

UNITED STATES

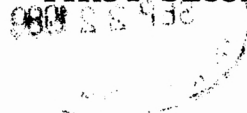


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The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

JOINT MEETING OF THE TWO HOUSES—ADDRESS BY THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY

RECESS UNTIL 11:30 A.M.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now stand in recess.

Thereupon, the Senate at 10:13 a.m., took a recess until 11:30 a.m., and the Senate, preceded by the Secretary of the Senate, William F. Hildenbrand; the Sergeant at Arms, Larry E. Smith; the Vice President of the United States; and the President pro tempore (STROM THURMOND), proceeded to the Hall of the House of Representatives to hear an address delivered by His Excellency, Dr. Karl Carstens, President of the Federal Republic of Germany.

(The address delivered by the President of the Federal Republic of Germany to the joint meeting of the two Houses of Congress is printed in the proceedings of the House of Representatives in today's RECORD.)

At 11:30 a.m., the Senate, having returned to its Chamber, reassembled, and was called to order by the Presiding Officer (Mr. KASTEN).

The PRESIDING OFFICER. The majority leader.

**MARTIN LUTHER KING, JR.,
HOLIDAY**

Mr. BAKER. Mr. President, under the order previously entered, the time for debate prior to cloture vote on the motion to proceed to the consideration of the Martin Luther King, Jr., holiday bill will begin running at 12:30 p.m. The time between now and 12:30 is to be devoted to three special orders in favor of Senators and routine morning business until the hour of 12:30.

Mr. President, at some point this morning, either in morning business or thereafter, and prior to the 1:30 p.m. vote, I intend to propound a unanimous-consent request. The purpose would be to vitiate the vote on cloture on the motion to proceed and to set a time certain for a vote on final passage of the bill, otherwise prescribing the time available and the division and control of the time prior to that late. I will not do that now, Mr. President. I want to make sure everybody is on the floor and understands.

Before I yield the floor to those Senators who have special orders, may I point out that the agreement that I described on yesterday provided for the Senate to lay aside the Martin Luther King bill after first vitiating the order for a cloture vote and to take it up again on Tuesday the 18th of October, debate it on the 18th and

19th, and at 2 p.m. on the 19th the vote on final passage will occur. That is still the request that I will propound. I am not sure that it will be agreed to, but I wanted to describe it once again so that Senators would be aware of it and would be on the floor at approximately 12:30 when I plan to make that request.

Mr. President, I now yield the floor.

**RECOGNITION OF SENATOR
MATTINGLY**

The PRESIDING OFFICER. Under the previous order the Senator from Georgia (Mr. MATTINGLY) is recognized for not to exceed 15 minutes.

LINE ITEM VETO POWER

SENATE JOINT RESOLUTION 178 AND S. 1921

Mr. MATTINGLY. Mr. President, I rise today to introduce two proposals whose goals are the same. The first is a Senate joint resolution proposing a constitutional amendment. The second is a bill to effect the same goal legislatively. It is to grant the President power to reduce or veto individual items in appropriations bills. These measures are an attempt on this Senator's part to return fiscal sanity to the Federal budget process.

I introduce the joint resolution for myself and Mr. DOLE, Mr. GOLDWATER, Mr. NICKLES, Mr. SYMMS, Mr. DENTON, Mr. TRIBLE, Mr. GARN, Mr. HATCH, Mr. LAXALT, Mr. KASTEN, Mr. MURKOWSKI, Mr. WILSON, and Mr. HUMPHREY.

The bill is introduced for myself, Mr. DOLE, Mr. GOLDWATER, Mr. NICKLES, Mr. SYMMS, Mr. DENTON, Mr. TRIBLE, Mr. GARN, Mr. HATCH, Mr. LAXALT, Mr. KASTEN, Mr. MURKOWSKI, Mr. WILSON, Mr. HUMPHREY, and Mr. QUAYLE.

In a nutshell, either of these proposals would give the President a line item veto power over appropriations measures. While the President currently has the power to veto entire appropriations bills, such bills have become so huge and inclusive that a veto on the part of the President has become no longer practically or politically useful. Henry Hazlitt, the author of many books on economics, observes that "the Presidential veto has been reduced to a nullity."

About four-fifths of the States possess a line item veto power, including my own State of Georgia. What is so significant about the line item veto power? It makes the budget process work for those States which have this budget control tool. As the head of the National Association of State Budget Officers recently observed:

The line item veto is an extremely important executive tool. It gets to the fundamental point of fiscal discipline in that the chief executive is ultimately responsible.

History reveals that almost all Presidents have desired the line item veto as a safeguard against Congress inabil-

ity to discipline its spending habits. I was pleased to see where Treasury Secretary Regan, in a speech before the National Alliance for Business this week, called for congressional action to give President Reagan the authority to issue "line item vetoes." As the Secretary pointed out, such authority would enable the President to whittle record deficits that threaten the Nation's economic expansion.

The line item veto, contrary to what some would argue, will not infringe on the authorizing and appropriating authority of Congress. In fact, a line item veto would clarify and strengthen the system of checks and balances provided for in our Constitution. As I stated above, the use of the veto now by the executive branch to check the excesses of Congress—with its deliberate use of omnibus spending bills, continuing resolutions, and Christmas tree appropriations measures—is like burning down a house to get rid of the roaches.

While Congress has attempted legislatively to deal with its inability to inject discipline into the budget process, such efforts have proved fruitless. In my opinion, permitting the President to veto individual items in appropriations bills will be far more effective in dealing with the budget nightmare than the current ineffective tools available to Congress.

In 1974, Congress passed a Budget Act designed to introduce congressional discipline into the budget process. While a well-intended idea, the 1974 Budget Act has been a failure, especially in its ability to control Federal spending. When the Budget Act was passed in 1974, Federal spending accounted for approximately 18 percent of the gross national product (GNP). Under the budget resolution which Congress adopted for fiscal year 1984, Federal expenditures will consume over 25 percent of GNP. Needless to say, the 1974 Budget Act has been unsuccessful in controlling the spending habits of Congress. In fact, Federal spending is on automatic pilot, with the Government taking a larger claim of GNP year after year. At the rate Federal spending is increasing year after year, we soon have to decide whether we want America to have primarily a public economy, one composed of enormous Federal deficit and cyclical economic behavior. Or, instead, do we want primarily a private economy, one made up of a favorable economic climate which fosters economic growth? If our choice is the latter, we must cut Federal spending. I think the voting public would prefer the second alternative.

Mr. President, if we are to have a healthy economy in the future, one characterized by consistent growth, low interest rates and inflation, we must reduce Government's involve-

born of well-to-do parents in Russia in 1897. After the Russian Revolution, he emigrated with his family to Berlin. There, in the 1920's and 1930's, Vishniac sensed the impending Holocaust, and determined that if he could not save his fellow Jews, he could try to save their memory. Taking months off at a time, Dr. Vishniac traveled throughout Europe, recording images of life just before and after Hitler's rise to power.

Mr. President, these photographs document an entire culture, a way of life, that was callously and consciously terminated—eliminated by those who despised its very existence. We can view Roman Vishniac's pictures: they are published in a book entitled "A Vanished World," and 60 of the classic photos will be on display later this year in museums across the United States and Canada. However, we will never be able to view the living culture that these photographs detail: that culture was wiped out by the Nazi Holocaust. Vishniac speaks of the children who were among the millions slaughtered: "I cannot imagine that they are dead, that none would survive," he says. "But this I know; I wanted to save their faces, not their ashes."

And so, in a way, Mr. President, Roman Vishniac has rescued something from a culture that was nearly eliminated. It seems tragic that this was all that was done, but at least it was a gesture. It would be truly tragic if we learned nothing from these photographs, or from those who attempted to mitigate, in some small way, the undescrivable destruction around them. Dr. Vishniac describes a particular family that befriended him, a family that was completely exterminated in the Holocaust. "It had been useless to warn them of the disaster," he says. "They had applied for visas to the United States, but the waiting time was measured in years, and they did not have years."

Mr. President, I feel only remorse that some who could have been saved were not. There is nothing we can do now for the people in Vishniac's photos, except remember. There is, however, something we can do in their memory. We can determine that we will do all that is in our power to insure that such brutality will never again occur. Ratification of the Genocide Convention would be a vital first step toward that goal. It would not only say, "we remember," it would also say, "we have learned."

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

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

MARTIN LUTHER KING, JR., HOLIDAY

Mr. BAKER. Mr. President, under the order previously entered, the hour contemplated by rule XXII prior to the vote on cloture has begun to run, has it not?

The PRESIDING OFFICER. The leader is correct.

UNANIMOUS-CONSENT REQUEST

Mr. BAKER. Mr. President, as I indicated last evening, I wish to propound a unanimous-consent request. I am by no means sure that it will be agreed to and, as a matter of fact, I have been advised that it probably will not be agreed to. However, I would like to go ahead and propound the request at this time.

First, Mr. President, I ask unanimous consent that if this agreement is granted the cloture vote scheduled for 1:30 p.m. today be vitiated.

Second, Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 3706, the Martin Luther King, Jr., holiday bill at 10 a.m. on Tuesday, October 18, and at that time the Senator from North Carolina (Mr. HELMS) be recognized to offer a motion to commit the bill to the Judiciary Committee. I further ask unanimous consent that on the Helms motion it be limited to 20 minutes of debate, to be equally divided between the Senator from North Carolina (Mr. HELMS) and the chairman of the Judiciary Committee or their designees.

Further, I ask unanimous consent, Mr. President, that, if the Helms vote should fail, the bill be open to further debate and amendment and that the time for debate on the bill be limited to 4 hours, to be equally divided, and that the time on the amendments that may be offered to the bill be limited to 1 hour each, equally divided between the mover of the amendment and the chairman of the Judiciary Committee or their designees.

Mr. President, I further ask unanimous consent that, on any amendment in the second degree, motion, appeal, or point of order, if they are submitted to the Senate, there be 30 minutes equally divided.

Finally, I ask unanimous consent that the final passage of H.R. 3706 occur on or before 2 p.m. on Wednesday, October 19, and that the agreement be in the usual form.

Mr. President, before the Chair puts the request, I believe that "in the usual form" would allocate the control of the time on the bill itself to the majority leader and the minority leader or the designees, is that correct?

The PRESIDING OFFICER. The leader is correct.

Mr. BAKER. And "in the usual form" would also provide that no amendments would be in order except amendments that were germane to the bill itself?

The PRESIDING OFFICER. The leader is correct.

Mr. BAKER. I thank the Chair once again.

Mr. President, that is the request.

The PRESIDING OFFICER. Is there objection to the request?

Mr. THURMOND. Mr. President, as chairman of the Judiciary Committee, I do not object.

Mr. HUMPHREY. Mr. President, reserving the right to object, it is certainly not my wish to delay the final passage of the bill. I do, however, object to the provision which, if I understood it correctly, sets a time certain for final passage.

As one of the opponents of the bill, I intend to offer one or two amendments. They will be expeditiously offered. But, in any case, I do not see any advantage to our side in limiting the ability to offer amendments, and I would have to object to that portion of the request.

The PRESIDING OFFICER. Does the leader wish to modify the request?

Mr. BAKER. No, Mr. President, I do not. The request was negotiated with many Senators over a long period of time and is a package. And, honestly, I think if I were to modify it to accommodate the wishes of the Senator from New Hampshire—which is a perfectly legitimate request—but if I were to do that, it would make the agreement unacceptable to a number of Senators because there would no longer be any practical limit on the length of time that could be consumed in the debate on this measure and there would be no reason then to vacate the vote on cloture.

Indeed, it may be necessary to file a cloture motion to limit debate on the bill itself if, indeed, we reach the bill today.

So, without a time certain, I am afraid that the arrangement would fall apart. I understand the concerns of the Senator from New Hampshire and I respect them. They are perfectly honorable. I wish to make it clear that I have no difficulty with his request, except that the modification of this request in this way would no longer be acceptable to a great number of Senators. Therefore, I must put the request in the original form.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, the Senator from New Hampshire knows of my affection for him and my deep respect. I hope that he will not object.

I wonder if the distinguished leaders and the Senator from New Hampshire would be willing to consider a little more time. Now, this agreement is entirely acceptable to me. But is there anything short of the Senator objecting to a time certain that would accommodate him?

Mr. HUMPHREY. If the majority leader will yield, if I can see some catalog of the amendments to be offered and have some confidence that no one will be precluded from a reasonable time of debate, then perhaps we can arrive at a time certain that would be acceptable.

Mr. BAKER. Very well. Mr. President, I will attempt to do that. I will attempt to identify amendments that we know of and make sure that the Senator from New Hampshire has them. I will confer with him further. He gives me some hope that we might still get the agreement. So, at this time, rather than have the request objected to, I withdraw the request.

However, for those Senators listening in their offices, I urge them to take account of this changed circumstance. It is very possible, maybe even likely, that we will have a vote at 1:30 p.m. today on cloture. I hope Senators who have read newspaper accounts or had conversations with other Senators will not assume that this whole thing is resolved, because it is not. The Senator from New Hampshire encourages me to believe that maybe there is a chance we can work it out, and I will try. But I urge Senators to be on the floor at 1:30 p.m.

Mr. BYRD. Mr. President, I think the majority leader should know that on this side of the aisle if there is any agreement, there is going to have to be a final time, a final date, so that our candidates and Members will know precisely.

Mr. BAKER. Mr. President, the minority leader has negotiated with me over a period of days on this subject, and I was fully aware of that requirement that he has just announced. Frankly, I do not blame him.

Mr. BYRD. We are for an agreement and willing to enter into an agreement. But I think the majority leader should not be under any illusions that this side will agree to any agreement that does not have a final date and a final time.

I gather that is what the problem is. Mr. MOYNIHAN addressed the Chair.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. BAKER. Mr. President, I withdraw the request. Since there are other Senators who may wish to speak, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I rise only to speak from the back row of this Chamber to express to the ma-

majority leader the unqualified admiration from this side of the aisle, which I know our distinguished leader himself has stated, for the efforts he had made and is making, and to say how much we hope they will succeed.

It occurs to me that there are a surprisingly few Members of this body who knew Martin Luther King, Jr. I doubt that a majority did. It would be interesting to know. I would think that possibly a third did. Those who did, and I am one who knew him as a friend, admire enormously what the majority leader has done and pray that he succeeds.

Things have been said in this Chamber which can only be expunged by an overwhelming vote in favor of the measure which the majority leader will bring before us. I hope that comes at a date certain, as the minority leader said, and the soonest possible date.

Mr. BAKER. Mr. President, I thank the Senator.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. HUMPHREY). The Senator from North Carolina.

Mr. HELMS. Mr. President, before the majority leader leaves, if in fact he is leaving, let me suggest a possible way out of the impasse at least for the time being. Why do we not go ahead with the motion to call up this bill and get the measure before us?

Mr. BAKER. Mr. President, if the Senator will yield, he spoke to me a moment ago about that and I am afraid I misled him. I apologize for that. I said "That sounds fine for me" because it does serve the purpose of getting the bill up. I have been reminded since that I have objection on the part of another Senator on this side to any change in the request. So I would have to go back and try to rearrange that. I will go back and try to rearrange that, but that will be part of the negotiations. I thank the Senator for his suggestion.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BAKER. Mr. President, I withhold the request. The hour under the rule is to be equally divided, is it not?

The PRESIDING OFFICER. That is not provided for in the order.

Mr. BAKER. I thank the Chair. In the absence of a unanimous-consent request, the 1 hour is up for grabs.

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

The PRESIDING OFFICER (Mr. ARMSTRONG). Without objection, it is so ordered.

Mr. BAKER. Mr. President, I ask unanimous consent, notwithstanding the provisions of rule XXII that I may proceed for not more than 10 minutes.

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

Mr. BAKER. Mr. President, I am happy to report that I believe we have a unanimous-consent agreement that may survive. I would like to put it now.

UNANIMOUS-CONSENT AGREEMENT—H.R. 3706

Mr. BAKER. This will be all put together as one package.

Mr. President, I ask unanimous consent that the cloture vote which would have occurred at 1:30 today pursuant to the provisions of rule XXII be vitiated.

I further ask unanimous consent that the Senate turn to the consideration of H.R. 3706, the Martin Luther King, Jr., holiday bill at 9 o'clock on Tuesday, October 18, and at that time the Senator from North Carolina (Mr. HELMS) be recognized to offer a motion to commit the bill to the Judiciary Committee.

I further ask unanimous consent that on the Helms motion it be limited to 20 minutes of debate to be equally divided between the Senator from North Carolina (Mr. HELMS) and the chairman of the Judiciary Committee or their designees.

Further, I ask unanimous consent that if the Helms motion fails, the bill be open to debate and amendments, and that debate on the bill be limited to 4 hours to be equally divided.

I also ask unanimous consent that there be 1 hour on each first-degree amendment to be equally divided and that any second-degree amendment, motion, appeal, or point of order, submitted to the Senate, be limited to 30 minutes, equally divided.

Finally, Mr. President, I ask unanimous consent that the vote on final passage of H.R. 3706 occur at 4 p.m. on Wednesday, October 19, that the agreement be in the usual form, and that paragraph 4 of rule XII be waived.

Mr. BYRD. Mr. President, reserving the right to object, does the majority leader wish also to include the provision that there be no time for debate on a motion to reconsider?

Mr. BAKER. Yes, Mr. President, I include that in the request.

Mr. BYRD. Further reserving the right to object, does the majority leader mean, if this is agreed to, that the pending motion is withdrawn?

Mr. BAKER. Yes, Mr. President, the vote would be vitiated. The request should read that the vote be vitiated

and the motion to proceed be withdrawn.

Mr. BYRD. I have no objection.

The PRESIDING OFFICER (Mr. WILSON). Is there objection? Without objection, it is so ordered.

The text of the agreement follows:

Ordered, That at 9:00 a.m., on Tuesday, October 18, 1983, the Senate proceed to the consideration of H.R. 3706 (Order No. 343), an act to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday, and that the Senator from North Carolina (Mr. HELMS) be recognized to offer a motion to commit the bill to the Judiciary Committee, on which motion there shall be 20 minutes, to be equally divided and controlled by the Senator from North Carolina (Mr. HELMS) and the Chairman of the Judiciary Committee, or their designees.

Ordered further, That if the motion to commit fails, the bill be open to debate and amendments, with debate on any amendment in the first degree to be limited to 1 hour, to be equally divided and controlled by the mover of such and the manager of the bill, with debate on any amendment in the second degree to be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill, and with debate on any debatable motion, appeal, or point of order which is submitted or on which the Chair entertains debate to be limited to 30 minutes, to be equally divided and controlled by the mover of such and the manager of the bill; *Provided*, That in the event the manager of the bill is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader of his designee; *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Ordered further, That on the question of final passage of the said bill, debate shall be limited to 4 hours, to be equally divided and controlled, respectively, by the Majority Leader and the Minority Leader, or their designees; *Provided*, That the said Senators, or either of them, may from the time under their control on the passage of the said bill, allot additional time to any Senator during the consideration of any amendment, debatable motion, appeal, or point of order.

Ordered further, That the vote on final passage of the bill occur at 4:00 p.m. on Wednesday, October 19, 1983.

Ordered further, That there be no time for debate on a motion to reconsider the vote on the bill.

DEPARTMENT OF STATE AUTHORIZATIONS

AMENDMENT NO. 2226, AS MODIFIED

Mr. BYRD. Mr. President, I ask for the yeas and nays on the pending amendment.

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

The yeas and nays were ordered.

AMENDMENT NO. 2292

Mr. BYRD. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. BYRD) proposes an amendment numbered 2292 to amendment No. 2226, as modified:

Strike all after "James Watt" in line 3 and insert the following: in his recent remarks characterized the membership of the Commission on Fair Market Value Policy for Federal Coal Leasing in a manner which was insensitive and insulting to all Americans;

Since the Secretary of the Interior James Watt has made public statements which question the patriotism of American citizens with whom the Secretary disagrees;

Since such remarks and statements are totally unbecoming a senior cabinet member of the United States government;

Since these remarks and statements seriously impede his ability to function effectively in his dealings with the United States Congress and the public at large; and

Since Mr. Watt's policies and personal style have promoted a polarization in the Nation which has frustrated the achievement of consensus necessary to execute policies which both preserve our spectacular natural heritage and carefully develop our abundant natural resources.

Now, therefore, It is the sense of the Congress that the President should, without delay, request the resignation of Secretary James Watt.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, the pending business before the Senate is the State authorization bill, is it not?

The PRESIDING OFFICER. The Senator is correct.

Mr. BAKER. The Byrd amendment, which has just been stated by the clerk as amended, is the pending question?

The PRESIDING OFFICER. That is correct.

DAIRY AND TOBACCO ADJUSTMENT ACT OF 1983

Mr. BAKER. Mr. President, I now wish to state, as I indicated earlier to the minority leader and others that I would, it is the intention of the leader on this side of the aisle to ask the Senate to go to the Agriculture bill, specifically S. 1529. What I intend to do is ask unanimous consent to do that. If I cannot get unanimous consent, I have no alternative but to move. I do not choose to do that if I can avoid it, but I am prepared to do it if I must.

At this time, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 261, S. 1529.

The PRESIDING OFFICER. Is there objection?

Mr. MELCHER. Mr. President, reserving the right to object.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. May I ask, first of all, of the majority leader if this is a dairy bill?

Mr. BAKER. It is a tobacco-dairy bill as I understand it.

Yes; I say to my colleague.

Mr. MELCHER. May I also inquire of the majority leader if he is prepared to include in that request some requirement as to what the amendments are that could be offered to that bill?

Mr. BAKER. Yes, Mr. President. The bill will be open to amendment in general, as it is under the rules of the Senate. I know that, in addition to the dairy-tobacco bill, there is a serious controversy that revolves around the target price issue, which I believe is the subject of another bill. Target prices, of course, could be offered to this bill as an amendment unless we provided by unanimous consent that that would not be the case.

I have many things in this life to be grateful for, but one of the things I am most grateful for at this moment is that that is all I know about this bill. If the Senator will permit me, I shall be happy to yield to the distinguished chairman of the Committee on Agriculture and perhaps he can give us some further view on how he would propose to proceed on this measure at this time.

Mr. MELCHER. Mr. President, I shall be glad to yield to the Senator from North Carolina, the distinguished chairman of the Committee on Agriculture, understanding that whatever agreement is reached, Mr. President, I continue my right of reservation.

Mr. EXON. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. BAKER. Very well.

Mr. President, I move that the Senate proceed now to Calendar Order No. 261, S. 1529.

The PRESIDING OFFICER. The question is on agreeing to the motion of the majority leader.

Mr. MELCHER and Mr. PELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. MELCHER. Mr. President, we are entering now into a situation in the Senate where we should consider what might be the outcome of this bill. The bill that is on the calendar deals with dairy and tobacco and the opening of the door for other amendments is obvious. While we have debated at some length the provision freezing target prices in another bill that is on the calendar, we have not resolved that issue. The target prices on wheat or other grains or, for that matter, cotton or other commodities, are a separate subject. While the statute now provides certain levels for those target prices for the 1984 and 1985 crops, to set the stage to where we get on the dairy and tobacco bill, which probably has—

take space-related activities and use space data. I believe there are 148 such nations today.

But a Space Station lends itself uniquely to international cooperation. If we can attract such cooperation, if we can join with other nations as partners in such a venture, the benefits would be mutual. We would have a highly visible symbol of what free people, working together can accomplish.

A Space Station would provide another important benefit to the nation. It would enhance our national security. Military strategists view space as the new high ground from which to defend the nation. And I am confident that as our plans mature, the Department of Defense will find many advantages in having a Space Station, probably their own, in low earth orbit.

To sum up, I see a Space Station as an essential stepping stone to the future. With it, and with the use of an orbital transfer vehicle, which we will ultimately develop to move us to geosynchronous orbit, we will be able to operate routinely some 22,000 miles above the earth. And from there, perhaps we will begin to realize Wernher Von Braun's great dream of going back to the moon to build a base, and from that base, mounting a manned expedition to Mars.

I believe that we will be able to accomplish all of these things within the next 25 years so that when NASA celebrates its Golden Anniversary in the year 2008, we will look back on our first quarter century of achievement as just the beginning.

The great Russian space pioneer Konstantin Tsiolkovsky once said, "The earth is the cradle of mankind; but man cannot stay in the cradle forever."

It is mankind's good fortune that the challenge of exploring and developing space is a job of infinite duration. Space is, indeed, as someone once said, "an endless frontier," one that never ceases to excite and to amaze. And, as our search for knowledge leads us from one high point to another, we know that the great adventure of exploring the unknown will continue to give new life to our common dreams.

Thank you very much.

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

The PRESIDING OFFICER (Mr. DANFORTH). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. The period for morning business has expired.

MARTIN LUTHER KING, JR., HOLIDAY

The PRESIDING OFFICER. Under the previous order, the hour of 9 a.m. having arrived, the Senate will now proceed to the consideration of H.R. 3706, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 3706) to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

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

Mr. HELMS. Mr. President, I move to commit H.R. 3706 to the Committee on the Judiciary, and 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.

There are 20 minutes, equally divided, on this motion.

Mr. HELMS. Mr. President, I understand that the distinguished majority leader may seek a unanimous-consent agreement to extend the debate. He will address that question.

Mr. BAKER. Mr. President, if the Senator will yield to me, that is correct. I may do that. We are involved in the cloakroom process to try to make it 40 minutes equally divided, so that there will be 20 minutes on a side, rather than 10 minutes on a side. I will not make that request at this time, but I hope to be able to clear it shortly.

Mr. HELMS. I thank the majority leader.

I might add that the extension of time was not at my request.

I am convinced that the minds of Senators are virtually made up, and it is a matter of running out the clock.

(The following proceedings occurred later, during the remarks of Mr. HELMS:)

Mr. BAKER. Mr. President, will the Senator yield to me for a moment?

Mr. HELMS. I yield.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for debate on this motion be extended until 9:40 a.m., which is 40 minutes in total, to be equally divided. The vote on the motion will occur at 9:40 a.m.

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

Mr. HELMS. Will the majority leader agree with me, for the record, that I did not request the extension of time?

Mr. BAKER. Yes. I say for the Record that the Senator from North Carolina did not request the extension. He very graciously acceded to it.

Mr. HELMS. I thank the Senator.

Mr. President, I ask unanimous consent that the proceedings just concluded appear elsewhere in the RECORD.

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

(Conclusion of later proceedings.)

Mr. HELMS. Mr. President, the creation of a legal public holiday is a matter of no small moment. We have nine public holidays now, and of those nine, only three honor individuals: Christmas Day for Jesus Christ, Washington's birthday for George Washington, and Columbus Day for Christopher Columbus. The proposal now before the Senate seeks to add Martin Luther King, Jr., to this list.

Mr. President, I have moved that this bill be committed to the Judiciary Committee for a very simple reason. The Senate, to be blunt about it, has not done its homework on this matter. Despite the rarity of holidays for individuals in our country, we are obviously on the verge of passing this bill without 1 minute of consideration by a committee, let alone hearings, in the Senate.

When the Senate received this bill in August, the bill did not go to committee, as is normal procedure, but it went straight onto the Senate calendar. I find no fault with the majority leader having exercised his right in this regard. I do wish he had checked with me and perhaps some others before he implemented that judgment. But that responsibility is uniquely his, and I do not criticize him in the slightest.

At the same time, while this may be acceptable practice on bills of little importance, it is not acceptable for measures as serious and as far reaching as a new national holiday which will shut down this country for another day each year.

Moreover, Dr. King, to say the least, was a highly controversial figure during his lifetime and remains so today.

Given these facts, it is only reasonable and prudent that the Senate slow down a bit, give this matter the full and careful consideration it deserves, and send it to the Judiciary Committee for hearings and a comprehensive report before the Senate finalizes its judgment on the issue.

Mr. President, on October 3, when the debate on this matter began, I put into the RECORD a comprehensive report detailing the political activities and associations of Dr. King and Dr. King's associates over a long period of time. The record is clear about his association with far left elements and elements in the Communist Party U.S.A. Some of the proponents of this measure may not like the truth, but that is the truth.

On the other hand, if they contend that it is not the truth, why do they object to hearings?

My father told me many, many times that the best way to prove that a stick is crooked is to lay a straight one beside it.

No, Mr. President, the Senate is ducking this issue. I recognize the political pressures involved in this issue. I cannot begin to say how many Senators have come to me in the cloakroom and have said, "JESSE, you are exactly right about this thing; but if I stand with you, the newspapers back home will eat me alive."

I said, "What do you think they do to me?"

Mr. President, the report that I placed in the RECORD on October 3 cited Dr. King's efforts to hide his as-

sociations with far left elements and Communist Party U.S.A. elements.

But very clear throughout the record, Mr. President, is the fact that Dr. King's speeches and remarks contained insults to his own country and the institutions of this country and I also mentioned in that report the unsuccessful efforts of President John F. Kennedy and Attorney General Robert F. Kennedy to persuade Dr. King to break off his associations.

I shall wait until the distinguished Senator from Massachusetts makes his remarks, but following my comments on October 3, Senator KENNEDY, according to the CONGRESSIONAL RECORD, made certain observations about canards and that sort of thing, but Senator KENNEDY's argument is not with the Senator from North Carolina. His argument is with his dead brother who was President and his dead brother who was Attorney General and not with the Senator from North Carolina.

I reiterate, Mr. President, the report that I inserted in the RECORD on October 3 was not based on assertion, rumors, or so-called segregationist propaganda. It was based on the most recent scholarship of academic liberals, on the findings of official investigative bodies, and on the speeches and writings of Dr. King himself. My sources for the report are contained in the 62 footnotes printed at the end. And no one, no one, Mr. President, has refuted the evidence that I presented, and accordingly I assume that it deserves the close consideration of the Senate.

In addition, Mr. President, since October 3, the FBI has released under a Freedom of Information Act request some 65,000 documents relating to Dr. King. Needless to say, neither the Senate nor I have had an adequate opportunity to digest this volume of material, much of which has been heavily censored. Samples, however, have been made available to my colleagues and they, like the other evidence I have presented, raise questions which deserve close consideration by the Senate, and such consideration can best be given by sending the bill to the Judiciary Committee for independent evaluation.

I say again that if after hearings, if during hearings it can be proved that there is not cause for concern, fine; I repeat what my father said, "If the stick is crooked, lay a straight one beside it; don't hide it, don't ignore it; confront it."

In addition to my evidence and the FBI materials, considerable evidence on Dr. King is being kept secret under a court order at the National Archives. At this very moment, the court is hearing a motion to which I am a party that the records be provided to the Senate, in confidence if the court sees the necessity of it, but the Senate

will vote on this motion to commit to the committee before the court will act.

Now I noticed a ridiculous statement made by a Justice Department lawyer in court yesterday, something to the effect that the privacy of Dr. King's family must be protected and that I had no regard for it. If there is a less private family in this country than the King family I really am not aware of it. The King family has been pushing for this holiday and I see Mrs. King, the widow of Dr. Martin Luther King on television with great frequency.

But the privacy issue aside, I think the public's right to know and certainly the Senate's responsibility to know are paramount.

I do not recall that there was a great deal of privacy accorded some other people who ran into difficulty during their lifetime.

So, Mr. President, we now have before us a strange situation. On the one hand, Congress is on the verge of enacting a national holiday for Martin Luther King, Jr., shutting down the country for a 10th day each year, with not 1 minute of Senate hearings on the matter, and by that I mean this Senate, not some Senate in the past—I am talking about the Senate of today, constituted by the Members of today—and a total lack of normal Senate investigation of a major bill. On the other hand, extensive evidence on Dr. King is now, this day, in possession of Federal agencies in the executive branch.

And that is why I am urging, no doubt unsuccessfully, that my colleagues move to correct this glaring anomaly and at least send the bill to the Senate Judiciary Committee for consideration.

Mr. President, James Jackson Kilpatrick has written a most revealing article on this subject, supporting the contention that more investigation of this matter is necessary. It appeared in the October 10 edition of the Durham Morning Herald in my State and in many newspapers around the country. I ask unanimous consent to have printed in the RECORD that article at the conclusion of my remarks.

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

Mr. HELMS. I thank the Chair.
(See exhibit 1.)

EXHIBIT 1

HELMS' CHARGES SHOULD BE INVESTIGATED (By James J. Kilpatrick)

WASHINGTON.—We have witnessed some shameful performances in recent years by leading elements of the American press. Most of these abuses have involved acts of commission—the smear job, for example, that The Washington Post performed on the Reagan appointees to the Legal Services Corporation.

What we are witnessing now is an act of abject omission. Where are the nation's fearless editors, where are the hard-nosed legions of investigative reporters, in the

matter of Martin Luther King Jr.? They are silent as mummies in the tombs of the pharaohs. Most of these editors and reporters are liberal to ultraliberal in their political persuasion; they cannot bear the awful thought of digging seriously into the background of a folk hero who is about to be honored by a federal holiday in his name.

Sen. Jesse Helms of North Carolina attempted to discuss some of King's record on the floor of the Senate. The response was predictable: Fellow senators attacked Helms for a breach of manners. Edwin M. Yoder Jr., writing in the Post, said Helms was scoring "debating points from the gutter." Helms was "resurrecting indecent canards of the '50s and '60s about King and the civil rights movement, including the ridiculous charge that they were inspired by Marxist-Leninism."

The question that a vigilant press ought properly to ask of Helms's charges is, Are they true? Never mind Yoder's hyperbole about "gutter" points and "indecent canards." Before the travesty is complete, by which we elevate Martin Luther King to the level of George Washington, sober consideration should indeed be given to some of the materials Helms is presenting.

I myself have neither the time, the resources nor the staff to attempt such an investigation. A good deal of the work already had been done by David Garrow, a professor of political science at the University of North Carolina, in a book published by W. W. Norton in 1981, "The FBI and Martin Luther King Jr." Garrow is pro-King and pro-holiday, but he does not flinch from the evidence.

The evidence demonstrates convincingly that Martin Luther King Jr. was buddy-buddy with well-identified communists from the early 1950s to the time of his death in 1968. Bayard Rustin, a stalwart of the Young Communist League; was at one time King's secretary. Hunter Pitts Odell, who in 1956 took the Fifth Amendment on questions involving his communist activities, also served on King's staff.

The record is replete with evidence linking King to the notorious Highlander Folk School, a communist training center. King's close associates included such figures as Abner W. Berry, James A. Dombrowski, Paul Crouch, and Carl and Anne Braden. The shadowy figure of the late Stanley Levison floated in and out of King's life. In his book, Garrow traces this relationship. The FBI has traced it also, and finds evidence that for at least 10 years Levison played a secret role as a funnel of money from the Communist Party to various communist fronts.

King was a revolutionary. His economic views went directly to the redistribution of wealth according to the theories of Marx and Lenin. Though he preached "non-violence" and "civil" disobedience, he repeatedly violated the criminal laws. King lent his name and his prestige freely to events sponsored by communist fronts, for example, the National Conference for New Politics in Chicago in 1967, where he served as a keynote speaker. Among the sponsors: The W.E.B. DuBois Clubs, the Communist Party U.S.A., the Socialist Workers Party, the Revolutionary Action Movement and the Draft Resistance Union.

King dabbled in foreign affairs. His American Committee for Africa supported the communist terrorist Holden Roberto. In a major address at Riverside Church in New York City, a year before his assassination, King denounced the United States in a

speech that might have been drafted in Hanoi. Even the Washington Post was appalled by King's excesses.

I scratch the surface, and I repeat an earlier thought: Congress ought to wait 50 years before formally memorializing anyone. This month's vote in the Senate should be postponed at least to the spring of 2018.

Mr. KENNEDY. Mr. President, I yield myself such time as I may use.

Mr. President, I will respond to the points made by the Senator from North Carolina. First of all, the suggestion by the Senator from North Carolina that there have been no hearings on this issue is completely inaccurate and false.

Mr. HELMS. Mr. President, a point of order.

Mr. KENNEDY. Mr. President.

The PRESIDING OFFICER. Will the Senator yield for a point of order?

Mr. KENNEDY. I do not yield the floor.

Mr. President, I have in my hand the sets of hearings held jointly by the Senate Judiciary Committee and the House Post Office and Civil Service Committee on March 27, 1979, on June 21, 1979. These joint hearings were held on the issue of establishing a national holiday to honor Martin Luther King.

Mr. HELMS. Point of order.

The PRESIDING OFFICER. Point of order is called for. Under rule XIX no Senator during debate shall directly or indirectly by any form of words impute to another Senator or to other Senators any conduct or motive unworthy or unbecoming a Senator.

Mr. KENNEDY. Mr. President, the statement of the Senator from North Carolina is inaccurate. I do not impute any motive to the Senator. I simply say that his statement is inaccurate and false. If the Chair wants to make a ruling, I have the hearings right here in my hand.

If the Chair would like to examine the hearings, the Chair is prepared to do so.

The PRESIDING OFFICER. Under rule XIX when a Senator is called to order he shall take a seat and may not proceed without leave of the Senate which if granted shall be upon motion that he be allowed to proceed in order, which motion shall be determined without debate.

Mr. KENNEDY. Mr. President, may I continue?

The PRESIDING OFFICER. Is there a motion to that effect?

Mr. KENNEDY. Mr. President, these hearings were held with—

Mr. HELMS. Mr. President, regular order.

The PRESIDING OFFICER. The Senator will withhold.

Mr. HELMS. The Senator needs to learn the rules.

The PRESIDING OFFICER. Is there a motion?

Mr. MATHIAS. Mr. President, is it in order for me to move that the Senator from Massachusetts may proceed with his statement?

The PRESIDING OFFICER. It is in order.

Mr. MATHIAS. I so move.

The PRESIDING OFFICER. The question is on the motion.

Mr. HELMS. Just a minute. Will the Chair state the motion? I was in a conference.

The PRESIDING OFFICER. The motion is that the Senator from Massachusetts may proceed. It is not debatable.

Mr. HELMS. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

Mr. MATHIAS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BAKER. Mr. President, I ask unanimous consent that I might proceed without the time being charged against the time allocated for debate on the motion of the Senator from North Carolina at this point.

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

Mr. BAKER. Mr. President, I was away from the Chamber at the time that the rule XIX controversy arose. But I have now asked the Official Reporters of the proceedings of the Senate to read to me the transcript. I believe I understand how the problem arose and even though I was not here I can feel and appreciate the emotions that go with an issue of this sensitivity.

As I recall the RECORD as it was read to me, the point of order was made by the Senator from North Carolina that the Senator from Massachusetts had infringed the provisions of rule XIX of the Senate by saying that there had been false and inaccurate statements made by the Senator from North Carolina.

Mr. HELMS. Correct.

Mr. BAKER. I think, frankly, that the hooker in this comes because we in the Senate, and I guess most other places these days, tend to join words together that do not have the same or equivalent meaning. There is a difference between false and inaccurate.

"False" perhaps would imply a violation of rule XIX, and "inaccurate" certainly would not. However, the usage is so common in the Senate that I can fully understand how it is done. I use it myself. I do it that way sometimes in written statements and speeches I have on the floor of the Senate. But I really would not want an issue as important as the King holiday resolution or the motion to commit, which is contemplated by the unanimous-consent

order, to be diverted by a questionable situation under the provisions of rule XIX. Therefore, may I make a suggestion, and it will require the acquiescence of both the Senator from Massachusetts and the Senator from North Carolina. I hope both of them will consider this in the interest of proceeding on this important matter and doing so in a timely way.

I would suggest, Mr. President, that by unanimous consent the word "false" be stricken from the transcript and the word "inaccurate" be left in, and that the Senator from North Carolina, who made the point of order, and I believe got the yeas and nays on the point of order—

Mr. HELMS. I did not.

Mr. BAKER (continuing). That the Senator from North Carolina as a matter of right may withdraw his point of order on the basis of that correction. The motion of the Senator from Maryland that the Senator from Massachusetts may proceed under the provisions of rule XIX is perfectly in order and fully contemplated in the rule. As I understand the Chair, the yeas and nays were not ordered. Therefore, if the Senator from Maryland would wish to do so, he could withdraw his motion and we would be back where we started from.

The record would then reflect by order of the Senate that the statement of the Senator from Massachusetts was that the statement of the Senator from North Carolina in respect of hearings was inaccurate.

Mr. President, may I first ask the Senator from Massachusetts—I will ask either Senator, whichever chooses—I will create another flap here if I am not careful. Let me ask either Senator if they are inclined to agree to that effort.

Mr. HELMS. Reserving the right to object, Mr. President, I would be perfectly willing to let this matter drop if the record is made clear that the distinguished Senator from Massachusetts was clearly in error when he said that I made a false and inaccurate statement about this Senate never having conducted hearings. I took great pains at the time I made the statement, Mr. President, to say this Senate as presently constituted, and I submit that is an absolutely correct statement. If the record will be made clear in that regard, we could go right ahead and I would not object to the unanimous-consent request by the majority leader.

Mr. BAKER. Mr. President, my unanimous-consent request is simply that the word "false" be expunged from the RECORD and that the point of order be withdrawn and that the motion be withdrawn. That is my unanimous-consent request. Of course, Senators will wish to interpret that as they please, but I believe that we have

here an inadvertence that can blow up in our face and it is not worth that.

Mr. BYRD. Will the majority leader yield?

Mr. BAKER. I yield without losing my right to the floor.

Mr. BYRD. Mr. President, I think the majority leader's recommendation is the best that can be made under the circumstances. I would hope there would be no objection and that we can proceed with the debate and put this matter behind us. I hope there will be no objection.

Mr. BAKER. Mr. President, once again, what I am asking is that the word "false" be expunged from the RECORD and that the point of order be withdrawn and the motion withdrawn.

Mr. KENNEDY. Mr. President, I will not object to the request of the majority leader. I am interested in getting into the substance of the statements and debate by the Senator from North Carolina. It is quite interesting—having been here for some 20 years, and having been very much involved in the debates and discussions about the changes in the rules on filibusters, and hearing from some Members of the Senate that the Senate is an ongoing and continuing body, and, therefore, it is going to take a certain number of Senators to change or alter the rules—now to have it suggested that each Congress or each Senate at the time that we meet is a separate entity.

I want to say there have been important reasons for the establishment of the rules. I am interested in the substance of this issue and in making the record. I believe the statement of the Senator from North Carolina is false—I would do my best to substantiate that—or is inaccurate. If the majority leader makes such a motion, I will not object to it and we can proceed with the debate.

Mr. BAKER. The request is that the word "false" be expunged from the RECORD.

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

Mr. BAKER. I thank all Senators.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, can we get back to the request on time? Could I have the attention of the majority leader?

Mr. BAKER. If you promise not to upset him.

[Laughter.]

Mr. KENNEDY. It is pretty early in the morning to be on a fast track like this.

Would the leader work out the time now so we will have an opportunity to have debate on this matter?

Mr. BAKER. Mr. President, my initial unanimous-consent request was that the time I consumed in propounding the unanimous-consent request

would not be charged against the time allocated to the debate on the motion. I do not know how much time we have consumed. Will the Chair advise how much time remains on the motion and when the vote will occur?

The PRESIDING OFFICER. The vote will occur at 9:40 a.m.

Mr. BAKER. Could I inquire of Senators if there is a need to change that? Does the Senator from Massachusetts wish additional time?

Mr. KENNEDY. I think the time was approximately 2½ minutes. I do not intend to speak long but I would like to respond.

Mr. BAKER. Mr. President, I ask unanimous consent that the time for debate be extended by 5 minutes.

Mr. KENNEDY. By how long?

Mr. BAKER. Five minutes.

Mr. KENNEDY. With all respect, 20 minutes was originally agreed to. I was told we would have at least 10 minutes to a side. At a minimum I would like to have at least 10 minutes.

Mr. BAKER. Very well. Mr. President, I ask that the time be extended until 9:50 a.m.

Mr. HELMS. I will yield any time I may have remaining to the distinguished Senator from Massachusetts.

Mr. BAKER. And that 10 minutes of that time be allocated to the Senator from Massachusetts.

Mr. EXON. Reserving the right to object, the Senator from Nebraska would like a few minutes on this subject. Who is controlling the time, may I ask?

Mr. BAKER. Mr. President, originally the vote was to occur at 9:20 a.m. In order to accommodate Senators who are arriving from out of town on both sides of the aisle, we extended that time until 9:40 a.m. We are now extending it to 9:50. The time for debate on the matter is under the control of the mover of the motion (Mr. HELMS), who has relinquished all of his time except 10 minutes, the Senator from Kansas (Mr. DOLE), the Senator from Maryland (Mr. MATHIAS), and as the chairman of the committee may designate.

Mr. EXON. Reserving the right to object, may I inquire of the Senator from Kansas or the Senator from Maryland, if I could have his attention, if they would guarantee the Senator from Nebraska 3 minutes in opposition to the motion to commit?

Mr. MATHIAS. I am wondering if the Senator from Nebraska could settle for 2 minutes. I am not sure how long the Senator from Massachusetts is going to require. I will need a few moments myself to say just a few words as the author of the bill. I think we can save 2 minutes.

Mr. BAKER. Mr. President, let me use a minute. I ask that the time be extended to 9:55, with 10 minutes of that time allocated to the Senator from Massachusetts.

The PRESIDING OFFICER. Is there objection?

Mr. BAKER. Mr. President, and that the vote on or in relation to the motion occur at 9:55 a.m.

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

Mr. THURMOND. Mr. President, in order for the record to officially show the managers of the bill, I wish to say I have designated the distinguished Senator from Kansas (Mr. DOLE) and the distinguished Senator from Maryland (Mr. MATHIAS) as managers of this bill. One of them will be present throughout this hearing.

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

The PRESIDING OFFICER. The minority leader.

Mr. BYRD. Mr. President, was the motion for the yeas and nays withdrawn or is it still pending? Is that included in the unanimous-consent request, the request for the yeas and nays on the motion to permit Mr. KENNEDY to speak?

The PRESIDING OFFICER. The yeas and nays were never granted on that motion.

Mr. BYRD. Is the motion still pending?

The PRESIDING OFFICER. The motion is not pending. It has been withdrawn as a result of the unanimous-consent request.

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I mentioned a moment ago, the allegation that there have been no hearings on the Martin Luther King national holiday is not accurate. I refer to the sets of hearings that were held between the committees of the House of Representatives and the Senate of the United States. I have before me a set of those hearings of March 27, 1979, and June 21, 1979, and actually, the report that came out of the Senate Judiciary Committee of August 1, reporting the Martin Luther King national holiday favorably by an overwhelming majority of the Senate Judiciary Committee.

Also, hearings were held in 1982, on February 23, in the House of Representatives, and again in 1983 on June 7 by the House of Representatives and the legislation was passed after debate by 338 to 90. So the suggestion that this issue has not been examined or has not been reviewed by the Senate Judiciary Committee or that information has not been available to Members of the House and Senate on the range of different items that have been raised by the Senator from North Carolina is just not right.

The Senator from North Carolina talks about the cost of this particular national holiday; those issues have been reviewed in very careful detail. Since this bill creates only a Federal

holiday, the costs that would be attributed to the Federal workers have been outlined in a Congressional Budget Office review as being some \$18 million. I include the CBO report and I ask unanimous consent that it be printed at an appropriate place in the RECORD.

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

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., July 20, 1983.

HON. WILLIAM D. FORD,
Chairman, Committee on Post Office and
Civil Service, House of Representatives,
Cannon House Office Building, Wash-
ington, D.C.

DEAR MR. CHAIRMAN: At the request of the Committee staff, the Congressional Budget Office has reviewed H.R. 3345, a bill to amend title 5, United States Code, to make the birthday of Martin Luther King, Junior, a legal public holiday, as reported by the Subcommittee on Census and Population.

The major budget impact from the establishment of an additional federal holiday is the amount of premium pay for employees who work on the holiday, since the normal daily payroll would be spent whether employees work or not. The Office of Personnel Management estimates the current average premium pay on a federal holiday to be approximately \$24 million. This cost would be partially offset by some savings in utility costs from closing down government offices. Based on information provided by the General Services Administration, it is estimated that the government saves approximately \$7 million in utility costs on a winter federal holiday that is observed on a Monday or Friday. (Energy savings for midweek holidays are estimated to be about \$0.5 million lower.) Thus, establishment of a new federal holiday observed on a Monday would result in net additional budgetary expenditures of about \$17 million in 1983. The bill specifies an effective date of the first January 1 that occurs more than two years after enactment. Assuming enactment in 1983, the first holiday would occur in 1986, and the estimated budgetary expenditures in that year would be about \$18 million, with similar costs in subsequent years.

While there may be other fiscal costs or benefits, they cannot be easily quantified. For example, there may be some added expenditures for overtime pay on days before or after the holiday, but the amount attributable to the holiday cannot be distinguished from overtime pay resulting from other causes. In addition, the government would lose one day's worth of output from most federal employees, but some of the work may be made up at other times. (Excluding the Postal Service, the federal government currently spends about \$210 million per working day for employee compensation). It has also been suggested that additional tax revenues may be generated from increased retail sales on such a holiday; however, any such effect is expected to be insignificant, particularly for a January holiday.

In sum, we can identify net budgetary expenditures of approximately \$18 million per year, beginning in 1986, resulting from the additional federal holiday, but there may be other budgetary and nonbudgetary costs that cannot be readily quantified. Should the Committee so desire, we would be

pleased to provide further details on this estimate.

Sincerely,

ALICE M. RIVLIN, *Director.*

Mr. KENNEDY. The idea that when we have a Federal holiday, this country is effectively closed down is just not an accurate portrayal of what happens. We just recently went through a Columbus Day celebration. Those who were involved in that particular celebration or saw the activity know that any such suggestion or recommendation that there would be effectively a closing down of the country has not participated in a Columbus holiday, at least in many parts of the country where it is a time of enormous activity and celebration.

Finally, Mr. President, as to the suggestion that the Senator from North Carolina has made in reference to Dr. King's activities in the past and the various reports that have been available as a result of FBI investigations, I think it is important to understand that the Church committee issued a report after looking at these accusations for many months.

That was done back in 1976, and I daresay that the whole issue of the Martin Luther King birthday has been before the Senate in one form or another for almost 16 years, the current bill having been introduced in the Senate by the Senator from Maryland (Mr. MATHIAS). I welcome the opportunity to join with him. That issue has been before the Senate.

The issue which is raised by the Senator from North Carolina about the investigations by the Federal Bureau of Investigation had been reviewed by the Church committee. It laid the straight stick alongside the crooked stick, so to speak, Mr. President. Let me read from the committee's study of the FBI and Dr. King.

We have seen no evidence that either of the advisers of Dr. King attempted to exploit the civil rights movement to carry out plans of the Communist Party.

As to Dr. King himself, according to the Church committee—and that committee was bipartisan in nature—the committee was told by the FBI that, "In any event, the FBI has stated that at no time did it have any evidence"—that is, any evidence, Mr. President—"that Dr. King himself was a Communist or connected with the Communist Party."

Regrettably, I am compelled to rise once again to respond to the unworthy and unfounded charges made against Dr. Martin Luther King, Jr.

In particular, I am appalled at the attempt of some to misappropriate the memory of my brother, Robert Kennedy, and misuse it as part of this smear campaign. Those who never cared for him in life now invoke his name when he can no longer speak for himself. So I hope my colleagues, many of whom

were his colleagues as well, will permit me to speak briefly for him.

If Robert Kennedy were alive today, he would be the first person to say that it was wrong ever to wiretap Martin Luther King.

If Robert Kennedy were alive today, he would be the first person to say that J. Edgar Hoover's reckless campaign against Martin Luther King was a shame and a blot on American history.

If Robert Kennedy were alive today, he would be among the first to stand and speak for this holiday in honor of Martin Luther King—whom he regarded as the greatest prophet of our time and one of the greatest Americans of all time.

Both Dr. King and my brother Bob were struck down in the sorrowful spring of 1968.

They had become friends—and in that year, they were together seekers of a newer world. And on the night of Martin Luther King's murder, Robert Kennedy mourned him with painful eloquence in a brief speech to a crowd of thousands in Indianapolis. He told the crowd the news—and as the shock, and then anger, moved through his listeners, he sought to calm them. He said: "What we need in the United States is not division; what we need is not hatred; what we need is love and wisdom and compassion toward one another."

Now as we conduct this debate 15 years later, let me suggest that what we need in the Senate is not division or the vestiges of old hatreds. What we need, what this bill gives us the chance to manifest for our whole country, is love and wisdom and compassion toward one another.

As Robert Kennedy also said on the night of Dr. King's assassination:

Martin Luther King dedicated his life to love, to justice for his fellow human beings, and he died because of that effort.

So I believe that if he were here today, Robert Kennedy would join me and the vast majority of the Senate, and the vast majority of the American people, in saying that the least we can do in return is to dedicate a day to Martin Luther King and the dream he had—a dream which must live on if America is to live at all in the best meaning of its own nationhood. By setting aside this special day we will say to all the world, in words that echo both Martin Luther King and Robert Kennedy, that America is not only a place, a piece of geography—but a sense of justice and a set of ideals.

Mr. President, I reserve the remainder of my time.

Mr. MATHIAS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Massachusetts has 3 minutes and the Senator from Maryland has 5 minutes.

Mr. KENNEDY. I am glad to yield 3 minutes to the distinguished Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. EXON. I thank my friend from Massachusetts.

Mr. President, this Senator will not support the commitment motion since, in my opinion, the Senate's time during this critical and difficult period of international and domestic difficulties should be employed properly. We should understand that, because of the stress of our times, it is almost mandated that we move ahead with the many pressing matters that face our body.

This matter should be disposed of one way or another by a majority vote. The majority leader has urged us to let the Senate work its will. We should heed his advice.

It is my opinion that we should honor Martin Luther King by distinguishing a day in his memory. It is not my belief that we should establish now another national holiday for anyone, regardless of the merits. This is a time in our history when we should go to work and not plan another day off. My vote on this issue will reflect that belief.

I urge my colleagues to expedite this process, avoid needless delay, and let the majority of this body work its will.

Mr. President, I yield back the remainder of the time provided to me.

Mr. MATHIAS. Mr. President, the Senator from North Carolina has offered us a bit of folklore to the effect that the way to see the stick is crooked is to lay a straight stick beside it. That is one of those bits of folklore which seems so simple and direct if you accept it without question, but if you think about it for a minute it is clear that the corollary is true; that if there is a straight stick you want to make look crooked, you lay a crooked stick beside the straight stick. It seems to me that that is what the Senator from North Carolina is suggesting by the course of argument that he is pursuing in this debate on the Martin Luther King, Jr. holiday. He is trying to make a straight stick look like a crooked stick.

What we are memorializing in the Martin Luther King, Jr. holiday bill is the achievement of Martin Luther King in bringing about a reconciliation of the races in America. The guns at Appomattox ended the fighting in the War Between the States, but it did not bring peace to America. Appomattox was soon followed by the assassination of Abraham Lincoln, by the tragedy of the Reconstruction era, by the rise of the Ku Klux Klan, by the invasion of the carpetbaggers, by all of the tragedies that overtook America and which persisted for a century after Appomattox. I think it was not until Martin Luther King stood on the steps of the

Lincoln Memorial and said, "I have a dream, a dream of black and white Americans living together in peace," that we finally ended the Civil War.

That is the moment we try to recapture in memory by enacting this Martin Luther King holiday bill. That is the straight stick. That is the record of an event which was not clandestinely wiretapped, which was not recorded by eavesdroppers but which was seen by the whole world in public, by a quarter million people gathered on the mall and by almost everyone else on this planet through television and radio and the press. That is the straight stick, Mr. President, and that is the reason that we should defeat the motion to commit the bill.

The PRESIDING OFFICER. There is 1 minute remaining.

Mr. MATHIAS. If there is no Senator who desires it, I yield back the 1 minute remaining.

The PRESIDING OFFICER. The question is on agreeing to the motion to commit. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from Florida (Mrs. HAWKINS), the Senator from Iowa (Mr. JEPSEN), the Senator from Wisconsin (Mr. KASTEN), the Senator from Illinois (Mr. PERCY), and the Senator from Wyoming (Mr. SIMPSON), are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS), Senator from Wisconsin (Mr. KASTEN) and the Senator from Illinois (Mr. PERCY), would each vote "nay".

Mr. BYRD. I announce that the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUBLESTON), and the Senator from Tennessee (Mr. SASSER), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 12, nays 76, as follows:

[Rollcall Vote No. 291 Leg.]

