delayed stress syndrome;

Whereas 16 to 35 per centum of all disabled veterans are jobless as a result of their disabilities; and

Whereas disabled veterans have made important contributions to national welfare: Now, therefore, be it:

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That in recognition of the contributions that disabled veterans have made to the welfare of the United States, the week beginning November 6, 1983, is designated "National Disabled Veteran's Week". The President is requested to issue a proclamation calling upon all Government agencies and the people of the United States to observe that week with appropriate programs, ceremonies, and activities.

Mr. BAKER. Madam President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

#### NATIONAL SICKLE-CELL ANEMIA AWARENESS MONTH

The joint resolution (S.J. Res. 168) to provide for the designation of a month as "National Sickle-Cell Anemia Awareness Month," was considered, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

The joint resolution, and the preamble, are as follows:

##### S.J. RES. 168

Whereas sickle-cell anemia is a life-threatening disease in which normal, round, red blood cells become distorted and take on the long and pointed shape of a sickle, due to the presence of an abnormal hemoglobin;

Whereas one in every ten black Americans carries the sickle-cell trait, and one in five hundred black Americans is stricken by the disease itself;

Whereas there exists no cure for this painful and crippling disease which denies a full life to many of its victims and creates intense pain and deep depression;

Whereas the disease and trait are both transmitted genetically from one or both parents who carries the trait, and it is vital that Americans, particularly black Americans, be tested for sickle-cell anemia to determine whether they carry or might transmit the trait; and

Whereas it is important to educate the public about sickle-cell anemia to promote awareness and support for research and treatment of this disease: Now, therefore, be it

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,* That the President is hereby authorized and requested to issue a proclamation which—

(1) designates the month of September 1983, as "National Sickle-Cell Anemia Awareness Month"; and

(2) calls upon the people of the United States to observe that month with appropriate ceremonies and activities.

Mr. BAKER. Madam President, I move to reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

#### ORDER FOR H.R. 3379 TO BE HELD AT THE DESK

Mr. BAKER. Madam President, I believe this has been cleared. I ask unanimous consent that H.R. 3379 be held at the desk until the close of business on tomorrow, Wednesday, October 5.

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

#### REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 98-10

Mr. BAKER. Madam President, as in executive session, if the minority leader does not object, I ask unani-

mous consent that the injunction of secrecy be removed from an amendment to the 1973 Convention on International Trade in Endangered Species of Wild Fauna and Flora (Treaty Document No. 98-10), which was transmitted to the Senate today by the President of the United States.

I also ask that the treaty be considered as having been read the first time; that it be referred, with accompanying papers, to the Committee on Foreign Relations and ordered to be printed; and that the President's message be printed in the RECORD.

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

The President's message follows:

*To the Senate of the United States:*

I transmit herewith, with a view to receiving the advice and consent of the Senate to acceptance, an Amendment to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) done at Washington, March 3, 1973. The Amendment provides for accession by regional economic integration organizations to CITES and, upon entry into force, would permit the European Community to become Party to the Convention. Accession of the Community would serve to make application of CITES within the Community an internationally binding obligation and thus enhance implementation and enforcement of the Convention, an objective which the United States strongly supports. The report of the Department of State is enclosed for the information of the Senate in connection with its consideration of the Amendment.

CITES was established to facilitate international conservation, providing for the control and monitoring of international trade in specimens of species endangered or threatened with extinction. The Convention, as currently constituted, provides only for accession of States. The European Community seeks to achieve accession through an Amendment which would open the Convention for accession by regional economic integration organizations constituted by sovereign States which have competence for the negotiation, conclusion and implementation of international agreements in matters transferred to them by their Member States and covered by the Convention. In such matters, the organizations would exercise the rights and fulfill the obligations attributed to their Member States. The Amendment, with revisions added at United States instance, was adopted by the CITES Parties at an extraordinary meeting in Gaborone Botswana, April 30, 1983.

I recommend that the Senate act favorably at an early date on this Amendment, and give its advice and consent to acceptance.

RONALD REAGAN.

THE WHITE HOUSE, October 4, 1983.

tial tenet of democracy. That did not make him a Communist. Indeed, it was Dr. King who said:

Communism and Christianity are fundamentally incompatible. A Christian cannot be a true Communist. Under communism, the individual's soul is shackled by the chains of conformity. His spirit is bound by the manacles of party allegiance. He is stripped of both conscience and reason. Communism will never be defeated by the use of atomic bombs or nuclear weapons. Our greatest defense against communism is to take offensive action of behalf of justice and righteousness.

If we accept the challenges with devotion and valor, the bells of history will toll for communism and we shall make the world safe for democracy and secure for the people of Christ.

Mr. Speaker, those other voices which screech so loudly against this "Communist," could learn a great deal from Martin Luther King.

#### THE DR. MARTIN LUTHER KING, JR., HOLIDAY BILL

(Mr. GRAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GRAY. Mr. Speaker, voices have been heard at the national level opposing a bill to honor the memory of Dr. Martin Luther King, Jr., with a national holiday by declaring that Dr. King espoused Marxism.