YEAS—12

Abdnor	Hatch	McClure
Denton	Hecht	Pressler
East	Helms	Rudman
Garn	Humphrey	Symms

NAYS—76

Andrews	Boren	Cochran
Armstrong	Boschwitz	Cohen
Baker	Bradley	D'Amato
Baucus	Bumpers	Danforth
Bentsen	Burdick	DeConcini
Biden	Byrd	Dixon
Bingaman	Chafee	Dole

Domenici	Leahy	Randolph
Durenberger	Levin	Riegle
Eagleton	Long	Roth
Evans	Lugar	Sarbanes
Exon	Mathias	Specter
Ford	Matsunaga	Stafford
Glenn	Mattingly	Stennis
Goldwater	Melcher	Stevens
Gorton	Metzenbaum	Thurmond
Grassley	Mitchell	Tower
Hatfield	Moynihan	Trible
Heflin	Murkowski	Tsongas
Heinz	Nickles	Wallop
Inouye	Nunn	Warner
Johnston	Packwood	Weicker
Kassebaum	Pell	Wilson
Kennedy	Proxmire	Zorinsky
Lautenberg	Pryor	
Laxalt	Quayle	

NOT VOTING—12

Chiles	Hawkins	Kasten
Cranston	Hollings	Percy
Dodd	Huddleston	Sasser
Hart	Jepsen	Simpson

So the motion to commit was rejected.

Mr. BAKER. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. MATHIAS. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. MOYNIHAN. Mr. President, I ask the manager of the legislation on this side of the aisle if he will yield to me 15 minutes on the bill.

Mr. KENNEDY. Mr. President, I think the Senator from Maryland (Mr. MATHIAS) has control of the time of the proponents of the bill.

The PRESIDING OFFICER. The Senator inquired whether or not the leaders have designated the Senators who will be calling time.

Mr. BAKER. Mr. President, is the order drawn up like that?

Mr. MOYNIHAN. Mr. President, point of order. Do I have the floor?

Mr. BAKER. The Senator from New York does have the floor.

Mr. MOYNIHAN. I thank the Chair, and I would be happy to yield for such arrangement as the majority leaders wishes to make, but I wish to speak.

The PRESIDING OFFICER. The Senator from New York has the floor.

Mr. BYRD. Will the Senator from New York yield? I designate control of time to Mr. Kennedy.

Mr. KENNEDY. I yield such time to the Senator from New York as he may need.

The PRESIDING OFFICER. The Senator will suspend.

Mr. BAKER. Will the Chair please establish order in the Senate.

The PRESIDING OFFICER. Those Senators standing in the well of the Chamber please take their seats. The majority leader.

Mr. BAKER. Now, Mr. President, the order as I understand it provides that time on the bill will be divided

equally between the majority and minority leaders or their designees. Mr. President, for the purpose of complying with that portion of the agreement I designate the distinguished Senators from Kansas (Mr. DOLE), and Maryland (Mr. MATHIAS) as they may wish to manage the time on my behalf. The order also provides that time on amendments will be divided according to, under the control of, the mover of the amendment and the manager of the bill. I believe no further designation is necessary under that requirement since the manager of the bill will be designated by the chairman of the committee.

Mr. President, I would hope the managers on both sides can arrange some sort of orderly sequence of amendments so we have some idea of what we are going to deal with and when we are going to deal with them.

Mr. President, I would urge the manager on this side to try to regulate this, the amendments, but I will try to have another announcement and I thank the Senator for this opportunity to make this statement, the designation and observation.

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

Mr. MOYNIHAN. The Senator will yield for what purpose?

Mr. HELMS. I would like to make an inquiry of the majority leader.

Mr. MOYNIHAN. For that purpose I am happy to yield.

Mr. HELMS. Mr. President, I think you covered everything except some equitable consideration of the pros and cons, with everybody in charge of the time being in favor of the bill.

Mr. BAKER. Yes, Mr. President, the Senator is right. It is the usual right for the majority and minority leaders to have control but in this case I believe the majority and minority leaders are on the same side and I will confer with the Senator from North Carolina, the minority leader and managers and arrange that.

Mr. HELMS. I will say I have no apprehension about the fairness of the Senator from Maryland or anybody else but I do think the point ought to be raised.

The PRESIDING OFFICER. The Senator from New York.

Mr. MOYNIHAN. Mr. President, I do not know how many Members of the Senate knew Martin Luther King. It occurs to me that it was perhaps not the majority—and perhaps not even many. I knew him and I was with him just 42 days before his assassination. He had invited me to speak to a conference of the Southern Christian Leadership Conference in Miami—Mr. President, may we have order?

The PRESIDING OFFICER. The point is well taken. The Senate is not in order. Those Senators conversing in the well please take their seats. The Senator from New York.

Mr. MOYNIHAN. On the 21st of February, 1968, I was his guest at a meeting of the Southern Christian Leadership Conference which was convened to discuss the subject of education. I gave a paper reporting some new research on the subject of the education of the urban poor, after which the Reverend Dr. King and I spoke for a bit about the prospect of doing something about the situation I had described. My presentation was basically an analysis of the Coleman study on equality of educational opportunity.

A new Congress had taken office the previous year, and one of those rare moments when social legislation can be enacted in this Congress had come and seemingly gone. We were both disappointed by this of course.

More importantly, though, there was a reaction coming, a reaction to the social progress that had been made in the course of the 1960's up to that point in early 1968—progress due in large measure to Rev. Dr. King's own work. You could feel it in the air, and Martin Luther King summed it up in one phrase. He said to me "The Congress is sick." He said to me "The Congress is sick."

Well, it may have been. It certainly gets better and gets worse as time goes by. But the Congress of the United States has never been so sick as it could be today if we were to pay attention to the filth in this brown binder that has been passed around this Chamber today. This is a Chamber in which one ought to maintain the highest standard of evidence and truth, and entertain a minimum respect for the dead who cannot defend themselves.

Well there are persons here today who will defend his name.

Martin Luther King, Jr., was one of the finest men of his age in this world, and this world knew it. He was a Christian minister. He was witness to Christian truth.

I would like to read, Mr. President, portions of a chapter from his book "Strength to Love" which was published by Collins Publishers in 1963. The chapters of the book were originally written as sermons for the parishioners of the Reverend Dr. King's churches, the Dexter Avenue Baptist Church of Montgomery Ala., and later the Ebenezer Baptist Church of Atlanta, Ga.

Chapter 10 is entitled "How Should a Christian View Communism" and it begins with a passage from the Book of Amos 5:24:

Let judgment roll down as waters, and righteousness as a mighty stream.

"Communism," wrote Rev. Dr. King, "exploits the dreadful philosophy that the end justifies the means."

The PRESIDING OFFICER. The Senator from New York is making an important statement and the Chair is

having difficulty hearing and the Senator is having difficulty being heard.

Mr. MOYNIHAN. I thank the Chair most respectfully.

To return to the passage Dr. King wrote—

Communism exploits the dreadful philosophy that the end justifies the means. It enunciates movingly the theory of a classless society, but alas! its methods for achieving this noble end are all too often ignoble. Lying, violence, murder, and torture are considered to be justifiable means to achieve the millennial end. Is this an unfair indictment? Listen to the words of Lenin, the real tactician of Communist theory: We must be ready to employ trickery, deceit, lawbreaking, withholding and concealing truth. Modern history has known many tortuous nights and horror-filled days because his followers have taken this statement seriously.

He goes on later to say that Communism—

Is contrary, not only to the Christian doctrine of God, but also to the Christian estimate of man. Christianity insists that man is an end because he is a child of God, made in God's image. Man is more than a producing animal guided by economic forces; he is a being of spirit, crowned with glory and honour, endowed with the gift of freedom. The ultimate weakness of Communism is that it robs man of that quality which makes him man. Man, says Paul Tillich, is man because he is free. This freedom is expressed through man's capacity to deliberate, decide, and respond. Under Communism, the individual 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. The trouble with Communism is that it has neither a theology nor a Christology; therefore it emerges with a mixedup anthropology. Confused about God, it is also confused about men. In spite of its glowing talk about the welfare of the masses, Communism's methods and philosophy strip man of his dignity and worth, leaving him as little more than a depersonalized cog in the ever-turning wheel of the state.

Still later, the Reverend Dr. King goes on to say:

We should as Christians pray for the Communist constantly, but never can we, as true Christians, tolerate the philosophy of Communism.

Finally, the Reverend Dr. King concludes with the observation that

Our hard challenge and our sublime opportunity is to be a witness to the Spirit of Christ in fashioning a truly Christian world. If we accept this challenge with devotion and valor, the bell of history will toll for Communism, and we shall make the world safe for democracy and secure for the people of Christ.

Mr. President, I ask, is there a person in this Chamber who would think himself able to rise to the precision and the eloquence of that statement?

Could this have been written by one who did not know whereof he wrote, and know it at a level to which only persons of the greatest study and deepest thought and firmest belief could aspire? It is that study and con-

sideration and faith that guided Martin Luther King to his great achievements as an advocate of liberty and justice for all.

It is that same faith which would make him pray today for the persons who had assembled the obscenity that is this brown book on each Senator's desk. He would pray for them, but he would not emulate them. And it seems to me not for us to do so either.

Rather we should recall the words of Martin Luther King, Jr., who wrote in 1964, in another of his works "Why We Can't Wait," about the idea behind his doctrine of nonviolence. "It was not," he wrote—

A doctrine that made (his) followers yearn for revenge but one that called upon them to champion change. It was not a doctrine that asked an eye for an eye but one that summoned men to seek to open the eyes of blind prejudice.

The only way to expunge these excruciations from our midst is overwhelmingly to adopt the legislation before us.

As we do, Mr. President, I would like to say just a closing word on behalf of a person of great importance to me and to many New Yorkers, for many years a steady companion and associate of Dr. King. That is Mr. Bayard Rustin whose name has been also dragged in recent days into this filth.

Bayard Rustin was the organizer of the great march on Washington in 1963, the anniversary of which we celebrated a few weeks ago. The march is perhaps best remembered as the place where Dr. King gave his famous address, "I Have a Dream." Bayard Rustin organized that march. Bayard Rustin has for more than two generations been at the forefront of those persons who have spoken to the American people about the dangers of totalitarianism. In speaking and working on behalf of freedom and justice both here and abroad, he warns us about totalitarianism and about the need for strength in opposition to it. He has been chairman of the Social Democrats U.S.A., a fundamentally antitotalitarian, anti-Communist organization.

He has long been a member of the board of directors of the International Rescue Committee which for 50 years has been giving succor to refugees from totalitarianism, whose numbers have at times been overwhelming in the last generation of Marxist-Leninist totalitarianism.

In his entry in *Who's Who*, he exercises that option, which the publisher evidently gives to persons, to say something about himself. And here is what Bayard Rustin writes of himself:

The Principle factors which influenced my life are: (1) non-violent tactics; (2) constitutional means; (3) democratic procedures; (4) respect for human personality; (5) a belief that all people are one.

That is a man whose name has been drawn into the filth that has been distributed in this Chamber.

In the 1930's, as memory serves—it was certainly before 1948 and India's independence in any event—Bayard Rustin traveled to India where he spent a very long while as an apprentice, you might say, to Mahatma Ghandi. There he learned the principles of nonviolent direct action, and watched the tactics of Ghandi, who then was working for the freedom of his own nation through the extraordinary tactic of peaceable resistance to injustice, and who was succeeding slowly.

He brought those principles back with him. With Martin Luther King, Jr., in the 1950's, he brought them to the American civil rights movement. He taught them as someone who had witnessed them. Bayard Rustin had lived and worked in the midst of the Indian people, had seen their struggle, had seen their needs and he brought what he learned to the United States. And it changed the life of this Nation. Bayard Rustin has never once wandered from that central commitment to nonviolence, to constitutional means, to democratic procedures.

To have his name drawn into the filth that has been brought into this Chamber—well, I apologize to Bayard Rustin for the injustice that has been done him. He will understand. He is not a man of the cloth. I would not ask him to pray or expect him to do for those who contume his reputation. Yet he will understand. He has seen it happen to others no less worthy than he.

I close, Mr. President, by asking if I might have unanimous consent to have printed in the RECORD Dr. Martin Luther King's essay "How Should a Christian View Communism." And, without being presumptuous, if only to indulge myself, I ask unanimous consent that I might have printed in the RECORD the paper I read before the meeting of the Southern Christian Leadership Conference, in the presence of Dr. King, on the 21st of February at the Four Ambassadors Hotel in Miami, Fla.

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

MARTIN LUTHER KING: STRENGTH TO LOVE
CHAPTER TEN—HOW SHOULD A CHRISTIAN VIEW
COMMUNISM

Let judgment roll down as waters, and righteousness as a mighty stream.—Amos 5:24

Few issues demand a more thorough and sober discussion than that presented by Communism. For at least three reasons every Christian minister should feel obligated to speak to his people on this controversial theme.

The first reason recognizes that the widespread influence of Communism has, like a mighty tidal wave, spread through Russia, China, Eastern Europe, and now even to our hemisphere. Nearly a thousand million of

the peoples of the world believe in its teachings, many of them embracing it as a new religion to which they have surrendered completely. Such a force cannot be ignored.

A second reason is that Communism is the only serious rival to Christianity. Such great world religions as Judaism, Buddhism, Hinduism, and Mohammedanism are possible alternatives to Christianity, but no one conversant with the hard facts of the modern world will deny that Communism is Christianity's most formidable rival.

A third reason is that it is unfair and certainly unscientific to condemn a system before we know what that system teaches and why it is wrong.

Let me state clearly the basic premise of this sermon: Communism and Christianity are fundamentally incompatible. A true Christian cannot be a true Communist, for the two philosophies are antithetical and all the dialectics of the logicians cannot reconcile them. Why is this true?

I

First, Communism is based on a materialistic and humanistic view of life and history. According to Communist theory, matter, not mind or spirit, speaks the last word in the universe. Such a philosophy is avowedly secularistic and atheistic. Under it, God is merely a figment of the imagination, religion is a product of fear and ignorance, and the church is an invention of the rulers to control the masses. Moreover, Communism, like humanism, thrives on the grand illusion that man, unaided by any divine power, can save himself and usher in a new society—

I fight alone, and win or sink,

I need no one to make me free;

I want no Jesus Christ to think,

That He could ever die for me.

Cold atheism wrapped in the garments of materialism, Communism provides no place for God or Christ.

At the centre of the Christian faith is the affirmation that there is a God in the universe who is the ground and essence of all reality. A Being of infinite love and boundless power, God is the creator, sustainer, and conservator of values. In opposition to Communism's atheistic materialism, Christianity posits a theistic idealism. Reality cannot be explained by matter in motion or the push and pull of economic forces. Christianity affirms that at the heart of reality is a Heart, a loving Father who works through history for the salvation of his children. Man cannot save himself, for man is not the measure of all things and humanity is not God. Bound by the chains of his own sin and finiteness, man needs a Saviour.

Second, Communism is based on ethical relativism and accepts no stable moral absolutes. Right and wrong are relative to the most expedient methods for dealing with class war. Communism exploits the dreadful philosophy that the end justifies the means. It enunciates movingly the theory of a classless society, but alas! its methods for achieving this noble end are all too often ignoble. Lying, violence, murder, and torture are considered to be justifiable means to achieve the millennial end. Is this an unfair indictment? Listen to the words of Lenin, the real tactician of Communist theory: "We must be ready to employ trickery, deceit, lawbreaking, withholding and concealing truth." Modern history has known many tortuous nights and horror-filled days because his followers have taken this statement seriously.

In contrast to the ethical relativism of Communism, Christianity sets forth a

system of absolute moral values and affirms that God has placed within the very structure of this universe certain moral principles that are fixed and immutable. The law of love as an imperative is the norm for all of man's actions. Furthermore, Christianity at its best refuses to live by philosophy of ends justifying means. Destructive means cannot bring constructive ends, because the means represent the ideal-in-the-making and the end-in-progress. Immoral means cannot bring moral ends, for the ends are pre-existent in the means.

Third, Communism attributes ultimate value to the state. Man is made for the state and not the state for man. One may object, saying that in Communist theory the state is an "interim reality," which will "wither away" when the classless society emerges. True—in theory; but it is also true that, while it lasts, the state is the end. Man is a means to that end. Man has no inalienable rights. His only rights are derived from, and conferred by, the state. Under such a system, the fountain of freedom runs dry. Restricted are man's liberties of press and assembly, his freedom to vote, and his freedom to listen and to read. Art, religion, education, music, and science come under the gripping yoke of governmental control. Man must be a dutiful servant to the omnipotent state.

All of this is contrary, not only to the Christian doctrine of God, but also to the Christian estimate of man. Christianity insists that man is an end because he is a child of God, made in God's image. Man is more than a producing animal guided by economic forces; he is a being of spirit, crowned with glory and honour, endowed with the gift of freedom. The ultimate weakness of Communism is that it robs man of that quality which makes him man. Man, says Paul Tillich, is man because he is free. This freedom is expressed through man's capacity to deliberate, decide, and respond. Under Communism, the individual 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. The trouble with Communism is that it has neither a theology nor a Christology; therefore it emerges with a mixed-up anthropology. Confused about God, it is also confused about man. In spite of its glowing talk about the welfare of the masses, Communism's methods and philosophy strip man of his dignity and worth, leaving him as little more than a depersonalized cog in the ever-turning wheel of the state.]

Clearly, then, all of this is out of harmony with the Christian view of things. We must not fool ourselves. These systems of thought are too contradictory to be reconciled; they represent diametrically opposed ways of looking at the world and of transforming it. [We should as Christians pray for the Communist constantly, but never can we, as true Christians, tolerate the philosophy of Communism.]

Yet, something in the spirit and threat of Communism challenges us. The late Archbishop of Canterbury, William Temple, referred to Communism as a Christian heresy. He meant that Communism had laid hold on certain truths which are essential parts of the Christian view of things, although bound to them are theories and practices which no Christian could ever accept.

II

The theory, though surely not the practice, of Communism challenges us to be more concerned about social justice. With

all of its false assumptions and evil methods, Communism arose as a protest against the injustices and indignities inflicted upon the underprivileged. The Communist Manifesto was written by men aflame with a passion for social justice. Karl Marx, born of Jewish parents who both came from rabbinic stock, and trained, as he must have been, in the Hebrew Scriptures, could never forget the words of Amos: "Let judgment roll down as waters, and righteousness as a mighty stream." Marx's parents adopted Christianity when he was a child of six, thus adding to the Old Testament heritage that of the New. In spite of his later atheism and anti-clericalism, Marx could not quite forget Jesus' concern for "the least of these." In his writings, he champions the cause of the poor, the exploited, and the disinherited.

Communism in theory emphasizes a classless society. Although the world knows from sad experience that Communism has created new classes and a new lexicon of injustice, in its theoretical formulation it envisages a world society transcending the superficialities of race and colour, class and caste. Membership in the Communist party theoretically is not determined by the colour of a man's skin or the quality of blood in his veins.

Christians are bound to recognize any passionate concern for social justice. Such concern is basic in the Christian doctrine of the Fatherhood of God and the brotherhood of man. The Gospels abound with expressions of concern for the welfare of the poor. Listen to the words of the Magnificat: "He hath put down the mighty from their seats, and exalted them of low degree. He hath filled the hungry with good things; and the rich he hath sent empty away." No doctrinaire Communist ever expressed a passion for the poor and oppressed such as we find in the Manifesto of Jesus which affirms: "The Spirit of the Lord is upon me, because he hath anointed me to preach the gospel to the poor; he hath sent me to heal the brokenhearted, to preach deliverance to the captives, and recovering of sight to the blind, to set at liberty them that are bruised, to preach the acceptable year of the Lord."

Christians are also bound to recognize the ideal of a world unity in which all barriers of caste and colour are abolished. Christianity repudiates racism. The broad universalism standing at the centre of the gospel makes both the theory and practice of racial injustice morally unjustifiable. Racial prejudice is a blatant denial of the unity which we have in Christ, for in Christ there is neither Jew nor Gentile, bond nor free, Negro nor white.

In spite of the noble affirmations of Christianity, the church has often lagged in its concern for social justice and too often has been content to mouth pious irrelevances and sanctimonious trivialities. It has often been so absorbed in a future good "over yonder" that it forgets the present evils "down here." Yet the church is challenged to make the gospel of Jesus Christ relevant within the social situation. We must come to see that the Christian gospel is a two-way road. On the one side, it seeks to change the souls of men and thereby unite them with God; on the other, it seeks to change the environmental conditions of men so that the soul will have a chance after it is changed. Any religion that professes to be concerned with the souls of men and yet is not concerned with the economic and social conditions that strangle them and the social conditions that cripple them

is the kind the Marxist describes as "an opiate of the people."

Honesty also impels us to admit that the church has not been true to its social mission on the question of racial justice. In this area it has failed Christ miserably. This failure is due, not only to the fact that the church has been appallingly silent and disastrously indifferent to the realm of race relations, but even more to the fact that it has often been an active participant in shaping and crystallizing the patterns of the race-caste system. Colonialism could not have been perpetuated if the Christian Church had really taken a stand against it. One of the chief defenders of the vicious system of apartheid in South Africa today is the Dutch Reformed Protestant Church. In America slavery could not have existed for almost two hundred and fifty years if the church had not sanctioned it, nor could segregation and discrimination exist today if the Christian Church were not a silent and often vocal partner. We must face the shameful fact that the church is the most segregated major institution in American society, and the most segregated hour of the week is, as Professor Liston Pope has pointed out, eleven o'clock on Sunday morning. How often the church has been an echo rather than a voice, a tail-light behind the Supreme Court and other secular agencies, rather than a headlight guiding men progressively and decisively to higher levels of understanding.

The judgment of God is upon the church. The church has a schism in its own soul that it must close. It will be one of the tragedies of Christian history if future historians record that at the height of the twentieth century the church was one of the greatest bulwarks of white supremacy.

III

In the face of the Communist challenge we must examine honestly the weaknesses of traditional capitalism. In all fairness, we must admit that capitalism has often left a gulf between superfluous wealth and abject poverty, has created conditions permitting necessities to be taken from the many to give luxuries to the few, and has encouraged smallhearted men to become cold and conscienceless so that, like Dives before Lazarus, they are unmoved by suffering, poverty-stricken humanity. Although through social reform American capitalism is doing much to reduce such tendencies, there is much yet to be accomplished. God intends that all of his children shall have the basic necessities for meaningful, healthful life. Surely it is unchristian and unethical for some to wallow in the soft beds of luxury while others sink in the quicksands of poverty.

The profit motive, when it is the sole basis of an economic system, encourages a cut-throat competition and selfish ambition that inspires men to be more concerned about making a living than making a life. It can make men so I-centred that they no longer are Thou-centred. Are we not too prone to judge success by the index of our salaries and the size of the wheel base on our automobiles, and not by the quality of our service and relationship to humanity? Capitalism may lead to a practical materialism that is as pernicious as the theoretical materialism taught by Communism.

We must honestly recognize that truth is not to be found either in traditional capitalism or in Marxism. Each represents a partial truth. Historically, capitalism failed to discern the truth in collective enterprise and Marxism failed to see the truth in indi-

vidual enterprise. Nineteenth-century capitalism failed to appreciate that life is social and Marxism failed, and still fails, to see that life is individual and social. The Kingdom of God is neither the thesis of individual enterprise nor the antithesis of collective enterprise, but a synthesis which reconciles the truth of both.

IV

Finally, we are challenged to dedicate our lives to the cause of Christ even as the Communists dedicate theirs to Communism. We who cannot accept the creed of the Communists recognize their zeal and commitment to a cause which they believe will create a better world. They have a sense of purpose and destiny, and they work passionately and assiduously to win others to Communism. How many Christians are as concerned to win others to Christ? Often we have neither zeal for Christ nor zest for his kingdom. For so many Christians, Christianity is a Sunday activity having no relevancy for Monday and the church is little more than a secular social club having a thin veneer of religiosity. Jesus is an ancient symbol whom we do the honour of calling Christ, and yet his Lordship is neither affirmed nor acknowledged by our substanceless lives. Would that the Christian fire were burning in the hearts of all Christians with the same intensity as the Communist fire is burning in the hearts of Communists. Is Communism alive in the world today because we have not been Christian enough?

We need to pledge ourselves anew to the cause of Christ. We must recapture the spirit of the early church. Wherever the early Christian's went, they made a triumphant witness for Christ. Whether on the village streets or in the city jails, they daringly proclaimed the good news of the gospel. Their reward for this audacious witness was often the excruciating agony of a lion's den or the poignant pain of a chopping block, but they continued in the faith that they had discovered a cause so great and had been transformed by a Saviour so divine that even death was not too great a sacrifice. When they entered a town, the power structure became disturbed. Their new gospel brought the refreshing warmth of spring to men whose lives had been hardened by the long winter of traditionalism. They urged men to revolt against old systems of injustice and old structures of immorality. When the rulers objected, these strange people, intoxicated with the wine of God's grace, continued to proclaim the gospel until even men and women in Caesar's household were convinced, until jailers dropped their keys, and until kings trembled on their thrones. T. R. Glover has written that the early Christians "out-thought, out-lived, and out-died" everyone else.

Where is that kind of fervour today? Where is that kind of daring, revolutionary commitment to Christ today? Is it hidden behind smoke screens and altars? Is it buried in a grave called respectability? Is it inextricably bound with nameless status quos and imprisoned within cells of stagnant mores? This devotion must again be released. Christ must once more be enthroned in our lives.

This is our best defence against Communism. War is not the answer. Communism will never be defeated by the use of atomic bombs or nuclear weapons. Let us not join those who shout war and who through their misguided passions urge the United States to relinquish its participation in the United Nations. These are days when Christians must evince wise restraint and calm reason-

ableness. We must not call everyone a Communist or an appeaser, who recognizes that hate and hysteria are not the final answers to the problems of these turbulent days. We must not engage in a negative anti-Communism, but rather in a positive thrust for democracy, realizing that our greatest defence against Communism is to take offensive action in behalf of justice and righteousness. After our condemnation of the philosophy of Communism has been eloquently expressed, we must with positive action seek to remove those conditions of poverty, insecurity, injustice, and racial discrimination which are the fertile soil in which the seed of Communism grows and develops. Communism thrives only when the doors of opportunity are closed and human aspirations are stifled. Like the early Christians, we must move into a sometimes hostile world armed with the revolutionary gospel of Jesus Christ. With this powerful gospel we shall boldly challenge the status quo and unjust mores and thereby speed the day when "every valley shall be exalted, and every mountain and hill shall be made low; and the crooked shall be made straight, and the rough places plain; and the glory of the Lord shall be revealed."

Our hard challenge and our sublime opportunity is to bear witness to the spirit of Christ in fashioning a truly Christian world. If we accept the challenge with devotion and valour, the bell of history will toll for Communism, and we shall make the world safe for democracy and secure for the people of Christ.

EDUCATION OF THE URBAN POOR

(Speech by Daniel Patrick Moynihan before the Southern Christian Leadership Conference, Four Ambassadors Hotel, Miami, Fla., February 21, 1968)

Some nineteen months have passed since the publication of James S. Coleman's epic study of "Equality of Educational Opportunity." From the first it was clear that this study would have profound import for the education of the urban poor. The relatively brief period of scrutiny that has intervened since its appearance has confirmed this beyond even the expectations of those of us who expected most.

The Office of Education, was without a tinge of anxiety, had released the report early in July of 1966 to a nation that had not known it was coming and that was in any event preoccupied with the Fourth of July weekend. It would be difficult to describe the reaction to the report, for in truth there was none. Some of the newspaper accounts were better than we had reason to expect—John Herbers of the New York Times, for example, got close to the heart of the matter—but the overall impression was simply that another government study had confirmed what everyone had known all along.

If you happen to share my considerable respect for the openness of American society to new information, you would nonetheless have expected, even then, that before the year was out the study would become a matter of profound interest to American educators, and beyond them to a whole range of persons concerned with the nature of American society, and the education of the urban poor, most especially that very great portion of the urban poor composed of Negro Americans.

The information produced by the study—perhaps the second largest in the history of social science—was too powerful; and too profoundly at odds with the conventional

wisdom, to remain unnoticed. Moreover the analysis, thanks to the initiative of the U.S. Office of Education, was the work of distinguished American scholars—Coleman and associates such as Ernest Q. Campbell—in collaboration with no less distinguished civil servants such as Alexander M. Mood. Further, it came at just the moment when the technology and the theory of mathematical sociology were able to undertake an enterprise of near Promethean daring.

Let there be no mistake as to the drama of the study. The early assumption that it had merely proved what everyone had known all along was at least partially due to the fact that this was what was expected of it. The study was called for by Section 402 of the Civil Rights Act of 1964. The initial Congressional intent seems to have been that the study should become a tool for legal actions designed to put an end to deliberate discrimination against minority groups. The final intent, however, seemed more in the direction of showing the kind and degree of differences in available educational facilities as between minority group children and majority group children in American life.

No one questioned that these differences existed, nor yet that they were deeply consequential. In an interview in Southern Education Report of November-December 1965, published more than midway through the project, Coleman himself put it:

"... the study will show the difference in the quality of schools that the average Negro child and the average white child are exposed to. You know yourself that the difference is going to be striking. And even though everybody knows there is a lot of difference between suburban and inner-city schools, once the statistics are there in black and white, they will have a lot more impact."

As is increasingly well known, the study found nothing of the sort. At this point lesser men would have gone back to recheck their data. Coleman and his band chose instead to push on into the unknown, whence they returned with the proposition that Robert C. Nichols in *Science* has described as being of "literally revolutionary significance . . . [standing] like a spear pointed at the heart of the cherished American belief that equality of educational opportunity will increase the equality of educational achievement." What emerged was a study which, in Robert A. Dentler's words (in *The Urban Review*), "makes a contribution to the study of American intergroup relations second only to Myrdal's *American Dilemma*."

What are the findings? This is not as clear as might be hoped. Persons will differ as to what has been proved, or, more importantly, disproved, and there will be considerable variance in the priorities different persons will assign even to those findings they can agree upon, the great quality of the study being that it raises so many more questions than it answers. I shall, then, offer you my list; others will have their own.

I believe the first finding is that the educational achievement of "radical" minority groups in the United States is grievously below that of the white majority, with the immensely significant exception of Chinese-Americans. It is fairly clear that in the course of going to school, the children of these groups fall further behind the majority rather than being helped to catch up. This is most pronounced for Indian Americans, who in the first grade score 53.0 on the nonverbal test, 50 being average, but by the twelfth grade drop to 47.1. But inequal-

ity of educational achievement is greatest with respect to Negro Americans who, for example, in the metropolitan Northeast, wind up in the twelfth grade 3.3 years behind whites in verbal achievement, and 5.2 years behind in mathematics. Twelfth-grade Negroes do sixth-grade arithmetic—not in Mississippi, but in New York.

I believe this must be the starting place for any consideration of Coleman's findings. The American educational system as it now operates is turning out seriously unequal citizens. We learned this within months, as it were, of having enshrined in law the principle of equality of opportunity. One does not have to share my view that the Civil Rights Act of 1964 marked the highwater mark of Social Darwinism in the United States in order to perceive that given unequal educational achievement, equal opportunity thereafter will produce unequal results. I do not see how this can be questioned. Coleman, or rather the Educational Testing Service of Princeton, has established that the problem of racial inequality is imprinted in the very nerves systems of American society. Anyone who supposes it is going to fade gently away like the Vietnam war of the Soviet state is out of his mind.

It is, I should think, more than likely that a study of this kind done, say, in a country of Northern Europe would find similar gaps in the educational achievement of different groups defined in terms of occupation or class, but the essential fact in the United States is the additional category of race. I do not wish to underestimate the bitterness and antagonism that class difference can bring about, but surely the history of the twentieth century must persuade us that they are as nothing compared with the cleavages created by racial and ethnic differences. That is a plain fact and one we must live with in America.

The second finding of the Coleman study, and here I must mildly differ from the view put forth by Robert Dentler, is that there does not appear to be any significant degree of discrimination in the quality of the school facilities provided minority children. This is not the same as saying that the school facilities are equal. They are not. But one has the distinct impression that where there do exist inequalities, they are more to be explained by the nature of the urban and rural environment than by any internal functioning of the school system itself. Thus if Negroes live in the rural slums of the South and the urban slums of the North, then they are likely to attend older, more run-down schools characteristic of slums everywhere. The Negro children of the Roxbury section of Boston (who have almost no elected political leaders) attend old, run-down schools—as also do the white children of South Boston (who are represented in Congress, for example, by the Speaker of the House of Representatives). If anything, in the nation as a whole, schools attended by whites appear to be somewhat older than those for Negroes.

This must be taken as a general impression gained from reading a complex set of tables from which particulars can be had that would support quite different, even opposed, points of view. My impression is that the American education system is performing in the classic manner of all bureaucracies, that is to say, it is imposing conformity in those realms subject to the bureaucratic writ. This writ does not extend, of course, to the huge wrong of racial segregation of neighborhoods, which if anything grows more pronounced, and is producing in effect

two school systems: one occupied by whites, the other by Negroes.

A third finding is that despite our convictions to the contrary, it does not appear that the quality of school facilities, as we now conceive of the subject, has any very powerful differential effect on student achievement. Coleman's analysis revealed the school-to-school variance in pupil achievement in proportions of 10 to 20 percent:

"School to school variations in achievement from whatever source (community differences, variations in the average home background of the student body, or variations in school factors), are much smaller than individual variations within the school, at all grade levels, for all racial and ethnic groups. This means that most of the variation in achievement could not possibly be accounted for by school differences, since most of it lies within the school."

In point of fact, as a number of persons have noted, if one wished to press the matter, it would be possible to argue that the Coleman data suggest there is in truth almost no "school effect" whatever, inasmuch as the school-to-school variances exist in the first grade as well as the twelfth, and therefore must reflect the community rather than the institution as such.

I believe it is necessary here to fight against our own strong contrary perceptions, as well as, perhaps, our ideological convictions. Persons who are very much interested in a given subject—be it race horses, French wines, corn whisky, or public schools—will frequently develop extraordinary acuteness in perceiving the most subtle—and to them crucial—differences between objects that would appear more alike than otherwise to the untrained observer. Thus Mencken suggests that romance is the illusion that one woman is different from another. They are, and they aren't, and that is about all there is to say.

This, I believe, is what Coleman says: not that schools have no effect—a preposterous notion—but rather that, by and large, given the vast educational system of the United States, they appear to have surprisingly similar effects. This proposition emerges from what is in truth an important methodological innovation (innovation on such a scale, at all events). Coleman measured the output of the schools, rather than their input, and found the differences in output to be considerably smaller than was assumed.

It must be stressed that the data are complex, open to many issues of interpretation, and subject possibly to considerable reinterpretation in the light of different techniques of analysis. But for the moment this is the proposition we have before us, and it is not, after all, such an extraordinary one. Indeed it is in ways a profoundly heartening proposition: the most important ingredients in a school, says Coleman, are not the grown-ups, and certainly not the fixtures, but the young people themselves.

Thus the recent report of the U.S. Civil Rights Commission on *Racial Isolation in the Public Schools*, on further analysis of the Coleman data, finds that "There are noticeable differences in the quality of the schools which Negroes attend and those which whites attend." The Commission then adds: "There is some relationship between such disparities and the achievement of Negro students." (Emphasis added.)

It is essential that we at least acknowledge this proposition, even if we continue to disbelieve it and to test it. There is no need for

final, ultimate knowledge here: all that can be expected of us is that we keep inquiring and be candid about what inquiries to disclose.

One of the more unsettling statements in the study, for example, concerns the effect of the revered pupil/teacher ratio. Coleman found none: not even enough to make up a table. "Some facilities measures," the report states, "such as the pupil/teacher ratio are not included because they showed a consistent lack of relation to achievement among all groups under all conditions." This is no doubt the case. But it is also the case that Coleman was measuring the effects of variations that cluster around the current 23-to-1 average. What if, as Alan K. Campbell and Philip Meranto have suggested, the ratio were reduced to that of the Job Corps Center at Camp Kilmer, which has one professional instructor for every four and one half students?

Similarly, Coleman found that variance in per-pupil instructional expenditures could account for almost none of the differences in pupil achievement when the more significant background variables were controlled. For Negroes in the North this variance reached virtually nonexistent proportions measured in hundredths of one percent (e.g., .02 percent in the ninth grade). But again this concerns variations clustered around an average of about \$500. What if per-pupil expenditure on instruction were something like the \$4,350 that Campbell and Meranto estimate for the Camp Kilmer Job Corps? And what, for that matter, if the pupil/teacher ratio achieved the ultimate nineteenth-century formulation of Mark Hopkins on one end of a log and a student on the other?

A fourth finding—really it should be termed a reminder, for this is something we have always known, but somehow in the United States try to forget—is the all-powerful fact of social class, or if you prefer the term, social stratification. In specific terms, this means the family background of the individual student, and the family backgrounds of his fellow students. Writing in *The Public Interest*, Coleman put it thus:

"Altogether, the sources of inequality of educational opportunity appear to lie first in the home itself and the cultural influences immediately surrounding the home; then they lie in the school's ineffectiveness to free achievement from the impact of the home, and in the school's cultural homogeneity which perpetuates the social influences of the home and its environs."

The issue can be put fairly bluntly as follows: Can a middle-class school be created without a middle-class student body? I believe Coleman's answer would have to be at most a highly tentative "maybe." I believe our assumptions here have been far more optimistic, and what have in this respect been at fault.

Because race is the single most inclusive (although not, of course, complete) determinant of class in the United States, I shall argue that Coleman's data represent the most important demonstration of the absolute necessity of racial integration in education that has ever been assembled. He has shown that the achievement of lower-class students is raised when they are included in a predominantly middle-class school, and that the corresponding achievement of the middle-class students is not thereby lowered. Again, we may resist the finding but we must acknowledge it.*

Quality education in segregated schools is what is not happening. Now it may be that

it can be made to happen. Certainly there are instances where things seem to go right despite the probabilities to the contrary, and we must dig into those exceptions. But the evidence of the moment is against it. The evidence is that if we are going to produce equality of educational opportunity in the United States in this generation, we must do so by sending Negro students, and other minority students as well, to majority white schools. We cannot do this given the present system of school administration. And even given changes in that system, the all-powerful facts of demography—soon now almost one child in five entering public schools in the nation will be Negro, and in central cities the proportion will be far higher—make clear that we cannot do it without great expenditure. But I believe Coleman has taken us pretty much to the point where there can be no fudging the decision: either we are willing or we are not.

In this connection, let me also note that because the issue is class not race, there is perhaps more to be done by way of integrating lower-class Negro youth in middle-class Negro schools than we have so far managed. Evidence that the Negro community is splitting as between an increasingly well-to-do middle-class group and an increasingly worse lower-class continues to come in. Recent census studies in Cleveland suggest this phenomenon in striking detail. Middle-class Negroes have much more to contribute here than they may have realized.

A fifth finding concerns the elusive question of motivation. Let there be no doubt that American children have learned to like school, and to expect it to be primary source, even the primary source, of their own social mobility. This is most especially true of Negro children, who report the utmost attachment to all the approved attitudes toward education, and clearly set themselves very high standards of performance. Just as clearly, the greatest number of these children do not achieve these standards. Coleman cannot explain this but his data demand that someone try.

The question comes to something like this: What are the correlates of realism among students from deprived backgrounds? What is it that will translate great expectations into great achievement? What, on the other hand, suggests nothing more than pathetic and doomed fantasy? One thinks of the nine-year-old Puerto Rican girl Catin in Oscar Lewis's brilliant book "La Vida." Catin loves her desperately disorganized family, loves her mother, is determined to help earn money for them. "That's why," she says, "when I grow up, I want to be a doctor or a chambermaid."

I believe it is now well known that in this area Coleman found that a sense of control of one's own destiny was far the best predictor of performance. He writes:

"Despite the very large achievement differences between whites and Negroes at the 9th and 12th grades, those Negroes who gave responses indicating a sense of control of their own fate achieved higher on the tests than those whites who gave the opposite responses. This attitude was more highly related to achievement than any other factor in the student's background or school."

But we do not know how this attitude comes about, and in particular we do not know how much it is simply a mirror of success that has its origins elsewhere. Nonetheless, it is likely that Coleman has isolated a highly significant variable.*

How then is the intelligent and concerned person to respond to all this? One thing

may be said with certainty: it is no use hoping the Coleman study will go away. It does not at all follow that the future course of American education will be shaped by it, but it is near to inevitable that it will profoundly influence both the study of education and the public discussion of educational policy.

The first large instance of this is the report of the United States Commission on Civil Rights, *Racial Isolation in the Public Schools*, in the preparation of which Professor Thomas F. Pettigrew was chief consultant. The report is based in considerable measure on further refinement of the Coleman study data, and on evaluation of educational experiments that bear upon it. Its "Findings" represent the first effort to spell out the policy implications of the Coleman study and these elaborations.

Not surprisingly, the Civil Rights Commission reached conclusions significantly at odds with many present assumptions, and proposed a course of action that runs almost directly contrary to the current drift of events. The Commission found that racial isolation in the public schools is both "intense" and "increasing"; that there are "marked disparities in the outcomes of education for Negro and white Americans"; that programs of compensatory education do not have lasting effects in improving the achievement of Negro children; and that programs on the present scale are not likely to do so as long as the children remain isolated "by race and social class." The Commission concluded that the only solution to a mounting crisis will be for Congress to mandate by law the de facto integration of Negro and white students in the United States, and provide "substantial financial assistance" in the construction of the vast new facilities that would be required to do so. Although not quite spelled out, the Commission fairly clearly sees de facto integration as a condition in which the overwhelming majority of Negro students attend schools in which they are a minority.

Now it should be clear enough that these are not proposals likely to bring on an outpouring of public support. The report on *Racial Isolation in the Public Schools*, like the report on *Equality of Educational Opportunity*, was filled, in effect, with bad news. It is certain to be seen almost as a racial slur by some of the more militant members of the Negro community, and resisted for equal but opposite reasons by many whites. The Commission declares in effect that this is a white country and that to succeed in it one must grow up with whites: exceptions only prove the rule. One Negro member of the Commission, understandably sensitive to this point, appended a Supplementary Statement to the report. In it she indicates her sympathy for those who, seeing segregation as inevitable, wish to concentrate on providing a superior education for the Negro poor, but adds:

"However, there is little that is healthy and much that is potentially self-defeating in the emotionalism and racial bias that seem to motivate a small but vocal minority among those who now argue for 'separate-but-equal' school systems." (Supplementary Statement of Commissioner Freeman)

With respect to the white majority, the Commission report declares that the social directions that have resulted from the sum of individual decisions of the past generation have led the nation to the brink of social disaster, and must be reversed. The Commission in effect proposed a level of deliberate and voluntary social change that

may be possible, but that certainly has rarely if ever before occurred.

The Civil Rights Commission has already aroused a certain amount of dismay, and one can anticipate more. Similarly, the Coleman study itself has sent a tremor of anxiety through the educational establishment. One can sympathize with the harassed school superintendent or commissioner of education just waiting for the moment when some member of the local school board or state legislature comes forth with the news that an Office of Education study has "proved" that teachers' salaries, classroom ratios, library books, laboratory facilities, or whatever, don't make any difference in educational achievement.

With this prospect in mind, some elements of the educational bureaucracy have made tentative efforts to discredit Coleman. For example, one of the nation's most influential Washington columnists recently declared that "The Coleman Report . . . has already done profound though still invisible harm." Typically the charge is not that the facts are wrong, but that they will be misused by persons whose motives are wrong, which by implication raises doubts about the motives of the person who was so ill-advised as to present the facts in the first instance. I can testify that this can be a lethal polemical device. Moreover it points to several problems concerning the profound but troubled impact of the social sciences on public policy in the United States at this time that bear comment.

The first such problem is one with which the history of the natural sciences has made us familiar if not comfortable. It concerns the simple fact that the methodology of educational research is now reaching a degree of complexity such that the results of inquiry are no longer directly accessible to the policy-maker. He does not understand the language. He cannot judge the validity of the results, or perhaps it should be said that he cannot counter a "scientific" argument with his own interpretation of the "scientific" data. If Coleman had concluded that it is fluorescent lights that make all the difference, one must fear that there are few educational policy-makers who could have demanded to see the equations and disproved him on the spot. Thus does science reintroduce the necessity of faith. Data such as those of the Coleman study are immensely difficult to interpret. This past year at Harvard, thanks to the generosity of the Carnegie Corporation and the unflinching cooperation of the Office of Education, we have been conducting a faculty seminar on the Study. Each fortnight a group that grew to some 75 assorted professors and scholars, among them some of the commanding intellects of their particular specialties, has been assembling to see what is to be made of it all, and I can assure you that our progress has been modest. It would be unreasonable to ask persons with almost no advanced training in the fields involved to do better. It is not a matter of experts always being right: surely they are more often wrong when it comes to the large movements of history. But it is very much a matter of command of the language of expertise, which increasingly is limited to the experts themselves.

That being the case, it would then seem clear that there is a need for the development in the field of education policy, and of social policy generally, of that rare and wondrous quality of intellect that is to be seen in men such as George Kistiakowsky and Jerome Wiesner who can serve as con-

duits between the world of the natural sciences and that of public policy, speaking the language of both worlds, and holding the respect and confidence of the leaders of both. It may be hoped that the private philanthropic foundations that have so greatly contributed to the development of the social sciences might now give some thought to this problem of translating and communicating their products. Otherwise we must expect more, not less, of the vulgarization and distortion which often do accompany such findings, and further, for that reason, even greater resistance to the conduct of such studies and the release of their findings.

A second problem concerning the relation of social science to public policy in this and related fields is one for which there are perhaps fewer precedents (although, as in the case of Herman Kahn, these have been most powerful ones). It has to do with the differences between the politics of social scientists and the social science of politics.

I would very much share the judgment of Kenneth Boulding that mankind is entering a profound new era in which man is becoming widely conscious of his own societies and of the larger "sociosphere" of which they are a part. In *The Impact of the Social Sciences* he writes:

"This movement of the social system into self-consciousness is perhaps one of the most significant phenomena in our time, and it represents a very fundamental break with the past, as did the development of personal self-consciousness many millennia earlier."

Increasingly, moreover, this self-consciousness is being shaped by social-science findings that are apt to be significantly at odds with the ideology-based assumptions of the past. This process is begun, just barely so, largely because the social sciences have as yet received relatively little support, and that has been concentrated in relatively narrow specialties. (Note what Boulding has to say on the subjects we have been discussing: "Research in race relations virtually ceased with the Supreme Court decision of 1954." "The sociology of the family has been shockingly neglected in recent years after some very exciting work a generation ago." "I am struck . . . with the relatively meager resource which is devoted to the problem of human learning, in spite of the fact that this is the core of virtually all developmental processes.")

In recent years, however, it has also been true that social scientists have been playing rather an active role in seeking to shape public attitudes on social issues with proposals based not so much on their professional findings as on personal proclivities. Social scientists have been liberals, even radicals, about a wide range of public issues. They have been deeply committed to the need for and possibility of social change. They have been often as not at odds with the forces of personal wealth and political power, as any reader of the advertisements in the *Sunday Times* "News of the Week in Review" will attest. As a result, many minority groups, of which schoolteachers and Negro Americans are prominent examples of the moment (trade unions would be a good example from the preceding generation), have come to assume that social scientists will always be on their side, and this in turn has led to the assumption that social science will be as well. This is not necessarily so, the more so if being on the "side" of a given group involves attesting to the efficacy of whatever social program that group is favoring at the

moment. Social scientists worthy of the name will call 'em as they see 'em, and this can produce no end of outrage at the plate, or in the stands.

There is no cure for this, but neither is there any reason to expect that the embattled partisans of this cause are in the future going to be any more understanding of the problem than they have been in the recent past. Whoever is not with them will be judged against them, and whoever produces "facts" that are against them will be doubly damned. What we can hope for, however, is a larger sensitivity to this matter from the information media and within the social sciences themselves. This form of rejection will never become a pleasant experience for anyone, but to understand, even to anticipate, it is, one hopes, to be better able to ride out the storm.

Howsoever anticipated, the prospect that a considerable body of opinion might come to feel duped or betrayed by those in intellectual or political "authority" would be a matter of some concern at any moment in history, but it would seem to be especially so at this moment. It is not necessary to look for trouble in order to find it in American life. The fact of the matter is that this decade, which began with such great expectations, is taking on an ominous and threatening quality. "The center will not hold." We murdered our President. Then murdered the man we say murdered him. And from that moment on the confidence in the institutions of American life has been slipping away. I do not wish to sound apocalyptic. As with most of us, I share the senior Holme's skepticism about instant doom. But one would be blind not to see that the extremes of distrust and alienation are acquiring a position in American life that is unusual and very possibly dangerous.

In the early 1960s we saw the emergence of the radical right, and saw it profoundly influence one of our two great national parties. In the past two elections we have seen the forces of unregenerate racism assert themselves here and there throughout the nation, and in portions of the Old South we have seen the politics of moderation very near to annihilated. Now, as in no time since the 1930s, we see the arguments of the radical left gaining increasing strength and credibility among the youth of the nation. The antics of these young persons in turn produces a reaction in other segments of the society, and we see in a state such as California events not very different from those of Alabama; in the clash of extremes, the center is destroyed.

And now, as if fate were taking an active role, we find that, one by one, organizations of the widest variety—the United States Senate, the Department of Justice, General Motors, and, thanks to the Central Intelligence Agency, many of the most respected and valued institutions of American life—find themselves in situations of profound embarrassment. This country begins to look corrupt: not more so than other countries, but we have not thought of ourselves in terms of other countries. Let me not conjure visions merely of increased numbers of young men in sandals or old ladies in tennis shoes. Let me cite to you a statement made on Lincoln's birthday by Mr. Gregory B. Craig, Chairman of the Harvard Undergraduate Council, to Ambassador Arthur J. Goldberg on the occasion of his recent visit to Cambridge, as an honorary associate of the Institute of Politics:

"Mr. Ambassador, we've tried everything; we've written letters signed by student lead-

ers, we have signed petitions, we have written to our Congressmen and to our Senators, and we are frustrated. . . . Our friends to the left have made their complete alienation from United States policy absolutely clear. What you should be concerned about is the more moderate group of students who on this campus and in universities and colleges throughout the country are becoming increasingly disaffected. Six years ago, the American government captured the imagination of a whole new generation of young people. Today, these same people, some of our country's most talented and thoughtful citizens, regard the notion of national purpose with cynicism, and in some cases, outright hostility. The sad thing is that our own leaders have destroyed our idealism. To me this is one of the great sorrows of the war in Vietnam. . . . Until our government returns to a certain elemental faith in its people, our disaffection will increase and some of American's most loyal and idealistic youth will be left with little loyalty and even less idealism."

The plain fact is that the United States had best look to its standards of conduct, or face the prospect of being discharged from the decade of the 1960s under conditions less than honorable.

And here is the point with respect to the dilemmas we now face concerning the education of the urban poor. At the outset of this decade we began to make promises such as have never been made, and to raise expectations to a level that might never have been envisioned. Part—just part—of the reason we did this was that we genuinely believed it to be in our power to do fairly directly what it is we said needed to be done. "This nation can afford whatever is required to . . ." Now, however, we begin to see that it will not be that easy. We cannot buy our way out of that commitment. But—and this is the point—neither can we go back on the commitment. In any circumstances it would be an outrage to do so. In our present circumstances it would be, as the French say, worse than a crime: a blunder. Given the mounting extremism of American politics, to fail to deliver on the promises made to the Negro Americans in the first half of this decade will be to trifle with the stability of the American republic. There is no other way to state it save bluntly thus.

But what to do if it turns out that those measures in which we have had so much confidence may have let us down? It seems to me that once this question is asked it answers itself readily enough. If old techniques don't work, devise new ones. Of all institutions, American education ought to be open to experimentation and innovation and to the evaluation of results. It would seem this has not been necessarily so. We may, as Robert Nichols writes, "find it hard to believe that the \$28-billion-a year public education industry has not produced abundant evidence to show the differential effects of different kinds of schools, but it has not." One can sympathize with the executive committee of the American Association of School Administrators in its recent statement that "No public institution in the world is assessed more frequently and critically than American education," while at the same time agreeing with the statement of a group of my colleagues, headed by Dean Sizer, that there is a difference between frequent assessment and meaningful assessment, that "the improvement of the quality of education has always been hampered by our remarkable ignorance of what

happens to young people as a result of the time and money expended on them in schools."

The only useful response, it would seem to me, is to begin with the premise that the American people look to their school system not only to educate children to the always more demanding skills of modern society, but also to keep America an open society. Education in the United States has had this deep social, and if you will political, purpose for well over a century now, and there is no sign of any diminishment in that intent. It is not enough for us that the school system should simply replicate and legitimize the existing social order from one generation to the next. That being the case, it is up to educators to find out how to achieve change. Here as elsewhere, as nineteenth-century Americans used to say, the great problem is not ignorance so much as knowing all those things that ain't so. Coleman suggests to us in the most powerful terms that a lot of things we have taken for granted just are not so.

Thus one could argue from the Coleman data that the provisions of Title 1 of the great Elementary and Secondary Education Act of 1965 are misconceived, and improving the education facilities provided to poor children will not of itself do the job. (I don't personally share this view; I merely assert the possibility of such an argument.) Very well, the question then should be, What will carry out the intent of Congress, which was to improve the educational achievement of poor children? That intent does not change, simply because we find one method may not work as well as another.

I believe that these and other questions being raised in other fields are all heading us in the same direction: toward concern with the fundamental issues of social class and family welfare, and in particular to a realization that education is the product of the total environment of the child, of which the school as such is only one, and probably not the most powerful, of multiple factors.

This can do us nothing but good. After perhaps too long a period of being infatuated with education, it appears we may at last be getting serious about it. The summons to do just that was put powerfully and well by Theodore R.Sizer in his 1967 annual report of the Harvard Graduate School of Education:

"There are hopeful signs in the country that American education may be moving into a period of realism and candor. If this eventuates, it will be historically unique. Schooling since the nation's founding has been shrouded with optimism, even utopianism. Jefferson never questioned the merit of the institutions he proposed or, as in the case of the University at Charlottesville, created. Jacksonian reformers had equally little question of the power of formal schooling. More recent theorists have compounded the issues; the schools were to carry the load not only of instructing children in the rudiments and in the rules of moral behavior but also to civilize them in the broadest sense. Schools were to be society's microcosms; and within them children could learn to grow. The rhetoric of American Education Week annually repeats this hopeful assurance of the power of the school. Education's claims are vast and in their repetition a peculiarly American cliché. They are also education's worst enemy."

Mr. MOYNIHAN. I would remind this Chamber, too quickly emptied after our most recent vote, or perhaps

emptied out of unease with what has happened in this Chamber, of the last words Martin Luther King, Jr., ever spoke to me.

He said, "Congress is sick." We have an opportunity today and tomorrow to demonstrate that we, and the Nation, have regained our health by an overwhelming endorsement of the legislation before us.

Mr. President, I thank you for your personal courtesy in seeing that I have had the attention of the Chamber and I thank my friend from Massachusetts for yielding me the time.

The PRESIDING OFFICER. Who yields time?

Mr. RUDMAN addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. RUDMAN. Mr. President, I have an amendment to offer.

Mr. MATHIAS. Mr. President, I believe the Senator from New Hampshire has an amendment which he wants to go forward on, but the manager on the Democratic side would like to make a brief statement before we get to the first amendment.

Mr. KENNEDY. Mr. President, I am grateful to the Senator from New Hampshire. At the outset of the debate we were discussing the committal motion and I would like to now make a brief opening statement. I thank the Senator from New Hampshire.

I commend the Senator from New York for putting this debate back at a level where it should be placed and to focus the real attention on the issue at hand. Today and tomorrow we should direct the attention of the Senate to the central issue before us, the Martin Luther King holiday legislation.

Mr. President, I think it is appropriate, as my good friends and colleagues, the Senator from New York and the Senator from Maryland have done, to focus on the enormous contributions for which this Nation is indebted to Dr. King. To those who would use unfounded innuendo and exaggerated cost estimates to dilute, delay, or derail this shamefully overdue recognition of the life and message of Dr. King, I suggest that you take a few moments to examine the America which gave birth to this great leader. It is an America which I am sure we would all like to forget.

Let us look at Montgomery, Ala., in the year 1955, a community whose laws and customs were duplicated in cities large and small, throughout our Nation. This is the community to which Dr. Martin Luther King, Jr., returned after he earned his Ph. D. in Divinity from Boston College. In Montgomery, Dr. King found a great deal that contradicted the religious philosophy he studied in Boston.

In Montgomery in 1955, Dr. King's middle-class parishioners were insulted daily because of their race. They

were forced to ride in the back of the bus, and relinquish their seat to any white person. Their children attended segregated schools, with inadequate books and supplies. They were not allowed to vote in the county, city, State, or Federal elections. City parks had signs—white only. The oppression and degradation were too great to continue unchallenged.

The Montgomery bus boycott began almost spontaneously, triggered by one too many insults. Rosa Parks, a hard-working seamstress was being harassed by the driver on her bus route because of her citizenship work with the NAACP. She was highly respected in Montgomery's black community. The bus driver's mistreatment of Mrs. Parks precipitated the refusal of Montgomery's black citizens to be disrespected and harassed on the city's buses any longer. They stopped riding the buses. They formed the Montgomery Improvement Association to coordinate the boycott.

Dr. King was recruited to head the association, and the civil rights movement was begun.

Dr. King and his movement rose up against a blight on America's democracy—segregation. Segregation was wrong. Any law or custom which keeps people separated because of their color or religion is wrong. In Hitler's Germany, Jews wore a badge identifying them as Jews, set aside for different treatment. In America, skin color has for centuries been a badge of inferiority, a badge of servitude, a badge of slavery, a badge of segregation.

I would remind my colleagues that in America in 1955, segregation was not merely tolerated by the law, it was mandated by law in much of our land, and mandated by custom almost everywhere else.

Racially identifiable neighborhoods and schools are constant reminders of generations of legal segregation.

Dr. King helped this country to acknowledge the evil of bigotry and begin to recognize the rights of people of color, women, the handicapped, and people of every religion.

Dr. King's message was that it is not too much to demand to be treated like a full citizen in the country of one's birth, in the country of one's ancestors.

To demand that America recognize that everyone is endowed with inalienable rights—regardless of race, color, creed, religion, sex, or handicap; to demand that the guarantees of our Constitution be extended equally to every citizen of this great land.

Dr. King worked tirelessly to remove the stain of discrimination from our Nation, and to make America a country which all Americans can be proud of.

We heeded his message, and America in 1983 is a far better nation because

of it. In designating a national holiday in Dr. King's honor, we give citizens of every region and every color an opportunity to pause in their own lives and their own way in tribute to a person who brought us a fuller measure of justice than our Nation had ever known before. With the passage of this bill, we bring our country one giant step closer to the fulfillment of Dr. King's dream of liberty and justice for all.

I thank the Senator from New Hampshire for permitting me to present these comments.

AMENDMENT NO. 2328

(Purpose: To make National Equality Day a legal public holiday to be observed on February 12 of each year.)

Mr. RUDMAN. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. RUDMAN) proposes an amendment numbered 2328.

On page 1, strike out lines 6 and 7, and insert in lieu thereof:

"National Equality Day, February 12."

On page 2, add after line 4 the following new section:

Sec. 3. The provisions of section 6103 (b) of title 5, United States Code shall not apply to National Equality Day established pursuant to the first section of this Act.

The PRESIDING OFFICER. The Senator from Maryland controls the time in opposition.

Mr. RUDMAN. Mr. President, let me preface my remarks on this amendment by simply stating that I believe it is regrettable but true, as referred to by my friend and colleague the distinguished Senator from New York, that there is an atmosphere of tension that does exist on this floor due to a number of circumstances that we are all aware of.

Because of that tension, it may not be possible to comprehend that there are some, this Senator included, who will offer amendments in good faith on this matter, who do so with certainly no thought of in any way detracting from the work of Dr. Martin Luther King. We have great respect for what he did.

I hope that some amendments may be considered to be offered in the spirit in which this amendment is offered.

Mr. President, when we speak of civil rights, we refer to those freedoms and rights which individuals may have as members of a community, State, or nation. We speak of the freedoms of speech, of the press, and of religion; and of the rights of own property, to vote, and to receive fair and equal treatment under the laws. Of course, our aspirations for all of these freedoms and rights can be reduced to a single aspiration: that of equality of

opportunity among mankind. The history of the struggle for that equality can be traced back thousands of years, originally borne of the theory of natural law found in the writings of ancient Greek philosophers and the books of the Old Testament. The history can be traced through the adoption of the Magna Carta and the writings of John Locke, writings which formed the basis for the English bill of rights in 1689, the French declaration of the rights of man in 1789, and our own Bill of Rights in 1791.

The United States is presently foremost among nations in embracing the equality of opportunity which is the bedrock of our democracy. Yet, we have not always practiced as we now preach. The United States has many minorities who have been denied equality for significant parts of our history. The groups include blacks; Jews; those with Asian, Spanish, and American Indian heritage; and, although not a numerical minority, often treated as such, women. To study each group's struggle for equality is to be convinced of the ever-evolving and never-ending nature of the struggle. It was Lincoln who heralded the modern civil rights movement in his historical debates with Douglas in his unsuccessful 1858 bid for the U.S. Senate. In those debates Lincoln, unlike Douglas, continually addressed the moral issue of slavery, denouncing it as a "moral, social, and political evil," and that at a time when it was not necessarily acceptable theory in either the North or the South. Douglas won the election, but Lincoln gained national fame, and the move to equality was launched.

The 12-year period following the Civil War saw the abolishment of slavery through the 13th amendment and the grant of citizenship to blacks under the 14th amendment. In 1870 the 15th amendment prohibited States from denying the right to vote because of race. And, although the 60-year period from 1880 through 1940 saw a general eroding of the rights of blacks, the era since 1954 has spawned numerous leaders within the Congress, the courts, and the private sector who have ably carried forth the banner of equality for blacks.

American Indian rights have also evolved over time. Often, conveniently, we forget that in establishing our Nation the rights of some 150 tribes of American Indians were ignored. It is only since the early 1900's that American Indians have begun to be treated with the equality that is their due. Like blacks, American Indians have relied on the sacrifices and leadership of many over the years to attain that which they have today.

So, too, with women. Many of us here may find it hard to contemplate, but women were long denied the right to vote, the right to equal education,

the right to own property. The right to vote was an issue for over 40 years until the 19th amendment was adopted in 1920. Job discrimination against women has been an issue from the mid-1900's; it continues to be a major issue today. Early advocates of equality for women were jailed for such actions as voting illegally, or for chaining themselves to the White House fence in the spirit of social activism which is so popular today. Many went on hunger strikes while in prison in order to emphasize their sincerity and the magnitude of the problem. As with all groups which have been denied equality of opportunity within our community of man, the movement continues to evolve.

Mr. President, you will note that in speaking thus, I have not listed any of the many who have been leaders within movements for equality of opportunity for our many minorities. To do so would be to slight those omitted. More to the point, what we as a nation should learn from this debate is not the name of any particular leader; rather, it is the ideal we should celebrate. We have recognized this truth in the holidays known as Veterans Day, Labor Day, Independence Day, and Memorial Day. We should recognize it again in this instance. To commemorate one person is to embrace the arrogance of assuming the goal has been attained. Once we are complacent enough to assume that, we will be in danger of losing the dynamic nature of our democracy, which itself insures the possibility of realizing the idealized equality we aspire to. Instead, we must focus on the past to gain knowledge, the present to measure progress, and the future to set goals now unattainable.

The amendment I propose is to that end, calling for a holiday to be known as National Equality Day. I propose that it be on the date of Lincoln's birth only because I feel it was he who first stirred our Nation's social conscience in a manner not theretofore known.

I propose the day as one of celebration of our ideals, of remembrance of all our leaders, both public and private, who have fought for the equality represented by those ideals, and for a rededication of our efforts in the future to insure that such equality is our legacy for generations yet to come in our great country.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, I yield myself such time as may be required.

The Senator from New Hampshire has offered a thoughtful suggestion, as he usually does. It is one that deserves careful consideration by the

Senate. The Senator from New Hampshire speaks from a position of strength in regard to support of civil rights in this country. That adds importance to the suggestion that he has made, because no one can question his credentials as an ardent and important advocate of equality for all Americans, and of the civil rights of all Americans. So I do take his amendment with great seriousness. I am, however, forced to oppose it, because I think it would deprive the Martin Luther King holiday bill of an important symbolic element that is necessary if we want to achieve what the bill attempts to do.

It is true that we memorialize the veterans without naming any one veteran and we memorialize the laboring men and women of America without naming any one of them. But we do also have certain other holidays in which individuals are named, and not one of those individuals is a black American.

Not a single black American has yet been chosen to be memorialized. I regret to say, Mr. President, that in this Capitol Building, in that long corridor which stretches from that door to the other House, there is not one single memorial to a black American. Congress has, I am glad to say, authorized a bust of Dr. Martin Luther King, which the Architect of the Capitol is in the process of commissioning. But up until this moment, not a single black American has been honored in this way by the Congress and by the country.

So an element of the very equality which I know the Senator from New Hampshire seeks to embody in this bill, which he does not seek to deny by his amendment, and which we all are working for, would be symbolically denied, if we divorced the name of Martin Luther King, Jr., from a holiday that we have proposed as a day to remember a great act of reconciliation. That act of reconciliation took place because of the leadership of Martin Luther King.

Therefore, Mr. President, I am moved to oppose this amendment. I do it with great respect to the author of the amendment, because I know his motivations are very high. I just feel that we would deprive the country of that symbolic recognition which the name of a black American would bring. So I hope the Senate will defeat the amendment.

Mr. RUDMAN. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Is there further debate?

Mr. RUDMAN. Mr. President, I yield back the remainder of my time.

Mr. HELMS. Will the Senator yield some time to me?

Mr. RUDMAN. I am pleased to yield whatever time remains to me.

Mr. MATHIAS. Mr. President, does the Senator from North Carolina seek recognition?

Mr. HELMS. I shall certainly defer to my friend from Maryland.

Mr. MATHIAS. No, Mr. President, if the Senator wants to proceed on the Rudman amendment—

Mr. HELMS. I want to speak on the issue.

Mr. RUDMAN. How much time do I have remaining, Mr. President?

The PRESIDING OFFICER. The Senator has 21 minutes remaining.

Mr. RUDMAN. How much time would the Senator from North Carolina need?

Mr. HELMS. Ten minutes at the outside.

Mr. RUDMAN. I am pleased to yield that much time to the Senator from North Carolina.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I thank the Senator from New Hampshire. I thank the Chair.

At some point, Mr. President, I think it is essential that the record be set straight and I shall endeavor to do that. I regret as much as anyone the flurry this morning on this floor, but I think there comes a time when the Senate's rules are important as to content and courtesy, which is why I asked for regular order.

Mr. President, I can understand the distinguished Senator from Massachusetts and his strong feelings about this measure, and I respect him for it. But I hope that we can proceed on the basis of what facts are instead of what we wish they were.

In that connection, I would go back to remarks in this Chamber on October 3 when the able Senator from Massachusetts said:

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.

Well, let the record show that I had never said or insinuated or implied, nor should anyone infer, that the Senator from Massachusetts has been remiss in not holding hearings on this legislation. In the first place, he is not chairman of the Judiciary Committee in this Congress, so the words suggesting that he had been remiss are uniquely his own and not mine. I do not know who, if anybody else, in the Senate may have said such, but I certainly did not. What I said was that there had been no hearings in the Senate during the 98th Congress on the bill now before us. As for the hear-

ings conducted in the House, those hearings were not on this bill. The Senator from Massachusetts did not rebut the point that I made.

In fact, he continued, and I quote him:

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 do not believe my friend from Massachusetts would have suggested that my comments showed what he called a gross ignorance of the legislative history if he had listened to what I said. My point was and is that inadequate consideration has been given this measure now pending before the Senate. The Senator from Massachusetts obviously believes, and has every right to believe it, 2 days of joint hearings in 1979 before the Senate Judiciary Committee and the House Post Office and Civil Service Committee are somehow adequate to allow consideration of this measure at this time without further consideration.

As has been pointed out to me, 25 Members of the Senate today were not Members of the Senate in 1979, 25 percent of the total membership of this body. And those 25 included 4 members of the Senate Judiciary Committee who have never had the benefit of hearings on the measure now before the Senate.

The bill under consideration in 1979, 4 years ago, was S. 25, and as the Senator from Massachusetts has indicated the vote was 10 to 6. Senators voting against the bill then included Senators THURMOND, HATCH, LAXALT, COCHRAN, SIMPSON, and DECONCINI. Senators THURMOND, LAXALT, HATCH, and SIMPSON joined in an eloquent statement of minority views as to the creation of this new national holiday.

Mr. President, I ask unanimous consent that the minority report be printed in the RECORD.

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

MINORITY VIEWS OF SENATORS THURMOND,
LAXALT, HATCH, AND SIMPSON

The efforts to honor Dr. Martin Luther King, Jr. through congressional approval of another legal, Federal holiday did not begin with the introduction of S. 25 on January 15, 1979. As the majority report states: "Since the death of Dr. King in 1968, legislation has been introduced in each Congress

to commemorate the anniversary of his birth."

There must be good reason why this proposal has not been acted on in previous Congresses, even though the majority argues: "Since 1968 there has been strong public sentiment in support of creating the holiday recommended by the committee." If this support has been so strong, one must ask: Why has the Congress refused to act on this legislation during the past decade? Without equivocation, there are no less than five major reasons that explain why the Congress has been reluctant to act on legislation to make Dr. Martin Luther King, Jr.'s birthday a Federal holiday.

I. COST OF ANOTHER FEDERAL HOLIDAY

Of all the reasons that a Dr. Martin Luther King, Jr., holiday should be opposed, the high cost associated with such legislation is the most objective and persuasive one. The creation of a Federal, legal holiday will cost according to the Office of Personnel Management approximately \$195 million. That figure is calculated by adding the normal daily payroll of approximately \$173 million which would be spent whether the employees work or not, to the average premium pay estimated to be \$22 million.

Proponents of this legislation argue that a new, Federal holiday will only cost an additional \$22 million since the daily payroll figure of \$173 million will be charged to the Federal Government regardless of whether the employees show up for work or not. The logic of that argument seems defensible if one looks at it through the eyes of a budget analyst. The majority has used as its authority the Congressional Budget Office for the argument that the "only clearly definable budget impact" of the legislation is the amount of premium pay, for example, overtime, and other benefit expenses. True, that would be an additional budgetary consideration, but that begs the question.

The fundamental question to be decided is the consideration of a Federal holiday, aside from who or what is to be honored, is should Federal employees be given another day off. That is the question, plain and simple. Nor is it novel to the committee's consideration of S. 25.

During debate on the House floor in 1920 on a proposal to honor Abraham Lincoln with a Federal holiday, the following exchange took place:

The SPEAKER pro tempore. The gentleman from Illinois (Mr. WILLIAMS) is recognized for 5 minutes.

Mr. WILLIAMS. Mr. Speaker, intending as I do to vote against this measure, I feel I should say a word in explanation of my vote. Coming as I do from the great State of Illinois, I yield to no one in love and veneration of the great name and fame of Abraham Lincoln. I was taught from childhood to worship Lincoln.

But it seems to me that this measure will add nothing to his honor or to his great fame and place in history. It simply creates another legal holiday in the District of Columbia on which the employees of the Government will receive full pay without performing service to the Government.

Mr. HUSTED. Mr. Speaker, will the gentleman yield for just one question?

Mr. WILLIAMS. Yes.

Mr. HUSTED. Does not the gentleman think we had better abolish some holidays already existing rather than prevent the enactment of this?

Mr. WILLIAMS. I do not know that I would object to that, and certainly not if other holidays are to be created. We now have six

legal holidays in the District of Columbia, days on which no one works except Members of the two Houses of Congress. Employees of the Government have received full pay and render no service of any kind on these days. In addition to the six legal holidays, employees of the Government have 30 days leave of absence each year with full pay, and are allowed 30 days sick leave with pay.

This measure adds one more holiday. I am not in favor of doing that, even if the name of the great Lincoln is used in support of the measure.

Making Lincoln's birthday a legal holiday in the District of Columbia and closing all the departments of the Government on that day will not add additional honor or fame to that immortal character. His name and fame fills the whole Earth. We cannot add to that fame by closing the departments of the Government on his birthday and giving the employees a holiday at an expense of six or seven hundred thousand dollars each year to the taxpayers of the Country. (Congressional Record, March 17, 1920 at 4478).

The matter of extending to Federal employees another paid day of vacation cannot be ignored in regard to S. 25. This is a "smoke-screen" as the Majority would have us believe. It is a straightforward, factual issue that must be kept in the forefront of the debate on this legislation. It was a debatable issue in 1920 and it is as valid an issue today.

The economy in 1979 is not what most observers would call healthy. Taxpayers are being pinched by runaway inflation. One of the chief causes of inflation is increased Government spending. Most American taxpayers do not mind having their taxes spent if they know that something productive will result. But how can anything productive be done by the Federal Government when the majority of its employees stay home. S. 25 would authorize 1 additional day of leave, with full pay and benefits, and an accompanying loss of productivity.

In addition to the nine legal holidays Federal employees now enjoy, they also accrue annual leave of up to 26 days a year and annual sick leave with pay at the optimum rate of 13 days a year which, if not used by an employee accumulates for use in future years. Thus, not counting sick leave, a Federal employee is now eligible for 35 days of paid leave a year. This does not count "snow" days or other paid leave days authorized by Executive order or administrative order. Needless to say, Federal employees are not denied a fair amount of leave time.

II. HISTORY OF TWO EXISTING HOLIDAYS

The existing Federal law provides for the observance of nine days during the year as legal, public holidays. Among those are two which honor the birthdays of persons unquestionably linked to the discovery and founding of America—Christopher Columbus and George Washington. These two men are alone in the long history of our Nation as being honored with the designation of a Federal, legal holiday. Except for Christmas Day, which many religions accept as the date of the birth of Christ, the other days are observed in recognition of events in America's history of such magnitude that they transcend regionalism and special groups or cultures. These days have received universal recognition by all Americans and have been celebrated over the years as national holidays even though they were created only to give Federal workers time off from their jobs.

An example of the treatment of past efforts to designate a new, Federal holiday was the debate in the House on March 17, 1920, to make Abraham Lincoln's birthday a Federal holiday. A bill was brought up to make February 12 a legal holiday in the District of Columbia. During the debate on that measure, Representative Cannon of Illinois made the following statement:

Lincoln has crossed over. We can add nothing to his fame. Thomas Jefferson was a great man and a great President and author of the Declaration of Independence. There is no legal holiday for him. There is none for Hamilton, and for other great men of the Revolution by which our liberties were acquired, save alone for Washington. (CONGRESSIONAL RECORD, March 17, 1920, at 4468).

Indeed, there is none for Abraham Lincoln today. Although the House passed the pending measure, the Senate did not act on it. Subsequent efforts to honor great American heroes and patriots have been made, but without success.

III. PLACE IN HISTORY NOT PRESERVED

One of the greatest tributes that can be paid an individual after his or her death is a recognition earned through widespread and unanimous acclamation by all of the people of a Nation or the world. Few living persons achieve such status. There are many who receive the plaudits of their peers while they are alive, and also shortly after their death. But it is a true honor to be appropriately recognized long after history has had the opportunity to test the contributions of an individual to his world.

In the view of some, Dr. Martin Luther King, Jr., has not preserved beyond reproach his place in history. Although a dynamic and charismatic personage of our time, Dr. King's place in history has not been permanently established. His career, which the history books have yet to treat in any comprehensive manner, was under any circumstance a controversial one. That is not to derogate or belittle the outstanding contribution that he made to the cause of civil rights for black Americans. His record is well documented in that area. But Dr. King's record also reveals other activities which extend beyond his work in the civil rights area making his career controversial to many Americans.

Dr. King was involved in antiwar activities during the Vietnam War. He endorsed Lyndon B. Johnson and spoke out actively against candidate Barry Goldwater. He advocated Communist China's membership in the United Nations. He was a sponsor of the National Committee for a Sane Nuclear Policy. These are just a few of Dr. King's activities while he was in a leadership role in the civil rights movement of the 1960's.

Let it be stated at the outset, there is absolutely nothing wrong with any person taking a position or expressing oneself on the events of the day. The first amendment is our precious protector of that right, and as Ambassador Young noted at the March 29th hearing, which is also astutely quoted in the majority report:

"Dr. King exercised very freely, perhaps more freely than any other American, the privileges and responsibilities of the first amendment and never has our court system been put to such dramatic and productive use as it was during the sixties."

It was this quality of Dr. King that has aroused the emotions of the American people. He has ardent followers and vicious attackers. Few persons on the recent Ameri-

can scene have brought out such strong feelings. Only the passage of time can temper those emotions and possibly reserve in history Dr. King's place as an American figure worthy of a Federal, legal holiday.

IV. STATE OPTION APPROACH

Most people are unaware that technically there are no national holidays in the United States. Each State has jurisdiction over its holidays which are determined by either legislative enactment or Executive proclamation. The President and the Congress can only legally designate holidays for the District of Columbia and for Federal employees. As a practical matters, however, most States observe the Federal, legal holidays enumerated in 5 U.S.C. 6103(a).

Since public holidays are the primary responsibility of the States, there are a great number of legal and public holidays that are observed throughout America. Below is a listing according to World Almanac (1979), of the holidays celebrated and observed in the United States:

LEGAL OR PUBLIC HOLIDAYS, 1979

Technically there are no national holidays in the United States, each state has jurisdiction over its holidays, which are designated by legislative enactment or executive proclamation. In practice, however, most states observe the federal legal public holidays even though the President and Congress can legally designate holidays only for the District of Columbia and for federal employees.

Federal legal public holidays are New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving and Christmas.

Chief legal or public holidays

When a holiday falls on a Sunday or a Saturday it is usually observed on the following Monday or preceding Friday. For some holidays, government and business closing practices vary. In most states the office of the Secretary of State can provide details of holiday closings.

Jan. 1 (Monday)—New Year's Day. All the states.

Feb. 12 (Monday)—Lincoln's Birthday. Ariz., Cal., Col., Conn., Ill., Ind., La., Kan., Md., Mich., Mo., Mont., Neb., N.H., N.J., N.Y., Pa., Tenn., Ut., Vt., Wash., W. Va., In., Del., and Ore., celebrated Feb. 5 in 1979.

Feb. 19 (3rd Monday in Feb.)—Washington's Birthday. All states except N.C. In several states, the holiday is called President's Day or Washington-Lincoln Day.

Apr. 13—Good Friday. Observed in all the states. A legal or public holiday in Conn., Del., Fla., Ha., Ind., Ky., La., Md., Mich., N.J., N.D., Tenn., W. Va. Partial holiday in N.M. and Wis.

May 28 (last Monday in May)—Memorial Day. All the states except Ala., Miss., S.C. (Confederate Memorial Day in Va.). Observed May 30 in Del., Ill., Md., N.H., N.M., N.Y., Vt., W. Va.

July 4 (Wednesday)—Independence Day. All the States. (July 3 in Nev.).

Sept. 3 (1st Monday in Sept.)—Labor Day. All the states.

Oct. 8 (2nd Monday in Oct.)—Columbus Day. Ala., Ariz., Cal., Col., Conn., Del., Fla., Ga., Ida., Ill., Ind., Kan., Ky., Me., Mass., Mich., Minn., Mo., Mont., Neb., N.H., N.J., N.M., N.Y., Oh., Okla., Pa., R.I., Tenn., Tex., Ut., Vt., Va., W. Va., Wis., Wy. Observed Oct. 12 in Md. (Discoverer's Day in Hawaii, Pioneer's Day in S.D.).

Nov. 6 (1st Tuesday after 1st Monday in Nov.)—General Election Day. Ind., N.J.,

N.Y., Va., W. Va. (Observed only when presidential or general elections are held. Primary election days are observed as holidays or part holidays in some states.)

Nov. 11 (Sunday observed No. 12)—Armistice Day (Veterans Day). All the states.

Nov. 22 (4th Thursday in Nov.)—Thanksgiving Day. All the states. The day after Thanksgiving is observed as a full or partial holiday in several states.

Dec. 25 (Tuesday)—Christmas. All the states.

Other legal or public holidays

Dates are for 1979 observance, when known.

Jan. 8.—Battle of New Orleans. In La.
Jan. 15—Martin Luther King Birthday. Conn., Fla., Ill., Ky., La. (some years), Md., Mass., Mich., N.J., N.Y., Oh. Many schools and black groups in other states also observe the day.

Jan. 15 (3rd Monday in Jan.)—Robert E. Lee's Birthday. Ala., Miss., Lee-Jackson Day in Va.

Jan. 19—Robert E. Lee's Birthday, Ark., Fla., Ga., Ky., La., N.C., S.C., Tenn. (special observance); Confederate Heroes' Day in Tex.

Jan. 20—Inauguration Day. In the District of Columbia; observed every fourth year.

Jan. 30—Franklin D. Roosevelt's Birthday. In Ky.

Feb. 2—Arbor Day. In Ariz. (Most counties).

Feb. 14—Admission Day. In Ariz.

Feb. 27—Mardi Gras (Shrove Tuesday). Ala., La.

Mar. 2—Texas Independence Day. In that state.

Mar. 6—Town Meeting Day (1st Tuesday in Mar.). In Vt.

Mar. 15—Andrew Jackson Day. In Tenn. (special observance).

Mar. 17—Evacuation Day, In Boston and Suffolk County, Mass.

Mar. 25—Maryland Day. In that state.

Mar. 26—Kuhio Day. In Ha.

Mar. 28—Seward's Day. In Alas.

Apr. 2—Pascua Florida Day. In Fla.

Apr. 6—Arbor Day. In Ariz. (5 counties).

Apr. 12—Halifax Independence Day. In N.C.

Apr. 13—Thomas Jefferson's Birthday. In Ala.

Apr. 16—Easter Monday. In N.C.

Apr. 17—Patriot's Day (3rd Monday in Apr.). Me., Mass.

Apr. 21—San Jacinto Day. In Tex.

Apr. 22—Arbor Day in Neb.

Apr. 23—Fast Day (4th Monday in Apr.). In Ala.

Apr. 26—Confederate Memorial Day. Fla., Ga.

Apr. 27—Arbor Day (last Friday in Apr.) in Ut.

Apr. 30—(last Monday in Apr.)—Confederate Memorial Day. In Miss.

May 8—Harry Truman's Birthday. In Mo.

May 10—Confederate Memorial Day. In N.C., S.C.

May 20—Mecklenburg Day. In N.C.

28—(last Monday in May)—Confederate Memorial Day in Va.

June 3—Confederate Memorial Day. In Ky., La. (some years). Tenn. (special observance).

June 4 (first Monday in June)—Birthday of Jefferson Davis, Ala., Fla., Ga., Ky., Miss.

June 11—Kamehameha Day. In Ha.

June 14—Flag Day. Observed in all states; a legal holiday in Pa. Observed June 10 in N.Y.

June 18—Bunker Hill Day. In Boston and Suffolk County, Mass.

June 20—West Virginia Day. In W. Va.

July 24—Pioneer Day. In Ut.

Aug. 6—Colorado Day (1st Monday in Aug.). In that state.

Aug. 13—Victory Day (2nd Monday in Aug.). In that state.

Aug. 16—Bennington Battle Day. In Vt.

Aug. 17—Admission Day (3rd Friday in Aug.). In Ha.

Aug. 27—Lyndon Johnson's Birthday. In Tex.

Aug. 30—Huey Long's Birthday. In La. (some years).

Sept. 9—Admission Day. In Cal.

Sept. 12—Defender's Day. In Md.

Oct. 8—Alaska Day. In that state.

Oct. 31—Nevada Day. In that state.

Dec. 10—Wyoming Day. Commemorates woman's suffrage in that state.

Dec. 24—Christmas Eve. In Ark.

Dec. 26—Day after Christmas. In S.C.

Days usually observed

All Saints' Day, Nov. 1. A public holiday in Louisiana.

American Indian Day (Sept. 28 in 1979). Always fourth Friday in September.

Arbor Day. Tree-planting day. First observed April 10, 1872, in Nebraska. Now observed in every state of the Union except Alaska (often on the last Friday in April). A legal holiday in Utah (always last Friday in April), and in Nebraska (April 22).

Armed Forces Day (May 19, in 1979). Always third Saturday that month by presidential proclamation. Replaced Army, Navy and Air Force Days.

Bill of Rights Day, Dec. 15. By Act of Congress. Bill of Rights took effect Dec. 15, 1791.

Bird Day. Often observed with Arbor Day.

Child Health Day. (Oct. 1 in 1979). Always first Monday in October by presidential proclamation.

Citizenship Day. Sept. 17. President Truman, Feb. 29, 1952, signed bill designating Sept. 17 as annual Citizenship Day. It replaced "I Am An American Day," formerly 3rd Sunday in May and Constitution Day, formerly Sept. 17.

Easter Monday. (Apr. 16 in 1979). A statutory day in Canada.

Easter Sunday. (April 15 in 1979).

Elizabeth Cady Stanton Day, Nov. 12. Birthday of pioneer leader for equal rights for women.

Farmer's Day. (Oct. 8 in 1979). Florida.

Father's Day. (June 17 in 1979). Always third Sunday in that month.

Flag Day, June 14. By presidential proclamation. It is a legal holiday in Pennsylvania. Observed June 10 in N.Y. in 1979.

Forefathers' Day, Dec. 21. Landing on Plymouth Rock, in 1620. Is celebrated with dinners by New England societies especially "Down East".

Nathan Bedford Forrest's Birthday, July 13. Observed in Tennessee to honor the Civil War general.

Four Chaplains Memorial Day, Feb. 3.

Gen. Douglas MacArthur Day, Jan. 26. A memorial day in Arkansas.

Gen. Pulaski Memorial Day. Oct. 11. Native of Poland and Revolutionary War hero, died (Oct. 11, 1779) from wounds incurred at the siege of Savannah, Ga. Observed officially in Indiana.

Gen. von Steuben Memorial Day, Sept. 17. By presidential proclamation.

Georgia Day, Feb. 12. Observed in that state. Commemorates landing of first colonists in 1733.

Groundhog Day, Feb. 2. A popular belief is that if the groundhog sees his shadow

this day, he returns to his barrow and winter continues 6 weeks longer.

Halloween, Oct. 31. The evening before All Saints or All Hallows Day. Informally observed in the U.S. with masquerading and pumpkin-decorations. Traditionally an occasion for children to play pranks.

Leif Ericsson Day, Oct. 9. Observed in Minnesota, Wisconsin.

Loyalty Day, May 1. By act of Congress.

May Day. Name popularly give to May 1st. Celebrated as Labor Day in most of the world, and by some groups in the U.S. Observed in many schools as a Spring Festival. Minnesota Day, May 11. In that state.

Mother's Day. (May 13 in 1979). Always second Sunday in that month. First celebrated in Philadelphia in 1908. Mother's Day has become an international holiday.

National Aviation Day, Aug. 19. By presidential proclamation.

National Day of Prayer. By presidential proclamation each year on a day other than a Sunday.

National Freedom Day, Feb. 1. To commemorate the signing of the Thirteenth amendment, abolishing slavery. Feb. 1, 1865. By presidential proclamation.

National Maritime Day, May 22. First proclaimed 1935 in commemoration of the departure of the SS Savannah, from Savannah, Ga., on May 22, 1819, on the first successful transatlantic voyage under steam propulsion. By presidential proclamation.

Pan American Day, Apr. 14. In 1890 the First International Conference of American States, meeting in Washington, was held on that date. A resolution was adopted which resulted in the creation of the organization known today as the Pan American Union. By presidential proclamation.

Primary Election Day. Observed usually only when presidential or general elections are held.

Reformation Day, Oct. 13. Observed by Protestant groups.

Sadie Hawkins Day (Nov. 17 in 1979). First Saturday after November 11.

St. Patrick's Day, Mar. 17. Observed by Irish Societies, especially with parades.

St. Valentine's Day, Feb. 14. Festival of a martyr beheaded at Rome under Emperor Claudius. Association of the day with lovers has no connection with the saint and probably had its origin in an old belief that on this day birds begin to choose their mates.

Senior Citizens' Day. (Sept. 23 in 1979). Celebrated in Indiana on the fourth Sunday in September.

Susan B. Anthony Day, Feb. 15. Birthday of a pioneer crusader for equal rights for women.

United Nations Day, Oct. 24. By presidential proclamation to commemorate founding of United Nations.

Verrazano Day, Apr. 7. Observed by New York State to commemorate the probable discovery of New York harbor by Giovanni da Verrazano in April 1524.

Victoria Day (May 21 in 1979). Birthday of Queen Victoria, a statutory day in Canada, celebrated the first Monday before May 25.

Francis Willard Day, Sept. 28. Observed in Minnesota to honor the educator and temperance leader.

Will Rogers Day, Nov. 4. In Oklahoma.

Wright Brothers Day, Dec. 17. By presidential designation to commemorate first successful flight by Orville and Wilbur Wright, Dec. 17, 1903.

Youth Honor Day, Oct. 31. Iowa day of observance.

Other Holidays, Anniversaries, Events—1979

Jan. 5, 1979—Zebulon Pike born.

Jan. 15, 1929—Martin Luther King born.

Jan. 21 (Sun.)—Superbowl game.

Feb. 1 (Thurs.)—Robinson Crusoe Day.

Feb. 14 (Wed.)—St. Valentine's Day.

Mar. 14, 1629—Massachusetts Bay Co. chartered.

Mar. 14, 1879—Albert Einstein born.

Mar. 21 (Wed.)—Spring begins, 12:22 a.m. EST.

Mar. 27, 1879—Edward Steichen born.

Apr. 1 (Sun.)—April Fool's Day.

Apr. 16 (Mon.)—Boston Marathon.

May 1 (Tues.)—Law Day.

May 5 (Sat.)—Kentucky Derby.

May 17, 1954—Supreme Court outlaws school segregation.

May 24, 1879—William Lloyd Garrison dies.

May 27, 1679—Parliament passes Habeas Corpus Act.

May 27 (Sun.)—Indianapolis 500 auto race.

June 21 (Thurs.)—Summer begins, 6:56 P.M. EST.

June 24 (Sun.)—San Juan Day in Puerto Rico St.

July 1 (Sun.)—Jean Day in Quebec. Dominion Day or Canada Day.

July 14 (Sat.)—Bastille Day in France.

July 20, 1969—U.S. astronauts land on moon.

Aug. 1, 1779—Francis Scott Key born.

Aug. 14, 1879—Ethel Barrymore born.

Sept. 16 (Sat.)—Mexican Independence Day.

Sept. 23 (Sun.)—Autumn begins, 10:17 A.M. EST.

Sept. 28, 1779—John Paul Jones captures *Serapis*.

Oct. 15 (Mon.)—World Poetry Day.

Oct. 23 (Tues.)—Swallows return to Capistrano.

Oct. 29, 1929—Stock Market crashes.

Nov. 2, 1879—Wallace Stevens born.

Nov. 4, 1879—Will Rogers born.

Nov. 5 (Mon.)—Guy Fawkes Day in England.

Nov. 10, 1879—Vachel Lindsay born.

Dec. 7 (Fri.)—Pearl Harbor Day.

Dec. 18, 1879—Paul Klee born.

Dec. 22 (Sun.)—Winter begins, 6:10 A.M. EST.

Dec. 29, 1879—Billy Mitchell born.

It is clear, when one reviews the variety and nature of holidays observed in this country, why a congressional decision to add another Federal holiday has been avoided in recent years. America is a kaleidoscope of regions, cultures, ethnic backgrounds and values. Historical events, though common to the history of America in a larger context, have special and particular meaning to certain parts of the country. Certain individuals have special meaning to particular groups of people and to particular regions. Surely, these groups argue, this person or this event is important enough to merit recognition as a Federal holiday. Surely, everyone shares their enthusiasm for observing and commemorating a day to honor this or that. But Congress, in its wisdom has refused, and, with good reason, to succumb to these pleas. Thus, a proliferation of days to observe, at local option, those special Americans and events has emerged.

Dr. Martin Luther King, Jr.'s birthday has not been ignored in this process. His birthday, January 15, is observed in the States of Connecticut, Florida, Illinois, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, South Carolina, and to some degree in other States throughout the Nation. These States have recognized the principle of Federalism that leaves to the States matters that are not

necessarily the province of the Federal Government. Local option by the States with regard to holidays should be upheld.

V. A NATIONAL DAY OF OBSERVANCE

The most reasonable and forceful alternative to the designation of Dr. Martin Luther King, Jr.'s birthday as a Federal, legal holiday, is an annual day of observance for the same purpose. Such a day would achieve the purposes sought by the proponents of S. 25, the setting aside of a day to memorialize Dr. King and his achievements. It would also avoid many of the problems that the creation of a new, Federal holiday entails.

There is ample procedure for the designation of days as National days of observance. The Committee considers dozens of them each year. That is not meant to downplay the importance of a day of national observance. On the contrary, January 15 is already recognized as Dr. King's birthday throughout many parts of the country. Moreover, although legislation before the committee designating national holidays is only considered for an annual observance, any legislation considered for Dr. King should make January 15 of each year a national day of recognition.

Opposition to S. 25

Two days of hearings on this legislation were held. The first day, March 27, 1979, consisted of witnesses who testified in favor of S. 25. The majority report summarizes their testimony and highlights the arguments in support of this legislation.

On June 21, 1979, a second day of hearings was held and included several witnesses who testified in opposition to S. 25. The hearing record of this day has been dismissed out of hand by the majority. Although there were charges made during the June 21 hearing that are not necessarily shared by members of the committee, it would not be fair to the legislative process to not present some of the arguments made in opposition of S. 25.

Several witnesses, representing conservative groups like the Young Americans for Freedom and the Virginia Taxpayers' Association opposed S. 25 because of the costs involved to such legislation and because Dr. King's place in history was not without controversy. Clifford J. White III, National Director of Young Americans for Freedom, stated:

"In conclusion, I ask the Committee to reject S. 25. Please do not tell young Americans that Martin Luther King's memory—as it is construed by many to mean antidefense, pro-Government spending and other political positions—is beyond reproach."

It should be pointed out that even though one may not be persuaded by the testimony presented during the second day of hearings, the fact that people still consider Dr. King a controversial figure argues against the creation of a Federal holiday at this time. The Judiciary Committee should weigh carefully the burden of creating a new, Federal holiday when so many arguments in opposition to it have been made. A simple majority is not sufficient in this case; near unanimity should be required on an issue of such national impact. This legislation is as controversial now as it has been in the past. Until Dr. King's place in history is sufficiently preserved it will continue to be so. Therefore, the Committee should reject S. 25 as introduced.

STROM THURMOND.

PAUL LAXALT.

ORRIN G. HATCH.

A. K. SIMPSON.

Mr. HELMS. Mr. President, I noted with interest the eloquent comments by my friend from Massachusetts about what his distinguished brother Robert F. Kennedy would do and say today if he were here. I cannot testify as to that; I lack the capacity. I did not catch all of the remarks made by the Senator from Massachusetts this morning, but I understood him to say—and I am perfectly willing to stand corrected if I am in error—that his brother did not order the wiretaps on Dr. King. Well, in this sampling of documents which were obtained—

Mr. KENNEDY. Would the Senator want to yield on that point?

Mr. HELMS. I will be glad to yield to the Senator. I ask the Senator to forebear.

These documents were obtained under the Freedom of Information Act and they are official documents. I was a little surprised that the distinguished Senator from New York (Mr. MOYNIHAN) described these documents as filth.

It has been said a number of times that Dr. King is not here to defend himself, and that is correct. Neither is J. Edgar Hoover here to defend himself against the implicit and actual attacks upon him. I think this is a good occasion to say about J. Edgar Hoover that whatever faults he may have had, he spent most of his lifetime trying to protect this country against communism.

Now, J. Edgar Hoover lived in an imperfect world, just as we live in an imperfect world. He was not impossible of error, just as Senators today are not impossible of error. But on balance I think it needs to be said that working with a long series of Presidents who trusted him and who followed his advice, J. Edgar Hoover performed a notable service for this country. So we have a situation where Dr. King is not here to defend himself and J. Edgar Hoover is not here to defend himself. Therefore, I think it is incumbent upon us to go by the records as the records exist and not as we wish them to be.

The PRESIDING OFFICER (Mr. MATTINGLY). The time allotted the Senator has expired.

Mr. HELMS. If the Senator would yield me a few more minutes.

Mr. RUDMAN. I would be pleased to yield to the Senator from North Carolina.

Mr. HELMS. I thank the Senator. Now, back to the distinguished late Attorney General Robert Kennedy, brother of our distinguished colleague.

I have heard no one challenge or even refer to one of the items in this volume which Senator MOYNIHAN so sharply criticized. There is a memorandum, an interagency memorandum, from the FBI. Let me read part of this. It was to Mr. Sullivan, from—and

this name is not clear to me because it is a photostat, the best we could obtain under the Freedom of Information Act. It says:

Pursuant to your request the following facts concerning electronic surveillances on Martin Luther King, Jr., and the Southern Christian Leadership Conference (SCLC), and former Attorney General Ramsey Clark's knowledge of those surveillances are set forth.

A wiretap was installed at King's address in Atlanta, Georgia, on 11/8/63 and was discontinued 4/30/65 when he moved. It was not reinstated at his new address. Former Attorney General Robert Kennedy approved this 10/10/63. In addition, on Kennedy's 10/10/63 authorization, wiretaps on King were instituted at the Hyatt House Motel in Los Angeles (4/24-26/64 and 7/7-9/64; at 125 East 72 Street, New York City, temporary address.

Mr. President, I ask unanimous consent that the remainder of the paragraph be printed in the RECORD, since it just identifies the hotel. I would be glad to read it all, but I do not think it is necessary.

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

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Mr. HELMS. Mr. President, the point is that however emotional this issue may be and how politically charged it may be, the fact remains that President John F. Kennedy and Attorney General Robert Kennedy knew about the associates of Dr. King. I cannot read anybody's mind, never had contended to be able to do so; therefore, it is incumbent upon us to go by the records, and the record is indisputable that the then President and the then Attorney General both warned Dr. King about his associations with known Marxists. Dr. King did not follow the advice of his friends and supporters, the two distinguished Kennedy brothers, John F. Kennedy and Robert Kennedy.

What bothers me about this whole scenario is that this proposal is to set up Dr. King as a role model for young Americans and to do it in perpetuity, to do it once a year. That is why I have undertaken what I knew from

the beginning would be a losing cause, under the politically charged atmosphere that exists, to try to have the Senate back up, go a little more slowly, and examine the facts. That is all I have asked.

If these facts are not accurate, if these documents are inaccurate, and if the documents which we have tried to obtain—and which, indeed, we are trying to obtain at this moment in the courts—show that the Senate would be well advised to proceed with this measure, then the Senator from North Carolina would not raise one hint of a protest.

I am troubled by the fact that normal Senate procedures on an important piece of legislation, about which there is a sharp division of opinion in this country, would be approved by the Senate without hearings during this session of Congress, on this piece of legislation.

It would not go into effect until 1986, so why the haste? What is wrong with taking our time and hearing both sides of it and making a judgment based on both sides?

It is all very well for the distinguished Senator from New York to tell of his personal association with Dr. King, but I guess there is a side to all of us and to each of us that our friends do not know. But when we single out one person for a unique honor and do so in haste and without consideration by the Senate as now constituted, then I think we are making an error.

I believe that the Senator from New Hampshire has proposed a good amendment. I know of no one who would object to his amendment if it were freestanding as a piece of legislation; and I dare say that if hearings were held in the Judiciary Committee, it would be reported forthwith.

The truth of the matter is that the Senator from New Hampshire has made an excellent suggestion. I appreciate his having done so, and he has done so without any implication that he disrespects anybody. I think the amendment should be approved.

I ask the Senator from New Hampshire if he will honor me by allowing me to be a cosponsor of his amendment. I should add that, if this amendment were enacted, I would want to make sure that the total number of paid Federal holidays not exceed nine.

Mr. RUDMAN. Mr. President, I am pleased to ask unanimous consent that the name of the Senator from North Carolina be added as a cosponsor of the amendment.

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

Mr. KENNEDY. Mr. President, how much time remains?

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Maryland has 24 minutes.

Mr. KENNEDY. Mr. President, will the Senator yield me 10 minutes?

Mr. MATHIAS. I yield 10 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, in my earlier remarks, I did not, as suggested by the Senator from North Carolina, indicate that Robert Kennedy had not approved a limited telephone tap for a period of 30 days. I indicated, however, that were Robert Kennedy alive today, he would deplore that kind of surveillance, and he would be the first to express his admiration and respect for Dr. Martin Luther King. And I am speaking from personal knowledge of that.

And I am also personally convinced that Robert Kennedy would be a strong advocate of this legislation to honor Dr. Martin Luther King.

I am quite prepared to move on to other issues. But since so much debate has involved what was and was not said earlier by various Senators, I have in my hand the transcription of the statements made by the Senator from North Carolina earlier today, and I would refer to the part where he said:

Mr. President, I have moved that this bill be committed to the Judiciary Committee for a very simple reason. The Senate, to be blunt about it, has not done its homework on this matter. Despite the rarity of holidays for individuals in our country, we are obviously on the verge of passing this bill without one minute of consideration by a committee, let alone hearings, in the Senate.

The Senate is a continuing body, and therefore it takes a two-thirds vote of the Senate to change the rules. Some say it is a new body every 2 years, and if it is a new body then we ought to be able to adopt the rules by majority. But those who have supported filibusters have always suggested that it is a continuing body.

But I am not interested in getting into that fact. It has been suggested that neither the Judiciary Committee nor the Senate has available to it information relating to the Martin Luther King birthday legislation. I have taken issue with that and I do not really intend to get into a continued discussion of it because I think the facts have been laid before the Senate.

I would mention, Mr. President, that Robert Kennedy and President Kennedy did advise Dr. King to stop seeing the two advisers in question. They did so in the context of that time when rabid segregationist views against the 1963 civil rights bill were diverting attention from that bill with a lot of leaks and innuendos about Communist influence on the civil rights movement. So naturally there was an effort to remove the diversionary issue from

the passage of that historic law, and in that situation my brothers advised Dr. King for the good of that effort. A wiretap was approved for a period of 30 days. The assassination of President Kennedy came at the end of those 30 days and it was not reviewed again by my brother, Attorney General Robert Kennedy, but it was continued and expanded in the form of other surveillance by subsequent Attorneys General.

I think the point remains that in reviewing this material, the Church committee came to the conclusion, as I outlined earlier in my previous remarks, that there was no evidence of Communist influence on the civil rights movement. And no matter how many times he keeps raising this issue, the Senator from North Carolina—and he has raised it frequently—is not able to contradict the conclusion that was made by a duly appropriate bipartisan committee of the U.S. Senate.

I would just like to continue because I think it is important Mr. President, to respond, although I do not really think it is worth doing so, but so much has been made of it that I would just like to make a brief additional comment.

Some suggest that Dr. King was manipulated by a secret Communist conspiracy. If that is so, why has no one ever been able to show the impact of that conspiracy on the movement that Dr. King led?

Dr. King's leadership in arousing the Nation's conscience is now history. Scholars and investigators have had 20 years to study his actions and the course of the civil rights movement. Where is the impact of this supposed conspiracy on the civil rights movement?

Were the hundreds of thousands of Americans who marched on Washington peacefully to petition the Government for fulfillment of the promises in our Constitution the result of a Communist conspiracy?

Mr. MOYNIHAN. Will the Senator from Massachusetts yield for a question.

Mr. KENNEDY. I wonder if I could just finish for 1 minute.

Were the hundreds of black boys and girls, teenagers and schoolchildren who braved the hoses and dogs and bully clubs, the result of a Communist conspiracy?

Were the thousands of Americans from all walks of life and all parts of the country, workers, teachers, priests and rabbis, famous and anonymous, black and white, who marched at Selma—the result of a Communist conspiracy?

What was the Communist plot? To enforce the 14th and 15th amendments? To let blacks use the same lunch counters and washrooms and water faucets as their white neighbors? To let American citizens vote for

their government? Those were the goals which Dr. King fought for and achieved. Were they part of a Communist plan that manipulated Dr. King?

For those who believe they reflect a Communist manipulation of Dr. King I suggest that they reread our history. I yield.

Mr. MOYNIHAN. Would my friend from Massachusetts allow me to put this general proposition? He mentioned the March on Washington in 1963. I was then an Assistant Secretary of Labor in the administration of President Kennedy, and was much involved with the aroused expectations and sheer joy of that event. There was no one in Washington at that time who supported it more than George Meany, the president of the AFL-CIO. Would the Senator from Massachusetts have the impression that George Meany was soft on communism.

Mr. KENNEDY. The Senator has brought up a very good point, and the answer to that obviously is in the negative. He was one of the strongest fighters in opposition to communism both here and abroad.

Mr. MOYNIHAN. The Senator is aware that the organizer of that march was Bayard Rustin, a disciple of A. Philip Randolph of the AFL-CIO, and would he know in the past 30 years who has devoted most of his life opposing communist totalitarian movements here and abroad.

Mr. KENNEDY. The Senator is correct in paying tribute to Bayard Rustin. As the Senator has pointed out in this comment and earlier comments, he has been one of the strongest advocates against communism and for the advancement of equal rights and opportunities.

Mr. MOYNIHAN. If I can say to my friend from Massachusetts there is something Orwellian about the proposition stated earlier in this Chamber. That we could think that a man such as Dr. King was inspired by communism, he who has written some of the most eloquent and incisive theological analyses of the incompatibility of Communist doctrine with Christian belief that are in print. He wrote more incisively about the incompatibility of communism with Christian theology than any man of his time. And he wrote better than most. I believe it to be the case that not many now recall how fine a writer he was, in addition to his innumerable other talents.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired.

Mr. KENNEDY. I thank the Senator from New York for his comments. I have no further comments at this time. I thank the Senator from Maryland. I would yield 30 seconds more for the reasons outlined by the Senator from Maryland hoping that the amendment of the Senator from New

Hampshire would not be accepted. I want to say I know from my own conversations with the Senator from New Hampshire, and his own deeply held view and the sincerity of his view about this particular amendment, he has spoken to me about it, and indicated he was going to offer it and I respect the reasons for which he does offer it, but I do believe that for the reasons which have been outlined earlier this day that the amendment should not be accepted.

The PRESIDING OFFICER. Who yields time?

Mr. MATHIAS. I yield 2 minutes to the Senator from North Carolina.

Mr. EAST. Mr. President, all I would like to do is clarify with the managers of the bill, which I will have a colloquy in a moment: As I understand my amendment will be the next amendment offered after the vote on the Rudman amendment, and would I be correct in suggesting that the vote on the Rudman amendment will occur prior to the 12 o'clock recess?

I presume the time will have expired by then. If I am in error, of course, we will come back at 2 o'clock when we can pick it up again. But is my understanding correct that then my amendment would be the second one to be brought up and we would do that at 2 o'clock, assuming we complete the vote on the Rudman amendment prior to noon?

Mr. MATHIAS. It is my hope the vote on the Rudman amendment will occur immediately as soon as the Senator and I stop talking. In that event, we might well be able to offer the next amendment, which could logically be the Senator's amendment since he is on the floor.

Mr. EAST. I would be happy to lay it down. The only thing that concerns me is—and I have not been talking except for a point of clarification, so I have not preoccupied the time.

Mr. MATHIAS. If the Senator introduces his amendment, it could then be laid aside during the luncheon recess.

Mr. EAST. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Will the Senator withhold, please? There is time for debate remaining on the Rudman amendment.

Mr. RANDOLPH. Will my colleague from North Carolina withhold for just a second? I will not delay him.

Mr. EAST. Yes.

Mr. RANDOLPH. I ask the Senator from Maryland, who is certainly the leader in this legislation being considered, handling it for the majority, I want to be careful not to push my amendment which will be offered, but I do not want to be lost in the amendment process. I would be delighted to have the Senator indicate when I can offer my amendment, which will desig-

nate the birthday of Dr. King as the day to be observed.

Mr. MATHIAS. Mr. President, let me assure the Senator from West Virginia that he could never be lost in any process and that will always play a significant role.

Mr. RANDOLPH. The Senator is very kind. I just wanted to be certain that a sequence was not being established and that I did not have the opportunity, of course, of presenting the amendment which I hope will receive the support of the Senate.

The PRESIDING OFFICER. The Chair will rule that the time has not expired on the Rudman amendment and the amendment that has been offered by the Senator from North Carolina is not in order at this time. The debate is on the Rudman amendment.

Mr. MATHIAS. Mr. President, in further response to the Senator from West Virginia, the managers of the bill will carefully note that he has an amendment and that there is no hard and fast list yet established. We have been trying to assemble a list of those who may wish to offer amendments. If he would like to offer his earlier this afternoon following the East amendment, I think it would be entirely appropriate.

Mr. RANDOLPH. That would be agreeable. I want to cooperate fully. I will follow the Senator from North Carolina in the presentation.

Mr. MATHIAS. As the Senator knows the rules better than I, there is no way the managers could enforce a rigid and ironclad order but certainly that would be appropriate.

Mr. RANDOLPH. May I say further that I think the dialog we are now having would certainly clear up any problem.

Mr. MATHIAS. Mr. President, there are no further speakers on our side. I yield back our time. We can then have the rollcall and then Senator EAST can offer his amendment.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield back his time?

Mr. RUDMAN. I yield back my time.

Mr. MATHIAS. I yield back my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Hampshire (Mr. RUDMAN). 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 New Hampshire (Mr. HUMPHREY), the Senator from Wisconsin (Mr. KASTEN), and the Senator from Illinois (Mr. PERCY) are necessarily absent.

I further announce that, if present and voting, the Senator from Wisconsin (Mr. KASTEN), would vote "nay."

Mr. CRANSTON. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Kentucky (Mr. HUDDLESTON), the Senator from Tennessee (Mr. SASSER), and the Senator from Massachusetts (Mr. TSONGAS), are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD), would vote "nay."

The result was announced—yeas 22, nays 68, as follows:

[Rollcall Vote No. 292 Leg.]

YEAS—22

Abdnor	Hawkins	Pressler
Armstrong	Hecht	Rudman
Cohen	Helms	Simpson
Denton	Laxalt	Symms
East	Mattingly	Tower
Garn	McClure	Wallop
Goldwater	Murkowski	
Hatch	Nickles	

NAYS—68

Andrews	Evans	Mitchell
Baker	Exon	Moynihan
Baucus	Ford	Nunn
Bentsen	Glenn	Packwood
Bingaman	Gorton	Pell
Boren	Grassley	Proxmire
Boschwitz	Hatfield	Pryor
Bradley	Heflin	Quayle
Bumpers	Heinz	Randolph
Burdick	Inouye	Riegle
Byrd	Jepsen	Roth
Chafee	Johnston	Sarbanes
Chiles	Kassebaum	Specter
Cochran	Kennedy	Stafford
Cranston	Lautenberg	Stennis
D'Amato	Leahy	Stevens
Danforth	Levin	Thurmond
DeConcini	Long	Trible
Dixon	Lugar	Warner
Dole	Mathias	Weicker
Domenici	Matunaga	Wilson
Durenberger	Melcher	Zorinsky
Eagleton	Metzenbaum	

NOT VOTING—10

Biden	Huddleston	Sasser
Dodd	Humphrey	Tsongas
Hart	Kasten	
Hollings	Percy	

So Mr. RUDMAN's amendment (No. 2328) was rejected.

Mr. MATHIAS. I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

ORDER OF BUSINESS

Mr. BAKER. Mr. President, will the Senator from Maryland yield to me?

Mr. MATHIAS. I am happy to yield to the majority leader.

Mr. BAKER. Mr. President, it is 3 minutes to 12. By the order previously entered, we are to recess from 12 o'clock until 2 o'clock. I suggest the managers lay down an amendment. That is about all we can do; then we shall go out.

Mr. MATHIAS. Mr. President, the Senator from North Carolina (Mr. EAST) has an amendment.

AMENDMENT NO. 2329

[Purpose: To make National Civil Rights Day a national holiday each March 16]

Mr. EAST. Mr. President, I have already sent the amendment to the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from North Carolina (Mr. EAST) proposes an amendment numbered 2329.

Mr. EAST. I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: That this Act may be cited as the "National Civil Rights Day Act of 1983".

SEC. 2. The Congress finds that—

(1) the birthday of President James Madison is March 16;

(2) James Madison played a significant role in the drafting and adoption of the Constitution of the United States;

(3) James Madison played a significant role in the drafting and adoption of the "Bill of Rights" contained in the first ten Amendments of the Constitution of the United States;

(4) the Constitution of the United States is the source of and authority for the laws of the United States and the civil rights and liberties of the citizen; and

(5) the laws of the United States and the civil rights of the citizen guarantee the right of protection of the laws without regard to race, color, creed, national origin, sex, or disability.

Sec. 3. March 16 of each year is designated as "National Civil Rights Day", and the President is authorized and requested to issue a proclamation each year calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. EAST. Mr. President, as I understand it, we shall be recessing from 12 to 2, and my amendment will be the pending business when we reconvene.

Mr. MATHIAS. Mr. President, the amendment of the Senator from North Carolina will be the pending business.

The PRESIDING OFFICER. That is correct.

RECESS UNTIL 2 P.M.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2 p.m.

Thereupon, at 11:58 a.m., the Senate recessed until 2 p.m.; whereupon, the Senate reconvened when called to order by the Presiding Officer (Mr. LUGAR).