It is indeed a shoddy and sordid argument, reminiscent of the ugly hate-filled era that spawned Dr. King's great nonviolent movement.

Additionally, it ironically occurred the same day that the White House was sending signals through aides that the President was leaning toward endorsing the King holiday bill, which was passed overwhelmingly by this House more than 2 months ago.

Mr. Speaker, I stand before you and my colleagues to insist that President Reagan stop lurking in the shadows on this issue. It is time that our Chief Executive, who has been called the Great Communicator, to step into the forefront, and publicly announce his position on a national holiday for the man whose leadership and courage to the ideal of human equality created a non-violent movement that eventually struck down some of our Nation's most discriminatory laws.

If White House aides are to remain credible and if we are to believe that this Nation has truly moved a step closer to sharing the American dream with all its citizens, regardless of race, creed, or color, then it is time that our Chief Executive use his influence to end this cheap and disgraceful attempt to resurrect the Red scare tactics of a past era.

Mr. President, if you really want the King bill to become law, you should not leave it to your aides to tell us. You should tell the American people.

Mr. President, the next move is up to you.

You can show us that the ideals for which Reverend King was slain—peace, compassion, and brotherhood—are still alive and well.

Thank you.

#### TRANSPORTATION APPROPRIATIONS SUBCOMMITTEE TO HOLD HEARINGS ON FAA FACILITY CLOSURES

(Mr. LEHMAN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LEHMAN of Florida. Mr. Speaker, section 319 of the Department of Transportation and related agencies Appropriations Act, 1984 (Public Law 98-78) required the Federal Aviation Administration to submit a detailed, site-specific and time-phased plan for all facility closures or consolidations over the next 3 years. That plan has been submitted to our subcommittee. Any Members may receive a copy by calling the FAA. In summary, the plan calls for closing 104 flight service stations, 52 control towers, and 16 other facilities. A total of 41 new facilities will be opened, including 37 flight service stations.

Section 319 of Public Law 98-78 prohibits FAA from closing any facilities prior to December 1, 1983, and provides that any closure or consolidation questioned in writing by the House or Senate Committees on Appropriations or by any legislative committee of jurisdiction shall be delayed until at least April 15, 1984.

In order to permit a timely response to the FAA plan, our Transportation Appropriations Subcommittee plans to hold a hearing on Tuesday, October 25, 1983, with FAA Administrator Helms and any interested colleagues or organizations.

#### SOVIETS SHOULD RELEASE ONE PRISONER OF CONSCIENCE FOR EACH LIFE LOST ON FLIGHT 007

(Mrs. BOXER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BOXER. Mr. Speaker, nothing can replace the lives lost in the tragic 007 Korean airliner incident. That is a simple statement of fact.

However, I am today proposing along with several of our colleagues, an idea which we hope will lead to a lessening of world tensions if the Soviet Union acts favorably.

We are proposing that for each life lost on the jetliner, the Soviet Union release one prisoner of conscience, whose only crime has been the desire to live a life of freedom. There are thousands of prisoners of conscience

whose release would give them a new lease on life. These people only desire freedom in a free country.

If a great number of us rally behind this proposal perhaps we can begin a new period of discussion and dialog centered around the critical issue of human rights.

#### THE NATION'S TELEPHONE SYSTEM

(Mr. BONKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BONKER. Mr. Speaker, events are moving rapidly in the restructuring of our Nation's telephone system.

Over the weekend, AT&T and independent phone operators filed for \$20 billion in rate increases.

This week, AT&T is scheduled to file for a \$1.75 billion decrease in long distance rates.

These changes are occurring under recent FCC decisions, particularly the decision to levy an "access fee" on all residential and business phone users for the privilege of being connected to the long-distance network.

But before these changes proceed too far, there should be no mistaking the intent of Congress in the area of telephone rates.

Recent action by both Senate and House Committees demonstrates that Congress intends to overturn or delay the FCC's access fee decision.

We are determined to protect the tradition of universal telephone service.

And there should be no confusion over the reasons why Congress is getting involved in this issue.

A lot of people are making the claim that with divestiture the long distance contribution to supporting local service must come to an end.

In fact, there is no basis for these claims. Judge Harold Greene, who presided over the breakup of AT&T stated explicitly that there is no reason why some form of long-distance contribution cannot continue.

Mr. Speaker, before these proposed rate increases and rate cuts proceed too far, all parties should recognize that Congress intends to act. I believe a majority of my colleagues do not support the access charge and other decisions of the FCC.

#### MARTIN LUTHER KING'S BIRTHDAY

(Mr. BRITT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRITT. Mr. Speaker, yesterday a voice was heard opposing the establishment of Dr. Martin Luther King's birthday as a national holiday, using

the occasion to deliver an attack on the character of Dr. King. I rise today to assure Members of this body that that voice does not speak for North Carolina.

Dr. King moved us from the politics of violence to the politics of nonviolence. He opened the broad avenues of hope through the political process, and shut down the dead-end street of violence as a means of achieving social change.

It is altogether fitting and proper that we should honor Dr. King's contribution by setting aside a day in his memory. Ten of my eleven House colleagues from North Carolina voted in favor of establishing Dr. King's birthday as a national holiday. One opposed the initiative on economic and other grounds, and, while I disagree with that position, it was undertaken in good faith by a number of House Members whose position I respect.