The PRESIDING OFFICER. Who yields time?

Mr. EAST addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. EAST. Mr. President, I have already, prior to the recess, submitted an amendment for consideration, and

it is my understanding that we would commence at 2 p.m. the debate on that amendment, which would last for a maximum 1 hour, 30 minutes equally divided. Am I correct on that?

The PRESIDING OFFICER. The Senator is correct, 1 hour equally divided.

Mr. EAST. If so, I would like then to proceed with discussion of my amendment.

The PRESIDING OFFICER. The Senator may proceed.

Mr. EAST. Mr. President, the amendment that I offer as a substitute to the Martin Luther King bill would establish in lieu of the Martin Luther King holiday bill a commemorative day, not a paid holiday, called National Civil Rights Day. It would be observed on the 16th of March, which is the birthday of James Madison, a distinguished Virginian, the father of the Constitution, as he is known and, I would like to note, the first man, the key man to shepherd through the first Congress the Bill of Rights from which all of our rights spring, that is, the Constitution, the Bill of Rights. James Madison is the key figure there.

Now, the purpose of this commemorative day is to honor achievement in and the American commitment to the idea of judging each individual on the basis of talent and ability regardless of race, color, creed, religion, national origin, sex, or disability, physical or mental; that people ought to be able to rise to that level to which their God-given talents and abilities will allow them to rise, without the arbitrary barriers of race, color, creed, religion, national origin, sex, or physical or mental disability.

Now, let me proceed to explain, Mr. President, why I think this amendment is a better one than the Martin Luther King proposal.

First of all, I think it is broader in scope. Second, I think it covers the concern that we have; namely, that America be ever mindful of its great commitment to individual freedom and the notion that people ought to be judged on talent, and interest, and ability and not arbitrary things such as race, or color, and again the whole litany that I have mentioned.

Now, by picking Martin Luther King's day, with all due respect to Martin Luther King, Jr., obviously, the focus—it cannot be otherwise—is strictly upon the race issue, which ought to be addressed and is in my amendment. But then, you see, it leaves out others. It leaves out the question of creed, religion; it leaves out the question of national origin; it leaves out sex, it leaves out the question of disability.

For example, I might propose that Franklin D. Roosevelt's birthday be made a paid national holiday to honor the physically handicapped. I do not wish to get personal about it, but I

have precisely the same physical handicap that he did. I am a polio paraplegic. Franklin D. Roosevelt was paralyzed with polio in 1921 at the age of 39. He went on to be elected Governor of New York twice and President of the United States four times. He founded the March of Dimes, which conquered polio and is now working on birth defects. Would that gain the support of a majority of the Members of this House as a paid national holiday for Franklin D. Roosevelt for the physically and mentally handicapped? Would they be less deserving of a holiday than, let us say, black Americans? It is not to denigrate black Americans. It is not to say there ought not to be recognition and an ongoing, continuing commitment and concern. I am simply saying, could I expect a majority of support for that proposal in this Chamber? And if it were rejected, would I be proper in suggesting this Chamber is prejudiced against physically handicapped? I think all would resent that and resent the notion that some way or other you are prejudiced against us because you would not support our particular measure.

We should be able to clarify our position, those of us opposed to the Martin Luther King bill, that we are not thereby converted racists, bigots, people opposed to the proper treatment and continued improved treatment of black Americans. It is simply the question, the vehicle, and the remedy.

I should like to point out, Mr. President, that we have, to put this in perspective, nine federally paid holidays: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving Day, Christmas Day. You will note that of these nine only one celebrates the birthday of a specific American; namely, Washington, the founder of the country, the father of the Revolution.

I submit, Mr. President, it is probably prudent for us to leave it at that, because everybody has his or her particular political figure or hero of any given time in American history to whom they might wish to devote a national holiday. For example, to raise Martin Luther King's Day to that equal of Washington counters one of including Thomas Jefferson or Abraham Lincoln or Robert E. Lee or Franklin D. Roosevelt or Douglas MacArthur. It could come from any side of the political spectrum. It could come from any political party.

I do not mean to make light of the point or be facetious about it, but eventually you would reach the point where you would have 365 days out of the year that were all paid, nonworking, Federal holidays.

I think at some point we need to say no more, no more beyond Washington.

He symbolized the founding of the country and the commitment to the great ideal of the American Nation. Let us let it go at that.

As far as this other great ideal, which I think at its best the Martin Luther King bill proponents are trying to make; namely our commitment to the ongoing ideal of treating people as individuals and not on the basis of arbitrary matters such as color, race, and so forth, my substitute amendment meets all of those concerns. It picks a very appropriate day; namely, James Madison's birthday, and would end the matter henceforth. It would be a day of commendation, not a paid holiday so there would be no cost to the Federal, State, and local governments and to private industry. To me it is an eminently fair, reasonable, positive, constructive alternative.

Now, another point I would make in defense of my proposed amendment is this question of historical perspective, getting into the merits of the King bill.

It is worth noting that it was 80 years after the death of George Washington before we had a national holiday in his honor—80 years. It has been 15 years since the death of Martin Luther King, Jr.—the tragic death. Have we gained sufficiently historical perspective? Perhaps we ought to wait to a later date.

James Jackson Kilpatrick, the well-known columnist, has suggested the year 2027, when we would have a better perspective on the contribution of Martin Luther King.

It is not to denigrate what he accomplished to this point. He may well emerge as the dominant black figure. He may not. There are other great black leaders on the political horizon currently in this country, and there are more to come. I do not think we have an opportunity for accurate, historical perspective, and that is vital and that is important if you are going to go beyond the precedent of President Washington.

I have a final concern here about the Martin Luther King day, and it is a narrow concern in terms of some remarks he made about the United States and his view of it at the Riverside Church speech in 1967, in New York. I want to make clear what I am saying. I am not accusing Martin Luther King, Jr., of any sort of sinister, malevolent goals or ends. I am troubled with these remarks, and I should like to quote them and see how you might reflect upon them.

Martin Luther King, in an address at the Riverside Church in 1967, said this about the American involvement in Vietnam. I am focusing strictly upon the American involvement in Vietnam. I know that is a very controversial issue, and there was great polarization in America on the issue. But here is what he had to say in his speech about

it. He said that the United States was "the greatest purveyor of violence in the world today."

These are direct quotes. He said this:

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 tortures in the concentration camps of Europe?

He is comparing the United States to Nazi Germany, and he is comparing American involvement in that war to Hitlerian tactics.

You might ask, what is my point? I think it is a slur and a desecration upon the memory of the brave young Americans who fought and died in that war. I could not in good conscience vote to honor the birthday of a man who said that, whatever else his great accomplishments were, because I think their sacrifice in Vietnam was an honorable and a noble one, and this is a profound and deep desecration of that great sacrifice.

You might say, "Well, East, you're simply taking one of the most negative things that King has done, but there were many positives." I understand that. Maybe it is simply my priority concern. But, as to a man who, in 1967, had that view of America, that it was the greatest purveyor of violence in the world today, and comparable to Nazi Germany, I question whether he ought to enjoy the stature of George Washington. Those two men would be the only Americans honored with a nationally paid Federal holiday.

In fact, the rhetoric of Dr. King in that speech was so extreme that he had severe criticism from traditionally very liberal sources. The Washington Post, in an editorial on April 6, 1967, was deeply critical.

Carl Rowan, who is a well-known black journalist, said in the Reader's Digest of September 1967: King has "alienated many of the Negro's friends and armed the Negro's foes . . . by creating the impression that the Negro is disloyal," which he is not.

I might note that in desecrating the memory of those who fought and died in Vietnam, that includes black as well as white Americans, and there were a disproportionate number of blacks who fought in that war, as opposed to the national population.

Life magazine said on April 21, 1967: King's speech is "a demagogic slander that sounded like a script for Radio Hanoi." That is strong language, and it came from liberal editorial writers.

I cannot, in good conscience, vote for a day of national commemoration equal to that of the father of the Revolution and the founder of the country.

I appreciate that the train rolls and the momentum is there, and I will be surprised if there are 15 votes against this bill. All amendments will be defeated—I am a realist—including my own. But what I should like to try to do with the few minutes allotted to me is put it in perspective, and that I have tried to do. Maybe it is a case of a man believing that his own line of reasoning is infallible and impeccable, but I honestly believe that if I or someone else could get on national television and explain what it is we are doing and what alternatives there might be, the majority of the American people would accept the alternatives.

So, again, I come back to my amendment, which, I repeat, not only would do what the Martin Luther King proposal at its best would attempt to do but also would do more and would settle the issue permanently and at no cost to the Federal Government or State government or local government or to private industry—namely, establish a commemorative day, not a paid holiday, a national Civil Rights Day, to be observed on March 16, the birthday of James Madison, the father of the Constitution.

Again, the purpose of the commemorative day would be to honor the American achievement in a commitment to the ideal of judging each individual American on the basis of talent and ability, regardless of race, color, creed, religion, national origin, sex, or disability.

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

The PRESIDING OFFICER. Does the Senator realize that this quorum call will be charged to his time?

Mr. EAST. Yes.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EAST. I ask unanimous consent that the order for the quorum call be rescinded. I request recognition.

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

Mr. EAST. I see that the majority manager of the bill has returned to the Chamber, and I had at least for the time being, I probably have around 10 minutes remaining. I stated my principal objection to the Martin Luther King measure and why I think that my amendment would better cover the issues at hand. I would be interested in hearing the response of the majority manager, for whom I have the greatest admiration.

You may recall, I refer of course to the distinguished Senator from Kansas, and I had referred to the possibility of, in my remarks, just to put this in perspective, and I would just like to inquire as to what he thinks of its relative merits, that we might after having established the King holiday,

and I am concerned about the precedent, and I think legitimately so and I do not make light of the subject, that we might, for example, take the birthday of Franklin D. Roosevelt as a day to honor the achievement and continued commitment to the ideal of the physically disabled in this country, of whom the distinguished Senator from Kansas is a notable example, who served with distinction in World War II, was wounded in the Italian campaign, one of the most respected Members of this Chamber, who himself has shown that one can overcome disability of a physical nature and rise to great height of achievement which he has so obviously done in such distinguished fashion.

The struggle of handicapped Americans has been very real and genuine and continues on, and I was suggesting Franklin D. Roosevelt's birthday as an appropriate day, a paid Federal holiday, because Franklin Roosevelt, as the Senator perhaps is I am sure aware, I had noted earlier contracted polio in 1921 at the age of 39 and went on to be elected Governor of New York twice, President four times, and then founded the March of Dimes, which is a private sector activity, by the way, which went on to the conquest of polio and is now serving in the conquest of birth defects, a very noble contribution Franklin D. Roosevelt had made.

Unless you are aware of the physical disability that he had it may be difficult to appreciate what he accomplished; enormous mental and physical strain upon him which would tax the resources of the normal able-bodied strong man let alone one who is totally paralyzed from the waist down, great inspiration to disabled people in this country.

I suppose what I am saying is their cause any less noble? Has their cause, their path, been any less arduous and I was suggesting earlier I think not. In short, as a matter of logic or rationality where would this end?

Or Susan B. Anthony's birthday to commemorate the accomplishments of women. In short, my amendment, which is a nonpaid Federal holiday, covers all of these things. The same, I think after a very appropriate day, the birthday of James Madison, the father of the American Constitution, and the man who shepherded the Bill of Rights through Congress, same day, and renew what I think is what the proponents of this bill are driving at; namely; that this country, great melting pot of the world, and that concept of individualism which is so fundamental to our political philosophy and theory. We want people judged on talent, merit, and ability not on the basis of extraneous factors such as race, color, creed, religion, and national origin, sex or physical disability.

Where is the weakness, Senator, I would like to inquire, that you see as majority manager for the King bill in that kind of reasoning. I would like to put that in the form of a question to the distinguished majority manager.

Mr. DOLE. Mr. President, I wonder if it might be satisfactory with the distinguished Senator from North Carolina if the Senator from Kansas might respond to the question just posed by the distinguished Senator maybe in a few minutes. I did not have a chance to hear the Senator's statement, and I have just come from another obligation and I think there is an answer. At least I have an answer.

I would just say generally that I asked my staff originally to go back and research the debate on all these other holidays in an effort to make certain days holidays and apparently go back to Washington's birthday. There was not much debate on that, at least the records are not available.

Columbus Day, the question was whether it should be on Monday, not Columbus himself.

My response would be in a general way, and certainly I have the highest regard for not all the policies of Franklin Roosevelt, but at least his spirit and his determination and the fact he did a great deal in a very difficult way because of his physical disability.

Certainly I have the greatest respect for the Senator from North Carolina. But I guess the way I would make a distinction is the fact this has happened during my lifetime and I have watched the change taking place because I have been in Congress ever since the first time Dr. King demonstrated his effectiveness in pointing out discrimination and injustice in this country, and I guess perhaps it is pretty hard for me to focus on Columbus. I did not know Columbus and I did not know Franklin D. Roosevelt. I was alive, but I knew about his policies and things of that kind and I guess that would make a difference as far as this Senator is concerned.

When you have seen the dramatic change that has happened all across this land and other lands because of one man, because of his dream and his vision and his diligence and his dedication and his commitment that really, as I see it, is what the debate is all about today. There may be different views. There were some who said that probably others should be honored, and I assume there may be amendments to do that, that it should not be a paid holiday. There obviously were great Americans, whether it is Jefferson, Lincoln, Theodore Roosevelt, Franklin Roosevelt, and others who may not have been public officials, but I guess that is an answer. I will do better. I hate to take your time to respond in such a manner but I will be

happy to give you some of the time from the opposition.

Mr. EAST. I thank the Senator. I would like to inquire how much time I have left.

The PRESIDING OFFICER. The Senator has 2½ minutes remaining.

Mr. DOLE. I will be happy to yield additional time.

Mr. EAST. Finally, I would like to pose this question, since I see no other Senator seeking recognition here to speak on behalf of the amendment, I had quoted in your absence—

Mr. KENNEDY. Mr. President, I intended to respond to the points that have been made by the Senator at some time. I would be glad to withhold, if the particular question was addressed to the Senator from Kansas. But I have also some points to make on that issue. I could either make them now or when the Senator from North Carolina is finished.

Mr. EAST. What I would be happy to do then is to reserve the balance of my time, which is how much now, Mr. President?

The PRESIDING OFFICER. The Senator has 1 minute and 45 seconds.

Mr. EAST. I shall reserve the balance of my time then and would be happy to hear the response of the very able Senator from Massachusetts who, of course, as I understand it, Mr. President, will now be speaking on the time allocated to the proponents of the measure. Is that correct?

The PRESIDING OFFICER. That would be correct.

Mr. DOLE. Parliamentary inquiry, is that correct?

The PRESIDING OFFICER. That is correct.

Mr. DOLE. Who has control of the time in opposition to the amendment?

The PRESIDING OFFICER. The Senator from Kansas has control of the time in opposition.

Mr. DOLE. I would be happy to yield 10 minutes to the Senator from Massachusetts and I would be happy to yield 5 minutes of my time to the Senator from North Carolina because I took that much of his time.

Mr. KENNEDY. I thank the Senator from Kansas.

Mr. President, I hope that the amendment that is being offered by the Senator from North Carolina will not be accepted here this afternoon. I will mention just a brief word about why I think the amendment is not appropriate and then try and respond to at least some of the arguments that have been made by the Senator from North Carolina on some of the other matters that he raised during his presentation in support of the amendment.

I believe, Mr. President, that when we review the history of this country, we find that there are extraordinary achievements and accomplishments that were made by our Founding Fa-

thers and I do not think it is necessary to review those here during this discussion and debate.

One important area of public policy which our Founding Fathers failed to address in a way which would have been consistent with both their ideals and their rhetoric was in the elimination of slavery in our society.

I think those of us who are in strong support of this particular legislation recognize that on completing that job of the elimination of slavery which I think has been contributed to by many individuals in our society—by Abraham Lincoln, by the Emancipation Proclamation, by various amendments to the Constitution of the United States in the 1860's, the 14th and 15th amendments—that nonetheless that in the real history of our country, the one who has done more to eliminate the elements and the residue of prejudice and discrimination in our society was the Reverend Martin Luther King, Jr.

Now I believe tied of his very profound efforts, which were based upon the concept of nonviolence and his strong and fundamental belief in the teachings of Christianity and the respect for the Judeo Christian ethic, was the recognition of not only the elimination of discrimination but also tied to that effort was the indispensable commitment of this Nation to jobs and to freedom.

He said in his statement against the war: "You can't really have freedom without justice and you can't have peace without justice and you can't have justice without peace."

The assemblage here in 1963 at the Lincoln Memorial was a demonstration and a commitment by Americans from every part of this Nation and from every part of American life for the elimination of segregation in our society and a recognition that the elimination of segregation was going to be tied to the achievement of jobs and the cause of social justice. And to at this time to amend this effort to just be a civil rights day really misses the essential thrust and spirit which Martin Luther King, I think, represented and the ideals for which he lived for and died for. So I hope the amendment will not be accepted.

Furthermore, Mr. President, it has been suggested by the Senator from North Carolina that somehow by Reverend King's condemnation of American involvement in Southeast Asia he was somehow despoiling the bravery and the courage of young Americans who gave their lives in that part of the world. The Senator from North Carolina obviously can put whatever interpretation he might want to on the words of Martin Luther King, Jr. But in reviewing his statement and his opposition to the war in Vietnam, it appeared to me that he was strongly critical of a governmental policy that had

seen the loss of American lives—black and white, brown, and yellow—and that he was appalled by that particular governmental policy. Perhaps he would have used words that I would not have used but I think any fair review of his position in opposition to the war, a position which I supported at that time in understanding the nature of his commitment, I would think would be really a gross misinterpretation or distortion of his words to in any way reflect anything but honor for those that gave their lives.

The fact of the matter is that when we read history, there were two individuals in this Chamber at the time of the Gulf of Tonkin resolution, Senators Ernest Gruening and Wayne Morse, who voted in opposition to that resolution.

I believe that the efforts of Martin Luther King, rather than being condemned for trying to bring an earlier end to the war, ought to be recognized as he recognized it, and that is that that involvement was a mistake in policy, but that in no way should that mistake in policy reflect on the very noble and brave efforts of outstanding young Americans who gave their lives for what they believed and what many Americans believed was in the best interests of this Nation and the cause of freedom.

So I hope, Mr. President, that the amendment of the Senator from North Carolina that would alter and change this resolution to Civil Rights Day will not be accepted. What we are attempting to do here today is to honor not just an individual but to honor a cause and an effort which I think has been absolutely indispensable in terms of achieving what our Founding Fathers meant when they said that all men are going to be created equal. I think Martin Luther King's contribution to achieving that particular goal and ideal should be memorialized with this particular piece of legislation.

I hope the amendment will not be accepted.

The PRESIDING OFFICER. Who yields time?

Mr. EAST. Mr. President, I would like to respond on my time, which I gather now is about 6½ or 7 minutes.

The PRESIDING OFFICER. The Senator has just a little over 6 minutes remaining.

Mr. EAST. Mr. President, I would like to respond to the remarks made by the distinguished and able Senator from Massachusetts with regard to the Vietnam war issue.

I think it is an acknowledged fact, of course, there were strong differences over this war and its wisdom, its merit, where we were going, what we were doing. Certainly I would not characterize those who opposed the war, which I believe the distinguished Senator from Massachusetts did, saying it

was an unwise thing they were doing. I think it would be a deep slur, a profound slur, upon the distinguished Senator and simply not so.

The distinguished Senator from Massachusetts has in no way, form, or any other way, been connected with such an insidious movement. I think many of those who opposed the war in Vietnam in that period were frequently abused by their opponents by suggesting they were Communist sympathizers and that kind of thing.

I did not say that about them. I was not at that time in the Senate. But as a college professor at that time I did not so characterize them. I understood their position. I did not agree with it, but I understood it, and I understood the reasons that fair-minded Americans could disagree over it.

All I am suggesting to the distinguished Senator is that the rhetoric of King goes beyond that of simply saying, "Well, this is unwise, imprudent," when he says that, "We are the greatest purveyor of violence in the world today," and when he said:

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 our latest weapons on them, just as the Germans tested out new medicine and tortures in the concentration camps of Europe.

Dachau, Auschwitz, and Buchenwald come to mind.

What King is doing is referring to those who support the position that at least the country is taking on the characteristics of Nazi Germany.

I find that rhetoric so extreme and so repulsive that it transcends just the good, healthy, normal, reasonable, prudent opposition to that war which existed in this country. I quoted from a very liberal source, Carl Rowan, and Life magazine saying it was a "demagogic slander that sounded like a script for Radio Hanoi."

I am saying if that was his opinion of this country in 1967, his opinion of that war, and that American boys in Vietnam were doing what earlier Nazi forces were doing in their day, I think it is a perverted and tortured view of America, and it goes beyond normal, rational, fair criticism.

Again, it may be something I hold mostly too dear, but when I think of the young men who went there, black and white, a disproportionate number were black, who made the sacrifice, fought and died, I do not think of them as young storm troopers, I do not think of them as young Nazis. I think of them as young men who were trying to keep that part of the world from falling under Communist totalitarianism and the horror we have seen

since then in Cambodia and South Vietnam and the genocide, once the Communists have taken over.

That was an honorable and noble effort.

I am saying reasonable and honorable and patriotic Americans could disagree with our involvement in it. But do not characterize those who fought and bled and died and suffered and were maimed and now lie in veterans hospitals as nothing but young Nazi storm troopers.

A man who so characterizes them in that way I could not support in good conscience, understanding all of the other contributions he may have made with the idea of racial equality in America, which I support. If he thought that was what America was about and that is what that war was about, I think it disqualifies him from being elevated to the same stature, and he will be the only other American who enjoys that, as the founder of the country, George Washington.

So with all due respect to the distinguished Senator, who is an able debater, and always eloquently states his case, I think he glosses over this as simply an "excess of rhetoric in a very emotional period of American history." But I dare say to the distinguished Senator if the roles were reversed and those opposing the war were characterized as Communists, Marxist-Leninists, he would deeply resent it, and if it were his case, properly so because indeed he is not that. And neither were these young men that, and neither does this country represent that. It never has. It does not today.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. EAST. And it will not in the future. I think my amendment addresses that question.

Mr. KENNEDY. Will the Senator yield me an additional 3 or 4 minutes?

Mr. DOLE. Yes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, as I mentioned earlier, as one who took strong exception to American involvement in Vietnam I know that Martin Luther King did as well. He used words in opposition to American involvement in Vietnam which I might not have used. I would not draw the same conclusions that have been so freely drawn by the Senator from North Carolina.

What I am mindful of, Mr. President, is that Martin Luther King, Jr., was a man of nonviolence. He demonstrated his commitment to nonviolence not just in speeches on the floor of the U.S. Senate, not in pious press releases issued from Senate offices. He showed that he was a man of nonviolence by being in a church which was told it was going to be bombed, surrounded by young children and women

who were frightened and fearing for their lives, and when the young men in those churches wanted to go out and fight for their families he preached nonviolence. He deplored the fact that napalm was being dropped in villages and seeing children scorched—scorched. It violated everything that was in his soul and in his heart and everything that he believed in. His life is a record to that. His life is a record to that.

He quite frankly thought it was beneath a proud nation such as the United States of America to be dropping those tons and hundreds of thousands of bombs that did kill thousands of individuals and children, wherever they were. I think he believed, as I think many others believed, that if a child is 6 or 7 years old, it is not a Communist and it is not a Democrat and it is not a Republican. It is morally wrong. He did his most to awaken the conscience of the Nation to our mistaken policy.

I think for the kind of suggestions that have been made about what the meaning of his words were by his opposition to the war, Mr. President, need no defense from me. Anyone who has studied his work, who has listened to his preachings, who has read his comments would know that he was most of all a man of peace.

I do not know how difficult it is to preach nonviolence when you see children in many cities in this country being gassed or being bitten by police dogs and deploring violence. To suggest otherwise, Mr. President, is distorting history and is an unfair characterization of what this man's commitment was.

I have indicated why I believe the amendment should be defeated and I hope, Mr. President, that it will be.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. How much time remains in opposition to the amendment?

The PRESIDING OFFICER. Ten minutes remain.

Mr. EAST. Mr. President, I would like to make an inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. EAST. It is my understanding that the yeas and nays have not yet been requested. I would like to request the yeas and nays.

The PRESIDING OFFICER. Will the Senator from Kansas yield for that purpose?

Mr. DOLE. Yes, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, I understand we are prepared to vote on this amendment. I have not listened to all

the debate but a great deal of it. I supported the effort in Vietnam, starting, I guess, with President Eisenhower and going through Kennedy, Johnson, Nixon, and all the others who were involved in making decisions that got us deeper and deeper into that tragic conflict. I cannot recall what I may have said in 1967 in response to the comment by Dr. King, but I believe any of us in public life make statements that we later regret. I can recall a few that I have made that I would not have made upon more reflection, or probably any reflection at all.

I guess the point is that no leader is faultless. I do not know of any leader's public record which has been as thoroughly combed as Martin Luther King's.

I understand also that he later privately regretted making that remark, but that is probably beside the point. The remark was made. It does not reflect a view that I would share; it is not how I would have described our involvement in Vietnam. Whether we charge that up to whichever President or all the Presidents combined, it is a responsibility, I think, that every one of those Presidents must have shared.

I guess that minds are pretty well made up on what is going to happen here finally. The Senator from Kansas does not know what the vote may be, but I would guess the vote could be counted within one or two votes now. That does not mean we should not give serious consideration to the amendment of the Senator from North Carolina or any other amendments that would be offered.

I must say I have had my share of mail in the last few days because of the statements I have made in the opening days of this legislation indicating my support for the bill. It has been suggested that I change parties. Heaven forbid.

It has been suggested that I leave public life and do a lot of other things; that Republicans have nothing to gain in this exercise; that we are being duped by the same people who vote 95 percent of the time for liberal Democrats.

I assume I could add up all the reasons why many might want to oppose this bill and they might make a stack that is fairly high if we look at it today. But in my view, we have to take the same approach that Dr. King took a long, long time ago.

He was determined that he was going to change this country as far as discrimination and social justice were concerned. I do not believe as others might, that what we are doing here is creating a national day of confrontation—that every year, starting in 1986, there is going to be a national day of confrontation; a big anti-Republican parade and celebration in this country, to oppose everyone who espouses Re-

publican views or conservative views. I do not assume for a moment that that will happen. If I thought it would happen, I would not be on the floor managing or supporting the bill. But I do believe we have to look beyond today or next year or even this next decade.

Mr. President, I cannot think of any reason not to support this bill. There will be a lot of questions raised. Some will say that we ought to make it, as the Senator from North Carolina suggests, national civil rights day. Others say if we do this for a black man, next it will be Hispanics. But then again, some might say only Italians celebrate Columbus Day.

I have not followed the career of Martin Luther King as closely as some. I belong to a different political party. I agree that black political leaders tend to be Democrats, liberal Democrats. They tend to support Democrats over Republicans. But I believe that in looking over the last 20 or 25 years on the changes brought by the nonviolence and the efforts of Dr. King, we are doing the right thing.

I do share the view expressed earlier by Senator HELMS of North Carolina that there is no reason we should not have hearings on this bill. I did not make that call. It would seem to me, as a member of the Judiciary Committee, that we are very capable of having hearings. Maybe we could have resolved some of those issues at that time. But that is history. That is not going to be done. Now we are voting on different amendments and some may have great merit.

I hope, Mr. President, that we might defeat this amendment. I am certain it is offered with the best of intentions and respect, but I hope it will be defeated.

Mr. EAST. Mr. President, I wish to make a unanimous-consent request that a statement of mine which appeared in the Raleigh News and Observer be printed in the RECORD.

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

[From the Raleigh News and Observer, Oct. 15, 1983]

EAST SAYS HOLIDAY FOR KING WOULD BE TOO EXPENSIVE

(By John P. East)

I believe it may not be generally understood that what is being proposed in honor of Martin Luther King Jr. is not merely a commemorative day but a legal public holiday—a paid holiday for federal workers in state and local governments throughout the country.

The cost estimates for a federal legal public holiday are exorbitant. For the federal government alone, the Library of Congress has estimated a cost of \$270 million, and for state and local governments a cost of \$692 million. That comes to a total of over \$900 million—nearly a billion—in pay, benefits and lost productivity for all government workers.

In addition, the U.S. Chamber of Commerce estimates that the cost to the private sector of another federal holiday would be \$4.3 billion, which, added to the public sector costs, gives a total of \$5.26 billion in all. In short, we are not talking about a merely honorary occasion but a major economic sacrifice for the country.

The cost of another federal holiday—our 10th—should give us pause in creating one. The nine others—New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving and Christmas—generally commemorate events or values long held to be central to our national identity. Only one holiday, in honor of President Washington, honors an individual American. Are we, by creating another holiday for King, to elevate him to the same level as the father of our country and above the many other Americans whose achievements approach Washington's?

A number of other Americans come readily to mind who might reasonably be so honored: Thomas Jefferson, Abraham Lincoln, Robert E. Lee, Douglas MacArthur and Franklin Roosevelt, for example.

Roosevelt's achievements by themselves are distinctive. Crippled by polio at the age of 39 in 1921, he was subsequently twice elected governor of New York and four times president of the United States. He founded the March of Dimes, which, as a private charity, developed the vaccine for polio and which now leads the fight against birth defects. As a significant political and humanitarian figure in our national history, FDR is rivaled by few Americans, yet we hear no proposal to honor him with a national holiday. The reason there is no such proposal is that Americans do not generally honor individuals with such holidays, for if we did, there would be no end to them. We had best leave well enough alone, then, with the establishment of cost-free commemorative days for those we wish to honor.

Nor do we have sufficient perspective on King and the endurance of his achievements to place him on a par with any of the figures I have mentioned. It was not until 80 years after his death that Congress in 1879 honored George Washington with a paid holiday in his name. It has been only 15 years since King's death, and the emotions and controversies that swirl around his name have not yet allowed us to measure his achievements accurately or honestly. Let another 65 years pass (or, as James Kilpatrick has suggested, 50 years, so that we may examine the now-sealed FBI files on Dr. King) and we can then weigh his legacy with more objectivity.

Today that legacy does not appear to be entirely positive. King's speech on the Vietnam war in New York in 1967 has become notorious for his hostile remarks about America and the Americans who fought in Vietnam. Calling the United States "the greatest purveyor of violence in the world today," King compared the United States to Nazi Germany. The speech was strongly condemned by liberals who supported King and opposed the war—by Carl Rowan, The Washington Post and by Life magazine, for example. While it is true that others in the Vietnam era made similar remarks, conscience forbids that we officially honor their author as a national hero; his words were in fact a desecration of the memory of the Americans who fought in Vietnam and an insult to his country.

The cause that Americans should honor is the American ideal of civil rights for all in-

dividuals, that all men should be judged on the basis of their talents and merits and not on the basis of their race, color, sex, national origins, creed or disability. The proper way to celebrate this ideal is through a national commemorative day for civil rights.

As a commemorative day—not a federally imposed national holiday—there would be no costs, and National Civil Rights Day would be officially observed and celebrated by such activities and ceremonies as would truly honor this national institution for civil rights for all Americans. This day would avoid the exorbitant costs, distorted perspectives and embittering controversies that would attend a federal holiday for King, but it would more truly honor our national achievement in and our continuing commitment to civil rights—of which Martin Luther King, at his best, was a part.

Mr. DOLE. Mr. President, I am prepared to yield back the time in opposition. I believe all time in support has been used.

Mr. MOYNIHAN. Mr. President, I would like to address one remark of the distinguished Senator from Kansas.

The PRESIDING OFFICER. Does the Senator from Kansas yield?

Mr. DOLE. I shall be happy to yield 2 minutes, 3 minutes—3 minutes.

Mr. MOYNIHAN. Mr. President, I simply want to say that it may, in retrospect, appear to some that Martin Luther King, Jr., was a person of a particular political party. That was not the impression of those who knew him and worked with him in various enterprises. In his last years on this Earth, he was conspicuously in opposition to the foreign policies of the Democratic President, in which he was joined by some Democrats and opposed by others, as he was joined by some in the Republican Party and opposed by others.

Martin Luther King, Jr. was a political man, in the finest, noblest meaning of the term, but he was not a party person. He was a minister of the church, and saw his responsibilities in that context. His was also a commitment to the American Constitution and to the fulfillment of its promise and its provisions. When we honor him, we honor those who believe in our Constitution, our democratic process, and our basic laws, which antedate and supersede party.

Indeed, we know that the framers of that Constitution were rather terrified of the idea of political parties and did not envision them emerging.

I would like to thank the Senator from Kansas for the way he put the case, but I simply offer the thought that if one knew Dr. King when he was alive and most active, one would not think he was a party person. He never presented himself, at least in my experience, in that mode. A day committed to the honor of Dr. Martin Luther King is a day committed to the celebration and honor of the American Constitution and those who believed

in it and lived by it. The principle of constitutionalism was innate in the doctrine of nonviolence espoused by Dr. King, as was hope for the future of this country and indeed confidence that in the end America would fulfill its constitutional promise to itself and to the world.

The black people of this country became citizens as a result of an act of a Republican President, and who knows what the future of a long-lived Republic will be.

Mr. President, I am happy to yield back such time as remains.

The PRESIDING OFFICER. All time for debate has expired. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from New Hampshire (Mr. HUMPHREY) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Tennessee (Mr. SASSER), and the Senator from Missouri (Mr. EAGLETON) are necessarily absent.

The PRESIDING OFFICER (Mr. HECHT). Are there any other Senators in the Chamber who wish to vote?

The result was announced—yeas 18, nays 76, as follows:

[Rollcall Vote No. 293 Leg.]

YEAS—18

Abdnor	Grassley	Nickles
Armstrong	Hatch	Pressler
Denton	Hecht	Rudman
East	Helms	Symms
Garn	Jepsen	Wallop
Goldwater	McClure	Zorinsky

NAYS—76

Andrews	Ford	Murkowski
Baker	Glenn	Nunn
Baucus	Gorton	Packwood
Bentsen	Hatfield	Pell
Biden	Hawkins	Percy
Bingaman	Heflin	Proxmire
Boren	Heinz	Pryor
Boschwitz	Huddleston	Quayle
Bradley	Inouye	Randolph
Bumpers	Johnston	Riegle
Burdick	Kassebaum	Roth
Byrd	Kasten	Sarbanes
Chafee	Kennedy	Simpson
Chiles	Lautenberg	Specter
Cochran	Laxalt	Stafford
Cohen	Leahy	Stennis
Cranston	Levin	Stevens
D'Amato	Long	Thurmond
Danforth	Lugar	Tower
DeConcini	Mathias	Trible
Dixon	Matsunaga	Tsongas
Dole	Mattingly	Warner
Domenici	Melcher	Weicker
Durenberger	Metzenbaum	Wilson
Evans	Mitchell	
Exon	Moynihan	

NOT VOTING—6

Dodd	Hart	Humphrey
Eagleton	Hollings	Sasser

So Mr. EAST's amendment (No. 2329) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HEINZ. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KENNEDY. Mr. President, I have just been notified that the court has ruled that the request that was made by the Senator from North Carolina for certain papers has been rejected, and I shall include in the RECORD the findings of the court and a more detailed explanation of the action. I understand it was made only a few minutes ago.

Mr. President, on the court ruling this afternoon on the request of the Senator from North Carolina, Judge Smith denied the motion of the Senator from North Carolina to intervene on two grounds: First, the court found that the Senator had no standing to intervene. The court rejected the argument that a Senator's interest in information which might bear on his future votes was a sufficient personal stake to confer standing. Judge Smith distinguished the case of Kennedy against Sampson in which a Senator's past vote had been pocket vetoed and would be nullified without further action.

Second, the court held that even if the Senator had established standing, the court would be bound by Supreme Court precedent to deny intervention as a matter of separation of powers. The Supreme Court has directed that extreme restraint be exercised on judicial interference with the legislative process.

Here, the Senator from North Carolina seeks to investigate sealed records because he disputes his colleagues' decision to act on this bill without a hearing in the Senate. The court held that this was an argument between the Senator and his colleagues upon which the court should not intrude.

I ask unanimous consent that the full statement of the court be included at an appropriate point in the RECORD.

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

U.S. DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

(Civil Action No. 76-1185)

Bernard S. Lee, Plaintiff, v. Clarence M. Kelley: Cartha DeLoach; William C. Sullivan; John P. Mohr, Executor of the Estate of Clyde A. Tolson, deceased; and Two Unknown Agents, individually and as agents of the Federal Bureau of Investigation, Defendants

(Civil Action No. 76-1186)

Southern Christian Leadership Conference, Plaintiff, v. Clarence Kelley, et al., Defendants.

UNITED STATES OF AMERICA, DEFENDANT-INTERVENOR

Jesses Helms, Counterclaimant-Intervenor v. Gerald Carmen, Administrator of the General Services Administration, General Services Building, 18th and F Streets, NW., Washington, D.C. 20405.

ORDER

Upon consideration of Senator Jesse Helms' motions for leave to intervene and for an order vacating or in the alternative modifying the order sealing records, the oppositions thereto, and the record herein, it is by the Court this 18th day of October, 1983,

Ordered that the motion of Senator Jesse Helms for leave to intervene in this action is denied, and it is

Further ordered that the motion of Senator Jesse Helms for an order vacating or in the alternative modifying the order sealing records is denied.

JOHN LEWIS SMITH, Jr.,
U.S. District Judge.

MEMORANDUM AND ORDER

Senator Jesse Helms seeks leave to intervene pursuant to Fed.R. Civ.P. 24(a)(2) in two cases decided by this Court in 1977. In *Lee v. Kelley*, No. 76-1185, and *Southern Christian Leadership Conference v. Kelley*, No. 76-1186 (D.D.C. Jan. 31, 1977), this Court ordered that tapes and transcripts generated by Federal Bureau of Investigation electronic surveillance of Dr. Martin Luther King be held under seal in the National Archives for a period of fifty years, and that the tapes or their contents not be disclosed except under specific court order. The case is currently before the Court on Senator Helms' motion to intervene and his motion, under Fed.R. Civ.P. 60(b)(5), to vacate or modify the Court's 1977 order.

Senator Helms requests access to the sealed materials before the Senate considers, on October 19, 1983, legislation establishing a national holiday honoring Dr. King. Such legislation has been introduced numerous times in prior sessions of Congress. On August 2, 1983, the House of Representatives passed a King holiday bill and sent it to the Senate for consideration. More than two months later, on October 11, 1983, and barely one week before the Senate is scheduled to vote on the bill, Senator Helms filed this motion for intervention.

Fed. R. Civ. P. 24 (a)(2) provides that: "Upon timely application anyone shall be permitted to intervene in an action: . . . (2) when the applicant claims an interest relating to the property or transaction which is the subject of the action and he is so situated that the disposition of the action may as a practical matter impair or impede his ability to protect that interest, unless the applicant's interest is adequately represented by existing parties."

Assuming that Senator Helms' motion is "timely made," *Foster v. Guero*, 655 F.2d 1319, 1324 (D.C. Cir 1981),¹ Fed. R. Civ. P.

¹ As noted, Senator Helms did not file this motion until one week before the scheduled Senate vote on the King legislation. Under the circumstances, see *NAACP v. New York*, 413 U.S. 345, 366 (1973), it appears to the Court that Senator Helms' motion may be untimely. See *Hodgson v. United Mine Workers*

24(a)(2) requires that the applicant show that he has an "interest relating to the property or transaction" at issue, and that disposition of the action "may as a practical matter impair or impede his ability to protect that interest." Fed. R. Civ. P. 24(a)(2). See *Donaldson v. United States*, 400 U.S. 517, 531 (1971) (applicant must assert a "significantly protectable interest"). See also *Nuesse v. Camp*, 385 F. 2d 694, 700 (D.C. Cir. 1967); *Smuck v. Hobson*, 408 F. 2d 175, 177-80 (D.C. Cir. 1969). Cf. *United States v. ATT*, *supra*, 642 F. 2d at 1291 (interest inquiry "in essence a question of standing to participate").

Senator Helms claims a "protectable interest" in obtaining the sealed materials because of his "constitutional duty to cast an informed vote on all matters on which he is permitted to vote" as a member of the Senate. Senator Helms contends that this is an "individual interest," relying primarily on the Court of Appeals' 1974 decision in *Kennedy v. Sampson*, 511 F.2d 430 (D.C. Cir. 1974). In that case, the Court held that an individual Senator had standing to challenge the constitutionality of a Presidential pocket veto because the veto rendered his earlier vote on the bill ineffective and deprived him of his constitutional "right to demand or participate in a vote to override the President's veto." *Id.* at 433. The Court observed that the Senator's "stake in the litigation is a quantum of his official influence upon the legislative process." *Id.* at 436. Senator Helms relies on this language to support his claim of an interest in "effectively exercising his vote."

Senator Helms, however, fails to take into account the Court of Appeals' decision in *Harrington v. Bush*, 553 F.2d 190 (D.C. Cir. 1977). In that case, a member of the House of Representatives challenged the funding and reporting provisions of the Central Intelligence Agency Act of 1949, 50 U.S.C. § 403 *et seq.* (1968), claiming, *inter alia*, that the Act denied him information relevant to his interest in "consider[ing], debat[ing] [and] vot[ing] upon . . . Executive requests for appropriations for the Agency." *Id.* at 201. Furthermore, the Congressman sought the information to enable him to be a "more effective participant in the appropriations process." *Id.* at 202.

The Court held that the Congressman lacked standing to maintain the suit and narrowly limited the applicability of *Kennedy v. Sampson*. The *Kennedy* rationale does not support standing where the Congressman "relies on uncertainty due to the lack of information as the injury to his future votes." *Id.* at 211. Rather, the "concern expressed in *Kennedy* over injury to a future vote" is limited to situations where the "future vote in question [is] a constitutionally prescribed followup to the vote already cast on the same precise legislative bill." *Id.* (emphasis supplied). In view of *Harrington v. Bush*, Senator Helms' reliance on the *Kennedy* decision is misplaced; he cannot point to the *past* "nullified vote" necessary to invoke the *Kennedy* principle. See also *Goldwater v. Carter*, 617 F.2d 697 (D.C. Cir.) (*en banc*), *vacated on other grounds*, 444 U.S. 996 (1979).

of America, 473 F. 2d 118, 129 (D.C. Cir. 1973); *United States v. ATT*, 642 F. 2d 1285, 1294-95 (D.C. Cir. 1980). However, because "a court should be more reluctant to deny an intervention motion on grounds of timeliness if it is intervention as of right than if it is permissive intervention," *id.* at 1295, the Court will consider whether Senator Helms' application satisfies the second requirement of Fed. R. Civ. P. 24(a)(2).

Further discussion of the requirements for intervention is unnecessary. Even if it is concluded that Senator Helms asserts a sufficient "interest" for intervention purposes, and that he satisfies the other requirements of Fed.R.Civ.P. 24(a)(2), this Court must refuse his request for judicial relief. In two recent cases, *Riegel v. Federal Open Market Committee*, 656 F.2d 873 (D.C. Cir.), *cert. denied* 454 U.S. 1082 (1981), and *Vander Jagt v. O'Neill*, 699 F.2d 1166 (D.C. Cir.), *cert. denied* 52 U.S.L.W. 3263 (U.S., Oct. 4, 1983), the Court of Appeals considered the "separation of powers problems inherent" in cases where "individual members of the legislative branch", *Harrington v. Bush*, *supra*, 553 F.2d at 214, seek relief in federal court. In *Riegel v. Federal Open Market Committee*, the Court concluded that the standing, ripeness, and political question doctrines are incapable of "reflecting the prudential concerns raised by congressional plaintiff suits." 656 F.2d at 880-81. Consequently, the Court announced a doctrine of "circumscribed equitable discretion." In cases where the Congressional plaintiff "alleges an injury which could be substantially cured by legislative action," this standard "counsel[s] judicial restraint."

"[I]t is in these cases that the plaintiff's dispute appears to be primarily with his fellow legislators. In these circumstances, separation of powers concerns are most acute. Judges are presented . . . with the possibility of thwarting Congress' will by allowing a plaintiff to circumvent the processes of democratic decisionmaking." *Id.* at 881. See also *Vander Jagt v. O'Neill*, *supra*, 699 F.2d at 1168.

Senator Helms' attempt to intervene in effect represents a "dispute with his fellow legislators." In his supporting papers, Senator Helms emphasizes what he views as an inadequate factfinding process in the Senate: because the "Senate leadership waived the normal rules," "no hearings have been conducted concerning the proposed legislation in order to inform the Senators of facts either to justify or to defeat the passage of this legislation." Helms Memorandum of Points and Authorities at 5 (emphasis supplied). "No Senate committees have been charged with the responsibility to investigate Dr. King." Helms Supplemental Memorandum of Points and Authorities at 6. By intervening in this case to obtain the King surveillance materials, Senator Helms seeks to perform the investigative function of the committee hearings the Senate leadership decided to forego.²

² By noting the absence of Senate hearings on the bill, Senator Helms acknowledges the principal role of committees in exercising the investigatory powers of the Congress. See 2 U.S.C. § 192 (1977) (establishing contempt penalty for failure to testify before authorized committee); *Rules and Manual of the United States Senate* § 26.1, p. 14 (1979) (authorizing committees "by subpoena or otherwise [to require] . . . the production of . . . correspondence, books, papers, and documents") (emphasis supplied); *Eastland v. United States Servicemen's Fund*, 421 U.S. 491, 505 (1975) (subcommittee subpoena power necessary for it "to do the task assigned to it by Congress"). Indeed, this Court in 1977 permitted a properly authorized committee, the House Select Committee on Assassinations, access to a limited portion of the King surveillance materials at issue here. Senator Helms, however, does not appear here on behalf of a committee authorized to consider the King legislation. Rather, he appears as an individual Senator, without Senate authorization, in what is undeniably an investigatory role. Although Congress' investigatory power is very broad, *Watkins v. United States*, 354 U.S. 178, 187 (1957), the "principle is important that disclosure of information can only be com-

It is not for this Court to review the adequacy of the deliberative process in the Senate or to question decisions of the Senate leadership. Cf. *Vander Jagt v. O'Neill*, *supra*, 699 F. 2d at 1176; *Metcalf v. National Petroleum Council*, 553 F. 2d 176, 188 (D.C. Cir. 1977). To conclude otherwise would represent an "obvious intrusion by the judiciary into the legislative arena." *Riegel*, *supra*, 656 F. 2d at 882. Senator Helms, of course, is not prevented from entering the "legislative arena;" he can argue to the Senate that the sealed materials should be obtained and considered by a committee before a vote. In any event, the proper forum for this contention is the Senate, for "[i]t would be unwise to permit the federal courts to become a higher legislature where a Congressman who has failed to persuade his colleagues can always renew the battle." *Id.* See also *Sanchez-Espinoza v. Reagan*, 568 F. Supp. 596, 600-01 n. 5 (D.D.C. 1983); *Crockett v. Reagan*, 558 F. Supp. 893, 902-03 (D.D.C. 1982); *Moore v. United States House of Representatives*, 553 F. Supp. 267, 270-71 (D.D.C. 1982) (all applying *Riegel* equitable discretion doctrine).

In view of these considerations, the Court concludes that Senator Helms' attempt to obtain the sealed materials must be rejected. Senator Helms' application for intervention does not satisfy the "interest" requirement of Fed.R.Civ.P. 24(a)(2). More importantly, separation-of-powers principles required this Court to exercise its equitable discretion and deny relief in these circumstances. See *Vander Jagt v. O'Neill*, *supra*, 699 F.2d at 1177.

Accordingly, Senator Helms' motions to intervene and to vacate or modify the January 1977 order are denied.

An appropriate order follows.

JOHN LEWIS SMITH, JR.,
U.S. District Judge.

Dated: 10/18/83.

Mr. DOLE. Mr. President, my understanding is the Senator from West Virginia has been waiting to offer the next amendment.

Mr. HEINZ. The Senator from West Virginia has an understanding with the Senator from Pennsylvania.

Mr. RANDOLPH. I desire to yield to my able colleague from Pennsylvania (Mr. HEINZ) with the understanding that the time will not be taken from the consideration on the amendment.

ped by authority of Congress, its committees or subcommittees, not solely by individual members . . ." *Exxon Corp. v. FTC*, 589 F.2d 582, 592-93 (D.C. Cir. 1978). Moreover, the Fifth Circuit refused to permit two members of the House of Representatives to intervene in a private suit and seek materials held under a protective order, on the ground that the Congressmen "failed to obtain a House Resolution or any other similar authority before they sought to intervene" in the case. *In re Beef Industry Antitrust Litigation*, 589 F.2d 786, 791 (5th Cir. 1979). *Exxon Corp.* and *In re Beef Industry* illustrate the fundamental importance attached to proper consideration and authorization of formal investigatory efforts by Members of Congress. See *Gojack v. United States*, 384 U.S. 702 (1966); *Watkins v. United States*, *supra*. See generally Nowak, Rotunda & Young, *Constitutional Law* 248-50 (2d ed. 1983). Senator Helms cannot simply rely on his "fellection to the Congress," *Exxon Corp. v. FTC*, *supra*, 589 F.2d at 593, as the basis for an order by this Court ordering public disclosure of sensitive materials resulting from an FBI electronic surveillance program.

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

Mr. HEINZ. Mr. President, I thank my friend.

The PRESIDING OFFICER. Who yields time on the bill?

Mr. HEINZ. Will the Senator yield to the Senator from Pennsylvania not to exceed 4 minutes?

Mr. DOLE. I would be happy to yield.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. HEINZ. Mr. President, I thank my friend from West Virginia for yielding prior to the consideration of the amendment.

Mr. President, I want to observe as debate on this measure winds down to its last 24 hours, that our Nation was founded by men who dreamed of a more just society, and dared to risk their lives in making that dream a reality. In each generation, America has encouraged and fostered the dreams of many, and, many have offered their lives to preserve the freedom to dream. Rarely, however, does one person articulate a vision of America so clearly that millions of his countrymen decisively act to implement it. The Rev. Martin Luther King, Jr., was such a man. His call to conscience exposed the injustice in America. His leadership of the civil rights movement swept away many visible institutions of injustice. His assassination served to remind us all that injustice remains.

In establishing a national holiday in honor of Dr. King, we do more than recognize the achievements of one man. After all, our Nation has been blessed by men and women of great achievement in science, religion, law, and commerce. The holiday will serve as a day of remembrance for all Americans, to recall the gross injustices of the past, to remind us of the challenges of the present, and to rededicate ourselves to creating a more perfect society where people are judged by ability and individual human worth and not race, sex, or creed.

Some have attempted to discredit Dr. King based on several of his statements. These are old tactics, and the general derision which has greeted these efforts signals that, indeed, our Nation has a better sense of justice and proportion than during Dr. King's lifetime.

Mr. President, I would not agree with all the solutions proposed by Dr. King to make our Nation adhere more closely to our ideals. But, in my mind, Dr. King has come to symbolize what one American can do for all Americans, that one American can inspire so many citizens to truly follow our national ideal of equality under the law. Certainly, he was able to articulate a goal of justice, a vision of freedom,

that appeals to the best instincts of our Nation.

In honoring Dr. King, we laud all those who have worked for equality and freedom; those who came before, and those who will come after.

Mr. President, I strongly urge my colleagues to vote for this legislation at the hour of 4 o'clock tomorrow. I thank my friend and colleague from West Virginia for so graciously yielding to me.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 2268

(Purpose: To make the Birthday of Martin Luther King, Jr., a legal Public Holiday)

Mr. RANDOLPH. Mr. President, I ask for the immediate consideration of an amendment at the desk, No. 2268.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia (Mr. RANDOLPH) proposes an amendment numbered 2268:

Strike all after the enacting clause, and insert in lieu thereof the following:

That section 6103(a) of title 5, United States Code, is amended—

(1) by inserting immediately after the item relating to New Year's Day the following: "Birthday of Martin Luther King, Jr., January 15."

SEC. 2. The amendment made by the first section of this Act shall take effect on the first January 1 that occurs after the two-year period following the date of the enactment of this Act.

Mr. RANDOLPH. Mr. President, the substitute amendment that I have offered is intended to commemorate the memory of Martin Luther King, Jr., on the actual day of his birth.

As we know, H.R. 3706 intends to designate the third Monday in January of each year as a Federal legal holiday to honor Reverend King. It would be my intention to support the creation of such a day for Reverend King provided it is set on the day of his birth, or on the day of his death.

However, Mr. President, I cannot support a resolution to provide another Monday holiday to honor Reverend King or any other individual, however deserving he or she might be.

Reverend King was not born on the third Monday in 1929. He was born on Tuesday, January 15.

If we are to honor Reverend King, why do it on an arbitrary Monday instead of the actual day of his birth? It is no historical meaning to have it on a Monday.

The saga of Monday holidays began in 1968. At that time there was a strong initiative to create a special Monday observance for Federal holidays. Special Monday holidays were established for George Washington's birthday, Memorial Day, Columbus Day, and Veterans Day as a result of the enactment of Public Law 90-363.

Mr. President, it is my strong belief that we, in the Congress of the United States made a mistake by creating new Monday holidays. America has a heritage that is important and it must be maintained. It was for convenience sake that the Monday holiday were created.

Mr. SYMMS. Will my good friend from West Virginia yield on that point?

Mr. RANDOLPH. I will be glad to yield.

Mr. SYMMS. As the Senator knows, I have the privilege of chairing the subcommittee that you chaired during your years in the Senate. Each year in the Senate Transportation Committee we deal with highway safety. We know from working together on that subcommittee, that the Department of Transportation presently has underway, a nationwide drive to stamp out or minimize the tragedies caused by drunken driving. Thousands of lives are lost on this Nation's highways especially on holiday weekends due to drunk driving.

Would the Senator say in his experience working with the highway system of this country that 3-day weekends contribute greatly to the number of traffic accidents related to drunken driving?

Mr. RANDOLPH. I am not sure to what degree I would want to use the word "contributed" but I have reasons to believe that what the Senator is saying is true.

Mr. SYMMS. The point I am making is, that the Senator's amendment would actually help the highway safety program of the country with respect to automobile accidents. I believe that this is something my colleagues should consider.

To celebrate the actual birthday of Dr. King the holiday would fall on a 3-day weekend, only 2 out of every 7 years. Other years, it would fall on weekdays. I think it is important that we celebrate Dr. King's birthday. And in celebrating his birthday, we do not create another 3-day weekend. Traffic safety is a side benefit of the amendment, the Senator may not have considered. It is a side benefit that makes the amendment more significant. I want to assure the Senator from West Virginia I shall vote for his amendment.

Mr. RANDOLPH. Mr. President, I appreciate the valid comment of my able colleague from Idaho.

I have been saying, as you heard, that I think America has a heritage. It is important that it be maintained. We cheapen the process of the recognition of an event or of an individual worthy of honoring, if we designate an arbitrary Monday.

I appreciate very much what the Senator from Idaho has added to this debate, because I am sure that the fig-

ures would show that what he has indicated would be the result.

Within a short time of enactment of the new law veterans sensed that their special day of Armistice observance had lost much of its significance, and Armistice day became a day of holiday convenience in November.

Strong efforts by veterans and their service organizations resulted in legislation in the 94th Congress to return Veterans Day to its original date of November 11. As a cosponsor of that proposal it was my privilege to work with our Nation's veterans organizations and other groups to seek its passage. Effective help of all those involved gave us Public Law 94-97. The first observance of the restored date was in 1978.

Mr. President, on February 7, 1981, I introduced Senate 447, which was intended to return the three remaining Monday holidays to their original date of observance—George Washington's Birthday would have been returned to February 22; Memorial Day to May 30; and Columbus Day to October 12. Unfortunately, no action was transpired before the 97th Congress had adjourned.

During the current 98th Congress, I reintroduced this legislation as Senate 71. The bill continues to be pending before the Judiciary Committee. I am gratified to have my very able colleague from West Virginia, the minority leader of the Senate, Senator BYRD, and Senator GOLDWATER, as cosponsors of the bill, S. 71. I am very, very gratified to say that this amendment has the support of the Veterans' organizations, including the American Legion, the Disabled American Veterans, and the Veterans of Foreign Wars.

National holidays, understandably, honor special people and events. The Monday holidays have altered and cheapened the history, the tradition, and the commemoration that was intended by the establishment of these special days.

June 20, 1863, is one of the most important dates in the history of West Virginia. On that date, President Lincoln's proclamation creating the 35th State of the Union became effective.

Why is this significant in a discussion of the type I am making? Because June 20 is an annual day set aside in West Virginia to recognize and to celebrate our statehood. The date we commemorate is the actual day of June 20, whatever the day of the week that it would fall upon in a certain year.

I am no novice here in the Senate or in the House, having now served almost 40 years on this historic hill. I am under no illusion at this time that I can change the minds—I sometimes can change the hearts—of those who support H.R. 3706 in its present third Monday in January form. However I emphasize—and I reemphasize—that many proponents of the proposal had

supported and indeed introduced legislation to honor Reverend King on the actual day of his birth on January 15. Let us not forget that, Mr. President.

I am not against 3-day weekends. These weekends can be preserved. But, let us not use our Nation's most important days as the vehicle of convenience. These special weekends could be called workers holidays. I would not be against them.

Certainly America has a heritage—I reemphasize for the third time—that is important and it should be maintained on Capitol Hill and in the Senate of the United States.

I have studied the debate in the House of Representatives. I have read much of what others have had to say about H.R. 3706 and the establishment of the third Monday in January of each year as Martin Luther King's birthday. Much has been spoken of the cost and the disruption that would be caused if the King holiday were to be established, believe it or not, on the actual day of his birth.

I ask my colleagues this question: Are we trying to honor Reverend King to save money or to express tribute to him for his accomplishments in the United States of America with an influence perhaps throughout the world?

I point out to those who are concerned about the cost, if we were to actually honor Reverend King on January 15, every few years the day would fall on Saturday or Sunday and the cost, of course, would be saved.

I am confident that the present proposal, H.R. 3706, will be approved. But I assure those who share my views that I shall continue to work for the enactment of my proposal, which has been pending now for 6 years, to return the remaining Monday holidays to their actual or original date of observance.

Mr. President, this is a postscript, perhaps. But I remember when I offered the 26th constitutional amendment the last of our amendments. This was in 1942, when I was a Member of the House. What did I desire to do? I desired to give the right and the responsibility to the 18-, 19-, and 20-year-old youth of this country to vote in this Nation. When did it happen? It did not happen then. It happened 30 years later, in 1972.

I do not know if I can stick around 30 more years—of course, I shall not have the opportunity—until something happens in connection with this proposal.

I remember very well that I offered, and it was passed in 1946, a bill for the creation of the national air museum, which was appropriately called the National Air and Space Museum when we actually opened the doors to that great museum. Incidentally, it was opened on July 4, 1976, 30 years after I offered the legislation. We can now

report to the Senate and to the United States of America that since that date of July 4, 1976, until last week, more than 66 million individuals, fathers, mothers, sons, and daughters, have visited that museum.

Today I have now been given a hearing on my holiday proposal. Although not all Senators are at their desks at this time. My colleagues get a little upset at me because I think we should vote from our desks but I shall continue to make that effort here in the Senate, because it is my belief that is what we should do. We should not vote in the well of the Senate and make it look as if a hockey game was in progress in the Chamber. But I am never upset at my colleagues. I want you to know that, Mr. President, I say that with a feeling of affection and understanding for all those who serve in this body.

Mr. President, I speak now, and I have a right to say this, to not only the Senators who will vote on this amendment, but I counsel with all who are in the galleries at this time. I hope that they believe with me that the day to celebrate, the day to honor either an individual or to commemorate an event, should be something that is meaningful. We cheapen the process, the legislative process, when we do what is intended now in setting aside another Monday for the commemoration of a man whom I would like to honor and will vote to honor if it is on his birthday. I will not vote for the bill if it does not include this amendment.

Mr. President, before yielding, I ask for the yeas and nays on my amendment.

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

The yeas and nays were ordered.

Mr. RANDOLPH. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I appreciate the statement of the distinguished Senator from West Virginia. As he knows, as originally introduced, the bill would have commemorated Dr. King's birthday on the actual date of his birth.

In response to concerns about the cost, the House adopted an amendment to designate the third Monday of January as a holiday. Obviously, the date could be changed. I think there are some considerations as to whether or not that would mean a House-Senate conference, but maybe that could be worked out. It may mean additional debate, but that is probably not unprecedented in this body or the other body. But by having it on Monday, it is consistent with the Monday holiday law. Even though the Senator from West Virginia stated a

number of reasons why we should not adhere to that, we do try to provide for uniform annual observances on Mondays. Three-day holidays increase the opportunities for families to be together, particularly those separated by great distances. Three-day weekends also increase opportunities to travel to historic sites associated with the holiday or to participate in whatever activities there may be on a national or local level.

We are also led to believe that there might be less absenteeism as far as Federal employees are concerned. If the holiday were on a Tuesday or Thursday, employees might tend to take the preceding Monday or following Friday off.

Plus, the commercial aspects. I presume they could be ignored but I doubt that they will be ignored.

Finally, the bill that we have before us may not be perfect. The Senator from West Virginia just indicated that without this amendment he cannot vote for the final package. It does enjoy wide bipartisan support.

I do not quarrel with the Senator from West Virginia, but it seems to me that this amendment, according to staff and others who have checked it, could increase the cost. I would hope we might change in some the support for this bill, whether or not we are really serious about this, whether or not we are going to go to conference and go through the same procedure we have gone through thus far to get it to this point on the legislative agenda.

For those reasons, I respectfully oppose the amendment.

Mr. RANDOLPH. Will my colleague yield?

Mr. DOLE. Yes.

Mr. RANDOLPH. Did not my colleague vote to change Veterans Day from a Monday back to November 11?

Mr. DOLE. I may have. I will have to check the record, but I think I may have.

Mr. RANDOLPH. As you may recall, on March 13, 1975, the Senate voted unanimously to return Veterans Day to November 11 of each year.

Mr. DOLE. Well, the Senator has already checked the record.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. DOLE. I yield to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, first of all I want to commend the Senator from West Virginia for his persistence and continuity in attempting to adjust national holidays so that they would be more relevant to the causes and individuals for which they have been so named. I know of the very significant work the Senator has done in this regard and I commend him for it.

I am a principal sponsor of this particular legislation on Martin Luther

King's holiday, with the Senator from Maryland (Senator MATHIAS), who is the initial sponsor in this Congress. He and I have introduced the legislation consistently during the last eight Congresses.

In that legislation which has been introduced, we have actually named the date, January 15, as incorporated in the Randolph amendment. So it is extremely difficult for one, as myself, who believes that that might be the most appropriate way to honor his memory, to ask our colleagues not to support the Randolph amendment today. I do so, Mr. President, purely out of the practical reasons that I believe the best way that we can get a holiday, a national holiday, is to be willing to accept the action of the House of Representatives, which does designate a special day to honor Dr. Martin Luther King, Jr.

I, as my colleague, Senator DOLE, feel that we have had a long and difficult struggle to get to this particular point and we know that there are forces, which I think we have seen here, in the U.S. Senate today and other times, that are strongly committed to frustrating any such recognition.

I, for one, believe, for the reasons that have been stated by Senator DOLE and others, the 3-day weekend will give a chance for individuals and families to take the time to participate in the appropriate services or ceremonies which best capture the spirit of Dr. King and his ideals, and that we should continue the efforts to see that the House bill is passed by the Senate without amendment and then signed into law.

Mr. President, I express to the Senator from West Virginia my continued esteem for his interest in this issue. I want also to commend him for his fairness in dealing with this issue. He raised this issue among our Democratic colleagues in the caucus some weeks ago, and indicated what steps he would take. He put all of us on notice and reviewed with us his past history on this type of amendment. I think all of us are very mindful of the efforts he has made in the past.

Mr. President, it is with a good deal of reluctance that I stand to oppose his position, but I think it is absolutely imperative if we are going to see a day, I think it is imperative that we pass this bill without amendment. For those reasons, I hope that the amendment of the Senator from West Virginia will not be accepted.

Mr. RANDOLPH. Mr. President, may I inquire how much more time I have?

The PRESIDING OFFICER. One minute remains.

Mr. RANDOLPH. Mr. President, I have listened very carefully to my colleague from Massachusetts. I commend him and Senator MATHIAS for

sponsoring legislation stating that it should be on the birthday of Martin Luther King that we should honor him by action here, in Congress. I am sorry he left the earlier position which he had of January 15 to accommodate an action taken in the House of Representatives.

I want to be very careful in what I say. There are many times when I have heard my able colleague commit himself to action in the Senate in opposition to action taken in the other body. Over and over again, I have heard him speak for the Senate to act rather than to do what the House had done on a specific bill, or even an amendment. That is said in good understanding.

I just hope—I have a fervent hope—that Senators will forget that they are accommodating the Senate with the House this afternoon and do what is right here, in the Senate. That is no reflection on the disagreement between us.

The naming of a day for an event that has historic meaning for a citizen who has contributed that which causes us to wish to honor him is something that, it occurs to me, we should honor that event or that individual on the day that the event took place or that the individual was born.

Mr. President, I ask, do we have the yeas and nays on my amendment?

The PRESIDING OFFICER (Mr. SPECTER). The yeas and nays have been ordered.

Mr. DOLE. Mr. President, how much time remains in opposition?

The PRESIDING OFFICER. Twenty one minutes remain.

Mr. DOLE. Mr. President, I think the argument has been made. Again, it is not a quarrel with the Senator from West Virginia. I think the Senator from Kansas sponsored legislation in the late seventies with my former distinguished colleague, Senator Brooke of Massachusetts, which would have celebrated this day on the birth date. I think for the reasons stated, I hope the amendment might be defeated.

I am prepared to yield back the time in opposition, Mr. President.

Mr. RANDOLPH. Mr. President, I yield back the time remaining on the amendment.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from West Virginia (Mr. RANDOLPH). The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. EAST (when his name was called). Present.

Mr. STEVENS. I announce that the Senator from New Hampshire (Mr. HUMPHREY), is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Colorado

(Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Tennessee (Mr. SASSER), are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 23, nays 71—as follows:

[Rollcall Vote No. 294 Leg.]

YEAS—23

Armstrong	Goldwater	Quayle
Baucus	Hatch	Randolph
Bingaman	Heflin	Rudman
Byrd	Long	Simpson
Chiles	Matsunaga	Specter
Cohen	Melcher	Symms
DeConcini	Nunn	Wallop
Garn	Pressler	

NAYS—71

Abdnor	Glenn	Mitchell
Andrews	Gorton	Moynihan
Baker	Grassley	Murkowski
Bentsen	Hatfield	Nickles
Biden	Hawkins	Packwood
Boren	Hecht	Pell
Boschwitz	Heinz	Percy
Bradley	Helms	Proxmire
Bumpers	Huddleston	Pryor
Burdick	Inouye	Riegle
Chafee	Jepsen	Roth
Cochran	Johnston	Sarbanes
Cranston	Kassebaum	Stafford
D'Amato	Kasten	Stennis
Danforth	Kennedy	Stevens
Denton	Lautenberg	Thurmond
Dixon	Laxalt	Tower
Dole	Leahy	Trible
Domenici	Levin	Tsongas
Durenberger	Lugar	Warner
Eagleton	Mathias	Weicker
Evans	Mattingly	Wilson
Exon	McClure	Zorinsky
Ford	Metzenbaum	

ANSWERED "PRESENT"—1

East

NOT VOTING—5

Dodd	Hollings	Sasser
Hart	Humphrey	

So the amendment (No. 2268) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Several Senators addressed the Chair.

The PRESIDING OFFICER. (Mr. COCHRAN). The Senator from Kansas is recognized.

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

The PRESIDING OFFICER. The Senate will be in order.

All Senators please clear the well so that the Senator from Kansas may be heard.

Mr. BAKER. Mr. President, will the Senator from Kansas yield to me a moment?

Mr. DOLE. I yield.

Mr. BAKER. I thank the Senator.

Mr. President, I conferred with the minority leader a few moments ago on the subject of the schedule of the Senate the remainder of this day.

Let me repeat to Members representations that I made to him.

Since we have a time for final passage tomorrow at 4 p.m., I would not be inclined to ask the Senate to stay longer than is necessary today to make sure that all Senators who wish to offer amendments before 4 p.m. tomorrow or to debate have ample opportunity.

I plan to ask the Senate then to recess over at about 6 p.m. unless there is some urgent reason to ask the Senate to remain longer.

ORDER FOR RECESS UNTIL 9:30 A.M. TOMORROW

Mr. BAKER. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in recess until 9:30 a.m. tomorrow.

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

ORDER FOR ROUTINE MORNING BUSINESS AND RESUMPTION OF CONSIDERATION OF H.R. 3706 TOMORROW

Mr. BAKER. Mr. President on tomorrow, after the recognition of the two leaders under the standing order, I ask unanimous consent that any time remaining until 10 a.m. be devoted to the transaction of routine morning business in which Senators may speak for not more than 2 minutes each and that at the hour of 10 a.m. the Senate resume consideration of H.R. 3706.

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

Mr. BAKER. Mr. President, I thank the Senator from Kansas, and once again I expect the Senate will be in until about 6 p.m. tonight, and I do expect there will be at least one more rollcall vote.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, there has not been any order established, but the Senator from Oklahoma asked earlier if he might be recognized to offer an amendment.

Does the Senator from Nebraska have an amendment?

Mr. EXON. Mr. President, the Senator from Nebraska has an amendment that he has been trying to offer for some time. I have been trying to take my turn and am hoping to get it in.

If there is no particular order, some Senators know I have been trying to offer this amendment. I am prepared to offer it. I would certainly agree to a time limit agreement. I think it is not going to take a lot of time. I would be willing to vote on it in the next 15 or 20 minutes.

Mr. DOLE. All right.

Would 10 minutes on each side be agreeable?

Mr. EXON. It is perfectly agreeable.

Mr. President, I so ask unanimous consent.

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

AMENDMENT NO. 2331

(Purpose: To make the birthday of Martin Luther King, Jr., a national holiday each January 15)

Mr. EXON. Mr. President, I send an amendment to the desk in the form of a substitute and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Nebraska (Mr. EXON) proposes an amendment numbered 2331.

Strike out all after the enacting clause and insert in lieu thereof the following: That January 15 of each year is designated as "Martin Luther King, Jr.'s Birthday", and the President is authorized and requested to issue a proclamation each year calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

Mr. EXON. Mr. President, the amendment in the form of a substitute that I am offering is a very simple, straightforward amendment, and I suspect that probably it expresses the wishes of at least some of us in the Senate.

Mr. President, what this basically does is to set January 15, the birthday of Martin Luther King, as a day of remembrance and salute to him for his great leadership. It does not have anything to do with a national holiday, per se.

Mr. President, it is with the deepest respect and admiration for Dr. Martin Luther King that I rise to offer this amendment.

It is my sincere belief that Dr. King should be remembered as one of the greatest leaders of our time. He sacrificed greatly for his country. He worked to bring about an America that would guarantee equal rights to all people.

His vision for an America as it should be is shared by millions of Americans including this Senator. Thank God, America is moving closer to the realization of that vision.

Some of the injustices Dr. King addressed through his ministry and his activities have fortunately been righted; many sadly still remain. I am hopeful that the memory of Dr. King will be inspired and will continue to inspire all Americans to pursue the dream of Dr. Martin Luther King.

Mr. President, our Nation now faces a new and serious crisis. Our Nation is in the midst of great economic turmoil. This year's Federal deficit will reach the unprecedented level of \$207 billion. The Nation's unemployment rate continues to be excessively high; and unemployment for Black Americans remains at a shamefully high level.

American industry must compete with highly efficient and productive

foreign producers. And in this time of severe hardship, millions of Americans are finding that services once provided by the Government are now being cut.

It is my feeling that in this time of great economic crisis our Nation cannot afford a paid holiday for Federal workers, and also the number of people who will have one more day off in the private sector if we take the action that is proposed in the bill before us.

It is the overwhelming feeling of those constituents that I represent that another paid holiday is simply a luxury that we cannot afford at this time. As I mentioned earlier today, now is the time for America to get to work and not a time to be planning another day off. As our constituents are asked to make sacrifices, so should all of us on Federal employment. Now is not a time to give ourselves another day off. At the same time, now is the time to remember Dr. Martin Luther King.

The amendment I now offer meets both of these competing interests. It recognizes and honors the special work of Dr. King without the cost of a paid day off. My amendment would permanently designate January 15, Martin Luther King's birthday, as a national day of observance.

It would also request the President issue a proclamation each year calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

This special recognition would not involve the expense of a paid holiday for Federal workers and still preserve the memory and honor of the late Dr. Martin Luther King, Jr. The simpler recognition is given to Thomas Jefferson on the day of his birth, Mother's Day, Father's Day, Flag Day, along with several others.

I therefore ask my colleagues to consider our economic condition, and I ask them to join in this effort to permanently recognize the valuable and important work of Dr. King but in a dignified and special way that will not harm the economic conditions of this Nation.

Mr. President, I reserve the remainder of my time.

Mr. NICKLES. Will the Senator yield to the Senator from Oklahoma?

Mr. EXON. I yield whatever time is necessary.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. I ask unanimous consent to be made a cosponsor of his amendment.

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

Mr. NICKLES. Mr. President, I say to the manager of the bill so that he might be advised that the amendment of the Senator from Nebraska is identical to an amendment that the Senator from Oklahoma was going to offer.

Therefore, I will not offer it. Instead, I am delighted to join my friend from Nebraska as a cosponsor of his amendment.

It is certainly evident to all of us that Martin Luther King, Jr.'s contribution to America is one which has profoundly affected every citizen of this Nation. He understood that equal treatment of all persons was the single theme framed by our forebearers that is most responsible for the greatness of our country. He knew that the extent to which that founding principle of equality is either exalted or debased would determine the future not only of black Americans, but of all Americans.

The era of prejudice in American history which Dr. King rose to fight is one of the most regrettable in our country's short lifespan. The inexcusable acts of bigotry and hatred were widespread and despicable. The loss of human life from that period cannot be undone.

There is one loss, however, which can be undone. That is the loss of self-respect we experienced as a nation over the periodic institutionalization of prejudice and hatred. It is, in fact, a loss we are still experiencing. A sense of outrage and shock returns when, through a movie like "Roots," we relive this epic of our history. Our children who, thankfully, live in a different world, feel this shock when in one history lesson, they learn that America was founded upon the premise that "All men are created equal," only to learn in the next lesson that Americans were lynched, shot, and beaten simply because their skin was not white. The belief that America is unique in all the world becomes tarnished when seen in the light of this period of history. A certain pride and self-respect for our country is diminished. Although we cannot undo the sins of the past, we can insure that all remnants of inequality are scourged from the books. Thankfully, that is the next lesson that our children can read in their history books. It is one that is ongoing.

That is what a day in honor of Martin Luther King, Jr., is all about. It is 1 mile in the journey back to our roots of equality, back to self-respect, and pride as a country. By paying homage to the man whose vision we now share, we celebrate the victory of his movement and his dream. The question before us today, then, is not whether to pay homage, but how to pay homage.

Self-respect as a Nation is made up of many things, one of which is fiscal responsibility. In this area, public confidence is also sorely lacking. People wonder why, when they learned the lesson of living within their means at 12 years of age with a 25-cent allowance, Congress cannot do the same. With every year that the deficit grows,

a certain national self-respect is diminished and cynicism is strengthened.

Now I know that there are some who think that it is somehow immoral to speak of the cost of establishing an additional paid holiday when talking about honoring Dr. King. We are told to "go back to our calculators and estimate the cost of 300 years of slavery." Well, the simple fact is that there is no comparison. No price can be placed on what discrimination cost this country. We cannot repay Dr. King with Federal holidays. What we can do is honor this man in a way that uplifts him and his dream, without creating further cause for the erosion of national pride by expanding the deficit.

The bill before us today, H.R. 3706, would not just designate a day in honor of Dr. King, but would create an additional paid holiday for Federal employees. It is important that persons know that this is not a national holiday as such. It is a Federal paid holiday. The 2.1 million Federal employees would receive a payday for not working. Yet, I imagine that, by and large, the great majority of Americans would continue to work on January 15 or the third Monday of each year. Total Federal costs for a Federal holiday are \$210 million in lost productivity and \$25 million in overtime pay. The cost of the holiday at Tinker Air Force Base in Oklahoma alone is estimated to be \$1½ million. In addition to the fiscal costs, an additional Federal holiday would disrupt a number of significant public services, such as postal operations which would be totally shut down. Non-Federal expense is hard to estimate but could easily reach into the billions. National banks are mandated by law to close on Federal paid holidays. This, coupled with the closing of other public services, will further disrupt the economy and add to the non-Federal expenses of the holiday.

I hope the Senate will support the amendment which I intended to offer and of which I now am a cosponsor. It fulfills two very important goals. First, Congress would be paying tribute to a great American, one who had the courage and conviction to speak out against discrimination. As I said earlier, I believe this is important not only for black Americans, but for all Americans. Second, Congress would be fulfilling its fiscal responsibilities. We would be recognizing Dr. King without further indebting this government. And finally, we would be honoring Dr. King in a way that all Americans could participate in equally.

The amendment designates January 15 each year as Martin Luther King, Jr.'s birthday. The President of the United States would be authorized and requested to issue a proclamation each year calling upon Americans to observe the day with appropriate pro-

grams, ceremonies, and activities. In short, the amendment would establish a national day of recognition in honor of Dr. King without making it a Federal holiday. I think that this is what the majority of Americans would like to do. They would like to pay tribute to Dr. Martin Luther King. But we do not enhance that tribute by giving Federal employees a paid day off.

I hope that you will join the Senator from Nebraska and me in supporting this amendment. Let us work toward the return of national self-respect in two ways, by lifting up the legacy of Dr. King and his dream and by doing so in a way that shows fiscal restraint and responsibility. The man we honor today lived with the single goal of lifting burdens, not creating them. It is only right that his commemoration reflect that spirit.

Mr. DOLE. Mr. President, how much time remains for the amendment?

The PRESIDING OFFICER. 1 minute and 45 seconds.

Mr. DOLE. Mr. President, I know there are other Members who are going to speak. I have been designated by my distinguished chairman, Senator THURMOND, and I think in the interests of time for the reasons stated a number of times on the Senate floor with regard to the WSL issue and other issues raised by the amendments proposals that I will just rely on what has already been stated for the record and ask that the amendment not be adopted.

There is no doubt that both Senators have expressed the concerns of many people in their States and other States with reference to the costs, but I would not want to get this \$200 million or whatever the cost might be confused with the Federal debt or the deficit. We are talking about \$2.5 trillion if we do not do something in the next 30, 40 days in the Congress. I am certain that the costs of this bill will be added to that deficit, as will the costs of a number of other amendments to bills that are going through the Senate, and there will be a lot of millions, and maybe a few billions at least attempted to be added. But the cost is a factor and it ought to be considered, and I certainly appreciate the concerns expressed by the Senator from Nebraska and the Senator from Oklahoma.

But again this bill does enjoy overwhelming bipartisan support. It has been debated. I am one of those who frankly felt we should have held hearings and could have discussed all these different alternatives but that was not a judgment the Senator from Kansas made. The hearings have not been held recently, and have not been held in this Congress.

I would therefore yield the remainder of my time to the Senator from Massachusetts.

Mr. TSONGAS. I thank the Senator from Kansas. Let me begin by acknowledging the fine work done by a number of the Members of the Senate but particularly my colleague from Massachusetts, Senator KENNEDY, who has been in the forefront of this issue long before I ever came to the Senate, and finally tomorrow we will see his efforts and those of a number of other people brought to fruition.

Mr. President, I rise today to support the legislation to designate the third Monday of each January as a Federal holiday commemorating the birth of Dr. Martin Luther King, Jr. This legislation, long overdue, is a monument to the achievements of Dr. King and to the belief that peace, justice, and equality are the foundations of the American dream; the dream Dr. King lived and died for.

I am appalled that the opponents of this legislation have attempted to belittle this debate by repeating unsubstantiated allegations on Dr. King's affiliations with members of the Communist Party. The suggestion that there is new and revealing information in the FBI files on Dr. King is ludicrous and represents a side of our history of which none of us can be proud. The attempts of the FBI and its Director, to discredit Dr. King and thus the Civil Rights Movement, failed in the 1960's and I assure you, similar efforts will fail again today.

The FBI files have been reviewed time and time again without substantiation of suggestions that Dr. King was a Communist or that he was unduly influenced by members of the Communist Party. The bipartisan Select Committee on Assassinations reviewed all of the FBI files on Dr. King and in its findings reported:

In October 1962, the FBI opened its security investigation of the SCLC and its president, Dr. King. The investigation was authorized by the Attorney General. The initial purpose of the investigation was to examine what if any, Communist influence existed in the SCLC. The committee concurred with the 1977 Justice Department study in its conclusion that no evidence existed that Dr. King was a Communist or ever was affiliated with the Communist Party; that the SCLC under Dr. King was ever anything other than an organization devoted to civil rights; that Dr. King's alleged Communist advisors never "sold" Dr. King any course of action that could be identified as Communist; and that the security investigation should have been terminated shortly after it commenced.

The report goes on to say:

In August 1963, the Domestic Intelligence Division completed a synopsis of the Communist Party's effort to exploit the American Negro. It concluded that while the party has expended enormous effort and resources to influence and control Black Americans, it had been largely unsuccessful. In sworn testimony before the committee, agents from the Domestic Intelligence Division insisted that their conclusion of insignificant infiltration into the civil rights

movement reflected their professional judgment then as well as in 1978.

Five of the members of that committee continue to serve in the House of Representatives. All of them, with full knowledge of the FBI investigation of Dr. King, voted in favor of this legislation. Another Member now serves in this body and is a cosponsor of this legislation. I think it is time, Mr. President, to put these petty and mean-spirited allegations behind us and accept the findings of the Assassinations Committee, the Justice Department, and other congressional committees that have examined this question.

Twenty years ago, Dr. King led a quarter of a million people to the Washington Monument and this Nation began to examine the disparities and inequities existing in our land. We were challenged by a prophet of a nonviolence to declare war on the injustices of our system. The prophet was silenced by an assassin's bullet, but his dreams live on. We are a better people because of his leadership. We have a unique opportunity to set aside one special day to honor and embrace his ambitions and dreams while reminding ourselves of the work yet to be done.

The Civil Rights Act, the Voting Rights Act, the end of discrimination in the use of public facilities are but a few of Dr. King's legacies to us. But discrimination continues to surface in our Nation. Blacks are prevented from registering to vote in certain parts of the country. Members of the entertainment community recently testified before a House subcommittee on the lack of job opportunities for minorities in their industry. They expressed concern for the negative and inaccurate portrayals of minorities in television and motion pictures. There are communities surrounding the Nation's Capital where synagogues have been desecrated and crosses have been burned. Indeed, there is work to be done.

I realize, Mr. President, that we cannot legislate what people think or believe but we can designate this day as a symbol of what is just and right and what we believe our Nation can be. The cost of an additional Federal holiday is irrelevant when compared to the exorbitant price of racial and ethnic discrimination. We are a poorer people while this exists in our country.

I have had the privilege of cosponsoring this legislation every year I have served in the Congress. Since Dr. King's death, 16 States, the District of Columbia, and Virgin Islands have recognized his birthday as a legal holiday. Dr. King dreamed of a nation where his children would be judged, not by the color of their skin, but the content of their character. This Nation's true character is revealed in the persons we honor and the philosophies we em-

brace. I believe it is time for the Senate to act favorably on this measure and forever commit to our history the member of Dr. Martin Luther King, Jr.

Finally, I think, Mr. President, that events like this are important so that those who observe them can have a pretty good understanding of how progress is made in this country, that there are ideas and symbols whose time has come, and this is one, and if the people wonder why progress is so difficult, they should observe the action of the Senate and those who fight bitterly to hold back to a different past.

That past is over. Dr. King is as much a part of what the Nation stands for as anyone who has lived in this country, and I hope that the resounding victory which I am sure will come tomorrow will say to one and all that that era of nonrecognition of trying to go back to an era that I do not think was so bright in this country that all of that is over and we march on hopefully in much more harmonious fashion.

I am proud to have been in the Senate when this is passed and I hope other Senates in the future will look back on this as a very vital addition of our time.

As far as I know, Mr. President—how much time is left on behalf of those in opposition?

The PRESIDING OFFICER. There are 5 minutes 20 seconds remaining.

Mr. TSONGAS. I reserve the remainder of my time and yield back to the proponents.

Mr. EXON. Since I am controlling time on this side, may I ask what do we have, a minute and a half?

The PRESIDING OFFICER. One minute and 40 seconds.

Mr. EXON. Mr. President, I think probably there is no need to carry out debate any further on this.

In winding up the proponents' side of this amendment, I think we have stated our case very well. We agree that Dr. Martin Luther King was a great American. We agree that Dr. Martin Luther King did more than anyone else to eliminate bigotry in this country.

But why is it that we cannot honor him with a special day, as we do Flag Day, Mother's Day, Father's Day, and Thomas Jefferson's Birthday? Why is it that we insist on giving people time off to honor someone?

I think this is the wrong time to take this kind of an action. I hope that when my colleagues come to vote they will recognize that the amendment that has been offered and is now before us is obviously the best way to solve this problem that now confronts us.

I reserve the balance of my time.

May I ask if the opponents are ready to yield back their time? If so, I am ready to yield back my time.

Mr. TSONGAS. I think I am willing to risk it in this case. I am prepared to yield back the balance of my time.

Mr. EXON. I yield back the balance of my time, but before doing so 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.

The PRESIDING OFFICER. The question is on agreeing on the amendment of the Senator from Nebraska (Mr. Exon). The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. EAST (when his name was called). Present.

Mr. HELMS (after voting in the affirmative). Present.

Mr. STEVENS. I announce that the Senator from New Hampshire (Mr. HUMPHREY) is necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS) and the Senator from Tennessee (Mr. SASSER) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 24, nays 69, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—24

Abdnor	Hatch	Pressler
Armstrong	Hecht	Quayle
Cohen	Jepsen	Simpson
Denton	Kasten	Stennis
Exon	McClure	Symms
Garn	Melcher	Tower
Goldwater	Murkowski	Wallop
Grassley	Nickles	Zorinsky

NAYS—69

Andrews	Eagleton	Metzenbaum
Baker	Evans	Mitchell
Baucus	Ford	Moynihan
Bentsen	Gienn	Nunn
Biden	Gorton	Packwood
Bingaman	Hatfield	Pell
Boren	Hawkins	Percy
Boschwitz	Heflin	Proxmire
Bradley	Heinz	Pryor
Bumpers	Huddleston	Randolph
Burdick	Inouye	Riegle
Byrd	Johnston	Roth
Chafee	Kassebaum	Rudman
Chiles	Kennedy	Sarbanes
Cochran	Lautenberg	Specter
Cranston	Laxalt	Stafford
D'Amato	Leahy	Stevens
Danforth	Levin	Thurmond
DeConcini	Long	Trible
Dixon	Lugar	Tsongas
Dole	Mathias	Warner
Domenici	Matsunaga	Weicker
Durenberger	Mattingly	Wilson

ANSWERED "PRESENT"—2

East Helms

NOT VOTING—5

Dodd	Hollings	Sasser
Hart	Humphrey	

So the amendment (No. 2331) was rejected.

Mr. DOLE. I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Madam President, we have additional amendments listed. If any Senators have amendments to offer, we shall be happy to entertain those amendments. Senator HUMPHREY indicated he has two amendments, but he is not here today. Senator HELMS has a couple of amendments, Senator GRASSLEY may have an amendment, and Senator WILSON may have an amendment. I hope we may have one more vote before the suggested adjournment time of 6 p.m. I think Senator WILSON might be prepared to offer his amendment.

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

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

AMENDMENT NO. 2332

Purpose: To obtain Senate access to Federal records on Martin Luther King, Jr.

Mr. HELMS. Madam President, I send an amendment to the desk and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2332.

Mr. HELMS. Madam President, I ask unanimous consent that further reading of the amendment be dispensed with.

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

The amendment is as follows:

At the end of the bill, add the following:

Sec. . Notwithstanding any other provision of this Act, the amendment made by the first section of this Act shall not take effect unless and until the Senate adopts and carries out the following resolution:

Resolved, That the Senate Legal Counsel, on behalf of the United States Senate, in conjunction with such agencies of the United States as may be advisable, is directed to seek access, by all available legal means, including but not limited to subpoena, to the following:

(a) Any and all records, tapes, documents, files, materials, and other evidence relating in any way to Martin Luther King, Jr. in

the possession of the Department of Justice, the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency; and

(b) Any and all records, tapes, documents, files, material, and other evidence relating in any way to Martin Luther King, Jr. and sealed by order of the United States District Court for the District of Columbia, dated January 31, 1977, in the cases of *Lee v. Kelley, et al.*, Civil Action No. 76-1185, and *Southern Christian Leadership Conference v. Kelley, et al.*, Civil Action No. 76-1186; for the confidential examination of the United States Senate;

Resolved, further, That if the above items and materials are too voluminous for confidential examination by the United States Senate in a reasonable time, in the determination of the Senate Majority and Minority Leaders, a Select Committee on Martin Luther King, Jr. shall be established to summarize and present the salient portion of the material for confidential examination by the United States Senate.

Resolved, further, That after examination of and debate on the above materials, the Senate shall affirm by majority vote that it is appropriate to approve a legal public holiday in honor of Martin Luther King, Jr.

Mr. HELMS. Madam President, the vote earlier today on the motion to commit H.R. 3706 to the Judiciary Committee did not of itself directly put the issue of Senate access to the materials and evidence on Martin Luther King, Jr., currently in the possession of various agencies in the executive branch, before the Senate.

That obviously was the indirect issue but perhaps the issue was not made direct enough by virtue of the nature of a mere motion to commit.

Madam President, the pending amendment puts that issue directly before the Senate. The issue is this: Will the Senate seek to obtain and examine the materials and evidence on Dr. King currently in the possession of Federal agencies prior to passing the King holiday bill?

Now, if the Senate's answer to this question is "yes," it will do a great service to the country and to the legislative process by performing its duties responsibly and with due care. If the Senate's answer is "no," the Senate—and I say this with all due respect, Madam President—will be proceeding ostrich-like, implicitly saying do not confuse us with the facts; we have already made up our minds. In such a case it will then be plain to the American people that the Senate is not merely blissfully ignoring the facts but is also consciously and deliberately ignoring the facts.

Now, Madam President, the pending amendment conditions the taking effect of the King holiday bill on the adoption and carrying out by the Senate of the resolution which I introduced on October 7, Senate Resolution 242. Obviously, I converted it into an amendment for the purpose of today.

Madam President, as is evident from the text of the resolution and the

pending amendment, the purpose of this amendment is to obtain access for the Senate on a confidential basis to all the available evidence now in the possession of various executive agencies. In addition to the materials at the National Archives under court ordered seal for 50 years, there are also materials on Dr. King at the FBI and possibly the Justice Department and the intelligence agencies. According to certain items already made public, we do know that the Federal Bureau of Investigation has a large quantity of material on Dr. King. We do not know, however, the full extent of that material because of what little has been made public. Much has been censored under the Freedom of Information Act exemptions and much remains classified. So this Senator believes it is incumbent upon this body prior to passing this bill to get all of this material and examine it confidentially, if the Senate wishes, but in any case examine it fully and carefully before establishing a national holiday in honor of Dr. King.

Madam President, the documents in the FBI files alone consist of 65,000 items. There is a random selection from the files as released by a Freedom of Information Act request on every Senator's desk, and I presume that some Senators have bothered to look at it, maybe only a few. The individual documents are not complete, and as I said earlier they have been censored by the FBI before release. Therefore, important facts and details may in all likelihood be missing.

Moreover, I want to make it clear that no attempt was made to evaluate the files selected. The object was to show a fairly random cross-section of the files. It is precisely because they are unevaluated that I have urged the Senate to study the matter carefully. In the selection, Senators will find a range of materials. Some of them may be credible, some may not. Some would obviously be more credible if we could see the originals without the sensitive material excised. In any case, I think that the selection is comprehensive enough to demonstrate to Senators that there exist serious questions about the background of the man who would be honored by elevating him to the level of the George Washington. Taken as a whole, the collection shows that there is enough evidence, if we are looking at it purely as a problem of historical investigation, to demonstrate to any reasonable-minded person that Dr. King's key associates included Communist operatives.

Now, I heard astonishing comments on this floor denying that this is so, but, Madam President, these facts are incontrovertible. Furthermore, I have, and I shall insert in the RECORD, statements made by responsible American citizens during the 1960's about the ac-

tivities of King, including Carl Rowan, the distinguished black columnist.

Now, no Senator can say that it is not accurate to submit that Dr. King was surrounded by people with Marxist connections. They may not like the truth, but they cannot alter the truth simply by trying to shout it down. And that has happened here on this floor. Despite any theatrics by Senators who slam documents to the floor, pretending contempt, the fact is that no Senator has been willing to go through this document to say what is in error.

So, Madam President, even from the mutilated state of the files which have been released and placed on every Senator's desk, it is evident that we can see a very close relationship between Dr. King and, for example, Stanley Levison. Time after time we see Mr. Levison at Dr. King's shoulder, advising, proposing, writing his speeches. For example, let us take a look at file No. 100-5506. Most of that particular file, consisting of some 33 pages, is missing. However, there is much that is worthy of study. For example, on page 17 we read the following:

On April 11, 1967, Stanley Levison furnished Dora E. McDonald a statement he had prepared for Reverend King to incorporate into a speech he was scheduled to deliver in Los Angeles on April 12, 1967. In this statement, Levison set forth several points which he desired Reverend King utilize in his speech. These were as follows:

(1) He has lived in ghettos in Chicago and Atlanta and has traveled thousands of miles each month which has taken him into Negro communities throughout the nation; that his direct personal experience with Negroes in all walks of life has convinced him that the majority oppose the war in Viet Nam . . .

Madam President, it then goes on to list four points for inclusion in the speech. On page 18 of the FBI memo, we find the following:

On April 12, 1967, the "Los Angeles Herald Examiner", a major metropolitan Los Angeles newspaper, reported that on April 12, 1967, Reverend King held a news conference in conference room number seven, Biltmore Hotel, Los Angeles, regarding his views of the Viet Nam War. Reverend King stated he favored a cessation of bombing, unilateral withdrawal of troops and an end to American participation in this "unjust war."

During the aforementioned news conference, Reverend King stated in part as follows:

I have lived and worked in ghettos throughout the nation and I travel tens of thousands of miles each month which takes me into dozens of Northern and Southern Negro communities. My direct personal experience with Negroes in all walks of life convinces me that there is deep and widespread disenchantment with the war in Viet Nam . . .

The memo goes on, giving almost verbatim the points proposed by Mr. Levison. It shows a close, one-to-one relationship of influence, and yes manipulation. For Mr. Levison was urging

Dr. King to take positions which were further and further away from the American consensus, even among opponents of the Vietnam war. He was urging Dr. King to enunciate and proclaim what was essentially the Communist Party line.

It is well known that Dr. King's advocacy of the Communist position on Vietnam was so extreme that he was disowned not only by the mainstream liberals, but by other leaders of the civil rights movement. What we have here is a pattern of influence, a pattern of manipulation of Dr. King by a high-level Communist operative.

There are indeed, other examples of Mr. Levison's manipulation in the memorandum I have been quoting. It was with Mr. Levison, for example, that Dr. King discussed the advisability of attending a celebration of the 100th anniversary of the birth of W.E.B. DuBois, to be organized by Freedomways magazine. Freedomways is a magazine that at that time had a member of the central committee of the Communist Party on its board of directors, Hunter Pitts O'Dell, who was also Dr. King's employee.

Dr. King not only went to the celebration but also delivered an address in praise of W.E.B. DuBois, calling special attention to the fact that DuBois was a Communist, and praising him for that fact. That was Dr. King's last major address. After Dr. King's death, the theoretical journal of the Communist Party, Political Affairs, carried a discussion of Dr. King's acceptance of Marxism. One of the points made by the Communist Journal was this particular address. It is worthwhile to read certain paragraphs from this article:

Not six weeks before his death, and despite the staggering burden of his responsibilities as leader of the black freedom fight, Dr. King traveled a thousand miles to honor the life and work of a world-renowned Communist, Dr. W. E. B. DuBois. At the centennial celebration of that revered leader's birthday, February 23rd, sponsored by Freedomways magazine, he described Dr. DuBois as "a radical all his life." He chided those who "would like to ignore the fact that he was a Communist," insisting that "It is time to cease muting the fact that Dr. Du Bois was a genius and chose to be a Communist."

As if consciously to make a point of the connection between Dr. DuBois being a genius and a Communist, Dr. King went out of his way to remind his listeners that "Sean O'Casey was a literary giant of the twentieth century and a Communist," and further that "Pablo Neruda is generally considered the greatest living poet though he also served in the Chilean Senate as a Communist." He went on to denounce "our irrational, obsessive anti-Communism."

That Dr. King's advanced views toward the end profoundly influenced his closest associates was evidenced in the fact that on the very morrow of his assassination, at the massive Memphis demonstration in support of the striking garbage men, his acknowledged heir and successor, Rev. Ralph D. Abernathy, declared before an audience of

50,000: "Poverty is created by *capitalist society*, a society that would deny food to the masses but give luxury to the classes." (My emphasis—J.F.)

From the same platform, on the same momentous occasion, the noted artist Harry Belafonte, a close friend and supporter of Dr. King, described how as a boy in Harlem he sought for leaders who could illuminate for him the road ahead, show him what the future held for a black lad with talent and imagination. He told how first he found Dr. DuBois, then Paul Robeson, "both of whom," he declared, "*the system* tried to silence by methods other than assassination. Now it has turned to murder." (My emphasis—J.F.)

Murder indeed! But even more ominous overtones surrounded this reference to "the system" which "turned to murder" when, just two weeks before the assassination of Senator Robert Kennedy, Drew Pearson, in his syndicated column, "Washington Merry-Go-Round," made the charge that Kennedy, while U.S. Attorney General, had "ordered a wiretap put on the phone" of Martin Luther King. Kennedy's then press spokesman, Pierre Salinger, without denying the charge, replied that the wiretap procedure was authorized only "in cases involving national security and on written request of the Federal Bureau of Investigation."

Madam President, I have mentioned this in a very brief and truncated manner, because there is much more in the way of detail, and other incidents as well. What we see is a picture of a man who is steadily moving towards more and more extreme statements and positions, statements which cannot be distinguished from the Communist Party line.

I reiterate for the purpose of emphasis that this is the kind of statement that is not popular to make, but it happens to be the truth. Not one Senator has refuted one detail. Oh, they have gotten up and shouted, and they have engaged in the theatrics of throwing papers on the floor and talking about filth, but they have not refuted one stated fact.

My distinguished colleague, the junior Senator from North Carolina, has already discussed Dr. King's climactic speech at Riverside Church, and the extremist rhetoric which it involved. The picture is one of a man coming more and more under the influence of Communist thinking. And we see from these censored documents that Stanley Levison was having more and more influence in such decisions.

In 1967, the columnist, Carl T. Rowan, observed this influence and warned against it in his writings. On April 14, 1967, Mr. Rowan wrote:

This intrigue is in the behind-the-scenes struggle of several individuals to be the dominant influence on King. Key members of the House and Senate have been told by the FBI that King is listening most to one man who is clearly more interested in embarrassing the United States than in the plight of either the Negro or the war-weary people of Vietnam.

The mystery, Negro leaders say privately, is why King assailed the United States as "the greatest purveyor of violence in the world today" and heaped on his country vir-

tually all the blame for the death and destruction in Vietnam—this despite the fact that he had been warned privately about some of his advisers and begged by other civil rights leaders not to link Vietnam to the Negro's struggle for equality.

(At a Great Neck, Long Island, meeting of civil rights leaders on March 5, King devoted much of the session to trying to get other Negroes to join him in the attack on U.S. Vietnam policy. He failed.)

Madam President, I ask unanimous consent that the entire article of March 14, 1967, by Mr. Rowan be printed in the RECORD at this point.

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

KING STAND ON WAR HOLDS ELEMENT OF TRAGEDY

(By Carl T. Rowan)

NEW YORK.—There are elements of intrigue, mystery and racial tragedy in the attempt by the Rev. Martin Luther King to tie the civil rights struggle to the movement against U.S. policy in Vietnam. And these elements lie behind the renunciation of King's stand by several Negro leaders.

The intrigue is in the behind-the-scenes struggle of several individuals to be the dominant influence on King. Key members of the House and Senate have been told by the FBI that King is listening most to one man who is clearly more interested in embarrassing the United States than in the plight of either the Negro or the war-weary people of Vietnam.

The mystery, Negro leaders say privately, is why King assailed the United States as "the greatest purveyor of violence in the world today," and heaped on his country virtually all the blame for the death and destruction in Vietnam—this despite the fact that he had been warned privately about some of his advisers and begged by other civil rights leaders not to link Vietnam to the Negro's struggle for equality.

(At a Great Neck, Long Island, meeting of civil rights leaders on March 5, King devoted much of the session to trying to get other Negroes to join him in the attack on U.S. Vietnam policy. He failed.)

The racial tragedy is that the National Association for the Advancement of Colored People (NAACP) and Whitney Young of the National Urban League have felt compelled to denounce King's action publicly. This factionalizes the civil rights movement even more, encouraging the anti-Negro groups to rush to divide and conquer. It also will increase confusion and frustration among the Negro masses and perhaps cause them to lash out more widely and irrationally.

As a pre-eminent hero of the civil rights revolution of the last decade Nobel Prize winner King has been virtually unassailable by other Negroes. Even this week's sharp renunciation by the NAACP board did not refer to him by name although the reference was obvious.

But Negroes like Young, Roy Wilkins of the NAACP and Ralph Bunche at the United Nations have privately expressed dismay over the transformation of King from the Montgomery (Ala.) boycott leader with an uncanny knack for saying the right things into the King of today who has very little sense of, or concern for, public relations, and no tactical skill.

But King's "serious tactical mistake," as the NAACP board called it, was to suggest that the cause of justice for the Negro re-

quired a widespread boycott of military service.

King delivered a one-sided broadside about a matter on which he obviously has an abundance of indignation and a shortage of information.

Beyond that, NAACP and Urban League leaders know that civil rights is an issue where the moral imperatives are fairly obvious, and where a majority of the American people (thanks in part to King's early shrewd leadership) were developing a fairly responsible view of what had to be done. But Vietnam is a complex issue where the moral imperatives are cloudy and confused.

It is plain foolhardy for American Negroes to burden the clearcut moral issue of racial equality with the bitterly complicated controversy over war in Vietnam.

King probably has antagonized millions of Americans who have relatives in Vietnam, or who believe devoutly that our defense of the South Vietnamese is an unselfish and highly moral sacrifice. These people are likely to pepper their congressmen with anti-King (and thus anti-civil rights) messages. The result could be increased jeopardy for the proposed Civil Rights Act of 1967. Young and the NAACP spoke out to make it clear that King did not speak for the civil rights movement and that all Negroes ought not be penalized for one man's outburst.

Cynical guesses as to why King took this tack range from speculation about "bad advisors" to the assumption that the dynamic preacher can't stand being off page one and yielded to a compulsion to seize the one issue that makes headlines every day.

King tells me that his taking this stand was "simply a matter of conscience. I'm more than a civil rights leader. I'm a clergyman charged with bringing Judeo-Christian ethics to bear on the sins of our time."

The fact is, however, that King's reputation rests on his civil rights leadership, and not his preaching. Thus his Vietnam stand is likely to be costly to millions of Negroes, the very people to whose well-being King pledged his life work.

Mr. HELMS. Madam President, Mr. Rowan later expanded on this theme in a longer article in the Reader's Digest. In this article, he mentioned opposition to the direction in which Dr. King was going by almost all prominent black leaders, including Ralph Bunche, Roy Wilkins, Senator Edward Brooke, Whitney Young, and others. Mr. Rowan noted.

A recent Harris survey showed that almost one of every two Negroes believes that King is wrong—and another 27 percent reserved judgment.

Madam President, I ask unanimous consent that the Carl Rowan Reader's Digest article of September 1967 be printed in the RECORD at this point.

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

[From the Reader's Digest, September 1967]

MARTIN LUTHER KING'S TRAGIC DECISION
(By Carl T. Rowan)

What has caused him to jeopardize, by his ill-advised pronouncements on Vietnam, the movement he has so ably served? Another distinguished Negro looks at the man and his motives.

On a crisp, clear evening last April 4, the Rev. Martin Luther King stood in New York City's Riverside Church and delivered the most scathing denunciation of U.S. involvement in Vietnam ever made by so prominent an American. He labeled the United States "the greatest purveyor of violence in the world today" and accused it of "cruel manipulation of the poor." He said that the people of Vietnam "watch as we poison their water, as we kill a million acres of their crops."

He stated the U.S. troops "may have killed a million South Vietnamese civilians—mostly children." He said that American soldiers "test out our latest weapons" on the peasants of South Vietnam "just as the Germans tested out new medicine and new tortures in the concentration camps of Europe." He accused President Johnson of lying about peace overtures from Hanoi, and urged Americans to become "conscientious objectors."

Reaction across the nation and around the world was immediate and explosive. Radios Moscow and Peking picked up King's words and spread them to distant capitals. In the White House, a Presidential aide shouted, "My God, King has given a speech on Vietnam that goes right down the commie line!" President Johnson, reading the wire-service reports, flushed with anger.

Civil-rights leaders wrung their hands and began to plan steps to take the already splintered movement for Negro equality out from under the onus of King's broadside. Such prominent Negroes as Roy Wilkins, executive director of the National Association for the Advancement of Colored People, Ralph Bunche, Nobel Prize-winning United Nations under-secretary, and Sen. Edward Brooke disagreed publicly with King. The directors of Freedom House called the program that King advocated "demagogic and irresponsible in its attack on our government." The Washington Post, long a supporter of King, said, "Dr. King has done a grave injury to the great struggle to remove ancient abuses from our public life. He has diminished his usefulness to his cause, to his country and to his people."

What sort of person is this man who has been awarded a Nobel Peace Prize and denounced as a knave, all within three years? What do Martin Luther King and his recent actions mean to the nation and to the searing disputes that now rend the civil-rights movement?

SURED BY FIGHTERS

To understand King's unique position in American life, we must go back to January 15, 1929, when Martin Luther King, Jr., was born in a comfortable 13-room house in Atlanta, Ga. His father and his maternal grandfather, the Rev. A. D. Williams, had become, via Ebenezer Baptist Church, two of the great preachers of the South.

By the time "Little Mike" was six (when his father changed both their names to that of the leader of the Protestant Reformation), he was well aware of the racial struggle around him. Grandfather Williams had been an early leader of Georgia's chapter of the NAACP. His father fought for equal salaries for Negro teachers and to abolish the Jim Crow elevators in the Atlanta courthouse. And young Martin soon knew at firsthand the hurt and humiliation of discrimination. He has recalled as one of his angriest hours a bus ride from Macon to Atlanta, when a bus driver called him and his teacher "black sons of bitches" because they

were slow in surrendering their seats to white passengers.

A bright, sensitive student, King entered Atlanta's Morehouse College at 15, toying with the notion of becoming a lawyer or doctor. There he read Thoreau's "Essay on Civil Disobedience," and became convinced that he had to involve himself in social protest, and that only through the ministry could he function effectively. From Morehouse, King went to Crozer Theological Seminary, in Chester, Pa., where a lecture on Mohandas Gandhi led him to devour every book and article written about India's great leader of non-violent protest.

The thinking of Gandhi and Thoreau was still burning inside King when I first met him, late in 1955. He was then involved in his first major test of nonviolence and civil disobedience in the Deep South. On December 1 of that year, a Negro seamstress, Mrs. Rosa Parks, had boarded a bus in Montgomery, Ala., where King had recently become pastor of the Dexter Avenue Baptist Church. When the driver ordered Negroes to stand so that whites could sit, Mrs. Parks refused and was arrested. Within hours, Negroes had launched a 99-percent effective boycott that threatened to ruin the bus line.

As a report for the Minneapolis Tribune, I went to Montgomery and was permitted to sit in on the strategy sessions of the Negro leaders. King's gift of articulateness, his apparent lack of personal ambition, his willingness to stand up to tough-talking city officials made him the natural leader of the movement. The city arrested 115 Negro religious and political leaders; a bomb exploded on King's front porch. But the boycott held firm for 382 tense days, and led to the U.S. Supreme Court decision outlawing bus segregation. The Negroes of Montgomery had won a great victory, and Martin Luther King was world-famous.

BREASTPLATE OF RIGHTEOUSNESS

How did King rise to the pinnacle? He had charisma—a down-to-earth sincerity, an ability to wear the mantle of the church in such a way as to suggest a special closeness to God. He won the grudging admiration of white Americans and the support of millions of foreigners through his dignity, his willingness to take verbal abuse, to go to jail quietly—and to turn the other cheek in the process—in order to achieve his goals. He seemed impervious to provocation. He earned the reputation of a selfless leader whose devotion and wisdom were larger than life.

When a group of badgered, beaten Negroes in Gadsden, Ala., were on the verge of violence, King asked them to put down their arms. "Get the weapon of non-violence, the breastplate of righteousness, the armor of truth, and just keep marching," he pleaded. They did. And when the young minister said to whites, "We will match your capacity to inflict suffering with our capacity to endure suffering. We will not hate you, but we cannot in all good conscience obey your unjust laws," he disarmed many who held latent hostility toward the Negro.

"There is no arrogance about him, no intellectual posturing," reported the New York Times in 1961. "He voices no bitterness against the whites who have handled him roughly." If he became involved in crisis after crisis—the restaurant sit-in in Atlanta in 1960; demonstrations in Albany, Ga., in 1961; the explosive Birmingham protests of 1963; the Selma, Ala., march of 1964—it was because, as one of his aides said, "You've got to have a crisis to bargain

with. To take a moderate approach, hoping to get white help doesn't work."

THE HALO SLIPS

But, inexplicably, something began to happen after a while. King seemed to develop an exaggerated appraisal of how much he and his crisis techniques were responsible for the race-relations progress that had been made.

He could, indeed, make a pretty convincing argument that it was the crisis he and his followers precipitated in Birmingham in 1963 that capped the Negro's revolution and won the support necessary for the passage of the civil-rights laws of 1964 and 1965. But other Negro leaders, while not belittling demonstrations, argued that the Negro could never forgo a reliance on the law. They pointed out that Negroes might still be walking instead of riding buses in Montgomery had the lawyers not won their case in the Supreme Court. They said that the Negro had to continue to seek strong legislation and just court decisions. They argued that the cause required a shrewd, sometimes sophisticated wooing of public opinion.

Negroes had, in fact, begun to grow uneasy about King. He no longer seemed to be the selfless leader of the 1950's. There was grumbling that his trips to jail looked like publicity stunts. When arrested in Albany, Ga., in 1961, he had declared dramatically that he would stay behind bars until the city desegregated public facilities. Two days later, he was out on bail. In St. Augustine, Fla., after getting Negroes fired up for massive demonstrations, he went to jail amid great fanfare. But two days later he was bailed out again, so he could receive an honorary degree at Yale University.

SINISTER MURMURINGS

King really gave both critics and admirers serious cause for concern in 1965, when he began to talk about foreign policy. In July of that year, he told a Los Angeles group that the issues of racial injustice, poverty and war are "inextricably bound together." When advisers expressed doubts about the wisdom of linking the three, he retorted: "One cannot be just concerned with civil rights. It is very nice to drink milk at an unsegregated lunch counter—but not when there is strontium 90 in it."

A month later, he announced that he intended to write President Ho Chi Minh of North Vietnam, and the leaders of South Vietnam, Russia and the United States in an effort to move the war to the conference table.

Then, in September 1965, he called on Arthur Goldberg, chief U.S. delegate to the United Nations, and urged the United States to press for a U.N. seat for Communist China. Also, he asked for a halt in American air strikes on North Vietnam, and he recommended negotiations with the Vietcong. At this point, even some of his strongest supporters began to demur.

The New York Herald Tribune said: "Dr. King is already committed to a massive, unfinished task in an area in which he has great influence. He can only dissipate that influence by venturing into fields that are strange to him." In a harsher comment, liberal columnist Max Freedman asked, "Is he casting about for a role in Vietnam because the civil-rights struggle is no longer adequate to his own estimate of his talents?" NAACP leader Roy Wilkins, Whitney Young, executive director of the Urban League, Socialist leader Norman Thomas, and Bayard Rustin, a chief planner of the great civil-rights march on Washington in

1963 and himself a pacifist, all pleaded in vain with King not to wade into the Vietnam controversy.

Why did King reject the advice of his old civil-rights colleagues? Some say it was a matter of ego—that he was convinced that since he was the most influential Negro in the United States, President Johnson would have to listen to him and alter U.S. policy in Vietnam. Others revived a more sinister speculation that had been whispered around Capitol Hill and in the nation's newsrooms for more than two years—talk of communists influencing the actions and words of the young minister. This talk disturbed other civil-rights leaders more than anything else.