Yesterday's statement, however, was not made in good faith, but represented charged rhetoric calculated to divide, not reconcile. It was a voice that does injury to the body politic. It was not the voice of North Carolina.

#### THE BUDGET CRISIS

(Mr. CLINGER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CLINGER. Mr. Speaker, in my judgment, future Federal budget deficits pose the most severe domestic economic crisis this country has faced since the Second World War. What is worse, Mr. Speaker, this is a creeping crisis, one that is not readily apparent to the millions of Americans who are again buying homes and autos, and who again feel secure in their continued employment.

Recently, as chairman of the House Wednesday Group, I moderated a dinner-seminar attended by many of my Republican colleagues, leading members of the business community, and economic policymakers from past and present administrations, both Democrat and Republican.

We heard that our major corporations are closing plants at home but building plants abroad. We also heard that this problem will only get worse as continued deficits crowd out needed investment, raise interest rates, spur inflation, and cause major distortions to the economy, especially to export and interest-sensitive industries. The inevitable result—fewer jobs and a lower standard of living.

The conventional wisdom at the moment is that Congress will duck this problem until after the 1984 election. Congress is a crisis-activated institution, and it will not act until the crisis hits it in the face, regardless of the terrible damage that will result from waiting. Until then, it is business

as usual. Democrats blame Republicans, and Republicans blame Democrats. All the while, the crisis creeps on.

But I submit that if we wait until after the election then the damage to our economy may be irreparable. Deficits will be guaranteed through 1987. Our industrial competitiveness will be further eroded, and millions more jobs will move offshore. In fact, by that time, we will have added an additional \$800 billion to the deficit, which will require a 20-percent increase in taxes just to pay its financing.

Mr. Speaker, we are faced with political gridlock that can only be broken by strong and creative leadership. Recently, the President and the leaders in Congress joined together to provide such leadership on the crisis in Lebanon. The budget crisis at home requires no less.

I am a cosponsor of House Joint Resolution 375, which directs the President to convene a domestic economic summit with congressional leaders from both parties. We need all leaders from both parties and the President in one room, prepared to make tough decisions and ready to unite in support of a single program.

We can wait no longer, Mr. Speaker. The crisis is real. The gridlock must be broken. Leadership is needed, and I am convinced that leadership will make the difference.

#### INTERNATIONAL DAY OF BREAD

(Mr. ROBERTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROBERTS. Mr. Speaker, I would like to tell my colleagues today that today is the International Day of Bread. This celebration is part of an international celebration called Harvest Festival Week. It is a symbol of our country's ability to feed both ourselves and a very troubled and hungry world.

Each of my colleagues, as a courtesy of my office, will be receiving a loaf of bread. I would hope that while we enjoy that bread that we would remember that the farmer is the key to our own and the world's food supply. Even though farming regions in the Midwest were hit hard with drought this summer, the American consuming public still is assured an adequate supply of reasonably priced and wholesome food. Even with the drought, our food prices from last July to this July have remained constant. I hope my colleagues enjoy the bread and at the same time recognize the contributions of the American farmer.

#### H.R. 1054 WILL HELP REDUCE POTENTIALLY SERIOUS SAFETY HAZARDS

(Mr. SHUMWAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUMWAY. Mr. Speaker, last week two young boys in my congressional district returned from a hike in the Sierra Nevada Mountains near Lake Tahoe, Calif., with four unexploded 75-millimeter recoilless cannon shells. Fortunately, an Army demolition team successfully removed the dangerous rounds without incident.

The ammunition found by the boys was some of the many dud-rounds that remain unaccounted for after being fired last winter for avalanche control purposes—a task carried out by the State transportation agency. California, like many other Western States, has traditionally used surplus Army ammunition to protect their mountain highways from snow avalanches. Unfortunately, the quality of this surplus ammunition is poor and creates a public safety hazard. Specifically, the fuses on the surplus shells are 30 years old and explode with a 30-percent dud-rate on soft snow.

Last winter, I introduced a bill that will remedy this unacceptable situation. H.R. 1054 will allow the Secretary of the Army to make more reliable, non-surplus ammunition available to the non-Federal entities responsible for avalanche control. This legislation will help to reduce potentially serious safety hazards such as last week's near tragedy.

#### MEMBERS URGED TO VOTE "NO" ON DEFENSE PRODUCTION ACT EXTENSION

(Mr. BETHUNE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BETHUNE. Mr. Speaker, later today the Defense Production Act will be here on suspension, and I urge a "no" vote on that bill.

The reason is this: The Defense Production Act has broad authorities which have been on the books since 1950. The other body, the Senate, enacted a bill which establishes criteria and some oversight features which will make that bill better. Here in this House we will not have an opportunity, if it is passed on suspension, to add to the criteria and tighten that bill up.

The corporate welfare interests are out there, they are eager to get to the trough, and I assure you that if we put these broad authorities on the books, you can rely on the fact that within a couple of months they will be using these broad authorities to funnel money into the mining interests and to all others who can state some sort