I report this not to endorse what King and many others will consider a "guilt by association" smear, but because of the threat that these allegations represent to the civil-rights movement. When King was simply challenging Jim Crow, murmurings that he was associating with, or influenced by, "enemies of the United States" had only limited impact. Most Congressmen and editors knew that American Negroes did not need a communist to tell them that they disliked being herded into the rear of buses, the balconies of theaters, the back doors of restaurants or a ramshackle school across the briar patch. But now that King has become deeply involved in a conflict where the United States is in direct combat with communists, the murmurings are likely to produce powerfully hostile reactions. They cannot help but imperil chances of passage of the civil-rights bill that would protect civil-rights workers in the South and make housing discrimination illegal.

NEW STRAIN

King answered his critics. He had become convinced, he said in his April 4 speech at New York's Riverside Church, that America would never invest the necessary funds or energies in rehabilitation of its poor "so long as adventures like Vietnam continue to draw men and skills and money like some demonic destructive suction tube." He told the Riverside audience that "We are taking black young men who have been crippled by our society and sending them 8000 miles away to guarantee liberties in Southeast Asia which they have not found in southwest Georgia and East Harlem."

The latter is an old cry that some Negroes have uttered in every American war. But in no conflict has a Negro with King's prestige urged Negroes to shun battle because they have nothing to fight for. King must have assumed that the "new Negro," full of frustration as he is, would be sympathetic to this argument. But a recent Harris survey showed that almost one of every two Negroes believes that King is wrong—and another 27 percent reserved judgment.

I find this opposition to King remarkable considering the amount of emotion and anger involved in the Negro revolution. It suggests that most Negroes are proud of the integrated performance of colored GIs in Vietnam; that most Negroes still think of America as *their* country and do not want to seem unpatriotic.

Beyond doubt, King's speech at Riverside Church and his subsequent remarks have put a new strain and burden on the civil-rights movement. He has become *persona non grata* to Lyndon Johnson, a fact that he may consider of no consequence. It is also likely that his former friends in Congress will never again listen to or be moved by him the way they were in the past. This, too, may not bother King. But it can make

the difference between poverty and well-being for millions of Negroes who cannot break the vicious circle of poverty and unpreparedness that imprisons them unless the President provides leadership and Congress provides the circle-breaking programs and laws.

Martin Luther King has alienated many of the Negro's friends and armed the Negro's foes, in both parties, by creating the impression that the Negro is disloyal. By urging Negroes not to respond to the draft or to fight in Vietnam, he has taken a tack that many Americans of all races consider utterly irresponsible.

It is a tragic irony that there should be any doubt about the Negro's loyalty to his country—especially doubt created by Martin Luther King, who has helped as much as any one man to make America truly the Negro's country, too.

Mr. HELMS. Madam President, for the reasons mentioned in these materials the Senator from North Carolina has insisted from the very beginning that the U.S. Senate owes it to the American people to look at the facts, to hold hearings, and then make this judgment which is going to be made pell-mell tomorrow afternoon at 4 p.m.

Senators may scoff, they may holler racist, they may engage in epithets and theatrics but they are simply avoiding, obscuring, the facts.

And if everyone is wrong except these Senators who are engaging in such haste to pass this measure, then why do they not say, "OK, we will send it to the Judiciary Committee, and we will let there be some hearings on it," because the bill provides that this national holiday in which the country will be shut down will not go into effect until 1986. So why all the rush, why all the reluctance to look at the truth, to look at the record, and then make our judgment?

I say this with all due respect to my colleagues. I am absolutely persuaded that the Senate will be derelict in its duty if it does not take steps to insure that it has been fully informed by obtaining this information from the executive branch.

Mr. President, earlier today, a reference was made to the Church Committee report on intelligence activities.

Mr. President, I call attention to the fact that the Church Committee did not set out to evaluate the charges against Dr. King as such, but as grist for its general proposition that counterintelligence activities had injured civil rights in a wide-ranging variety of incidents. The committee did not make an exhaustive study of the matter, particularly with regard to Stanley Levison and Hunter Pitts O'Dell. What the committee said, and I quote from the report on page 85, was the following:

Without access to the factual evidence, we are unable to conclude whether either of those two advisers were connected with the Communist Party when the case was opened in 1962, or at any time thereafter.

Mr. President, note what the committee said: "Without access to the factual evidence ***."

That is what this discussion is all about. The Senate has never been given access to the factual evidence. The Senate should insist on being given that access. That is all I am trying to do.

Madam President, I ask for the yeas and nays on the amendment.

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

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield myself such time as I might use.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. Madam President, we are told that we need yet another review of all the FBI material in order to make an informed judgment. Let me respond, first of all, that we should regret the fact that the material exists at all. Second, let me remind my colleagues who may have forgotten that a Senate committee has investigated this issue already and at length.

In 1976, the final report of the select committee to study governmental operations with respect to intelligence activities explicitly condemned FBI activities concerning Dr. King. The report examined the FBI's tactics and found that:

The sustained use of such tactics in an attempt to destroy Dr. Martin Luther King, Jr. violated the law and fundamental human decency.

The committee concluded:

The FBI's covert action campaign against Dr. Martin Luther King . . . demonstrates just how far the Government could go in a secret war against one citizen . . .

I continue:

Even after Dr. King's death, agents in the field were proposing methods of harassing his widow, and bureau officials were trying to prevent his birthday from becoming a national holiday.

Still quoting from the report:

The actions taken against Dr. King are indefensible. They represent a sad episode in the dark history of covert actions directed against law abiding citizens by a law enforcement agency.

In any event, the FBI has stated that at no time did it have any evidence that Dr. King himself was a communist or connected with the Communist Party. Dr. King repeatedly criticized Marxist philosophies in his writings and speeches. The present Deputy Associate Director of the FBI's Domestic Intelligence Division, when asked by the committee if the FBI ever concluded that Dr. King was a communist, testified, "no, sir, we did not."

It is sad to have to refute these charges at all, for they arise from reports based on innuendo and hearsay—and from the misconduct of government itself. When we learn that the FBI was crusading against a

Martin Luther King holiday, when we learn that its agents discussed harassing Coretta Scott King even as she grieved, none of us should seek to justify such misdeeds by compounding the evil and the error of assaulting Dr. King's reputation.

Instead we much recognize his contribution—at last and unequivocally.

The FBI's record does not indict Dr. King, but his adversaries.

I question no one's motives, but I do say that the repeated and reckless charges against Dr. King are false.

Finally, we are asked how we can accord Dr. King an honor that has been granted to only one of the Founding Fathers—George Washington. Perhaps we should reflect on the fact that the founders declared that all were created equal—and then permitted a condition to continue under which millions of human beings were consigned to the degradation of slavery. Even emancipation brought inequality, segregation, and second class citizenship. A century passed until Americans heard and heeded the call of Martin Luther King, to reach for a day when all this land could say: "Free at Last, Free at Last, Thank God, Almighty, I'm Free At Last."

George Washington was the first in rank among the founders of the Nation. Martin Luther King, Jr., was the first in rank among the founders of a newer and fuller American freedom—of a nation truly dedicated to "Liberty and Justice for All." In a very real sense, Martin Luther King is a second father of our country, for he led us to pursue our own fundamental ideals and our own best destiny.

We can all be grateful that Martin Luther King chose the path of nonviolent change for America. By contrast, the Communists advocate violence all across the world.

And Dr. King himself told us how to answer their challenge:

Our greatest defense against communism is to take offensive action on behalf of justice. We must with affirmative action seek to remove those conditions of poverty which are the fertile soil in which the seed of communism grows and develops.

Martin Luther King raised and still represents the hope of black, Hispanic and poor Americans that this country belongs to them, too—that they are full citizens—and that here they can breathe free and equal. This Chamber must not dash that dream. The recognition we can give now to Dr. King can also revive the hopes he inspired—and reaffirm that in its third century, America will fulfill its founding principles—the principles proclaimed in the Declaration of Independence—and then given new life by Dr. King.

Mr. DOLE. Madam President, allegations of Dr. King's ties to the Communist Party have already been exhaustively explored.

The following is a chronological listing of all Senate and House hearings or reports published since 1975 where allegations that Dr. King had Communist ties were examined:

November 18, 19; December 2, 3, 9-11, 1975. Hearings before the Select Committee to Study Governmental Operations on U.S. Intelligence activities, see pages 347-840.

April 23, 1976. Final Report of the Select Committee, see pages 79-184, "Dr. Martin Luther King, Jr. Case Study".

March 16, 1977. Hearings by the House Select Committee on Assassinations.

March 28, 1977. Progress Report of the House Select Committee on Assassinations.

May 27, 1976. Hearings by the House Subcommittee on Civil and Constitutional Rights, FBI Oversight.

January 2, 1978. Final Report of the House Select Committee on Assassinations.

November 19, 1978. Hearings before the House Select Committee on Assassinations.

November 17, 20, 21, 1978. Hearings before the House Select Committee on Assassinations.

March 29, 1979. Report of the House Select Committee on Assassinations.

March 27; June 21, 1979. Joint hearings of the Senate Subcommittee on Civil and Constitutional Rights and the House Subcommittee on Census and Population to consider S. 25, designating Dr. King's birthday as a legal public holiday.

February 23, 1982. Hearing before the House Subcommittee on Census and Population to consider designating the birthday of Dr. King a legal, public holiday.

There are a total of six different committees that have explored this matter in varying degrees. None of the committees ever established that Dr. King had any ties to, or was a member of, the Communist Party.

As the 1979 Senate committee report on the King holiday legislation concluded:

The Committee believes that such accusations are neither supported by the facts, nor worthy of extended comment. Such charges have been exhaustively reviewed by several Congressional investigations and found meritless.

Indeed, the FBI apparently admitted as much during a 1976 Senate Intelligence Committee investigation. Specifically, the staff report growing out of that investigation noted:

In any event, the FBI has stated that at no time did it have any evidence that Dr. King himself was a communist or connected with the Communist Party. Dr. King repeatedly criticized Marxist philosophies in his writing and speeches. The present Deputy Associate Director of the FBI's Domestic Intelligence Division, when asked by the Committee if the FBI ever concluded that Dr. King was a communist, testified, "No, sir, we did not."

With regard to allegations that two of Dr. King's associates, Stanley Levinson and Jack O'Dell were members of the Communist Party, the same report stated that no factual evidence was presented by the FBI to conclude that either men were connected with the Communist Party and that there was "no evidence establishing that either

of those advisers (O'Dell and Levinson) attempted to exploit the civil rights movement to carry out the plans of the Communist Party."

Finally, Mr. President, I would add that any information resulting from the FBI's surveillance of Dr. King is necessarily tainted. Congressional investigations have since shown that the surveillance was part of a concerted undercover effort to discredit Dr. King. Indeed, the Senate Intelligence Committee's 1976 investigation found that the FBI secretly categorized Dr. King as a Communist in May 1962, months before it even started to investigate him.

It is true that the various congressional investigations may not have uncovered every piece of information contained in the sealed files. However, there were comprehensive investigations, and I believe that if there was, in fact, anything of significance in the files, it would have been uncovered by now.

I am prepared to yield back the remainder of our time.

Mr. SYMMS. Will the Senator yield?

Mr. DOLE. I would be happy to yield.

Mr. SYMMS. I thank the Senator from Kansas for yielding.

I rise in support of the amendment. I ask for the support of the amendment for two reasons: One, I cannot understand the urgency of this legislation. No one has answered, to my satisfaction, the nature of the various charges raised regarding Dr. King. Though, I make no charges about Dr. King, myself.

I cannot help but think, Madam President, that as we sit here today, we have 9.5 percent unemployment; we have marines under fire in Lebanon, in fact one was killed this weekend. We have a situation in Central America where the Brezhnev doctrine is meeting head-on with the Monroe Doctrine. Only 600 or 700 miles from our borders, there is a revolution occurring. We also have a deficit problem. By the end of the month, the Treasury will ask us to raise the national debt another \$300 to \$400 billion, soon the interest on the national debt will be more than the budget was only 10 years ago. With all of these problems, Congress decides the solution is another paid holiday.

In addition, the balance of payments is in poor shape. The Japanese and Europeans are competing with our automobile industry, our heavy steel industry, and our machine tool industry. So what do we do in Congress to help solve these problems? We suggest another paid holiday.

I am sure, Madam President, that this Senator would find it hard to vote for a paid Federal holiday no matter whom it recognized. We already have 52 days off. I might make a point for the Creator himself and the people

who work by the hour. People who are not in union contracts, a significant number of the work force. I have talked with them, they say, "The only thing you are doing in Washington is giving a paid holiday for Government employees and bankers." They say, "What about the people who are working for wages all across this country, what is Congress doing for them. What is the significance of this legislation at a time when we need to be increasing production in this country?"

I am reminded of the book "1984," by Orwell, and the other more humorous version he wrote, entitled "The Animal Farm." You must remember this is only 1983, Madam President, we should wait until 1984 to pass this bill because it would be so significant if we did it in 1984. Washington's answer to our economic problems, to our foreign policy problems is another paid holiday and another holiday makes a good bargaining chip for the unions to use when it comes to management and contract negotiations.

What about the working people? Are they going to get a paid holiday? No. They are forced to take a day off without pay, because they get paid by the hour. So most of the people who pay taxes will not be able to take the day off in celebration.

It would appear to me to make more sense, Madam President, if we set the day on a Sunday to recognize Dr. King, if that be the wisdom of the Congress, rather than to have another paid holiday. In the meantime, I think it is only fair that those of us who are being asked to vote for this bill have all the total facts. What are the two pages of evidence that supposedly are sequestered at the Justice Department? Why is there such a big rush? What is the big hurry here in Washington? Is it we do not want to address the real problems of the country? So in order to have something to talk about on the floor of the Senate, we turn to another paid holiday because that is less controversial, and does not really confront anything. Anyway we delay for a couple of years—until 1986 before this bill becomes effective.

So, what is the urgency? I cannot understand why Senators would resist wanting to know the evidence, if there is any evidence. If there is nothing to be shielded, why should we worry about it?

One of my distinguished colleagues suggested to me, that, anyone who had a holiday in his honor should at least have passed on to his reward 50 years ago. It has only been 15 years, so what is the big rush?

I compliment the Senator for his amendment and I ask unanimous consent to be listed as a cosponsor.

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

Mr. SYMMS. Madam President, in the House, Congressman DANNEMEYER

has offered a bill, H.R. 3584, which speaks to this issue. It says: "Any legal public holidays established in the future will occur on a Saturday or Sunday."

I would hope my colleagues would consider this and between now and tomorrow. And that thought be given to the excellent work done in the House by Congressman DANNEMEYER. We might take a look at Congressman DANNEMEYER's suggestion and consider amending this bill.

It would be more acceptable to the working taxpaying American citizen if we did not create a paid holiday. The American people would not be asked to pay for one more day that they will not be able to enjoy. If they enjoy the holiday, they will not be paid as salaried employees on the Government payrolls.

Madam President, will the Senator yield for 1 more minute?

Mr. DOLE. Yes.

Mr. SYMMS. I thank the Senator for yielding. I have an article that was written in the Raleigh News Observer by our distinguished colleague, Senator JOHN EAST. I ask unanimous consent that it be placed in the RECORD right at the end of my remarks.

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

[From the Raleigh News and Observer, Oct. 15, 1983]

EAST SAYS HOLIDAY FOR KING WOULD BE TOO EXPENSIVE

(By John P. East)

I believe it may not be generally understood that what is being proposed in honor of Martin Luther King Jr. is not merely a commemorative day but a legal public holiday—a paid holiday for federal workers that will be observed also by workers in state and local governments throughout the country.

The cost estimates for a federal legal public holiday are exorbitant. For the federal government alone, the Library of Congress has estimated a cost of \$270 million, and for state and local governments a cost of \$692 million. That comes to a total of over \$900 million—nearly a billion—in pay, benefits and lost productivity for all government workers.

In addition, the U.S. Chamber of Commerce estimates that the cost to the private sector of another federal holiday would be \$4.3 billion, which, added to the public sector costs, gives a total of \$5.26 billion in all. In short, we are not talking about a merely honorary occasion but a major economic sacrifice for the country.

The cost of another federal holiday—our 10th—should give us pause in creating one. The nine others—New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving and Christmas—generally commemorate events or values long held to be central to our national identity. Only one holiday, in honor of President Washington, honors an individual American. Are we, by creating another holiday for King, to elevate him to the same level as the father of our country and above the many

other Americans whose achievements approach Washington's?

A number of other Americans come readily to mind who might reasonably be so honored: Thomas Jefferson, Abraham Lincoln, Robert E. Lee, Douglas MacArthur and Franklin Roosevelt, for example.

Roosevelt's achievements by themselves are distinctive. Crippled by polio at the age of 39 in 1921, he was subsequently twice elected governor of New York and four times president of the United States. He founded the March of Dimes, which, as a private charity, developed the vaccine for polio and which now leads the fight against birth defects. As a significant political and humanitarian figure in our national history, FDR is rivaled by few Americans, yet we hear no proposal to honor him with a national holiday. The reason there is no such proposal is that Americans do not generally honor individuals with such holidays, for if we did, there would be no end to them. We had best leave well enough alone, then, with the establishment of cost-free commemorative days for those we wish to honor.

Nor do we have sufficient perspective on King and the endurance of his achievements to place him on a par with any of the figures I have mentioned. It was not until 80 years after his death that Congress in 1879 honored George Washington with a paid holiday in his name. It has been only 15 years since King's death, and the emotions and controversies that swell around his name have not yet allowed us to measure his achievements accurately or honestly. Let another 65 years pass (or, as James Kilpatrick has suggested, 50 years, so that we may examine the now-sealed FBI files on Dr. King) and we can then weigh his legacy with more objectivity.

Today that legacy does not appear to be entirely positive. King's speech on the Vietnam war in New York in 1967 has become notorious for his hostile remarks about America and the Americans who fought in Vietnam. Calling the United States "the greatest purveyor of violence in the world today," King compared the United States to Nazi Germany. The speech was strongly condemned by liberals who supported King and opposed the war—by Carl Rowan, *The Washington Post* and by *Life* magazine, for example. While it is true that others in the Vietnam era made similar remarks, conscience forbids that we officially honor their author as a national hero; his words were in fact a desecration of the memory of the Americans who fought in Vietnam and an insult to his country.

The cause that Americans should honor is the American ideal of civil rights for all individuals, that all men should be judged on the basis of their talents and merits and not on the basis of their race, color, sex, national origins, creed or disability. The proper way to celebrate this ideal is through a national commemorative day for civil rights.

As a commemorative day—not a federally imposed national holiday—there would be no costs, and National Civil Rights Day would be officially observed and celebrated by such activities and ceremonies as would truly honor this national institution for civil rights for all Americans. This day would avoid the exorbitant costs, distorted perspectives and embittering controversies that would attend a federal holiday for King, but it would more truly honor our national achievement in and our continuing commitment to civil rights—of which Martin Luther King, at his best, was a part.

Mr. SYMMMS. Mr. President, the proposal to honor the late Dr. Martin Luther King, Jr., with a national holiday is regarded by many of my constituents as a bad idea. They do not think we need another paid holiday for Government workers which will cost the taxpayers millions of dollars. If we are to set aside another holiday, they think others are more deserving of the honor than Dr. King.

Their views, which I share, have nothing at all to do with race or with civil rights. Dr. King was an articulate spokesman for his people and for the civil rights movement. But he was also a spokesman for other causes and groups, and it is in these areas that his words and deeds have caused so much controversy and concern.

In particular, many of my constituents are very upset that we would consider establishing a national holiday to honor a man who denounced this country and gave aid and comfort to its enemies during the conflict in Vietnam. Veterans of that war, including many blacks, were incensed by his lack of patriotism then, and they would be insulted now if we observed a national holiday in his honor.

Mr. President, I ask unanimous consent to place in the RECORD an article by John Beauclair, published in the current issue of the *Valley Sentinel*, the official publication of the Boise, Idaho, American Postal Workers Union, AFL-CIO. Mr. Beauclair, who is a postal clerk in Boise, eloquently expresses the concerns I have heard from many others in my State regarding the King holiday proposal. He has the courage to challenge the national leaders of his union who have endorsed that proposal. I believe he is in closer touch with grassroots America than they are, and I earnestly hope that my colleagues in the Senate will listen to his message.

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

MARTIN LUTHER KING, JR.—MARTYR?

(By John Beauclair)

Up the street from the main post office lives an elderly man and woman. Both have spent a lifetime of hard work. Their children have been raised and are now on their own. The indignities and demeaning insults practiced by unthinking people have not spared them. They are black.

Neither one of them has ever taken off a \$300.00 suit or dress and put on a factory-faded outfit to take part in a massive non-violent peoples march across town. Neither of them has received an honorary title allowing them to use "Dr." before their names. Nobody from the national news media has ever shown any interest in them.

But, in my opinion, this man and his wife, who have worked all their lives, raised their family to honor this country as they have done, are more worthy of being honored with a national holiday than the apostle of non-violence, Martin Luther King, Jr.

Enough documentation exists to fully substantiate the close personal ties of Martin

Luther King, Jr. with known communists and communist-front organizations. The violent vocal tirades of this man against the land of his birth during the Vietnam War are a matter of public record. Any veteran of this war should consider a national holiday in honor of this man who gave public aid and comfort to an enemy of this nation during a time of war an additional slap in the face. In former times, his actions would have been treated as TREASON!

The national news media have pulled out all stops to have Martin Luther King, Jr. honored with a national holiday. This would place him beside Jesus Christ and George Washington. Veterans should also remember these same national news media missed very few opportunities to discredit and hold up to ridicule and shame the American men and women who fought in the Vietnam war. There is no doubt in my mind that the actions of Martin Luther King, Jr. and the national news media prolonged this war and contributed to needless death and destruction.

Martin Luther King, Jr. was not a martyr in the traditional sense usually associated with the word martyr. Instead, he was more than likely a victim of the violence that followed his non-violent demonstrations—a non-violence which had very little in common with the christianity he supposedly professed but one more in keeping with the methods used by the communists and communist fronts to stir up racial discontent and fan the fires of revolution in our country. Christianity teaches just the opposite. Humility, longsuffering and turning the other cheek in face of insult are tenets of Christianity. Christianity teaches love of country. Christianity teaches obedience of the laws of one's country. Christianity does not teach the right to pick and choose which laws to obey and which laws to purposely disobey.

It is understandable black Americans would want a black American honored with a national holiday. The choice of Martin Luther King, Jr. is most unfortunate.

It is also unfortunate our own national union leadership had to get wrapped up in this campaign. Are they so far to the left they feel comfortable with the Martin Luther Kings? Are they so out of tune with conditions existing in this nation? The high unemployment; severe inflation (which has only begun to get started); the excessive taxation, which causes any monetary increase to disappear before we even receive it; bankruptcies by the thousands—all these make it exceedingly difficult for the average American family to make ends meet. Does our national union leadership realize the spectacle federal workers present to the general public? The spectacle of federal workers going after another paid holiday (we already have nine) while many millions are out of work? Another holiday will cost our government hundreds of millions of dollars. These dollars have to be first taken from other Americans—a bitter pill to swallow when you are out of work. Or perhaps is our national union leadership out of touch with the troubles engulfing the average American family? Have they been off the work floor too long?

In my opinion, the black man and his wife mentioned at the beginning of this article have, in their lifetimes, accomplished many times more good will between the blacks and whites than have any of the apostles of non-violence. Their example and the examples of millions of other black Americans who have lived their lives in peace and har-

mony with their neighbors, bearing silently the sufferings inflicted on them, had much more to do with acquiring the full dignities of citizenship than ever did the Martin Luther Kings and their fellow travelers.

Mr. SYMMS. I yield the floor.

Mr. DOLE. Madam President, I would just like to insert in the RECORD another bit of information. I know there have been allegations about Dr. King and there have been a lot of investigations. We decided to go back and check some of the statements made about George Washington and Thomas Jefferson and Abraham Lincoln, and maybe they are not important enough to repeat here because they are not here to defend themselves. But I would ask that the information be made a part of the RECORD.

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

During his second term, every aspect of George Washington's career was insultingly discussed in the press, which the public accepted with avidity. It was said that he had been made Commander in Chief because he was such a nonentity Congress was convinced that he could not become a tyrant—but Congress had been wrong. Washington was accused of living extravagantly, of over-drawing his salary. Paine accused him of conspiring with the French Government to have Paine executed. Calling Washington "treacherous in private friendship . . . and a hypocrite in public life . . . an apostate or an imposter."

Jefferson was similarly subjected to such attacks, during the campaign of 1800, Jefferson's political foes had frequently denounced him in press and pulpit as an atheist, tantamount to being a Communist in that day. Before his Presidency was over, Jefferson was to be designated in New England as the anti-Christ. Other sensational charges were that Jefferson had a slave mistress, that he had sought to seduce a friend's wife, and that he had tried to pay a debt with depreciated currency. He was called a liar and a slanderer, even accused of treason by some when he was the Chief Executive of Virginia during the American Revolution.

Nor was Lincoln immune from vicious character attacks during his run for a second term in office. The New York Herald was one of his more outspoken opponents, calling him a "joke incarnated"; his election, a "ridiculous joke"; his cabinet a "standing joke"; his reconstruction "another joke"; and his renomination "the most laughable joke of all."

Did Washington overdraw his salary? Did Jefferson try to seduce his friend's wife; was Lincoln a "ridiculous joke"? Are we to strip these men of their national hero status because of scandalous attacks tossed back and forth over their political careers?

So it is with Dr. King. I am sure that 200 years from now, some history books will still note that there were allegations that Dr. King was somehow linked to the Communist Party and that some accused him of being a "womanizer." But no one will ever be able to dispute the significance of Dr. King's contributions to society—the fact that he raised the consciousness of the Nation to the ugly blight of racial discrimination and injustice, and moved us to act. And because of his actions, all Americans greatly benefited.

Mr. DOLE. I yield back my time.

Mr. HELMS. How much time remains?

The PRESIDING OFFICER. Eight minutes twelve seconds.

Mr. HELMS. I yield back the remainder of my time if the Senator from Kansas will do it.

Mr. DOLE. I have done it.

Mr. HELMS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time is yielded back. The question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. STEVENS. I announce that the Senator from North Carolina (Mr. EAST), the Senator from New Hampshire (Mr. HUMPHREY), the Senator from Maryland (Mr. MATHIAS), are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), the Senator from South Carolina (Mr. HOLLINGS), and the Senator from Tennessee (Mr. SASSER), are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD), would vote "nay."

The PRESIDING OFFICER (Mrs. KASSEBAUM). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 3, nays 90, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—3

Denton	Helms	Symms
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NAYS—90

Abdnor	Garn	Moynihan
Andrews	Glenn	Murkowski
Armstrong	Goldwater	Nickles
Baker	Gorton	Nunn
Baucus	Grassley	Packwood
Bentsen	Hatch	Pell
Biden	Hatfield	Percy
Bingaman	Hawkins	Pressler
Boren	Hecht	Proxmire
Boschwitz	Heflin	Pryor
Bradley	Heinz	Quayle
Bumpers	Huddleston	Randolph
Burdick	Inouye	Riegle
Byrd	Jepsen	Roth
Chafee	Johnston	Rudman
Chiles	Kassebaum	Sarbanes
Cochran	Kasten	Simpson
Cohen	Kennedy	Specter
Cranston	Lautenberg	Stafford
D'Amato	Laxalt	Stennis
Danforth	Leahy	Stevens
DeConcini	Levin	Thurmond
Dixon	Long	Tower
Dole	Lugar	Trible
Domenici	Matsunaga	Tsongas
Durenberger	Mattingly	Wallop
Eagleton	McClure	Warner
Evans	Melcher	Weicker
Exon	Metzenbaum	Wilson
Ford	Mitchell	Zorinsky

NOT VOTING—7

Dodd	Hollings	Sasser
East	Humphrey	
Hart	Mathias	

So Mr. HELMS' amendment (No. 2332) was rejected.

Mr. DOLE. I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. This is the last vote we are going to have today. There are one or two very brief matters to attend to. Is there one amendment to be laid down? There is not.

Mr. LEVIN. Mr. President, I am again pleased to rise in support of the Martin Luther King, Jr., holiday bill. I first joined my colleagues in sponsoring this legislation upon my arrival to the U.S. Senate. As I indicated in earlier debate on this measure, this is a time I have long awaited. This is a time 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 time when we in the Senate seek to transcend the routine legislative agenda, as he sought to transcend the prejudices of centuries.

A number of our colleagues who are opposed to this legislation have made references to an April 1967 speech Dr. King made at the Riverside Church in New York City. In that speech, Dr. King referred to the United States as "the greatest purveyor of violence in the world today."

Mr. President, at the time of the Riverside Church speech, the United States had nearly 500,000 soldiers fighting in Vietnam. Dr. King believed deeply that American involvement in the Vietnam war was immoral. That one remark, revealing Dr. King's frustration with the war, the damaging impact of the war on American society, and its disruptive impact on the Great Society policies, is more reflective of his personal frustration than it is of his ideas and ideals. Dr. King constantly spoke of America as rising above itself to accomplish the highest values of civilization and voiced his belief that America was uniquely able to achieve the American dream.

Mr. President, no leader is faultless, and no leader's entire public record has been so thoroughly combed through as Dr. King's. He later regretted the remark of 1967. In the context of his entire life's work, that single phrase is not a valid basis for judging him negatively.

Mr. SPECTER. Mr. President, I support a national holiday to honor the memory of civil rights leader Dr. Martin Luther King, Jr. In listening to the debate on this matter of great national significance and concern, I have heard several accusations made. We have heard arguments which attempt to tie Martin Luther King, Jr., to the Communist Party of the United

States, which assail his motivations and ambitions as part of an anti-American, Marxist plot. We have even heard the names of the late John and Robert Kennedy conjured to buttress arguments against passage of this legislation.

I submit, Mr. President, that Dr. King represented much of which we can be proud to call American, in spirit and in substance.

The civil rights movement, for which Dr. King was largely responsible, was built on distinctly American principles. The words of Dr. King's eloquent speeches, and brilliantly crafted essays reflect his commitment to American ideals: equal opportunity, freedom and justice. The motivation of his movement was to have these ideals realized in their truest and most exalted form. As magnificent and majestic as Dr. King's dream was, it was also a simple one:

That one day this nation would rise up and live out the true meaning of its creed: we hold these truths to be self-evident that all men are created equal.

To my mind, this is one of the most basic tenets on which American democracy stands. Dr. King personified the American sense of justice and appealed to that basic American ideal as part of his movement for civil rights.

Dr. King's ideals were rooted in the American dream and fused by his personal idealism. He was a Southern Christian theologian who spoke sadly of a nation which had dealt a part of its population a blank check marked insufficient funds with regard to its promise of freedom and equal opportunity; a nation which professed to be the democratic leader of the free world, and yet kept a portion of its population enslaved, and unequal, and unfree.

Dr. King was son of a black Baptist tradition which is, itself, a distinctly American product. Dr. King committed himself to that tradition while he was a junior at Morehouse College and was ordained in his father's church. He was raised within a Jim Crow culture, where nonviolence and peaceful change were remote ideas; and yet, he was a paradigm of peaceful conduct, loving concern for his people and his country.

There are those within this Chamber who argue that Dr. King must be held responsible for a legacy of violence and division which characterized the South during the marches. The violence which Dr. King's marches engendered cannot be attributed to him as part of some violent motivation—to do so would be to miss the poignancy of what those marches exposed. The bombing of churches, the hosing of black masses, the unleashing of vicious police dogs on innocent women and children cannot be attributed to Dr. King, but to the racial sickness which plagued our Nation so terribly that

one can still witness the residual manifestations in our slums and ghettos.

Indeed, Dr. King's dream was, and still is, consistent with America:

That one day on the red hills of Georgia the sons of former slaves and the sons of former slaveowners will be able to sit at the table of brotherhood.

That freedom and equal opportunity would ring across the Nation from every hill and molehill and from every mountaintop, and that, finally, the racial paranoia which plagued this Nation would eternally be resolved.

Certainly, we have not completely fulfilled that vision, but this Nation has made tremendous progress since that day when four little girls were killed in that Birmingham church by a malicious racist.

Blacks no longer use separate facilities, no longer are denied the privilege to vote, and enjoy the same rights as any other American should in this Nation. It would be a fitting and symbolic memorial to Dr. King if this Chamber passed the bill to set aside a national holiday in his honor.

We are all old enough in this Chamber to remember vividly the urgency of the time when Dr. King began his movement. History has a way of producing leaders who suit the needs of their times and alter favorably and irreversibly the course of mankind. Martin Luther King, Jr., was such a leader.

Mr. JEPSEN. Mr. President, Dr. Martin Luther King, Jr., had a dream for all Americans to be free.

Through his leadership and example, much has been done to further the cause of equal rights for all Americans.

Mr. President, it is just and right to want to honor a man, whose contributions changed and reformed the laws and attitude of a whole nation.

At the same time there have been many others who preceded Dr. King and who also left their footprints against economic, political, and personal discrimination in the sands of our history.

We cannot—nor should we—ignore the contributions of others like Abraham Lincoln, Thomas Jefferson, Booker T. Washington, or George Washington Carver.

Yet, none of these individuals have had a legal holiday set aside in their names. In fact, it was not until 95 years after his death that our first President was honored with a Federal holiday.

I want to make it very clear that I feel Dr. King should be recognized for his contributions. Indeed, I would throw my wholehearted support behind a national day of recognition for Dr. King, a day of recognition that would not be a paid legal holiday.

I will therefore vote against H.R. 3706 making the birthday of Martin

Luther King, Jr., a legal public holiday.

Recognition—yes. A legal public holiday—no.

Mr. GLENN. Mr. President, I am pleased to be a cosponsor of legislation which will pay tribute to Dr. Martin Luther King, Jr., a great American leader of our time. I have been a cosponsor of similar legislation in every Congress since I came to the Senate.

The legislation designates the third Monday in January of each year a legal public holiday to commemorate the birthday of Dr. Martin Luther King, Jr. It will become effective 2 years after enactment.

In order to expedite passage of this measure, the Senate will consider H.R. 3706 which the House passed by an overwhelming vote of 338 to 90. This bill is identical to S. 400, the Senate bill of which I am a cosponsor.

This legislation provides us with the opportunity to pay tribute to Dr. King's dedication to the peaceful pursuit of a more just society. It also provides us with the opportunity to rededicate ourselves to the principle that "all men are created equal."

Mr. President, I am going to briefly discuss some of the arguments that have been raised against the creation of a national holiday to honor Dr. King, and then conclude my remarks with a few observations about the life of Dr. King.

Before I do so, however, I want to express my deep concern over the failure of Presidential leadership on this issue. While there has been some indication that the President will sign H.R. 3706 if it is presented to him, he has failed to comment publicly on the bill or to signal his support for it.

As our highest elected official, the President has an obligation to lead the Nation. It is incumbent upon him to let us know where he stands on a major civil rights issue of such importance to millions of Americans. In this instance, the President has failed in his responsibility to face this issue, and I call on him to publicly support this legislation.

Opponents of the holiday argue that it is too expensive, that Dr. King was influenced by Communists and that consideration of the holiday bill is premature.

First of all, the holiday's relatively modest cost is not too high a price to pay to memorialize Dr. King's dream of social justice, equality and world peace. The Congressional Budget Office's estimate of \$18 million for the holiday does not appear to be out of line with the cost of other holidays. Moreover, it is difficult to determine the cost of morality. For example, how much did slavery and segregation cost our great country in terms of human misery, humiliation, and despair?

Second, Dr. King's dedication to nonviolence, peace, and justice bear no relationship to communism. They are democratic principles which have guided this Nation since its inception. Nowhere in Dr. King's advocacy of peace and the brotherhood of man is there a hint of Communist influence. Suggestions to the contrary are based on speculation of the worst sort, and are unworthy of our consideration.

Finally, the opponents argue that the bill caught them by surprise, and that it should be referred to the Senate Judiciary Committee for hearings. This argument ignores the fact that nearly 2½ months have elapsed since the Senate leadership announced its intention to take up consideration of the bill. It also ignores the legislative history of the bill: it has been before the Congress in one form or another for 15 years; and, the Senate Judiciary Committee held hearings on the measure as recently as 1979.

Mr. President, as I mentioned earlier, I would now like to conclude my remarks with a few observations about Dr. King.

As a young man, Dr. King brought maturity to our Nation's development. He taught us that love can destroy hate and that peaceful means can resolve violent conflicts. He endured the temporary indignities of jail to advance his long-term goal of freedom for all. He organized a bus boycott to demonstrate the liberating effects of a simple act of integrity. As Dr. King proudly declared at the time:

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 had been crushed.

Some would tell us that racism and discrimination are ineradicable aspects of life in an imperfect world and that we should simply accept them. Dr. King's life taught us that the well-springs of decency run deep in the American people and that we only weaken that sense of decency by refusing to act in the cause of liberty.

By celebrating Dr. King's birthday, we express our hopes for the future, not just our appreciation of the past. We signal our desire for an America in which every person realizes his or her full potential as a human being, an America in which race keeps no one from a job, an education, a home, or a meaningful role in our political process. This was Dr. King's dream, but much remains to be done.

We are not yet a world at peace as he dreamed we would be and the mere passage of this legislation will not in itself right all the wrongs that still haunt our troubled world. But if he were here, Dr. King would counsel us not to despair. Even in the darkest times Dr. King projected an inner se-

renity and confidence that came from his unshakeable faith in himself, his fellow Americans, and his religion. No unfair laws can long survive that kind of combined moral power.

Mr. President, I sincerely hope that my colleagues will join with me to commemorate the birthday of this courageous American and man of peace. Because his life symbolized many of the ideals and principles fundamental to this Nation, let us resolve to make Dr. King's birthday a holiday. But even more, let us resolve to make an America full of freedom and equal opportunity.

Mr. ZORINSKY. Mr. President, I would like to take this opportunity to explain why I feel compelled to vote against establishing a national holiday to honor Dr. Martin Luther King, Jr. Unlike those who believe that Dr. King is somehow unworthy of this great honor, or who oppose his political beliefs or actions, I believe that Dr. King was truly committed to the finest American ideals of liberty and justice. His courageous struggle to bring civil rights issues to the forefront of the American conscience, his central role in the development and passage of civil rights legislation, his leadership in efforts to bring about understanding and cooperation between people of all races, and his complete commitment to nonviolence earned him the respect and admiration of people the world over. As we all know, these efforts earned him the Nobel Prize for Peace.

As much as I admire Dr. King, however, and as important as I believe his efforts were, I cannot vote to establish a national holiday to honor his birth. In these difficult economic times we can ill afford yet another "no work" day. Federal holidays cost us not only lost time, but also the overtime wages we must pay to those who have to work despite the holiday. We must also remember that not all of private industry observes Federal holidays. Many hardworking Americans who foot the bill for these days off must themselves work. And they, unlike their Federal counterparts, receive no extra compensation for their efforts. Another Federal holiday is not fair to them. We simply cannot afford to declare national holidays for all the men and women who have made significant contributions to America.

I would like to see us honor Dr. King in some other, more appropriate way. Perhaps we could celebrate his birthday in conjunction with an existing holiday. Given that Dr. King was a Baptist minister and derived much of his strength and moral sense from his religion, a Sunday holiday might be more fitting and less costly than yet another weekday holiday.

This is one of those very difficult decisions which elected officials must face periodically: On one hand, there

is an idea you support, but on the other there is a principle which precludes acting as you would otherwise like to act. As much as I want to honor Dr. Martin Luther King, Jr., for his outstanding contributions to the United States of America and the entire world, my longstanding commitment to fiscal conservatism means that I cannot support this particular method of commemorating Dr. King's efforts.

Mr. ABDNOR. Mr. President, I reluctantly rise in opposition to H.R. 3706, the bill to designate the third Monday in January as a legal public holiday to commemorate the birthday of Martin Luther King, Jr. I say "reluctantly" as my opposing the measure may be taken by some as disparaging of Dr. King's place in the history of this Nation. Such is not the case. I believe, and have stated many times, that Martin Luther King probably was the most outstanding leader of black citizens in our country and individually contributed most to the advancement of civil rights in our country.

No less a publication than the Encyclopedia Britannica affirms that Dr. King's contribution to the black freedom movement was that of a leader who was able to turn protests into a crusade and to translate local conflicts into moral issues of nationwide concern. By doing so, Dr. King won his greatest victories by appealing to the consciences of white Americans, thereby bringing political leverage to bear with the Government in Washington. Valid as that assessment may be, Mr. President, it surely does not warrant our hastily designating his birthday as another legal public holiday.

Today, by statute, we have nine Federal holidays, most of which are celebrated on Monday: New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans Day, Thanksgiving, and Christmas. Only two of the nine are designated for specific individuals. Are we to add to that number? And if we do, are we to designate Martin Luther King, ranking him above everyone else in contributing to the history of this Nation? How can one answer that affirmatively, Mr. President, when we consider the contribution of such towering figures in our history as Thomas Jefferson and Abraham Lincoln? If we enact this measure, we would relegate them—as well as others who could well be named—to a lesser place in the Nation's history, irrevocably, I fear, despite a later and more rational assessment.

I also believe we have more than enough holidays. If we were to add a holiday for Martin Luther King, in the short space of 10 weeks we would be observing no fewer than five public holidays—Veterans Day, Thanksgiv-

ing, Christmas, New Year's, and King's birthday. The cost to the Nation of these holidays is really great. According to the Congressional Budget Office a new Federal holiday observed on a Monday would result in net budgetary expenditures of \$18 million per year, and that does not take into account costs to State and local government or very substantial costs in the private sector. Hundreds of millions of dollars thereby are lost year after year. I submit, Mr. President, our budget and our economy can ill afford the burden of another Federal holiday for Martin Luther King or anyone else.

For these reasons I shall vote "no" on this measure.

ROUTINE MORNING BUSINESS

Mr. BAKER. I ask unanimous consent that there be a brief period for the transaction of routine morning business.

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

BALLISTIC MISSILE DEFENSE

Mr. HEFLIN. Mr. President, it has been reported that several senior administration officials, including Secretary of Defense Caspar Weinberger, have recommended to President Reagan that the United States embark on a vigorous ballistic missile defense program which would include the development of space-based laser weapons. This recommendation comes after several months of intense study by a senior administration interagency group made up of the defensive technology study team, directed by James C. Fletcher, and the future security strategy study, headed up by Fred S. Hoffman. According to preliminary reports on its study, the interagency group has recommended that the United States demonstrate its determination to explore and develop a new strategy to defend against nuclear weapons attack in the form of an advanced technology ballistic missile defense system. This would include the development of space-based laser and other defensive weapons for intercepting incoming missiles. The interagency group has also recommended that development of current, more mature ballistic missile defense concepts be stepped up and that the entire program be brought under a centralized manager within the Department of Defense. This comprehensive approach would reduce the military effectiveness of a Soviet preemptive attack with nuclear armed ballistic missiles.

Mr. President, I applaud the work of the interagency group and its reported recommendations to the President. On April 29, 1983, I addressed this body on the need to accelerate development

of strategic defensive systems through an evolutionary approach that would include near-term ballistic missile defense concepts. In a letter to the President at that time I noted that the BMD of the future should evolve from a series of systems and technologies developed during the 1980's and the 1990's, including advanced sensors and data processing and "smart" missiles capable of intercepting incoming missiles and nonnuclear warheads. Also, for many years I have called for an acceleration of our efforts in the development of laser technology with a coordination of these efforts within a single body. In the future we should be able to use ground-based or space-based, high-energy lasers to destroy ballistic missile targets, as well as other offensive targets. I am pleased that the evolutionary concept and the importance of laser technology to that concept has apparently been endorsed by the interagency group in its recommendations to the President, I look forward to carefully studying the interagency group's report when its complete findings and recommendations are made available to Congress.

Thank you, Mr. President.

OSCAR HOWE, 1915-83

Mr. ABDNOR. Mr. President, four prints hanging on the walls of my office never fail to draw admiring comments from visitors. They are of the genius of South Dakota's artist laureate and preeminent native American artist, Oscar Howe.

His paintings achieved national acclaim and he has been heralded for being a major factor in bringing American Indian art into the mainstream of the modern art world.

As important a contribution as was his paintings, equally notable in his fine career was the inspiration he gave as a teacher—patient, dedicated, always willing to give the extra time and effort to convey a thought or a perspective.

South Dakota lost Oscar Howe October 7. He had valiantly fought Parkinson's disease which forced him to give up painting 5 years ago.

He left us all richer, not only by his contributions as an artist and teacher, but by his fine example as a citizen.

Mr. President, I commend to the attention of my colleagues, some of the editorial tribute paid this great artist of South Dakota and all America.

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

[From the Sioux Falls (S. Dak.) Argus Leader, Oct. 11, 1983]

OSCAR HOWE, 1915-83

ARTIST'S CAREER, PAINTINGS WERE AN INSPIRATION TO ALL

Oscar Howe, South Dakota's artist laureate and famed painter of Native American

Indian scenes, left two legacies from a busy lifetime.

He demonstrated extraordinary pluck in achieving his lifetime dream of becoming an artist. His paintings preserve for coming generations a remarkably vivid concept of his people's life on the Northern Plains and their attachment to nature.

Howe, a full-blooded Yanktonai Sioux Indian, born May 13, 1915 at Joe Creek, S.D., on the Crow Creek Indian Reservation, persisted as a youth in following his creative bent despite poverty, illness and frustrations.

He was almost blinded by trachoma at age 10, but recovered and went back to school. Fortunately, he wound up at the Santa Fe Indian School in New Mexico where he took up art under a talented teacher—Dorothy Dunn Draper—and completed high school at 23. This led to an assignment to paint 10 large murals for the Mobridge, S.D., auditorium to depict the history of the Missouri River Basin.

After combat service in World War II, Howe returned home to South Dakota and was graduated from Dakota Wesleyan University where he once taught.

He taught at Pierre High School before joining the University of South Dakota faculty in 1957. He was professor emeritus of art and artist in residence at the university where he taught and painted for many years.

Howe's paintings have won recognition from many authorities, among them John Anson Warner of the University of Regina, Saskatchewan, Canada. Warner said last May: "Howe's work has been instrumental toward bringing American Indian art more into the mainstream of the modern art world. It is not an exaggeration to say that without Oscar Howe's audacity of imagination . . . contemporary Indian painting after World War II might have achieved far less progress than it has."

Howe was an innovator. He departed from traditional Indian art to show realistic figures in surrealistic poses, using brilliant colors with circles and angles as foreground and background for his figures.

Howe objected strenuously when one of his paintings was rejected from a competition for Indian artists in 1958 because it didn't follow traditional Indian style. He won his point when officials of the Philbrook Art Center of Tulsa, Okla., changed its rules. Many other Indian artists then began to experiment with new styles.

Howe's last five years of life were made difficult by Parkinson's disease, which compelled him to stop painting. He died at age 68 Friday at Vermillion, where his funeral was held yesterday.

Thanks to a thoughtful idea by the University Art Galleries and Oscar Howe Art Center in Mitchell, more than 200,000 viewers in four states were able to see an exhibition of 100 of his works in a year-long tour that ended last June. The exhibit, called Oscar Howe Retrospective, appeared in Sioux Falls and several other South Dakota cities.

Another appropriate honor which came to Howe during his lifetime was the Sioux Falls School Board's action in naming a new elementary school for him.

Howe's response to the audience at the dedication of Oscar Howe Elementary School on Sept. 21, 1980 is reproduced on a plaque at the school. The text of the scroll appears below:

As the champagne flowed, the Orioles became progressively more giddy. Jim Palmer, asked which team in the AL East reminded him of the Phillies, took a long minute to think, then said, "Boston."

Boston finished sixteenth. Shortstop Cal Ripken, 23, beamed, "Get as much as you can while you can. Nothing can happen too fast."

Manager Joe Altobelli received his accolades as well.

Yesterday (Saturday) I saw a man do some managing that I didn't think he could do," said McGregor. "He made about eight moves and every one worked and he came out smelling like a rose . . . I wonder if he wasn't bored all year in the American League with the DH."

Despite Dauer's wise evaluation that "Earl taught us to play, but Joe let us play," this was still a team formed by Weaver and under orders from him. After Weaver's final game as manager last season, he called for a moment's silence in the Orioles' clubhouse after an excruciating pennant race had ended in a final-day, highlight-film-spoiling loss to the Milwaukee Brewers.

After giving his thanks to the team, Weaver gave them an order.

"Win 105 for the next guy," he said.

This year, the Orioles went out and won 98 games in the regular season, three in the American League playoffs and four in the World Series.

That's 105, on the nose.

Mr. MATHIAS. Mr. President, it gives me great pleasure to join in introducing a resolution commending the baseball champions of the world, the Baltimore Orioles.

Sunday evening in Philadelphia, before a worldwide television audience, the Orioles showed why they are the best organization in baseball, clinching the World Series in 5 games with a 5-0 victory. Their triumph typified the caliber of play which they displayed throughout the season—power and speed with strong pitching and solid defense. It was, as always, a total team effort.

During both regular- and post-season play, the Orioles were a team that combined talent with a certain magic to produce over 100 victories. Whether it was a young pitcher from down on the farm, a seasoned veteran with the winning tradition, a superstar, or the seldom used player who delivered the key hit, the Orioles tradition always managed to bring out the best of each member of the team.

The 1983 season saw many spectacular performances by the "Birds," but equally impressive were the performances of the "Birdwatchers." Over 2 million fans flocked to Memorial Stadium to support their team, showing the same great enthusiasm in times of defeat as in times of victory. The Orioles' organization, the fans, the city of Baltimore, and State of Maryland can take great pride in the 1983 season.

In closing, I would like to quote from the Baltimore Sun's lead editorial of yesterday. It says:

ORIOLES

The best of Baltimore. The Paragons of the Patapsco. The Monarchs of Maryland. The Ultimate of the United States.

The Epitome of the Eastern Division. The Apotheosis of the American League. The Champions of the World. The O-R-I-O-L-E-S.

AMENDMENTS SUBMITTED

FEDERAL TRADE COMMISSION AUTHORIZATION ACT

McCLURE AMENDMENT NO. 2326

(Ordered to lie on the table.)

Mr. McCLURE submitted an amendment intended to be proposed by him to the bill (S. 1714) to amend the Federal Trade Commission Act to provide authorization of appropriations; as follows:

Beginning on page 13 line 8 strike all through page 14 line 21 and in lieu thereof the following:

Section 5 of the Federal Trade Commission Act (15 U.S.C. 45) is amended by adding at the end thereof the following new subsection:

"(n) The Commission shall not have authority to find a method of competition to be unfair method of competition under subsection (a)(1) if, in any action under the Sherman Act, such method of competition would be held to constitute State action."

The Federal Trade Commission Act is further amended by inserting after section 24 the following new section:

"SECTION 25. (a) In the exercise of its authority under the act to prohibit unfair or deceptive acts or practices engaged in by professionals, the Federal Trade Commission shall not act in any manner which would:

"(1) Result in the invalidation of a State law of such State or any part of such law if such law or part establishes—

"(A) training, education, or experience requirements for licensing of professionals, or

"(B) permissible tasks or duties which may be performed by professionals and which are based on specialized training or education, or

"(2) Constitute an undue interference into functions

"(A) specifically assigned by federal law to other agencies or department of the United States or

"(B) of any court or other instrumentality assigned by state law to supervise the admission and licensure of professionals within that state or

"(C) of any court with final authority within the state to effectively regulate professional acts or practices within that state."

DEPARTMENTS OF COMMERCE, JUSTICE, STATE, AND THE JUDICIARY APPROPRIATION ACT, 1984

COHEN AMENDMENT NO. 2327

(Ordered to lie on the table.)

Mr. COHEN submitted an amendment intended to be proposed by him

to the bill (H.R. 3222) making appropriations for the Department of Commerce, Justice, and State, the Judiciary, and related agencies for the fiscal year ending September 30, 1984, and for other purposes; as follows:

On page 12, after line 6, insert the following:

No funds in this title shall be used—

(1) by the Source Evaluation Board for Civil Space Remote Sensing as established by the Secretary of Commerce to develop or issue a request for proposal to transfer the ownership or lease the use of any meteorological satellite and associated ground system to any private entity; or

(2) by the National Oceanic and Atmospheric Administration to transfer the ownership of any meteorological satellite and associated ground system to any private entity.

MARTIN LUTHER KING, JR. HOLIDAY

RUDMAN (AND HELMS) AMENDMENT NO. 2328

Mr. RUDMAN (for himself and Mr. HELMS) proposed an amendment to the bill (H.R. 3706) to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday; as follows:

On page 1, strike out lines 6 and 7, and insert in lieu thereof: "National Equality Day, February 12."

On page 2, add after line 4 the following new section: SEC. 3. The provisions of section 6103(b) of title 5, United States Code shall not apply to National Equality Day established pursuant to the first section of this Act.

EAST AMENDMENT NO. 2329

Mr. EAST proposed an amendment to the bill H.R. 3706, supra; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "National Civil Rights Day Act of 1983".

SEC. 2. The Congress finds that—

(1) the birthday of President James Madison in March 16;

(2) James Madison played a significant role in the drafting and adoption of the Constitution of the United States;

(3) James Madison played a significant role in the drafting and adoption of the "Bill of Rights" contained in the first ten Amendments of the Constitution of the United States;

(4) the Constitution of the United States is the source of and authority for the laws of the United States and the civil rights and liberties of the citizens; and

(5) the laws of the United States and the civil rights of the citizen guarantee the right or protection of the laws without regard to race, color, creed, national origin, sex, or disability.

SEC. 3. March 16 of each year is designated as "National Civil Rights Day", and the President is authorized and requested to issue a proclamation each year calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

**COMPREHENSIVE CRIME
CONTROL ACT OF 1983**

NUNN AMENDMENT NO. 2330

(Ordered to lie on the table.)

Mr. NUNN submitted an amendment intended to be proposed by him to the bill (S. 1762) entitled the "Comprehensive Crime Control Act of 1983"; as follows:

On page 313, line 1, insert the following new section:

Sec. . (a) The first paragraph of section 506 of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1136) is amended by striking out "In order" and inserting in lieu thereof the following:

"(a) COORDINATION WITH OTHER AGENCIES AND DEPARTMENTS.—In order"

(b) Such section is amended by adding at the end thereof the following new subsection:

"(b) RESPONSIBILITY FOR DETECTING AND INVESTIGATING CIVIL AND CRIMINAL VIOLATIONS OF EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS.—The Secretary shall have the responsibility and authority to detect and investigate and refer, where appropriate, civil and criminal violations related to the provisions of this title and other related Federal laws, including the detection, investigation, and appropriate referrals of related violations of title 18 of the United States Code. Nothing in this subsection shall be construed to preclude other appropriate Federal agencies from detecting and investigating civil and criminal violations of this title and other related Federal laws."

(c) The title of such section is amended to read as follows:

"COORDINATION AND RESPONSIBILITY OF AGENCIES ENFORCING EMPLOYEE RETIREMENT INCOME SECURITY ACT AND RELATED FEDERAL LAWS".

**MARTIN LUTHER KING, JR.
HOLIDAY**

**EXON (AND NICKLES)
AMENDMENT NO. 2331**

Mr. EXON (for himself and Mr. NICKLES) proposed an amendment to the bill H.R. 3706, supra; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That January 15 of each year is designated as "Martin Luther King, Jr.'s Birthday," and the President is authorized and requested to issue a proclamation each year calling upon the people of the United States to observe the day with appropriate programs, ceremonies, and activities.

**HELMS (AND SYMMS)
AMENDMENT NO. 2332**

Mr. HELMS (for himself and Mr. SYMMS) proposed an amendment to the bill H.R. 3706, supra; as follows:

At the end of the bill, add the following:

Sec. . Notwithstanding any other provision of this Act, the amendment made by the first section of this Act shall not take effect unless and until the Senate adopts effect and carriers out the following resolution:

Resolved, that the Senate Legal Counsel, on behalf of the United States Senate, in conjunction with such agencies of the United States as may be advisable, is directed to seek access, by all available legal means, including but not limited to subpoena, to the following:

(a) Any and all records, tapes, documents, files, materials, and other evidence relating in any way to Martin Luther King, Jr. in the possession of the Department of Justice, the Federal Bureau of Investigation, the Central Intelligence Agency, the National Security Agency, and the Defense Intelligence Agency; and

(b) Any and all records, tapes, documents, files, material, and other evidence relating in any way to Martin Luther King, Jr. and sealed by order of the United States District Court for the District of Columbia, dated January 31, 1977, in the cases of *Lee v. Kelley, et al.*, Civil Action No. 76-1185, and *Southern Christian Leadership Conference v. Kelley, et al.*, Civil Action No. 76-1186; for the confidential examination of the United States Senate;

Resolved, further, that if the above items and materials are too voluminous for confidential examination by the United States Senate in a reasonable time, in the determination of the Senate Majority and Minority Leaders, a Select Committee on Martin Luther King, Jr. shall be established to summarize and present the salient portion of the material for confidential examination by the United States Senate.

Resolved, further, that after examination of and debate on the above materials, the Senate shall affirm by majority vote that it is appropriate to approve a legal public holiday in honor of Martin Luther King, Jr.

DENTON AMENDMENT NO. 2333

Mr. DENTON submitted an amendment intended to be proposed by him to the bill H.R. 3706, supra; as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: That this Act may be cited as the "Martin Luther King, Jr., Memorial Commission Act of 1983".

ESTABLISHMENT OF COMMISSION

Sec. 2. (a) There is established a commission to be known as the Martin Luther King, Jr., Memorial Commission (hereinafter referred to as the "Commission") to formulate plans for the construction of a memorial to Martin Luther King, Jr., and the participants in the American civil rights movement.

(b) The Commission shall be composed of—

(1) two members to be appointed by the President;

(2) one member to be appointed by the President pro tempore of the Senate upon the joint recommendation of the Majority Leader of the Senate and the Minority Leader of the Senate;

(3) one member to be appointed by the Speaker of the House of Representatives; and

(4) one member to be appointed by the Mayor of the District of Columbia.

(c) The Chairman of the Commission shall be elected from among the members of the Commission.

(d) Any vacancy on the Commission shall be filled in the same manner as the original appointment.

(e) A vacancy on the Commission shall not affect its powers.

(f) The members of the Commission shall serve without pay or other compensation, except that—

(1) any employee of the United States who is a member from the legislative branch shall be allowed necessary travel expenses as authorized by law for official travel;

(2) any employee of the United States who is a member of the executive branch shall be allowed necessary travel expenses in accordance with section 5702 of title 5, United States Code; and

(3) any member who is not an employee of the United States shall be allowed necessary travel expenses, including per diem in lieu of subsistence in the same manner as provided under section 5703 of title 5, United States Code, for employees serving intermittently in the Government service.

DUTIES OF COMMISSION

Sec. 3. (a) It shall be the duty of the Commission to consider and formulate plans for the design, construction, and location, in the District of Columbia, or its immediate environs, of a permanent memorial to Martin Luther King, Jr., and the participants in the American civil rights movement. Such Memorial shall be known as the Martin Luther King, Jr., Memorial.

(b) Consistent with subsection (a), the Commission shall prepare a study which will set forth guidelines and recommendations for the design, construction, and location of the Martin Luther King, Jr., Memorial. The Commission shall actively seek the advice of private organizations and individual citizens.

(c) The Commission shall submit the study and recommendations required under subsection (b) to the Congress and the President within two years after the date of the enactment of this Act.

**ASSISTANCE BY AGENCIES OF THE FEDERAL
GOVERNMENT**

Sec. 4. All Federal agencies shall provide the Commission with support and cooperation, including such information, personnel, and technical assistance not inconsistent with the law. The General Services Administration shall provide appropriate office space for the Commission. Administrative service shall be provided to the Commission by the Secretary of the Interior.

STAFF OF COMMISSION

Sec. 5. (a) The Commission may appoint a Staff Director who shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b)(1) In addition to a Staff Director, the Commission may appoint a staff consisting of not more than ten staff members.

(2) Staff members appointed under paragraph (1) shall be appointed subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and shall be paid in accordance with provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(c) The Commission is authorized to obtain services in accordance with the provisions of section 3109 of title 5, United States Code, to procure supplies, and to make contracts in furtherance of the purposes of this Act.

AUTHORIZATION TO ACCEPT DONATIONS

Sec. 6. The Commission may accept, use, and dispose of donations of money, property, or personal services in carrying out the activities authorized by this Act.

CONCLUSION OF MORNING
BUSINESS

Mr. BAKER. Mr. President, the time for the transaction of routine morning business, I believe, has expired, and under the arrangements of the moment the Senate will resume consideration of the Martin Luther King legislation, will it not?

The PRESIDING OFFICER. The Senator is correct.
Morning business is closed.

MARTIN LUTHER KING, JR.,
HOLIDAY

The PRESIDING OFFICER. The Senate will now resume consideration of H.R. 3706, which the clerk will state by title.

The assistant legislative clerk read as follows:

A bill (H.R. 3706) to amend title 5, United States Code, to make the birthday of Martin Luther King, Jr., a legal public holiday.

AMENDMENT NO. 2335

(Purpose: To make the birthday of Martin Luther King, Jr., a legal public holiday to be observed on the third Sunday in January of each year)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY) proposes an amendment numbered 2335:

On page 1, line 7, strike out "Monday" and insert in lieu thereof "Sunday".

Mr. HUMPHREY. Mr. President, it seems the Senator from California (Mr. Wilson) was waiting to offer an amendment and I did not realize that.

I ask unanimous consent to temporarily set aside the pending amendment and that it be in order to proceed to that amendment after the disposal of the amendment of the Senator from California.

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

Mr. WILSON. I thank the Chair and I thank my distinguished friend from New Hampshire for his courtesy.

AMENDMENT NO. 2269

(Purpose: To limit the number of legal public holidays to ten)

Mr. WILSON. Mr. President, I rise to offer an amendment which is at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from California (Mr. WILSON) proposes an amendment numbered 2269:

At the end of the bill add the following new section:

"SEC. 3. Section 6103 of title 5, United States Code, is amended by adding at the end thereof the following new subsection:

"(d) (1) The Congress finds that—

"(A) the cost of the growing number of legal public holidays to the Federal Government has become prohibitive; and

"(B) outstanding individuals deserving of national recognition by legal public holidays should be commemorated in other appropriate manners.

"(2) Legal public holidays under this section shall be limited to ten in number."

Mr. WILSON. Mr. President, I allowed the clerk to read the amendment in full because it is so brief and because I think the language should be quite clear.

This amendment, Mr. President, contemplates the passage of the basic legislation that would create a holiday of the birthday of Martin Luther King, Jr. It further contemplates that in the future the United States, through the Congress, may very well wish to honor other members of our society, other leaders whom we may wish to commemorate by other events.

The purpose of my amendment is to simply say that contemplating that, what presently number nine paid legal holidays will increase to no more than 10 in number even though it may be that we wish to honor as many as 20, 30, 40, 50 great Americans or commemorate additional events by some kind of national observance.

Mr. President, I think giving deserved national tribute is an appropriate thing for Congress to do, an appropriate thing for our society to do. It is appropriate to recognize achievement, to offer role models so that the celebration of some great American's birthday by the observance through appropriate ceremonies is entirely appropriate.

There is, however, a cost to pay for the legal holidays, a very great cost. I am advised that it amounts to \$18 million each time there is a paid holiday for Federal employees. That \$18 million is the net cost after we discount the actual cost of \$24 million from what may be saved by not operating the air-conditioning or heating.

Eighteen million dollars a day of taxpayers' money, Mr. President, amounts to quite a lot for 10 holidays, \$180 million annually.

My point is a very simple one: It is indeed proper that we give deserved tribute to great national figures, and I contemplate that as history wears on the Congress of the United States it will wish to add to the number whom we so honor, quite appropriately. But I think it is also appropriate that we set a limit upon the number of paid legal holidays because this affects not only Federal taxpayers in terms of the costs to the Government for Federal employees, it is also true that most State governments, with very few exceptions, follow the example of the

Federal Government in granting holidays.

So that what become holidays for Federal employees become as well holidays for State employees and indeed most of the private sector observes these holidays, so that the costs to the American taxpayers as United States and State taxpayers are increased still further by the costs they pay as consumers and otherwise indirectly for the cost of these holidays enjoyed by those employed in the private sector.

What this would do, Mr. President, is simply impose upon future employers and employees the responsibility, as the number of people whom we so honor increases, to say which of the 10 days throughout the year will be paid holidays.

I think that is appropriate. I also think it is necessary. Because unless we do that, there seems to be virtually no end to the amount of the cost in terms of paid legal holidays. That is all that this amendment does, Mr. President. I hope that there would be a large vote in favor of it.

It is true that, since it is not a constitutional amendment, some future Congress can change that number, can expand it, but at least having this on the statute books, it seems to me, serves notice to ourselves and to future Members of the Congress that there is a cost to these holidays. While we do not wish in any way to detract from deserved national tributes, we can do that and still limit the cost to the taxpayers, as appropriately we should.

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

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

Does the Senator from California yield the floor?

Mr. WILSON. Of course.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, I think the Senator from California makes a great deal of sense, as he always does, in explaining this amendment. I think there is clearly a danger, in moments of enthusiasm or emotion or sentiment, that we could go overboard in establishing holidays. And, as the Senator from California says, there is an economic impact that has to be considered when a holiday is established.

I think, however, there are some practical objections to the amendment in the manner in which it has been proposed. It would be general legislation added to this rather specific and special bill to establish the Martin Luther King holiday. It has some relation to the bill before the Senate, but

its impact is far more comprehensive and general.

It would be my judgment that it could be placed in a separate piece of legislation which I myself would be glad to see introduced and which could be given a hearing in the Judiciary Committee. I think the concept that the Senator from California is advancing is worth that kind of careful and thoughtful committee consideration. I would use whatever influence I have with the chairman of the Judiciary Committee in order to see that it would receive a hearing if the Senator would prefer to follow that route.

Now, if you do go the route of a separate piece of legislation, and if it is enacted into law, I think it has a great deal more force than if it is simply tacked on to the Martin Luther King bill as an amendment. As every Senator knows, we cannot bind succeeding Congresses. Our successors are going to use their own judgment in such matters. And if they decided to have 30 national holidays, no amendment to the Martin Luther King bill would stop them. The mere enactment of a succeeding holiday bill would override the provision of the amendment that the Senator from California has offered.

I think that the moral force of a separate bill would be much greater. I am wondering if the Senator from California would consider embodying his amendment as a bill rather than pressing this amendment on the Martin Luther King bill.

Mr. WILSON. I would be happy to discuss that with my friend from Maryland. If it is possible, Mr. President, to temporarily lay this matter aside, I would be willing to do that in order to discuss that with him.

The PRESIDING OFFICER. That action will require unanimous consent. Is such consent requested by the Senator from California?

Mr. WILSON. In that case, I ask unanimous consent that we may temporarily lay aside the measure to permit me to have that discussion with the Senator from Maryland.

Mr. MATHIAS. Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HUMPHREY. 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. MATHIAS. Mr. President, has the Chair ruled on the unanimous-consent request of the Senator from California?

The PRESIDING OFFICER. The Chair has not. Without objection, the unanimous-consent request of the Sen-

ator from California to temporarily withdraw his amendment is agreed to.

AMENDMENT NO. 2335

The PRESIDING OFFICER. The question reverts to the amendment sponsored by the Senator from New Hampshire. The Senator from New Hampshire is recognized.

Mr. HUMPHREY. Mr. President, the amendment changes one word in the bill pending before the Senate. It changes the word "Monday" to the word "Sunday."

The purpose of the amendment is to reduce the burden that this holiday will place upon the taxpayers. The cost figure cited is \$18 million. Indeed, the policy committee legislative notice on this side of the aisle cites that figure. It is, however, highly misleading. I hope that Senators on both sides of the aisle will be aware that the cost of this holiday, any holiday, is very substantially more than \$18 million, the cost to the taxpayers.

The Congressional Budget Office, at the request of Members of the House, when that body was deliberating the bill, conducted a study which found that the additional net budget outlay necessary to finance the holiday was indeed \$18 million. That is in overtime and things of that nature, less savings in utility costs. But the CBO study also went on to say—which the proponents have not discussed, as far as I know—they also went on to say that the cost of salaries and benefits for employees for that lost work day is very much more than the \$18 million. Indeed, it is a quarter of a billion dollars; to be exact, \$223.5 million. That is the amount in pay and benefits that will be paid to Federal employees for doing nothing on this holiday.

It is to be a paid holiday, as the bill now stands. If my amendment succeeds, for which I do not express too much optimism due to the nature of this locomotive—if my amendment succeeds, that \$223 million expenditure for nothing can be saved. If we make the King birthday a Sunday holiday it in no way takes away from the symbolism or the effect of honoring Dr. Martin Luther King, Jr. In no way does it do that. But what it does do is to save the taxpayers the unnecessary expenditure of a quarter billion dollars this year and next year and every year out into infinity, a quarter billion dollars per year in savings.

I have to say that I consider it asinine, frankly, for the Senate, at a time when we are facing \$200 billion deficits, to be considering a holiday for anybody or anything. It is perfectly ridiculous. It embarrasses me and I am sure it embarrasses others. The least we can do if we must have this holiday is to reduce the cost to the people who bear the costs of this country, the taxpayers of the United States.

I urge my colleagues to accept this amendment. In no way does it change the symbolism of this holiday effort.

Let me also point out, Mr. President, that there are costs to be borne far beyond those of pay benefits to Federal employees. There are the costs to be borne by the taxpayers of another day off by State, county, and municipal employees. That is going to show up on the tax bills. Not the IRS tax bills but it will certainly show up on the tax bills issued by those entities. That is a substantial cost.

What about the cost to the economy for those industries and business activities that will have to suspend for a day? Here we are worried about being able to compete in the world, here we are losing industries to more competitive nations, and we are proposing to make our economy even less productive than it is today. Another day off, with pay in most cases, another day of lost productivity and increased inefficiency in our economy. It makes absolutely no sense from the economic point of view.

By accepting this amendment, which makes this tiny change, substituting the word Sunday for Monday, we can save all of these expenses, all of this waste, and we can regain, recapture, the lost productivity that will occur if the bill passes in its present form.

So I urge my colleagues to accept this amendment. It is sensible. It will save our reputation, at least to some degree. I think the taxpayers and our constituents are perfectly disgusted, and they are well entitled to be disgusted, with this body. We have refused to deal sensibly or honestly with the expenditure portion of our budget. We have failed. And here we are having almost completed details of the fiscal 1984 budget and we still fail to grapple with the issue, in spite of the discussions about deficits. We do not have the courage. Not only that, but now we are proposing to add yet another unnecessary expenditure. I think we can save that expenditure without affecting the intent of this legislation. I urge my colleagues to support the amendment.

Mr. MATHIAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. MATHIAS. Mr. President, this amendment makes me think of that old song "What a difference a day makes, 24 little hours." I will spare the Senate the ordeal of listening to me sing it. But the words seem appropriate: "What a difference a day makes."

Well, a day does make a difference. Changing the King holiday from Monday to Sunday would, I think, vitiate the symbolism and the purpose for establishing the holiday in the first place.

As a matter of fact, an amendment of this sort was adopted in the other

body as an amendment to a bill that had been introduced by our former colleague, Representative Robert McClory of Illinois. The amendment, to designate the third Sunday in January as Martin Luther King, Jr., Day, killed the bill.

I know the Senator from New Hampshire does not want his amendment to kill this bill. I know that is not the spirit in which he offered the amendment. But that was the practical result of an identical amendment in the other body during the 96th Congress.

I would take issue with my friend from New Hampshire when he says that Federal employees and other employees would be paid on the Martin Luther King holiday to do nothing.

That is not really what this bill is all about. It is not to lay people off for the day. This bill, as I conceive it, has an important national purpose: We are commemorating a significant national achievement. After more than three centuries of separation of the races on the North American Continent, we have finally brought about a reconciliation; one century after the War Between the States, we have finally brought about reconciliation between the races.

That achievement was a result of the work of Martin Luther King, Jr., and of thousands of others. But it is symbolized by that moment when Martin Luther King, Jr., described his dream to the world.

We do not say to working men and women, "Take the day off and do nothing." We say, "Take the day off to recall a significant and important moment in American history, a day that should be recaptured and relived once a year so that we do not forget the historic moment and the historic achievement of Martin Luther King, Jr., so that we do not slip back into the practices against which Martin Luther King, Jr., fought."

I do not think that is doing nothing. I think it is advancing an important national purpose. For that purpose, I think it is worth what it may cost. Therefore, reluctantly I must oppose the amendment of the Senator from New Hampshire.

Mr. HUMPHREY addressed the Chair.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. HUMPHREY. Mr. President, I thank the Secretary for his comments. In relation to his singing voice, I can understand from the event of this past Sunday, why the Senator would be inclined to sing throughout this entire week.

Mr. MATHIAS. Do not tempt me. I may break out with "What A Difference A Day Makes."

Mr. HUMPHREY. I hope the Senator will contain himself.

The Senator from Maryland makes the point that Monday is better than Sunday. I do not agree with that.

Mr. MATHIAS. If the Senator will yield, I do not make the point that Monday is more meaningful than Sunday. I make the point that to set aside a special day which would otherwise be devoted to work is more meaningful than to take the Sabbath, the day of rest, which is already consecrated for another purpose.

Mr. HUMPHREY. Indeed yes, Mr. President.

Mr. MATHIAS. That is what is more meaningful.

Mr. HUMPHREY. I understand the Senator's point. Nevertheless, I do take issue with the Senator's contention that we are not going to be paying Federal employees pay and benefits to do nothing. Indeed, that is the direct effect, that is the economic effect upon taxpayers and any paid holidays for any purpose will be paying Federal employees for doing nothing. The bill for that is a million dollars a day. That is a stark fact. I think that has to be recognized.

Mr. President, I would be willing to withdraw this amendment, I say to the Senator from Maryland—if the Senator from Maryland has his heart set on Monday, fine; let us make it Monday, but let us make it a payless holiday, nonetheless. If the Senator will withdraw his amendment, I shall withdraw my amendment.

Mr. MATHIAS. Mr. President, I do not think I can accept that as a deal. Again, I press the point to the Senator from New Hampshire that a holiday of this sort is not doing nothing. I recall—

Mr. HUMPHREY. Will the Senator yield? Does he think that a payless holiday known as Lincoln's Birthday is not meaningfully celebrated?

Mr. MATHIAS. I think it is celebrated with a great deal of sentiment, a great deal of meaning.

Mr. HUMPHREY. I think the King holiday could be celebrated just as meaningfully without paying Federal employees as Lincoln's Birthday is.

Mr. MATHIAS. Let me give this illustration that is not so bound up with the emotion of this issue.

I recall very well the bicentennial holiday, the 200th anniversary of the Declaration of Independence. My wife and I decided that we should do something which really memorialized that great event in human history. We went to the graves of the four Maryland signers of the Declaration of Independence on a single day and we put a laurel wreath on each grave. Our sons were somewhat younger then than they are today. I hope this is an event which will be meaningful to them and which will live with them throughout their lives.

To me, that kind of observance of a national holiday can have special

meaning; but it is not possible except when there is a general holiday. That is certainly what I have in mind as the sponsor of this bill. I think it is not inappropriate to suspend work 1 day for a paid free holiday. As the bill is conceived, it carries forth the symbolic purpose that is generally agreed to be appropriate in this situation.

(Mrs. KASSEBAUM assumed the chair.)

Mr. HUMPHREY. Madam President, I shall not take much more time. It is clear the Senator from Maryland is determined to pay Federal employees on Martin Luther King's birthday, irrespective of on which day of the week it may be celebrated. It is my view that it is not necessary to pay Federal employees for doing nothing, first of all; it is also my view that they can celebrate this holiday or any holiday adequately, solemnly, respectfully, joyfully, unpaid as well as paid.

It is not necessary to pay them to insure that they will celebrate the holiday properly. I think this point is perfectly clear to anyone. I simply say—no; I shall not say it, either; it might be ill advised at this point. So I shall conclude my remarks.

I ask for the yeas and nays on my amendment, Madam President.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HUMPHREY. Madam President, I have one other amendment to offer which I hope I can offer at this time. I am perfectly willing, for the convenience of Senators, to stack votes or enter into any agreement that will streamline our business. It is not my wish to delay the workings of the Senate in any way.

Mr. MATHIAS. Madam President, I see no reason to delay the first vote. If the Senator wants a rollcall vote, I suggest we proceed with it at this time.

Mr. BOREN. Madam President, I ask the Senator from New Hampshire, I have an amendment which I was going to offer that involves several other Members, some of whom have some pressing time commitments this morning in a scheduled meeting with the President and others. I was hoping that perhaps, after this amendment, there might be a window in which we could offer this second amendment to accommodate the other cosponsors. That would be my only concern about offering two in a row.

Mr. HUMPHREY. Madam President, I have those problems with my schedule. I have four obligations at 10 a.m., only one of which I was able to show at, and the others are hanging fire. Those are the problems. I had anticipated trying to gain the floor after this next vote. Let me discuss it with my colleagues.

The PRESIDING OFFICER. It is the Chair's understanding that the pending amendment after the amendment of the Senator from New Hampshire is the amendment of the Senator from California (Mr. WILSON) that was laid aside for the consideration of the amendment of the Senator from New Hampshire.

Mr. HUMPHREY. I thank the Chair.

The PRESIDING OFFICER. Is all time yielded back?

Mr. HUMPHREY. I yield back my time.

The PRESIDING OFFICER. Does the Senator from Maryland yield back his time?

Mr. MATHIAS. I yield back my time, Madam President.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Hampshire. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. EAST (when his name was called). Present.

Mr. HELMS (when his name was called). Present.

Mr. STEVENS. I announce that the Senator from Washington (Mr. EVANS), the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS) would vote "nay."

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Colorado (Mr. HART), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay."

The PRESIDING OFFICER (Mr. WALLOP). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 16, nays 74 as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—16

Armstrong	Humphrey	Rudman
Cohen	McClure	Symms
Denton	Murkowski	Wallop
Exon	Nickles	Zorinsky
Garn	Pressler	
Hatch	Quayle	

NAYS—74

Abdnor	Bumpers	Dixon
Andrews	Burdick	Dole
Baker	Byrd	Domenici
Baucus	Chafee	Durenberger
Bentsen	Chiles	Eagleton
Biden	Cochran	Ford
Bingaman	Cranston	Glenn
Boren	D'Amato	Gorton
Boschwitz	Danforth	Grassley
Bradley	DeConcini	Hatfield

Hecht	Long	Roth
Heflin	Lugar	Sarbanes
Heinz	Mathias	Sasser
Hollings	Matsunaga	Simpson
Huddleston	Mattingly	Specter
Inouye	Melcher	Stafford
Jepsen	Metzenbaum	Stennis
Johnston	Mitchell	Stevens
Kassebaum	Moynihan	Thurmond
Kasten	Nunn	Trible
Kennedy	Packwood	Tsongas
Lautenberg	Pell	Warner
Laxalt	Proxmire	Weicker
Leahy	Pryor	Wilson
Levin	Randolph	

ANSWERED "PRESENT"—2

East Helms

NOT VOTING—8

Dodd	Hart	Riegle
Evans	Hawkins	Tower
Goldwater	Percy	

So the amendment (No. 2335) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BAKER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from California (Mr. WILSON).

Mr. DOLE. Mr. President, I ask unanimous consent that that amendment be laid aside and that Senator HUMPHREY be recognized to offer an amendment.

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

AMENDMENT NO. 2337

(Purpose: To make Lincoln's Birthday a legal public holiday to be observed on the second Sunday in February of each year)

Mr. HUMPHREY. Mr. President, I send an amendment to the desk and ask that it be considered.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from New Hampshire (Mr. HUMPHREY) proposes an amendment numbered 2337.

On page 1, strike out lines 6 and 7, and insert in lieu thereof:

"Lincoln's Birthday Day, the second Sunday in February."

Mr. HUMPHREY. Mr. President, I am under no illusions. A colleague observed to me a moment ago that this bill is unamendable, that you could not even amend the pledge of allegiance to the bill, and I believe he is probably correct.

But I move, nevertheless, to offer one last amendment which would have the effect of honoring Abraham Lincoln in place of Dr. King.

It seems to me most unwise to honor any contemporary citizen with a national holiday. There are other fitting ways in which to honor Dr. King, with a monument, for instance, with a holiday that is not a national holiday, and better yet with something more constructive, for instance, scholarships.

There are better ways to do it than a national holiday.

I think it is unwise in any case to make a judgment about a contemporary American, one who is involved in some controversy. I think obviously there is no shortage of Americans about whom history is certain at this point who could be more fittingly honored with a national holiday if indeed we must have yet another national holiday. One such, of course, is Abraham Lincoln, who in his issuance of the Emancipation Proclamation, began the whole process of bringing about justice and equality in our Nation, a process which unfortunately is not yet complete despite the best efforts of many blacks, whites, members of other racial and ethnic groups. We hope that process will soon be completed and perhaps that is the motivation of those behind this bill. And yet I disagree with them, if they believe that will be the effect.

So I offer this amendment to substitute Abraham Lincoln as a person whom we will honor with this national holiday.

Consistent with my earlier amendment, the holiday would occur on a Sunday so as not to incur unnecessary Federal expenditures, so as not to incur unnecessary State and local expenditures, all of which will further burden hard-pressed taxpayers, and also so as not to further take away from the economic productivity of our Nation as is the case when national holidays fall on weekdays.

I have nothing further that I can add to those remarks.

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

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

The yeas and nays were ordered.

Mr. DOLE. Mr. President, is the Senator prepared to yield back his time?

Mr. HUMPHREY. Mr. President, if the floor manager is likewise prepared, I am.

Mr. DOLE. I yield back all my time.

Mr. HUMPHREY. I yield back the remainder of my time.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from New Hampshire.

On this question, the yeas and nays have been ordered and the clerk will call the roll.

The bill clerk called the roll.

Mr. STEVENS. I announce that the Senator from Arizona (Mr. GOLDWATER), the Senator from Florida (Mrs. HAWKINS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Colorado

(Mr. HART), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 11, nays 83, as follows:

[Rollcall Vote No. 298 Leg.]

YEAS—11

Abdnor	Hatch	Pressler
Denton	Helms	Rudman
East	Humphrey	Symms
Garn	Jepsen	

NAYS—83

Andrews	Ford	Moynihan
Armstrong	Glenn	Murkowski
Baker	Gorton	Nickles
Baucus	Grassley	Nunn
Bentsen	Hatfield	Packwood
Biden	Hecht	Pell
Bingaman	Hefflin	Percy
Boren	Heinz	Proxmire
Boschwitz	Hollings	Pryor
Bradley	Huddleston	Quayle
Bumpers	Inouye	Randolph
Burdick	Johnston	Roth
Byrd	Kassebaum	Sarbanes
Chafee	Kasten	Sasser
Chiles	Kennedy	Simpson
Cochran	Lautenberg	Specter
Cohen	Laxalt	Stafford
Cranston	Leahy	Stennis
D'Amato	Levin	Stevens
Danforth	Long	Thurmond
DeConcini	Lugar	Trible
Dixon	Mathias	Tsongas
Dole	Matsunaga	Wallop
Domenici	Mattingly	Warner
Durenberger	McClure	Weicker
Eagleton	Melcher	Wilson
Evans	Metzenbaum	Zorinsky
Exon	Mitchell	

NOT VOTING—6

Dodd	Hart	Riegle
Goldwater	Hawkins	Tower

So Mr. HUMPHREY's amendment (No. 2337) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from California.

Mr. DOLE. Mr. President, I ask unanimous consent that we temporarily lay aside that amendment.

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

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

AMENDMENT NO 2338

Mr. HELMS. Mr. President, I have an unprinted amendment at the desk. I ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2338.

At the end of the bill, add the following:

SEC. . Notwithstanding any other provision of this Act, this Act shall not take effect unless and until a legal public holiday is established under Federal law in honor of Thomas Jefferson on or about April 13 each year.

SEC. . Notwithstanding any other provision of this Act, this Act shall only take effect provided that the total number of legal public holidays under Federal law does not exceed nine.

Mr. HELMS. Mr. President, now we are talking about my No. 1 hero in American history, Thomas Jefferson.

The sage of Monticello needs no introduction by JESSE HELMS or anybody else. Nor does he really need a national holiday to keep alive his memory because his memory is vibrant in our total political discourse, our architecture, our commitment to the right to life—

The PRESIDING OFFICER. The Senator will suspend. Can we have order in the Senate, please? The Chair cannot hear the Senator from North Carolina.

The Senator may proceed.

Mr. HELMS. The right to liberty and the right to the pursuit of happiness free of government control.

But even so, the national observance of April 13, the birthday of Thomas Jefferson, our third President, would be salutary in an important way. It would provide a focal point for the American people to assess the extent to which their leaders are living up to the ideals of Jeffersonian government.

We all hear so many of the brethren and the sisters in the political world pay homage to Jeffersonian principles and yet we see the anomaly of some of the votes cast in the Congress of the United States.

One can imagine the consternation in many congressional offices as hundreds of thousands of constituents remind public officials that whenever any form of government becomes destructive of their rights, "[I]t is the Right of the People to alter or to abolish it." Some may call that rabble-rousing, Mr. President. If so, it was Thomas Jefferson's rabble-rousing, not mine. I wish I could claim credit for it but he said it first.

Mr. President, the pending amendment conditions the Martin Luther King holiday on two events: one, the establishment of a legal public holiday for Thomas Jefferson; and, two, assuring the taxpayers of this country that the total number of Federal holidays will not be more than nine.

Mr. President, I ask unanimous consent that a biographical sketch by Frank Freidel, Bullitt Professor of American History at the University of Washington, published by the White House Historical Association, be printed in the RECORD.

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

THOMAS JEFFERSON, THIRD PRESIDENT
1801-09

In the thick of party conflict in 1800, Thomas Jefferson wrote a private letter, "I have sworn upon the altar of God eternal hostility against every form of tyranny over the mind of man."

This powerful advocate of liberty was born in 1743 in Albemarle County, Virginia, inheriting from his father, a planter and surveyor, some 5,000 acres of land, and from his mother, a Randolph, high social standing. He studied at the College of William and Mary, then read law. In 1772 he married Martha Wayles Skelton, a widow, and took her to live in his partly constructed mountaintop home, Monticello.

Freckled and sandy-haired, rather tall and awkward, Jefferson was eloquent as a correspondent, but he was no public speaker. In the Virginia House of Burgesses and the Continental Congress, he contributed his pen rather than his voice to the patriot cause. As the "silent member" of the Congress, Jefferson, at 33, drafted the Declaration of Independence. In years following he labored to make its words a reality in Virginia. Most notably, he wrote a bill establishing religious freedom, enacted in 1786.

Jefferson succeeded Benjamin Franklin as minister to France in 1785. His sympathy for the French Revolution led him into conflict with Alexander Hamilton when Jefferson was Secretary of State in President Washington's Cabinet. He resigned in 1793.

Sharp political conflict developed, and two separate parties, the Federalists and the Democratic-Republicans, began to form. Jefferson gradually assumed leadership of the Republicans, who sympathized with the revolutionary cause in France. Attacking Federalist policies, he opposed a strong centralized Government and championed the rights of states.

As a reluctant candidate for President in 1796, Jefferson came within three votes of election. Through a flaw in the Constitution, he became Vice President, although an opponent of President Adams. In 1800 the defect caused a more serious problem. Republican electors, attempting to name both a President and a Vice President from their own party, cast a tie vote between Jefferson and Aaron Burr. The House of Representatives settled the tie. Hamilton, disliking both Jefferson and Burr, nevertheless urged Jefferson's election.

When Jefferson assumed the Presidency, the crises in France had passed. He slashed Army and Navy expenditures, cut the budget, eliminated the tax on whiskey so unpopular in the West, yet reduced the national debt by a third. He also sent a naval squadron to fight the Barbary pirates harassing American commerce in the Mediterranean. Further, although the Constitution made no provision for the acquisition of new land, Jefferson suppressed his qualms over constitutionality when he had the opportunity to acquire the Louisiana Territory from Napoleon in 1803.

During Jefferson's second term, he was increasingly preoccupied with keeping the Nation from involvement in the Napoleonic wars, though both England and France interfered with the neutral rights of American merchantmen. Jefferson's attempted solution, an embargo upon American shipping, worked badly and was unpopular.

Jefferson retired to Monticello to ponder such projects as his grand designs for the University of Virginia. A French nobleman observed that he had placed his house and his mind "on an elevated situation, from which he might contemplate the universe." He died on July 4, 1826.

Mr. HELMS. Mr. President, I also ask unanimous consent that an article on Thomas Jefferson from the *Encyclopedia Americana*, international edition, be printed in the RECORD.

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

JEFFERSON, Thomas, 3d president of the United States; b. Shadwell, Albermarle County, Va., April 2/13, 1743; d. Monticello, July 4, 1826. He was the son of Peter Jefferson, a successful planter and well-known surveyor, and Jane Randolph, who came of a famous Virginia family. He was well educated in small private schools, where he was thoroughly grounded in the classics, and (1760-1762) at the College of William and Mary, where William Small taught him mathematics and introduced him to science. He associated intimately with the liberal-minded Governor Francis Fauquier, and read law (1762-1767) with George Wythe, greatest law teacher of his generation in Virginia, himself becoming unusually learned in the law. Practicing (1767-1774) until the courts were closed by the American Revolution, he was a successful lawyer, though his professional income was only a supplement to his living. He had inherited a considerable landed estate from his father, and doubled it by a happy marriage (Jan. 1, 1772) with Martha Wayles Skelton, which also burdened him, however, with inescapable debt. He began building operations at Monticello before his marriage, but his famous mansion was not completed in its present form until a generation later.

His lifelong emphasis on local government grew directly from his own experience. He served as magistrate and vestryman, and at the age of 27 became county lieutenant. Elected to the House of Burgesses when he was 25, he served there from 1769 to 1774, showing himself to be an effective committeeman and skillful draftsman, though not a ready speaker.

From the beginning of the struggle with the mother country he stood with the more advanced patriots or Whigs, grounding his position on a wide knowledge of English history and political philosophy. His most notable early contribution to the cause of the patriots was his powerful pamphlet, *A Summary View of the Rights of British America* (1774), originally written for presentation to the Virginia convention of that year. In this he emphasized natural rights, including that of emigration, and denied parliamentary authority over the colonies, recognizing no tie with the mother country except the king. As a member of the Continental Congress (1775-1776), he was chosen in 1776 to draft the Declaration of Independence. He summarized current revolutionary philosophy in a brief paragraph which has been regarded ever since as a charter of American and universal liberties; and he presented to the world the case of the patriots in a series of burning charges against the king. The Declaration is rightly regarded as one of Jefferson's major claims to enduring fame.

Partly for personal reasons and also in the hope of translating his philosophy of human rights into legal institutions in his own state, he left Congress in the autumn

of 1776 and served in the Virginia legislature until his election as governor (June 1, 1779). This was the most creative period of his revolutionary statesmanship. Earlier proposals of his for broadening the electorate and making the system of representation more equitable had failed, and the times permitted no action against slavery except that of shutting off the foreign slave trade. But he succeeded in ridding the land system of aristocratic feudal vestiges, such as entail and primogeniture, and he was the moving spirit in the disestablishment of the church. With George Wythe and Edmund Pendleton he drew an elaborate and highly significant report on the revival of the laws (1779). His most famous single bills are the Bill for Establishing Religious Freedom (adopted in 1786), and the Bill for the More General Diffusion of Knowledge (never adopted as he drew it). His fundamental purposes were to destroy artificial privilege of every sort, to promote social mobility, and to make way for the natural aristocracy of talent and virtue, which should provide leadership for a free society.

As governor (1779-1781) Jefferson had little power, and he suffered inevitable discredit when the British invaders overran Virginia. An inquiry into his conduct in office, regarding the lack of military preparedness in the state prior to the British invasion, was voted by the legislature after his retirement in June 1781. He was fully vindicated by the next legislature, but these charges were afterwards exaggerated by political enemies, and he was hounded by them to some extent throughout his national career. The most important immediate effect of his troubles was to create in his own mind a distaste for public life, which persisted in acute form until the death of his wife (Sept. 6, 1782) reconciled him to a return to office, and an aversion to controversy and censure from which he never recovered wholly.

During this brief private interval (1781-1783) he compiled his *Notes on the State of Virginia*, which was first published when he was in France (1784-1785). This work was described at the time by competent authority as "a most excellent natural history not merely of Virginia but of North America." It afterward appeared in many editions, and was the literary foundation of his deserved reputation as a scientist. In the Continental Congress (1783-1784) his most notable services were connected with the adoption of the decimal system of coinage, which later as secretary of state he tried vainly to extend to weights and measures, and with the Ordinance of 1784. Though not adopted, the latter foreshadowed many features of the famous Ordinance of 1787. Jefferson went so far as to advocate the prohibition of slavery in all the territories.

His stay in France (1784-1789), where he was first a commissioner to negotiate commercial treaties and then Benjamin Franklin's successor as minister, was in many ways the richest period of his life. He gained genuine commercial concessions from the French, negotiated an important consular convention (1788), and served the interests of his own weak government with diligence and skill. He was confirmed in his opinion that France was a natural friend of the United States, and Great Britain at this stage a natural rival, and thus his foreign policy assumed the orientation it was to maintain until the eve of the Louisiana Purchase. The publication of his *Notes on the State of Virginia* was symbolic of his unofficial services to the French, and those to his

own countrymen were exemplified by the books, the seeds and plants, the statues and architectural models, and the bits of scientific information that he sent home. His stay in Europe contributed greatly to that universality of spirit and diversity of achievement in which no other American statesman, except possibly Franklin, ever equaled him.

Toward the end of his mission he reported with scrupulous care the unfolding revolution. His personal part in it was slight, and such advice as he gave was moderate. Doubting the readiness of the people for self-government of the American type, he now favored a limited monarchy for France, and he cautioned his liberal friends not to risk the loss of their gains by going too fast. Though always aware of the importance of French developments in the worldwide struggle for greater freedom and happiness, he tended to stress this more after he returned home and perceived the dangers of political reaction in his own country. Eventually he was repelled by the excesses of the French Revolution, and he thoroughly disapproved of it when it passed into an openly imperialistic phase under Napoleon. But insofar as it represented a revolt against despotism he continued to believe that its spirit could never die.

Because of his absence in Europe, Jefferson had no direct part in the framing or ratification of the American Constitution, and at first the document aroused his fears. His chief objections were that it did not expressly safeguard the rights of individuals, and that the perpetual reeligibility of the president would make it possible for him to become a king. He became sufficiently satisfied after he learned that a bill of rights would be provided, and after he reflected that there would be no real danger of monarchy under George Washington. His fears of monarchical tendencies remained and colored his attitude in later partisan struggles, but it was as a friend of the new government that he accepted the offer of the secretaryship of state.

During Jefferson's tenure of this office (1790-1793) Alexander Hamilton, secretary of the treasury, defeated the movement for commercial discrimination against the British (1791) which he favored; and connived with the British minister George Hammond so as to nullify Jefferson's efforts (1792) to gain observance of the terms of peace from the British, and especially to dislodge them from the northwest posts. Jefferson's policy was not pro-French but it seemed anti-British. Hamilton was distinctly pro-British, largely for financial reasons, and he became more so when general war broke out in Europe and ideology was clearly involved. In 1793 Jefferson wanted the French Revolution to succeed against its external foes, but he also recognized that the interests of his own country demanded a policy of neutrality. Such a policy was adopted, to the dissatisfaction of many strong friends of democracy in America, and was executed so fairly as to win the reluctant praise of the British. At the same time, Jefferson avoided an open breach with France.

Jefferson helped Hamilton gain congressional consent to the assumption of state debts, for which the location of the federal capital on the Potomac was the political return. His growing objections to the Hamiltonian "system" were partly owing to his belief that the Treasury was catering to commercial and financial groups, not agricultural, but he also believed that Hamilton was building up his own political power by

creating ties of financial interest and was corrupting the legislature. The issue between the two secretaries was sharply joined by 1791, when the Bank of the United States was established. They gave to the president their now-famous rival interpretations of the Constitution in this connection. The victory at the time and in the long run was with Hamilton's doctrine of liberal construction, but Jefferson's general distrust of power and his reliance on basic law as a safeguard has enduring value in human history.

By late 1792 or 1793 the opponents of Hamiltonianism constituted a fairly definite national party, calling itself Republican. Jefferson's recognized leadership of this group can be more easily attributed to his official standing and his political philosophy than to his partisan activities. In the summer and autumn of 1792, by means of anonymous newspaper articles, Hamilton sought to drive Jefferson from the government. The alleged justification was the campaign being waged against Hamilton by the editor of the *National Gazette*, Philip Freneau. Jefferson had unwisely given Freneau minor employment as a translator for the State Department, but he claimed that he never brought influence to bear on him, and there is no evidence that he himself wrote anything for the paper. But he had told Washington precisely what he thought of his colleague's policies, and had already said that he himself wanted to get out of the government. Early in 1793 the Virginians in Congress vainly sought to drive Hamilton from office or at least to rebuke him sharply for alleged financial mismanagement. Jefferson undoubtedly sympathized with this attack and he was probably consulted about it. A degree of unity was forced on the president's official family by the foreign crisis of 1793, which also caused Jefferson to delay his retirement to the end of the year.

During a respite of three years from public duties he began to remodel his house at Monticello and interested himself greatly in agriculture, claiming that he had wholly lost the "little spice of ambition" he had once had. Nonetheless, he was supported by the Republicans for president in 1796, and, running second to John Adams by three electoral votes, he became vice president. His *Manual of Parliamentary Practice* (1801) was a tangible result of his presiding over the Senate; and his papers on the megalonyx, and on the moldboard of a plow invented by him, attested his scientific interests and attainments. These papers were presented to the American Philosophical Society, of which he became president in 1797. A private letter of his to Philip Mazzei, published that year, was severely critical of Federalist leaders and was interpreted as an attack on Washington. His partisan activities increased during the quadrennium, especially 1798-1800. He deplored the Federalist exploitation of the French issue, following the publication of the XYZ Correspondence, but his sympathy with France had declined. He disapproved of the Adams administration chiefly because of the notorious Alien and Sedition Acts, and his grounds were both philosophical and partisan. The historic Republican protest against laws that attempted to suppress freedom of speech and to destroy political opposition was made in the Virginia and Kentucky resolutions (1798). Jefferson wrote the latter as James Madison did the former, though his authorship was not known at the time, and in them he carried his state-rights doctrines to their most ex-

treme point in his entire career. In invoking the states against law which he regarded as unconstitutional, his resolutions were in the tradition which finally led to nullification and secession; but he was championing freedom, not slavery, and they were also in the best tradition of civil liberties and human rights.

The defeat of John Adams in the presidential election of 1800 can be partially explained by the dissension among the Federalists, but as a party they were now much less representative of the country than the Republicans. Jefferson's own title to the presidency was not established for some weeks, since he was accidentally tied with his running mate, Aaron Burr, under the workings of the original electoral system. The election was thrown into the House of Representatives, where the Federalists voted for Burr through many indecisive ballots. Finally, enough of them abstained to permit the obvious will of the people to be carried out. Jefferson's own designation of the Republican victory as a "revolution" was hyperbolic. He had no intention of upsetting the financial system which was now firmly established, and he regarded himself as more loyal to the Constitution than his foes, though he was less a strict constructionist in practice than in theory. But he had checked the tide of political reaction, and he brought to his office a spirit of humane liberalism which was then exceedingly rare among the rulers of the world.

The political success of Jefferson's first term was attested by his easy re-election. Apart from foreign danger, his rather negative interpretation of the functions of the federal government suited the times. He exercised real leadership over Congress, but this was tactful and indirect. He restored the party balance in the civil service, but he was conciliatory in spirit and maintained essentially the same personal standards as his predecessors. In Madison, his secretary of state, and Albert Gallatin, his secretary of the treasury, he had lieutenants of the first caliber. He was relatively unsuccessful in his moves against the judiciary, which had been reinforced by fresh Federalist appointees at the very end of the Adams administration. He treated as null and void late appointments which seemed of doubtful legality, and the Republicans repealed the Judiciary Act of 1801 with his full approval, but he was rebuked by Chief Justice John Marshall in the famous case of *Marbury v. Madison* (1803). The effort to remove partisan judges by impeachment was a virtual failure, and the Federalists remained entrenched in the judiciary, though they became less actively partisan.

These partial political failures were more than compensated by the purchase of Louisiana (1803), the most notable achievement of Jefferson's presidency. His concern for the free navigation of the Mississippi had caused him, while secretary of state, to assume a more belligerent tone toward Spain, which controlled the mouth of the river, than toward any other nation. The retrocession of the province of Louisiana to France, now powerful and aggressive under Napoleon, aroused his fears and, for the first time in his career, caused his diplomatic friendship to veer toward the British. The acquisition of an imperial province, rather than the mouth of the river, was a fortunate accident, saving the West to the American union and the Republican Party. The treaty which Robert R. Livingston and James Monroe sent home aroused constitutional scruples in Jefferson's mind, but this

was no time for constitutional purism and the president yielded to his friends, while strict constructionist arguments were taken up ineffectually by the New England Federalists.

During his first term Jefferson was subjected to a torrent of abuse from the Federalist newspapers which temporarily shook but did not destroy his confidence in a free press. He interpreted his re-election as proof of the wisdom of tolerance. He had more need to rely on his political popularity in his second term than in his first. The unsuccessful attempt to convict Aaron Burr (1807) of treason discredited him somewhat, and involved him in a political duel with Chief Justice Marshall. His major effort to safeguard American rights during the relentless duel between the British and Napoleon was the Embargo Act (1807), which sought to bring economic pressure on them both by suspending American commerce. In the attempt to enforce this measure, which was particularly unpopular in commercial New England, the government exercised arbitrary power and infringed on individual rights, thus violating some of Jefferson's most cherished principles; and, for a variety of reasons, it failed of its purpose. At the very end of his term he signed an act which partially repealed it. Thus he retired from the presidency at a low point in his own popularity.

During the remainder of his life (1809-1826), he remained at home in Virginia. His failures tended to be forgotten, and as the Sage of Monticello he engaged in vast correspondence, with John Adams among others, which is in many ways the richest of his life. His last great public service was the founding of the University of Virginia (chartered 1819). He inspired the legislative campaign for a university, got it located in his own county, planned the buildings, outlined the course of study, and served as the first rector. He had long been troubled by debt, and the failure of a friend whose note he had endorsed brought him to virtual bankruptcy. But he was rich in honor, friendship, and domestic happiness when he died at Monticello on the 50th anniversary of the Declaration of Independence, a few hours in advance of John Adams.

He was a tall man, not specially prepossessing in appearance and rather indifferent to externalities of dress as he grew older, but amiable and generous in all personal relations. In his time he was the most conspicuous American patron of learning, science, and the useful arts—making distinctive contributions of his own in natural history and architecture. His policies were of their own day, and he himself said, "The earth belongs always to the living generation." But in its emphasis on the centrality of human rights and the supreme importance of freedom his philosophy is universal. He remains the best American exemplar of hostility to every form of tyranny.

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DUMAS MALONE,
Professor of History,
University of Virginia.

Mr. HELMS. Mr. President, I reserved the remainder of my time.

Mr. KENNEDY addressed the Chair. The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KENNEDY. I ask unanimous consent to yield myself 1 minute of the time in opposition. I oppose the amendment. I am prepared to yield back the remainder of my time.

Mr. HELMS. What was the unanimous-consent request?

The PRESIDING OFFICER. That he yield himself 1 minute of time.

Mr. KENNEDY. I said I was opposed to the amendment and I was prepared to yield back the remainder of my time. I have not yield it back.

Mr. WARNER. Mr. President, I wish to speak to this amendment. Will the Chair advise who controls the time?

The PRESIDING OFFICER. The time is controlled by Senators MATTHIAS and DOLE. Without objection, the Senator may speak in opposition.

Mr. WARNER. Mr. President, I rise to explain my views on this amendment. I have followed the course of this historic debate with great interest. We have just witnessed a rejection by the Senate, by a vote of 83 to 11, of an amendment relating to President Lincoln, which is comparable to the one now pending.

I anticipate that the vote on the pending amendment relating to President Jefferson will be similar; namely, rejected by an overwhelming number of U.S. Senators.

Therefore, I ask my distinguished colleague from North Carolina if it is not the purpose of this amendment to compel the Senate to again cast votes against one of our most distinguished Presidents? Indeed, what is the likelihood that there would be any shifts in sentiment on this vote from of the previous vote?

Mr. HELMS. Mr. President, the Senator is asking me to read Senators' minds and I sometimes cannot read my own. I cannot read their minds.

Mr. WARNER. I shall try to answer the question.

Mr. President, today, for the first time in my Senate career I will cast my vote as "present," because I will not participate in a vote, relating to one of our most distinguished Virginians, which I interpret as compelling the U.S. Senate to record a negative opinion of Thomas Jefferson. When our colleagues vote, and I anticipate they will vote in numbers very comparable to the previous vote, it could be construed that a majority of the U.S. Senate is casting a negative vote for the first time in history against this truly outstanding American.

Mr. President, I urge my colleagues to vote against this type of amendment. I will vote "present" on this amendment.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I do not quite follow on the reasoning of my dear and distinguished friend from Virginia. He does not have to vote "present." He can vote for Thomas Jefferson. I am sure he agrees that if any other American is going to be so signally honored, Thomas Jefferson certainly deserves it.

I want to caution the Senator that he is voting against limiting Federal national holidays to nine when he votes "present" on the proposition.

So it is not just Thomas Jefferson that the Senator ought to be worried about. He ought to be worried about the estimated \$5 billion per Federal holiday cost to the consumers of this country.

Mr. President, all sorts of figures are bandied about, but I notice that those who are trying to minimize the cost of Federal holidays, I say to Senator WARNER, always use the low figure relating only to overtime pay and that sort of thing for Federal employees. They do not bring in the proper figure. The Library of Congress and the U.S. Chamber of Commerce have made estimates on the cost, and the total bill runs into the billions of dollars of lost productivity every time we shut this country down for a holiday.

The Senator will follow his own conscience, and I admire him for doing it, but there is no reason for his voting against an amendment that would honor, as I said earlier, my No. 1 hero of all time in American history.

I appreciate that the Senator has a problem. All of us have political problems with this kind of legislation. But right is right, and if we are going into this business of picking out the heroes that I may favor or somebody else may favor, then I think my No. 1 hero, Thomas Jefferson, deserves some consideration.

My amendment does not say anything about the basic bill except that the King holiday shall not go into effect, be implemented, unless and until we have one also for Thomas Jefferson and that the total number of

national holidays be limited to nine. That is all the amendment says.

The Senator can use his own judgment. As I said earlier, I respect him. I hold him in the greatest affection, and I think he knows that.

Mr. WARNER. Mr. President, I then call on my distinguished colleague from North Carolina to consider separating this amendment, I am aware of the fact that there are a number in the leadership who are considering having the Senate address the question of the total number of holidays and the cost impact and I shall join with them. As a matter of fact, our distinguished colleague from Kansas (Mr. DOLE) and I have discussed that issue. The majority leader and I have discussed this, and others. I am not going to be so presumptuous as to speak for the leadership on this subject.

Would the distinguished Senator from North Carolina consider splitting the amendment into two amendments so we have a very clear consensus of the U.S. Senate on these two separate issues, which, in my judgment are unrelated; namely, whether the U.S. Senate will be forced to vote against Thomas Jefferson, and whether the U.S. Senate should vote to limit the number of holidays?

Mr. HELMS. Mr. President, I say to the Senator that he knows the rules as well as I do. Any Senator can call for a division and there will certainly be no resistance from me if he calls for a division.

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

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

The yeas and nays were ordered.

Mr. WARNER addressed the Chair.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I heard that my colleague suggest that I have a political problem. I assure him that, on this vote as on all others that I cast in the Senate, I vote, mindful of the sentiments of Virginians, and, I as a matter of personal conscience, as I believe is right. Therefore, I have given a great deal of thought to this vote as well as all others relating to this pending legislation, and it is done as a matter of conscience.

Mr. President, I yield the floor to my distinguished colleague from Kansas.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. DOLE. Mr. President, I am prepared to yield back all my time in opposition.

Mr. HELMS. I yield back the remainder of my time.

Mr. WARNER. Mr. President, I indicated that I would urge my colleagues to vote against this type of amendment. I shall vote "Present." I cannot

expect my colleagues to vote "Present" because under the Senate rules it does not count—it is equivalent to missing a vote.

I am proud to represent the Commonwealth of Virginia, the home of the revered Thomas Jefferson; accordingly, I think it is proper for this Senator to vote "Present" under these circumstances.

The PRESIDING OFFICER. All time having been yielded back, the question is on agreeing to the amendment of the Senator from North Carolina. The yeas and nays have been ordered. The clerk will call the roll.

The bill clerk called the roll.

Mr. WARNER [when his name was called]. Present.

Mr. TRIBLE [when his name was called]. Present.

Mr. ZORINSKY [when his name was called]. Present.

Mr. STEVENS. I announce that the Senator from Florida (Mrs. HAWKINS) and the Senator from Texas (Mr. TOWER) are necessarily absent.

I further announce that, if present and voting, the Senator from Florida (Mrs. HAWKINS) would vote "nay."

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD), the Senator from Michigan (Mr. RIEGLE), and the Senator from Colorado (Mr. HART) are necessarily absent.

I further announce that, if present and voting, the Senator from Michigan (Mr. RIEGLE) would vote "nay."

The PRESIDING OFFICER (Mr. KASTEN). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 10, nays 82, as follows:

[Rollcall Vote No. 299 Leg.]

YEAS—10

Abdnor	Goldwater	Symms
Denton	Hatch	Wallop
East	Helms	
Garn	Humphrey	

NAYS—82

Andrews	Ford	Mitchell
Armstrong	Glenn	Moynihan
Baker	Gordon	Murkowski
Baucus	Grassley	Nickles
Bentsen	Hatfield	Nunn
Biden	Hecht	Packwood
Bingaman	Heflin	Pell
Boren	Heinz	Percy
Boschwitz	Hollings	Pressler
Bradley	Huddleston	Proxmire
Bumpers	Inouye	Pryor
Burdick	Jepsen	Quayle
Byrd	Johnston	Randolph
Chafee	Kassebaum	Roth
Chiles	Kasten	Rudman
Cochran	Kennedy	Sarbanes
Cohen	Lautenberg	Sasser
Cranston	Laxalt	Simpson
D'Amato	Leahy	Specter
Danforth	Levin	Stafford
DeConcini	Long	Stennis
Dixon	Lugar	Stevens
Dole	Mathias	Thurmond
Domenici	Matsunaga	Tsongas
Durenberger	Mattingly	Weicker
Eagleton	McClure	Wilson
Evans	Meicher	
Exon	Metzenbaum	

ANSWERED "PRESENT"—3

Trible	Warner	Zorinsky
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NOT VOTING—5

Dodd	Hawkins	Tower
Hart	Riegle	

So the amendment (No. 2338) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. KENNEDY. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BAKER. Mr. President, if the Senator from Kansas will yield me 2 minutes, I wish to make inquiry about how many amendments are remaining and how long it is going to take us to dispose of them and what arrangements we might make for the voting sequence for the next couple of hours.

Mr. President, first, let me say that we have time for final passage at 4 p.m. today. That seems adequate for any reasonable purpose we have in dealing with amendments and making statements in general on the bill itself.

But I think we are close enough to 4 p.m., so we better start thinking about that.

Mr. President, I believe the order provides that the last hour is to be under the control of the two leaders. No, Mr. President. That is not the case. That was in an earlier formulation of that request.

But let me suggest to Senators that we should reserve the last hour, that is, the time from 3 p.m. to 4 p.m., for the purpose of making closing statements, and may I suggest as well that the time for those closing statements should be limited to 5 minutes each.

It may be that Senators may wish to make statements longer than that but in deference to those who wish to speak on the bill itself, I suggest that we try to hold those statements to 5 minutes.

I will not now make such a request because I have not discussed it with the minority leader nor with other Senators. But I am going to circulate on my side by the hotline procedure, a request to clear the 5-minute limitation on final statements between the hours of 3 p.m. and 4 p.m.

Mr. President, next may I inquire of Senators how many amendments remain to be dealt with? I would do so on this side, and then I would see if the minority leader cares to canvass on his side.

Could I ask, first, the manager of the bill, the Senator from Kansas, if he knows how many amendments are yet to be disposed of?

Mr. DOLE. Mr. President, if the majority leader will yield, the Senator from Kansas is advised that we have a pending amendment which has been temporarily laid aside, that of the Senator from California (Mr. WILSON).

The distinguished Senator from Alabama (Mr. DENTON) may have an amendment. The same is true for the Senator from Iowa (Mr. GRASSLEY), and I believe Senator HELMS has three additional amendments.

That would be five amendments and the one pending would be six, and there is one additional amendment on that side which is an amendment by Senator BOREN and Senator NUNN.

Mr. BAKER. Mr. President, could I ask the Senator from North Carolina how long he thinks it will take to deal with those three amendments?

Mr. HELMS. Mr. President, I think I will consume as much as 10 minutes as on the last amendment.

Mr. BAKER. The Senator from North Carolina has been very cooperative. I certainly wish to commend him for that. Since we are coming down in the homestretch, I wonder if we could get, say, a 10-minute limitation on each of the three amendments.

Mr. HELMS. Let me see. Would the majority leader make that 15 minutes equally divided just to give me a little elbow room?

Mr. BAKER. Yes. Mr. President, I am willing to put that request.

Mr. BYRD. What are those amendments?

Mr. BAKER. Could I inquire what the amendments are?

Mr. HELMS. The one that I have at the desk now relates to Marcus Garvey.

Mr. BAKER. Marcus Garvey.

Mr. HELMS. Yes.

Mr. BAKER. Is it in the same form as the Thomas Jefferson amendment?

Mr. HELMS. No, it is not. It is actually a sense-of-the-Senate resolution.

Mr. BAKER. I see.

Mr. HELMS. I have not decided which of about 25 amendments, but I wish to cooperate. I will limit it to a maximum of two, in addition, I say to the Senator from West Virginia and the Senator from Tennessee.

Mr. BAKER. I do not think we should try to get an order. I am reassured by the Senator from North Carolina he will not take long, and I am sure that is true. We will let it go at that.

Mr. President, I also know there are certain Senators perhaps on both sides of the aisle who have to be away from the Chamber until about the hour of 2 p.m. to make speeches that they committed to much earlier. Some of our friends of the press may be aware of some of those arrangements. So I wish to stack votes until 1:45 p.m. this afternoon.

What I propose is this, and once again I have not discussed this at length with the minority leader: I propose that any rollcall votes that are ordered between now and 1:45 p.m. be stacked to occur beginning at 1:45 p.m. with the first vote to be 15 minutes

and subsequent votes to be 10 minutes each, without intervening debate, motion, point of order, or other proceedings.

Mr. BYRD. Mr. President, in response to the distinguished majority leader we are checking this out on our side and we will be back to him.

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

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

Mr. BAKER. First, let me yield to the Senator from Oregon and then to the Senator from Massachusetts.

Mr. HATFIELD. Mr. President, I remind the Senator that the Appropriations Committee goes into a markup session for the supplemental at 2 p.m., and I wish not to see votes stacked beginning at 1:45 p.m. or 2 p.m. until we get a quorum because, as the Senator knows, it takes 15 to get a quorum.

Mr. BAKER. All right.

Mr. HATFIELD. It is the largest standing committee of the Senate, and that committee size keeps expanding under the leadership, and I just remind the Senate that this is one of the problems we face.

Mr. BAKER. Mr. President, for those not privy to the subtleness and sophistication of the remarks of the distinguished Senator from Oregon, the chairman of the Appropriations Committee, what they just heard was a scathing indictment of the majority leader.

Mr. HATFIELD. Not really.

Mr. BAKER. Because he never fails to point out to me that I urged him to accept a much larger committee than he wanted and that it has become very difficult to get a quorum.

I accept the criticism.

Mr. President, I wonder if the Senator then would agree that we could stack votes beginning at 2:15 p.m.

Mr. HATFIELD. What about, say, at 2:30 p.m.?

Mr. BAKER. The problem I have is this: If the time between 3 and 4 is for final statements, if we have three votes plus the Denton, Wilson, and Grassley amendments, that would be six votes, and that would be about 70 minutes, and we will spill a little along the way and we will run out of time.

Mr. President, let me withdraw the request and let us do it as we go along and see how we get along.

I yield now to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I have no objection to stacking of the votes, although it was made very clear in the unanimous-consent request that we will have final passage at 4 p.m.

Mr. BAKER. Yes.

Mr. KENNEDY. And there would be no other circumstance that would interfere with that particular order.

Mr. BAKER. I thank the Senator. There would be none. The vote indeed will occur at 4 p.m. regardless.

Mr. KENNEDY. All right.

Mr. BAKER. Mr. President, I admire the Senator from Oregon, the chairman of the Appropriations Committee, for many things. He and I came to the Senate together, and we are old friends. But one of the things I admire most is his willingness to accommodate the needs of the Senate. He just indicated to me that he will try to convene the committee earlier so that he can get his quorum and we can stack votes beginning at 1:45 p.m.

Since the minority leader still wishes to clear that, I believe I will not put the request, but I thank the Senator from Oregon. In a few moments I shall put that request to stack votes to occur beginning at 1:45 p.m. today.

I thank the Senator from Kansas for yielding to me.

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

Mr. DOLE. I am happy to yield to the Senator from Oregon.

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from California.

Mr. DOLE. Mr. President, I ask unanimous consent that that amendment be temporarily laid aside.

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

Mr. DOLE. I yield to the Senator from Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. HATFIELD. Mr. President, the avowed purpose of those individuals sponsoring this legislation is to honor Dr. Martin Luther King and, more importantly, to convey this Nation's highest distinction upon Dr. King and the work he did in advancing the cause for equality among all citizens by insuring their safe, civil rights.

Unfortunately, Mr. President, this legislation has been so dramatically politicized that the underlying reason we are going through this exercise, namely, to memorialize the significance of the gains in the field of civil rights, has been hopelessly obscured. The courage of Dr. King and the inspiration of Dr. King are compelling memories for the Members of this body and this Nation who knew him. His legacy was a selfless legacy; that is, he left for us a burning reminder that a nation without a commitment to equal justice, equal rights, and equal freedoms for its populace, is not worthy of the title "Democracy." For that reason, Mr. President, I believe this Nation would be unified by establishing a day which is more of a "Civil Rights Day" than a day specifically honoring Martin Luther King.

We have a "Labor Day" to commemorate the gains this country has made through the toil and inspired work of its work force. We have a "Me-

morial Day" to commemorate the gains this country has made through the sacrificed lives of those protecting our democracy and our homeland. And now, Mr. President, this body must determine how best to commemorate the lives of the many individuals like King, who were driven by an enlightened consciousness that motivated them to put aside their own personal goals to advance the noble goals of civil rights for all citizens of every sex, race, and physical or political disposition.

Mr. President, I will not mince words. Abraham Lincoln stands out in history as the individual most responsible for the advancement of civil rights in the United States. As a student of history, I would not dare to make this claim without due caution and reflection. As the first Republican President and as the champion of the enslaved and oppressed, Abraham Lincoln's accomplishments have been the foundation upon which the civil rights activists of the last century have built.

There have been other individuals besides Lincoln and King who have pressed for a progressive civil rights policy. I will not burden my colleagues with a lengthy recitation of the names of these formidable advocates of equality for the disadvantaged. Whether we are talking about the rights of workers, the rights of the handicapped, the rights of women, or the rights of those seeking religious or political freedom, prominent names instantly come to mind. Frederick Douglass, Booker T. Washington, Thaddeus Stevens, William DuBois, Mary McLeod Bethune, Susan B. Anthony, William O. Douglas, John L. Lewis, Samuel Gompers, and scores of others have left us a rich legacy of enlightenment in which the world and our country were made better by their achievements in advancing civil rights.

Mr. President, these many characters in our country's colorful history who have impacted the progress of civil rights in a positive manner are too numerous to mention. By enacting this bill, the Senate will honor all of these people. Personally, I would prefer that we not get into the precarious position of singling out one individual and memorializing his birthday in honor of the quest for freedom and justice for all. Abraham Lincoln, Martin Luther King, and their many brothers and sisters who have been united by a colorless and classless vision of America are all suitable candidates for such an honor.

Despite my deep love and admiration for Abraham Lincoln, I have never sponsored a bill in this Senate to designate his birthday a Federal holiday. I have not done so because such a move could do precisely the same thing which H.R. 3706 and S. 400 risks doing; that is, memorializing the life

AMENDMENT NO. 2339

of one person and, in so doing, dwarfing the accomplishments of those who arguably are as deserving of singular attention. Reasonable men and women can differ on the subject of whether, for example, Dr. King or President Lincoln is more deserving of a holiday in his honor. Again, I think such a problematic determination invites disagreement, which in turn diverts the public's attention from the civil rights issue to the tricky business of weighing the relative importance of key characters in our history.

However, because it is important that Congress stand together on this issue, I will not delay the passage of this bill with an amendment that has no chance of passage that would clearly label this day as a "Civil Rights Day" or some such designation. I will not do so because I believe the public understands that this holiday honors all of the great men and women who have inched us closer to the civil rights ideal, and does not solely honor Martin Luther King. This holiday will allow us to examine our consciences and our lives to evaluate where we stand on current civil rights issues and what we are doing about those issues.

My decision to vote in favor of final passage came after a careful consideration of the costs of an additional Federal holiday. It seems our calendar has just about reached the saturation point in terms of the number of Federal holidays authorized by law. Each holiday involves a day of lost productivity and that translates into hundreds of millions of dollars.

It is difficult to balance these dollar costs with the benefits of elevating the cause for civil rights to our Nation's highest position—to that of a national holiday. Citizens who attempt such a weighing of interests have contacted me and have told me that they believe the dollar costs are too great to justify a new national holiday. They say this even though they are conscious of the need to fortify our country's commitment to being a society that is color-blind and is deaf to the cries of racism, sexism, and mob rule.

Mr. President, I respect these people and do not quarrel with their opinion, an opinion involving thoughtful reflection in the confines of conscience. My own conscience has been thoroughly examined. I have decided to vote in favor of this bill, and shall do so with the hope that a nation which is united by a day set aside to ruminate the importance of civil rights gains will evolve into a society which joins together to further those gains.

I thank the Senator from Kansas.

The PRESIDING OFFICER. The Senator from North Carolina is recognized.

Mr. HELMS. Mr. President, I have an amendment at the desk which I call up and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2339. At the end of the bill, add the following:

"Sec. 3. Since Marcus Garvey is known universally throughout the world as the Father of Black Nationalism; and

"Since Marcus Garvey was a major leader in the development in the United States of Black consciousness; and

"Since the writings of Marcus Garvey have served as an inspiration to all those who favor opportunity for all, and the doctrine of self-help; and

"Since the conviction of Marcus Garvey in 1923 occurred in an atmosphere charged with emotionalism and publicity; and

"Since the excessiveness of the sentence was recognized by President Coolidge in 1927 in commuting that sentence;

"Therefore, let it be stated that it is the sense of Congress that the President should remove this cloud over the reputation of Marcus Garvey by granting a full pardon of any crimes of which he may have been convicted."

Mr. BAKER. Mr. President, will the Senator from Kansas yield to me now for a unanimous-consent request?

The PRESIDING OFFICER. The Senator from North Carolina has the floor.

Mr. BAKER. Mr. President, will the Senator from North Carolina yield for that purpose without losing his right to the floor?

Mr. HELMS. Mr. President, I yield to the distinguished majority leader.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. I thank the Chair.

Mr. President, I am now advised by the minority leader that he has completed the clearing process, I believe, on his side.

Now, may I put this request: I ask unanimous consent that any rollcall votes ordered between now and 1:45 p.m. today be stacked to occur at 1:45 p.m. in the same order and sequence in which they are ordered, with the first vote to be 15 minutes and subsequent votes, if any, to be 10 minutes each, without intervening debate, motion, point of order, or other proceedings.

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

Mr. BAKER. I thank the minority leader, and I thank all Senators.

Mr. HELMS. Mr. President, yesterday's New York Times carried an article reporting that the Prime Minister of Jamaica, Edward Seaga, has asked President Reagan to grant a full pardon to Marcus Garvey, the pioneer of modern black nationalism. He made the request Sunday during a meeting in Kingston with Vice President Bush.

Mr. President, I fully support Prime Minister Seaga's request. As chairman of the Western Hemisphere Subcommittee of the Foreign Relations Committee, I am very familiar with the struggle of Jamaica to restore its economy, and to rebuild the spirit of the Jamaican people after years of demoralizing socialism. In that respect, it is important to draw the people of the United States and the people of Jamaica closer together. The pardoning of Marcus Garvey would be a symbolic step toward that end.

But more significant than that, Mr. President, is the opportunity to remove a cloud that history has cast over the career of Marcus Garvey. His name is no longer a household word in this decade; but in the 1920's his prominence was equal to that of Martin Luther King in the 1960's. Indeed, one could say that without the pioneering work of Marcus Garvey, that Dr. King's movement could not have taken place.

I think that history now agrees that Mr. Garvey's legal problems developed from an excess of zeal, without sufficient attention to management of his business affairs. Marcus Garvey had a dream, and it was the dream of thousands of black Americans. It was the dream of black achievement, of black participation in the free enterprise system, and of black leadership throughout the world. The movement which Mr. Garvey started, the United Negro Improvement Association, was based on sound principles and sound goals. But Mr. Garvey, in his efforts to establish a black-owned steamship company, overshot the mark, bringing about financial failure and bankruptcy. Thousands of black Americans, who could ill afford to lose their savings, suffered as a result.

But the facts do not impugn Mr. Garvey's own honesty, only his management capability. His conviction occurred in an atmosphere of intense publicity and organizational rivalries. The judge who sentenced him, for example, was a member of the NAACP. The excessive severity of the sentence was recognized by President Coolidge who commuted the sentence after Mr. Garvey served 2 years.

Nevertheless, the influence of Marcus Garvey has extended literally around the world. His writings are well known to all students of black history. They serve as an inspiration to thousands of students and admirers.

So it seems to me, Mr. President, that the Martin Luther holiday bill, which is sure to pass, and has been all along in this political atmosphere, serves as an appropriate opportunity for Congress to go on record in favor of a pardon for Marcus Garvey. Although I have made it clear that I am not an admirer of Dr. King because of the subversive influences which dis-

torted his movement, I have no quarrel with the concept of equal opportunity and equal justice under the law. These are principles which Marcus Garvey stood for, and his work made it possible for black Americans to seek such goals. It takes nothing away from Dr. King to use this opportunity to clear the name of Marcus Garvey on a timely basis.

I am therefore proposing an amendment which would declare it to be the sense of Congress that the President should pardon Marcus Garvey. This, of course, is a nonbinding resolution, since pardons are within the President's discretion.

Mr. President, two articles from the October 18, 1983, *New York Times* give additional background on this issue, and I ask unanimous consent that they be printed in the *RECORD* at this point.

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

JAMAICAN ASKS U.S. TO PARDON A HERO
(By Francis X. Clines)

**PREMIER GIVES BUSH REQUEST ON GARVEY,
BLACK WHO LED "BACK TO AFRICA" DRIVE**

KINGSTON, Jamaica, Oct. 17.—Jamaica's Prime Minister has asked President Reagan to grant a full pardon to Marcus Garvey, the pioneer of modern black nationalism.

Mr. Garvey, a charismatic Jamaican considered a patriarch of the black consciousness movement in the United States, died in 1940 after serving a prison term for mail fraud. The case grew out of his "back-to-Africa" movement.

The Prime Minister, Edward P. G. Seaga, asked Vice President Bush to convey the unusual request Sunday night at a ceremony in Montego Bay commemorating National Heroes Day. The Prime Minister said Mr. Garvey, who crusaded through a Harlem newspaper, was convicted in the United States "during a campaign of persecution against him."

"It cannot befit the memory of this great man whom the world acknowledges as the father of black nationalism, for which he is universally honored, that the record of his life continues to be tainted with this stain of dishonor," Mr. Seaga declared.

"HIGHEST CONSIDERATION" PLEDGED

Vice President Bush, who is here for an address to Parliament, discussed the request privately with the Prime Minister and said later he would "be sure it receives the highest consideration" at the White House. "We recognize him as a Jamaican hero, and it will receive our attention," Mr. Bush said today in response to a question, before laying memorial wreaths here at statues of Mr. Garvey and four other national heroes.

The Prime Minister made his plea at the dedication of a Montego Bay memorial honoring Samuel Sharpe, a Jamaican slave who organized an early passive resistance movement but was hanged by the British colonial government in 1832.

Marcus Garvey, a revered figure here, was deported from the United States in 1927 after building a spirited following among millions of American blacks with the message, then bold, that black enterprise and solidarity could overcome the lingering effects of slavery. While a gifted polemicist, he was a short-lived success as an entrepre-

neur. He raised more than \$600,000 from 35 black investors in his Black Star steamship company, a travel venture to the West Indies and Africa that failed.

Noting that Mr. Garvey was deported home to Jamaica "with a broken heart and a criminal record," Mr. Seaga presented his request in the context of some sensitive international politics. The Reagan Administration has been extending considerable support to this Caribbean nation, praising it as a showcase of capitalism and an inspiration to third world nations against flirting with Communism. Mr. Seaga, in turn, raised the Garvey question as a dramatic opportunity for President Reagan to impress this same sphere.

"WIPING THE SLATE CLEAN"

"It would give immense joy to Jamaicans and millions of others in the Caribbean, Africa and your own country among others throughout the world," he said, "if the President of the United States, using the powers vested in him, found it possible to grant a full pardon to Marcus Garvey, wiping the slate clean and clear for posterity and enhancing the consciousness, pride and dignity of black people throughout the world."

The Prime Minister thus broached the idea also as a way for Mr. Reagan to please the blacks in the United States. The President's standing is low there and his Democratic opponents expect to organize a sizable anti-Reagan vote among blacks for the 1984 Presidential election.

Any serious consideration of a Garvey pardon would be certain to cause complaint among Mr. Reagan's more conservative activists, who already are highly critical of the President's decision to reverse his opposition to the creation of a national holiday for Martin Luther King Jr.

Mr. Bush spoke at Montego Bay before the Prime Minister and made no reference to Mr. Garvey in his speech. He spoke of Sam Sharpe's role in helping to inspire abolition's final passage in 1848 through the British Empire, ranking Sharpe as "a hero like many in my own country, including Nat Turner, Harriet Tubman and, in our own day, Martin Luther King."

Speaking with fever as he looked out at a large and friendly crowd of Jamaican blacks gathered amid a humid breeze and brilliant sunshine, Mr. Bush improvised the ending to his prepared text. "Long live freedom! Freedom! Freedom!" he shouted, slamming the lectern three times with his fist.

GARVEY: PROMOTER AND ORATOR

(By Maureen Dowd)

Marcus Garvey, the son of a Jamaican mason and a devoted follower of Booker T. Washington, came to the United States in 1916, at age 28, preaching black pride and calling for a back-to-Africa movement.

"Africa for the Africans" was the slogan in his campaign to redeem that continent from European colonialism and resettle all blacks there.

Responding to what he saw as a black disenchantment with the American dream that was growing after World War I, Garvey settled in Harlem and quickly became a spokesman for the unskilled and inarticulate black poor.

He was a promoter, a master of oratory and the news outlets. According to reports at the time, his stirring speeches would send throngs into the streets shouting: "Up you mighty race, you can accomplish what you will!"

Between 1917 and 1925, he organized hundreds of thousands of blacks in American cities and foreign nations and formed several businesses to build black power. From an initial membership of 15, his United Negro Improvement Association grew to between four and six million. The newspaper he started, *Negro World*, boasted an international circulation of 50,000. With small contributions, blacks reportedly donated \$10 million to his movement.

He founded a church, a conglomerate of black factories, the Black Cross Nurses and the Black Star steamship company. But many of his enterprises were said to be mismanaged.

In 1923, Garvey was convicted of mail fraud in connection with soliciting funds for his shipping company. He received the maximum sentence of five years and a \$1,000 fine. He contended that he had been framed.

In 1927, after two years in jail in Atlanta, he received a commuted sentence from President Coolidge and was deported to Jamaica. In 1935 he resettled in London, where he died five years later at age 52.

Mr. HELMS. Mr. President, I reserve the remainder of my time.

Mr. SARBANES. Mr. President, first a brief comment on the pending amendment. If the subject of this amendment is to be addressed, it ought to be addressed in a separate forum and not brought into the consideration of the Martin Luther King, Jr., bill. Let me now turn to a consideration of the pending bill.

Mr. President, I strongly support the legislation before the Senate. I have been a long-time and consistent supporter of efforts to recognize the life of Dr. Martin Luther King, Jr., and the extraordinary contribution he made to the evolving history of this Nation.

Dr. Martin Luther King, Jr., was one of our Nation's greatest leaders in the ongoing struggle to achieve full equality for all citizens.

The 13 years of his leadership in this struggle for civil and human rights, from the beginning of Montgomery, Ala., in 1955, to his tragic end in Memphis, Tenn., in 1968, changed and continue to affect the life of our Nation. It was a period which saw a massive upsurge in public support for and participation in the civil rights movement, and witnessed great strides in realizing the American creed that "We hold these truths to be self-evident, that all men are created equal."

It was during this period that great strides were made in so many areas of our national life. Voting rights—what could be more fundamental to a democratic society than that all citizens should be able to participate in the political process? Great strides in the areas of access to public accommodations, fair housing, equal employment opportunities—indeed in fundamental dignity and respect.

Dr. King's courageous stands and his unyielding belief in the power of non-violence, reawakened the conscious-

ness of our Nation to the racial injustice and discrimination which continued to exist 100 years after the Emancipation Proclamation and the enactment of the guarantees of the 14th and 15th amendments to the Constitution.

Dr. King was willing to undertake great personal risks and, ultimately and tragically, paid the price with his life in order that the affirmation that we are a nation of liberty and justice for all might become a reality.

Dr. King dreamed of an America in which children will be judged not by the color of their skins but by the content of their character.

In August 1963 in the march on Washington speech at the Lincoln Memorial, one of the most significant events in our Nation's history, he stated:

I have a dream that one day on the red hills of Georgia, sons of former slaves and sons of former slaveowners will be able to sit down together at the table of brotherhood.

He went on to say:

I have a dream that my four little 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.

Can anyone question that this undertaking is at the heart of what our democracy means, that we should be judged by the content of our character, not by the color of our skin?

Fifteen years after his death, America is still striving toward the fulfillment of Martin Luther King's vision. The designation of a national holiday in his memory not only pays tribute to him but, also places the Nation on record as rededicating itself to the principles of justice and equality which Dr. King's life exemplified.

In a letter from a Birmingham jail, Dr. King wrote:

Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality tied in a single garment of destiny. Whatever affects one directly, affects all indirectly.

Mr. President, in considering Dr. King's life, it is important to recognize that he was, above all, a religious leader. He was the son of a pastor and the grandson of a pastor. He finished college, Morehouse College in Atlanta at the age of 19—graduated from college at 19. He had already been ordained in the National Baptist Church in Atlanta. Following his graduation from Morehouse in 1948, he continued his studies at Crozer Theological Seminary in Chester, Pa., where he was an outstanding student and the first black in the school's history to be elected class president. He received his bachelor of divinity degree in 1957 and a fellowship for further study which he took at Boston University School of Theology, from which he later received his Ph. D. degree.

Dr. King's commitment to nonviolence and his preaching of the essential tenets of that philosophy had an enormous impact on the nature of the civil rights movement in this country in the 1950's and 1960's. He provided sterling leadership at a difficult time in our Nation's history, leadership which insured that the movement toward racial justice in this country would be carried out in a way that would strengthen and enhance our democratic system. He preached that philosophy under the most difficult circumstances. When in the course of the Montgomery boycott he was arrested, the then only 27-year-old minister exhorted his followers as follows:

If we are arrested every day, if we are exploited every day, . . . don't ever let anyone pull you so low as to hate them.

Even when his own home was bombed, Dr. King cautioned the more militant against seeking violent revenge. And in the end—and it is a tribute to our Nation—in the end, his belief in peaceful protest, in nonviolent means, was justified.

What we are recognizing with this legislation is not only the enormous contribution of this great leader, but we recognize two very basic principles for the healthy functioning of our democratic society. One is that change, even very fundamental change, is to be achieved through nonviolent means; that this is the path down which we should go as a nation in resolving some of our most difficult questions. And the other basic principle is that the reconciliation of the races, the inclusion into the mainstream of American life of all of its people, is essential to the fundamental health of this Nation. Dr. King preached, taught, and practiced these essential principles.

Dr. King moved the Nation in a way that I believe will be lasting. His example continues to stand before us. He provided a standard to which we can repair and the Nation is much the better for it.

So I join many of my colleagues in urging the passage of this legislation and the rededication of the Nation to achieving a country that will have liberty and justice for all its people and where the promise of the Declaration of Independence that all men are created equal will be fully realized.

Mr. President, I yield the floor. 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. HELMS. 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. HELMS. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. I thank the Chair.

The PRESIDING OFFICER. Under the previous order, the vote on the amendment will be put off until 1:45 p.m.

Mr. HELMS. Mr. President, I suggest the absence of a quorum with the time to be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. 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. DOLE. Mr. President, I would inform other Senators who have amendments that we now have an agreement that we can stack the votes. It is going to be very complicated if we do not have the amendments offered. Then we will run into the time when many Members would like to make closing statements between 3 and 4 p.m.

I see I have been rescued by the distinguished Senator from North Carolina.

Mr. HELMS. Will the Senator yield?

Mr. DOLE. I am happy to yield.

Mr. HELMS. Mr. President, let me suggest what may be done. I would suggest that the Senator and I yield back the remainder of our time on the pending amendment, and I will proceed with another amendment. The best news of all for the Senator would be that I have no further amendments.

Mr. DOLE. After the pending amendment?

Mr. HELMS. After offering one more amendment.

Mr. DOLE. Mr. President, I yield back my remaining time.

Mr. HELMS. Mr. President, I yield back my remaining time.

The PRESIDING OFFICER. All time has been yielded back. The question recurs on the amendment of the Senator from California (Mr. WILSON).

Mr. DOLE. Mr. President, I ask unanimous consent that the amendment of the Senator from California be temporarily set aside.

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

AMENDMENT NO. 2341

Mr. HELMS. Mr. President, I have an unprinted amendment at the desk and I ask that it be stated.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from North Carolina (Mr. HELMS) proposes an amendment numbered 2341.

At the end of the bill, add the following:
 SEC. . Notwithstanding any other provision of this Act, this Act shall not take effect unless and until a specific legal public holiday is established under Federal law in honor of Hispanic Americans for one day each year.

SEC. . Notwithstanding any other provision of this Act, this Act shall only take effect provided that the total number of legal public holidays under Federal law does not exceed nine.

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

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HELMS. Mr. President, it is truly fitting that we have a day commemorating the tremendous contributions of the Hispanic-American community to our country. Much of our country first experienced the civilizing influence of western civilization through the Spanish-speaking settlers who followed Columbus to the shores of the New World. Since those early days, the influence of the Americans of Spanish descent has blessed our country with a profound sense of fundamental respect for faith, for family, and for freedom. Our own Anglo-Saxon heritage has been able to blossom in the light of the Hispanic tradition. Today, the Hispanic-American community is growing at a rate much larger than that of other ethnic groups, and the contributions to our culture, to our intellectual and spiritual life, and to our economy from these great citizens are a model for all Americans to acclaim.

Mr. President, it is fitting that the Congress should establish National Hispanic-American Day at this time in our Nation's history. For the first time, recent years have found our national leaders willing to recognize the great contributions, ignored for generations, which the Hispanic Americans have made to our country. As chairman of the Subcommittee on Western Hemisphere Affairs of the Committee on Foreign Relations, I think this significant measure would be a signal to our friends throughout Latin America that we are one community, one hemisphere committed to the principles of liberty, justice, and autonomy, in a spirit of brotherhood and a mutual respect. I hope the Senate will adopt this measure.

Mr. President, the pending amendment conditions the taking effect of the proposed King holiday on two events: One, the establishment of a Federal holiday in honor of Hispanic Americans, and, two, the limitation of Federal holidays to no more than nine.

Mr. President, I reserve the remainder of my time.

Mr. DOLE. Mr. President, I am prepared to yield back the time in opposition.

Mr. HELMS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back. The vote on this amendment will occur at 1:45 p.m.

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

The PRESIDING OFFICER. The clerk will call the roll.

Mr. DOLE. Mr. President, will the Senator withhold?

Mr. HELMS. Yes.

Mr. DOLE. Mr. President, I want to thank the distinguished Senator from North Carolina for his cooperation. I think this will help us facilitate the schedule laid out by the majority leader and agreed upon by all Senators, that we start voting at 1:45 on the pending amendments.

As I understand, there will be two Helms amendments and a Wilson amendment. We are now in contact with the distinguished Senator from Alabama (Mr. DENTON) to see whether he wants to offer an amendment, and also the distinguished Senator from Iowa (Mr. GRASSLEY), who I understand will offer an amendment. Then Senators NUNN, BOREN, and others, will have an amendment which they will offer.

If we can offer all amendments and start voting at 1:45, we can conclude the voting by 3 o'clock and have the time from 3 o'clock until 4 o'clock for final statements that Members may like to make, with statements not to exceed 5 minutes.

Mr. President, I suggest the absence of a quorum, hoping that Senators who have an interest in offering amendments will do so between now and 1:45.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOLE. 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. DOLE. Mr. President, I make the point again that there are Members who have amendments, but we are just wasting time. We have been 20 minutes with no business. Members should have been on notice that we have votes starting at 1:45. We have notified Senators' offices and yet there is no one in the Chamber to offer amendments. I understand Senator BOREN and others will be here briefly to offer their amendment. I have also urged Senator DENTON and Senator GRASSLEY to come to the floor and offer their amendments.

What will happen, if we cannot consider those amendment between now and 1:45, it will be taken from the time

between 3 and 4 when the majority leader, minority leader, and others had hoped to make closing statements. As a courtesy to those who would like to make closing statements, I hope that my colleagues will cooperate and come to the floor to offer their amendments.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. COCHRAN). Without objection, it is so ordered.

Mr. DOLE. Mr. President, I understand that the pending amendment is the amendment of the Senator from California (Mr. WILSON).

The PRESIDING OFFICER. The Senator is correct.

Mr. DOLE. I ask unanimous consent that that amendment be temporarily laid aside so that the Senator from Iowa may offer an amendment.

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

AMENDMENT NO. 2342

(Purpose: To establish the National Heroes Day Commission and to designate as a legal public holiday the third Sunday of each January as "National Heroes Day")

Mr. GRASSLEY. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Iowa (Mr. GRASSLEY) proposes an amendment numbered 2342.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

That this Act may be cited as the "National Heroes Day Commission Act of 1983".

ESTABLISHMENT OF COMMISSION

SEC. 2. (a) There is established a commission to be known as the National Heroes Day Commission (hereinafter referred to as the "Commission") to annually select the individual to be honored on National Heroes Day.

(b) The Commission shall be composed of—

(1) two members to be appointed by the President;

(2) three members to be appointed by the President pro tempore of the Senate upon the joint recommendation of the Majority Leader of the Senate and the Minority Leader of the Senate; and

(3) three members to be appointed by the Speaker of the House of Representatives.

(c) The Chairman of the Commission shall be elected from among the members of the Commission.

(d) Any vacancy on the Commission shall be filled in the same manner as the original appointment.

(e) A vacancy on the Commission shall not affect its powers.

(f) The members of the Commission shall serve without pay or other compensation.

DUTIES OF COMMISSION

SEC. 3. (a) It shall be the duty of the Commission to consider and select on an annual basis an individual to be honored on National Heroes Day. The Commission shall actively seek the advice of private organizations and individual citizens.

(b) The Commission shall submit the selection for each year required under subsection (a) to the President prior to July 1 of the previous year.

NATIONAL HEROES DAY

SEC. 4. (a) Subsection (a) of section 6103 of title 5, United States Code, is amended by inserting immediately below the item relating to New Year's Day the following new item: "National Heroes Day, the third Sunday in January."

(b) The President is authorized and requested to issue a proclamation on National Heroes Day each year honoring the individual selected by the Commission under section 3 of this Act and calling upon the people of the United States to honor such individual with appropriate programs, ceremonies, and activities.

Mr. GRASSLEY. Mr. President, in the last 2 days a number of alternative proposals for commemorative holidays have been offered during the consideration of the Martin Luther King, Jr., holiday measure. The debate on these measures has raised several considerations as to the cost involved in establishing a 10th paid holiday for workers, and the precedent for honoring Dr. King by a public holiday when no other prominent national figure has been so recognized. I consider this amendment to be a reasonable and constructive proposal which would provide for national recognition of Martin Luther King, Jr., and other significant national figures, yet prevent the economic dislocation inherent in the current bill.

The amendment I have sent to the desk would establish a legal public holiday on the third Sunday of January to be known as "National Heroes Day." This proposal would provide for the recognition of a significant American figure to be selected by a nonpaid commission of eight members appointed by the President, the Senate, and the House of Representatives. Each year, the commission would select a different male or female individual who would be authorized by the President and honored by appropriate ceremonies.

My amendment would therefore establish with this Sunday public legal holiday a suitable memorial in which to pay respect to and reflect on any person of great achievements, beliefs and hopes, such as Martin Luther King, Jr. Yet, we could do so without dipping into the Federal treasury for at least \$18 million in direct costs and absorbing the lost productivity of \$270

million according to the Library of Congress. More significantly, we would avoid the cost of removing another productive workday from the calendar year of small businesses and prevent a loss to them of \$4 billion, which is the cost estimated by the U.S. Chamber of Commerce. Therefore, the spirit and intent of commemoration can be realized while protecting the jobs and economic stability crucial for the security of all Americans.

Certainly, a proposed Federal holiday for any renowned person is not simply an economic issue. Yet, even when faced with small budget decisions such as the one before us, we must not lose sight of the unprecedented Federal deficits that are continuing to accrue. We owe it to our taxpaying constituents to be as fiscally tough on these small budget battles as we are on large budget matters.

In addition, this amendment would address the concern about the precedent we will set here today if we pass H.R. 3706. The last time Congress enacted legislation designating a paid Federal holiday was in 1941. However, out of the nine current Federal holidays, none is dedicated to any of the great figures of American history, including Abraham Lincoln, James Madison, Theodore Roosevelt, or Thomas Jefferson—and we could go on and on. I would find it difficult, with passage of a commemorative holiday for Martin Luther King, Jr., to oppose similar recognition of a host of other American historic figures, others who have also articulated the ideals and principles on which our Nation was founded and under which we live. My amendment declaring a National Heroes Day would provide an opportunity to recognize a number of great American leaders and further prick our national conscience.

For these reasons, I hope that my colleagues see fit to support my amendment in the nature of a substitute. By this proposal I do not intend to minimize the tremendous contribution of the late Martin Luther King, Jr., in his lifelong pilgrimage for justice and equality for all citizens. Dr. King challenged us to join his march and bring America's underclass out of the shadows of discrimination and into the Nation's mainstream. He forced our Nation to confront these problems and devise fair and compassionate remedies at a time when it would have been easier to look away. I fully recognize the symbolism to our black Americans in the commemoration of Dr. King as a painful struggle to enjoy full freedom as American citizens. In fact, I hope that under my legislation he would be a prime candidate for national recognition for his positive impact on American life. I do feel, however, that my amendment would provide a more reasonable framework in which

to observe our growth as a nation under our many great leaders.

Mr. DOLE. Mr. President, I thank the distinguished Senator from Iowa.

Of course, I read the amendment. I listened carefully to the Senator's statement, which I do not disagree with, but I think right now the question is whether or not we are going to pass this bill in its present form and, although I do not dispute the statement made by the distinguished Senator from Iowa, I am not in a position to be able to support the amendment.

As I understand we are going to start voting on amendments at 1:45 p.m. Is it the desire of the Senator from Iowa to have a RECORD vote on this amendment?

Mr. GRASSLEY. No.

Mr. DOLE. So we can maybe take action on the amendment now.

I yield back my time.

Mr. GRASSLEY. I yield back my time.

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

(Putting the question:)

The amendment (No. 2342) was rejected.

Mr. DOLE. Mr. President, I understand the distinguished Senator from Oklahoma, the Senator from Georgia, the Senator from Alabama, and my colleague from Kansas has an amendment they may be prepared to offer.

Mr. President, I ask unanimous consent that the amendment of the Senator from California be temporarily set aside.

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

Mr. NUNN. Mr. President, will the Senator from Kansas yield so that I may go ahead?

Mr. DOLE. I yield.

Mr. NUNN. I have a brief statement. When the Senator from Oklahoma returns I will be delighted to yield to him.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. NUNN. Mr. President, Dr. Martin Luther King, Jr., made a significant and lasting contribution to our Nation and to all of humanity.

I intend to vote to establish a national holiday to honor this Nobel Peace Prize recipient from my home State of Georgia.

I believe that this holiday should be an occasion for all Americans to reaffirm the traditional values that bind our Nation of diversity together * * * equal justice and equal opportunity.

I believe that this national holiday should not only call attention to the goals and dreams of Dr. King but also to the history of the civil rights movement in America and the contributions that black Americans and other minority groups have made to our Nation's history. I am hopeful that this

holiday will not become simply another 3-day weekend, but rather a day each year for all Americans to celebrate the freedoms we all cherish and to rededicate our Nation to equality under the law.

I am also hopeful that this day each year will be celebrated in a way that offers hope and encouragement to the millions of people around the world who are impoverished, who are victims of discrimination and who are denied basic human rights.

This day should serve to remind us of the great strengths of America as we recall how this country dealt in a peaceful manner with deep-seated problems that divided our people along racial and regional lines.

America has not solved all of its racial problems. It is clear, however, that all American citizens now have access to our judicial system and the right to help shape our future by voting and participating in our democratic process.

This is the indelible legacy left by Dr. King and the civil rights movement in this country. We must continue this fight in the future as we continue to strive to advance the cause of equality and opportunity for all Americans. This new holiday will be a constant reminder of our commitment to these ideals.

Despite my support for this legislation, I continue to be troubled by the potential impact of another Federal holiday on the Nation's economy and productivity. I believe that we should attempt to minimize the cost of this 10th Federal holiday at a time in which our Nation is suffering a serious deficit problem and a 10-year decline in productivity. The Congressional Research Service of the Library of Congress and the Office of Personnel Management estimate that the loss to the Federal Government in terms of payroll salaries is approximately \$200 to \$250 million per holiday. Moreover, assuming that State and local governments follow the Federal Government's lead in observing this holiday, an additional payroll loss of \$796 million will result.

Mr. President, to address this issue, Senator BOREN and I are offering an amendment today which will virtually eliminate the economic impact of an additional Federal holiday. The Boren/Nunn amendment is a simple proposition which would affect those Federal holidays honoring individuals—first, Washington's birthday, second, Columbus Day, and third the new Martin Luther King, Jr., holiday, which I am confident this body will pass today.

Mr. President, I see the Senator from Oklahoma has returned, and I yield to him for an explanation of the amendment. Then I will complete my statement after he has had an opportunity to explain the amendment.

I am pleased to be working with the Senator from Oklahoma, and I congratulate him for taking this action which preserves the Martin Luther King, Jr., holiday but which would reduce the net cost to the Federal Government to virtually zero.

Mr. BOREN. Mr. President, I thank my colleague from Georgia, and I commend him for his record of public service during which time he has demonstrated time and time again his own commitment to the cause of equal opportunity for all of our citizens and also his commitment to the cause of fiscal responsibility and sound economic policy.

The amendment which we are discussing is an amendment which is aimed at showing our commitment to the cause of equal opportunity while at the same time doing so in a fiscally responsible manner that is consistent with it.

AMENDMENT NO. 2343

(Purpose: To amend title 5, United States Code, to provide additional rules concerning the observance of the Birthday of Martin Luther King, Jr., Washington's Birthday, and Columbus Day)

Mr. BOREN. Mr. President, at this time I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The bill clerk read as follows:

The Senator from Oklahoma (Mr. BOREN) for himself, Mr. NUNN, Mrs. KASSEBAUM, Mr. HATFIELD, Mr. HEFLIN, Mr. ZORINSKY, Mr. MATTINGLY, Mr. RANDOLPH, and Mr. CHILES proposes an amendment numbered 2343.

Mr. BOREN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

On page 1, strike out lines 3 through 7, and insert in lieu thereof the following: That (a) subsection (a) of section 6103 of title 5, United States Code, is amended—

(1) by inserting immediately before the item relating to New Year's Day the following: "Birthday of Martin Luther King, Jr., January 15."

(2) by striking out the item relating to Washington's Birthday and inserting in lieu thereof the following: "Washington's Birthday, February 22.", and

(3) by striking out the item relating to Columbus Day and inserting in lieu thereof the following: "Columbus Day, October 12."

(b) Subsection (b) of section 6103 of such title is amended by inserting "(except the Birthday of Martin Luther King, Jr., Washington's Birthday, and Columbus Day)" after "Executive order".

Mr. BOREN. Mr. President, it seems clear that Congress will today pass this legislation which will create another Federal holiday. The fact is that this vote has become a symbolic vote. It has gone far beyond a vote about the record or personality of one man. It has become a way of expressing the hope of the American people that we

can have reconciliation between the races and equal opportunity for all of our citizens.

I believe that a very large majority of our people want to see a new spirit of unity in our country. We would like to put behind us the decades of division and bitterness, begun in colonial times when men and women were wrongly brought to this country against their will, in chains, as slaves. They were the targets of racial and economic discrimination for more than a century after slavery was legally ended. We cannot fully appreciate the meaning of this issue without considering our history.

No other racial or ethnic group in our history has been treated in such a manner. No other group was brought to these shores as slaves, against their will. Of the scores of statues in the U.S. Capitol Building, there is not one which honors a representative of this particular race. It is not hard to understand why this vote has become a symbol to so many Americans. Many black Americans clearly regard this vote not as a vote on any one man, his achievements, or his human shortcomings, but as a vote for or against accepting them as full-fledged, equal members of American society. It has become a way of saying that the contribution of millions of Americans both in peace and in war where their sons laid down their lives for our country, is fully recognized by all of the American people. Congress has been asked to say symbolically that our Nation has taken a step toward putting the discrimination of the past behind us and toward committing ourselves to the brotherhood and sisterhood of all of our people.

Mr. President, like many others in this body, I believe that there is a moral compulsion to make this symbolic expression, to affirm that all of us as Americans, of every race, color, and creed, desire to walk hand in hand as brothers and sisters in God's human family.

At the same time, Mr. President, like many other Americans, I am very concerned about the record-high deficits that are being forecast for the next several years. To continue deficits of \$200 billion for the next few years will destroy our economy and economic opportunity for all of our people. We cannot continue blissfully down this path of enormous budget deficits without feeling the economic consequences very soon.

I have no desire—and I wish to emphasize that—no desire to complicate the consideration of this legislation, nor does any other cosponsor of this amendment have any desire to complicate its passage.

However, because of this grave concern for our huge deficits, I am offering an amendment today along with

Senators NUNN, HEFLIN, KASSEBAUM, HATFIELD, ZORINSKY, MATTINGLY, RANDOLPH, and CHILES, that will allow us to honor the cause of equal opportunity while also making some progress in holding down these huge budget deficits.

This amendment would amend our statutes to celebrate George Washington's birthday or President's Day, as it is known; Columbus Day, and Martin Luther King's birthday on the actual or traditional day the event took place, respectively, February 22, October 12, and January 15.

When the date of celebration occurs on Saturday or Sunday the occasion will be celebrated on that day.

Mr. President, the practical effect of this amendment will mean that in most years, one of these three holidays will be celebrated on a weekend. This will permit us to continue observing these occasions without adding a new paid Federal holiday every year.

The formula will not be exact in every year, but over the next 15 years, it would keep the net number of paid Federal holidays at 9 instead of increasing it to 10, as will occur if we fail to act. We would save about \$250 million of the taxpayers' money each year by taking this action.

The formula also does not favor one holiday over another or reduce the meaning of any one of them. It treats all these events in the same way. It is simply a way to continue appropriate national events while helping to hold the line on excessive Government spending.

I urge my colleagues to join me in supporting this amendment.

It does not reduce the meaning of any of the holidays. I urge my colleagues to join me in supporting this amendment.

Mr. President, I ask unanimous consent that a table showing the actual day of celebration of these three holidays for 1984-2000 be printed in the RECORD.

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

TABLE

	King—January 15	Washington— February 22	Columbus—October 12
1984.....	Sunday.....	Wednesday.....	Friday.....
1985.....	Tuesday.....	Friday.....	Saturday.....
1986.....	Wednesday.....	Saturday.....	Sunday.....
1987.....	Thursday.....	Sunday.....	Monday.....
1988.....	Friday.....	Monday.....	Wednesday.....
1989.....	Sunday.....	Wednesday.....	Thursday.....
1990.....	Monday.....	Thursday.....	Friday.....
1991.....	Tuesday.....	Friday.....	Saturday.....
1992.....	Wednesday.....	Saturday.....	Monday.....
1993.....	Friday.....	Monday.....	Tuesday.....
1994.....	Saturday.....	Tuesday.....	Wednesday.....
1995.....	Sunday.....	Wednesday.....	Thursday.....
1996.....	Monday.....	Thursday.....	Saturday.....
1997.....	Wednesday.....	Saturday.....	Sunday.....
1998.....	Thursday.....	Sunday.....	Monday.....
1999.....	Friday.....	Monday.....	Tuesday.....
2000.....	Saturday.....	Tuesday.....	Thursday.....

Mr. BOREN. Mr. President, I would be happy at this time to yield again to

my colleague from Georgia so that he may complete the statement he was making before I presented the amendment for consideration.

Mr. NUNN. Mr. President, I want to thank my colleague from Oklahoma for taking the lead in this matter and crafting an amendment that carefully preserves not only the holiday created under this legislation but also the spirit of the holiday while, at the same time, as he has already explained, saving the taxpayers approximately \$250 million a year at the Federal level.

If my arithmetic is correct, if you project that between now and the year 2000, we would be saving by this amendment \$3,750,000,000 in direct Federal payroll.

Mr. President, when any of the 3 days occurs on a weekend, the national observance would be celebrated on the weekend, and there would still be a national observation not to be obscured or forgotten, but there would be no lost workday.

Under our amendment, in lieu of the automatic Monday holiday format which is currently observed, Columbus Day—October 12, Washington's birthday—February 22, and the newly designated Martin Luther King, Jr., birthday—January 15, would be celebrated on the actual date of the event being commemorated.

This approach would include the new 10th Federal holiday and at the same time would add a commonsense, cost saving reform to our Federal holiday structure. For example, Mr. President, during the 15-year period from 1986 to the year 2000, 135 paid holidays are currently authorized. When the new Martin Luther King, Jr., holiday begins in 1986, 150 Federal holidays will occur during the 15-year period 1986 to 2000. With the Boren amendment, however, Columbus Day, October 12, Washington's birthday, February 22, and Martin Luther King, Jr.'s, birthday, January 15 would fall on Saturday or on Sunday 13 times during this 15-year period. Thus, Mr. President, under the Boren amendment, we would honor Dr. King, in a manner identical to Washington's birthday and Columbus Day but with a new increase in paid Federal holidays of only 2 days over this 15-year period. Thus, the cost of the entire Federal holiday structure would increase only slightly over current law. I believe this amendment is a fair and workable solution and I urge my colleagues to support it.

Mr. President, at this point I yield the floor.

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

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, I want to commend my colleague from Georgia for his remarks. As he pointed out,

I think he pointed out, this is a fair and reasonable solution. I hope our colleagues will listen and weigh his remarks.

There seems to be a tendency to not logically distinguish between amendments, not to carefully study the distinction between them, and I want to point out this amendment differs in a very large degree from other amendments proposed.

First of all, it is being proposed by a group of people who are in support of the overall resolution. It does not single out this holiday for special treatment. It treats it the same as others. But it does try to help us reach a solution in terms of additional costs to the taxpayers and on the impact of our budgetary deficits.

So I hope our colleagues will view this as a fair amendment, one which is not hostile to the basic resolution, but one which is sensitive to the budgetary impact.

At this point I would be happy to yield to the Senator from Kansas (Mrs. KASSEBAUM) who has joined with us in cosponsoring this amendment.

The PRESIDING OFFICER. The Senator from Kansas.

Mrs. KASSEBAUM. I thank the Senator from Oklahoma.

I, too, wish to express my thanks to him for his thoughtfulness in an amendment which I do believe is a very wise one.

Unfortunately, the well of debate has been poisoned by a character assassination against Martin Luther King, Jr., which has caused us to hesitate to really address the whole question of our national holidays and how we can best designate one that would honor Martin Luther King and those who have fought in the civil rights movement.

I think this amendment does address that. I think it is fair, I think it is equitable, and I think from the standpoint of the economics of the issue concerned, it is a wise approach and, therefore, Mr. President, I would only like to say how pleased I am to be supporting it, and I urge my colleagues to think about it because up to this point in time we have been reluctant because of the direction of this debate to give thoughtful consideration to ways it could be improved to even be a stronger bill. I thank the Chair.

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

The PRESIDING OFFICER. Who yields time? There are 30 minutes equally divided between the Senator from Kansas and the Senator from Oklahoma.

Mr. BOREN. I yield to my colleague from Oregon. I am very happy to have him as a cosponsor.

Mr. HATFIELD. I thank the Senator from Oklahoma.

Let me be very brief. As a Senator who has voted against all amendments offered, those proposed and declared early on, I would vote for the holiday honoring Dr. Martin Luther King.

Let me just observe that I have received a substantial amount of mail from my home State not on the issue of whether we should honor or not honor Dr. Martin Luther King with a national holiday but raising the question of the costs, the money that will be involved in establishing another national holiday.

I think this is a peripheral issue in the sense of what our purpose is, and that is to honor not only Dr. King but to honor those who have been involved in the civil rights movement for many generations. I would hate to think that one of the auxiliary issues or auxiliary arguments that have been raised in this whole debate should pervade the development of an appropriate honoring day.

I feel that by the time we get to January 1986 this may all well be behind us, but I would hate to think that there would be inhibiting or incumbering forces that would prevent us from having an appropriate recognition come that date in 1986. Therefore, it seems to me that we could alleviate a lot of that concern which has been raised by my constituents and constituents across this country by adopting this amendment which incorporates the days that we honor individuals into the same kind of format; that is, we honor them on their birthday and if that birthday falls on Saturday or a Sunday, as it will occasionally, then we do not have that cost involved in establishing a national holiday that would fall on a normal workday.

Therefore, I think it is a legitimate and appropriate amendment that in no way denigrates or demeans the efforts here to honor a great American, but certainly recognizes a legitimate concern that many people raise.

Mr. BOREN. Mr. President, I thank my colleague from Oregon and appreciate his remarks. The distinguished chairman of the Appropriations Committee is certainly sensitive to budgetary impacts on legislation, and throughout his public career he has demonstrated many, many times his commitment to the cause of human justice and his own sense of humanity. I am very, very proud to have him as a cosponsor of this amendment.

At this time, I am proud to yield to the distinguished Senator from Alabama, who is also a cosponsor of this amendment, for such remarks as he might care to make.

Mr. HEFLIN. Mr. President, the observance of a national holiday honoring Martin Luther King, Jr., will allow all Americans the opportunity to recognize the great progress that has occurred in race relations in all sections of our Nation. It also is an occasion

not only to honor Dr. King but to honor the progress that black people have made in this Nation.

Much of the debate on the issue of a national holiday for Dr. Martin Luther King, Jr., has validly centered around the cost of the American taxpayer to another Federal holiday. The Congressional Budget Office has estimated net budgetary expenditures of approximately \$18 million per year, beginning in 1986, as a result of the addition of a 10th Federal holiday. In light of the state of our economy and my strong commitment to balancing our Federal budget, I think that these concerns should be discussed and other alternatives evaluated.

Many ideas have been suggested to reduce the cost of new holidays, regardless of the individual being honored. Some of these include placing a cap on the number of legal public holidays at 10, honoring several great Americans on the same day, or providing that a holiday for Dr. King should fall on a Sunday, but thus far none of these ideas have been adopted.

Some, of course, do not merit a great deal of attention and others, of course, are valid. However, congressional leaders in both Houses have stated that legislation to reduce the cost to the American taxpayer of all holidays will be considered in the immediate future.

Another concern that has been justifiably raised is that with so many holidays falling on Mondays, we Americans have forgotten the true meaning behind the celebrations. We should be less concerned about preserving Monday holidays, and more concerned with the significance of the events.

For example, historians have agreed that the most likely date that Christopher Columbus reached the New World was October 12, 1492. George Washington, the father of our country, was born on February 22, 1732. Martin Luther King, Jr., was born on January 15, 1929. It is only logical and proper that we honor the births of these individuals and the discovery of America on the true dates of their occurrences.

In light of these concerns, I believe that a practical solution to alleviate these problems has been offered by the amendment that I am jointly sponsoring with my distinguished colleagues Senator BOREN of Oklahoma, Senator NUNN of Georgia, Senator KASSEBAUM of Kansas, and Senator HATFIELD of Oregon.

The PRESIDING OFFICER. Will the Senator please suspend?

The hour of 1:45 having arrived, under the previous order—

Mr. DOLE. Mr. President, I ask unanimous consent, which I think has been cleared on both sides, that the same order be started at 2 p.m. rather than 1:45.

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

Mr. DOLE. Mr. President, I ask for the yeas and nays on this amendment. The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered. Mr. DOLE. Mr. President, I hope we might conclude the debate on this amendment in a minute or two and I might yield at least about 9 minutes to the Senator from New Jersey. I need a couple of minutes to speak in opposition to this amendment. If we can conclude the debate, it would be helpful.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. HEFLIN. A 14-year projection of the dates upon which these holidays would fall, reveals that if these individuals are honored on their original observance dates, 13 of these holidays would fall on Saturdays or Sundays. This would result in a cost savings for the American taxpayer of approximately \$234 million, since Federal employees do not work on Saturdays or Sundays in the vast majority of cases. This plan is a workable solution in keeping with our desire to preserve tradition and reduce Government spending. It would keep the total number of paid holidays about the same as they now exist.

I will ask unanimous consent to have printed in the RECORD a table to show how this proposal would work and the dates that observances would fall.

It is my hope that my distinguished colleagues will support this proposal so that an appropriate recognition can be established for all Americans to reflect upon these historic events, but without any substantial increase in cost.

I would like to mention the other holidays. With the exception of Memorial Day, the other holidays are days that would not fit into this. We have only three holidays that deal with individuals. Those individuals are Christopher Columbus, George Washington, and Martin Luther King, Jr.

Now I considered adding Memorial Day to the amendment. After discussing it, however, it was felt it should be left out.

Under this proposal, every 7 years there would be at least six holidays that would fall on Saturdays or Sundays, and these holidays would not be paid holidays. On a 14-year projection, 13 would fall on Saturdays or Sundays providing a substantial savings in cost.

It seems to me that this is a very logical approach. It does not take away from any individual. It puts the observance of the King holiday on the same level as Washington's Birthday and Columbus Day.

Therefore, I think it would be a substantial cost savings and this is some-

thing we should be interested in. I do not think it detracts in any way from the King holiday.

Mr. President, I ask unanimous consent that the table to which I referred be printed in the RECORD.

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

ORIGINAL DATE OF CURRENT AND PROJECTED HOLIDAYS HONORING GREAT AMERICANS AND A 14-YEAR PROJECTION OF THE DAY UPON WHICH THEY WILL FALL

Year	Columbus Day, October 12	Washington's Birthday, February 22	Martin Luther King's Birthday, January 15
1984	Friday	Wednesday	Sunday
1985	Saturday	Friday	Tuesday
1986	Sunday	Saturday	Wednesday
1987	Monday	Sunday	Thursday
1988	Wednesday	Monday	Friday
1989	Wednesday	Wednesday	Sunday
1990	Wednesday	Thursday	Monday
1991	Saturday	Friday	Tuesday
1992	Monday	Saturday	Wednesday
1993	Tuesday	Sunday	Friday
1994	Wednesday	Tuesday	Saturday
1995	Thursday	Wednesday	Sunday
1996	Saturday	Thursday	Monday
1997	Sunday	Saturday	Wednesday

Mr. BOREN. Mr. President, I yield 1 minute to my colleague from West Virginia, Senator RANDOLPH.

Mr. RANDOLPH. Mr. President, this amendment embodies the substance of the legislation that I have had pending in the Judiciary Committee for approximately 6 years numbered S. 71 in the 98th Congress. I support it and cosponsor it because it embodies the emphasis of the amendment I offered on yesterday relating only to the honoring of Dr. Martin Luther King, I had not included other days—and the change in Monday holidays that I have been attempting for these past years.

I commend my colleague, Senator BOREN, and others, in the presentation of this amendment. I hope that the Senate will do what our colleague, Senator HEFLIN, has said. That is, give attention to why we are establishing a day of commemoration and not just thinking in terms of a Monday holiday.

I emphasize, what I stated yesterday, that I cannot support the bill if the day honoring Dr. Martin Luther King is not observed on the date of his birth.

Mr. BOREN. I thank my colleague from West Virginia.

Mr. President, I yield very briefly to the Senator from Georgia, who is also a cosponsor of this amendment.

Mr. MATTINGLY. Mr. President, it is a foregone conclusion that the legislation we are considering will pass the Senate today by an overwhelming margin. The issue is no longer just one of honoring Dr. Martin Luther King, Jr. It has now taken on great symbolic meaning to millions of Americans. To them, the creation of this holiday will signify that a contribution to our

country is being recognized and appreciated. The rejection of the bill would signal a step backward in the progress of civil rights.

Mr. President, there are many of us who are greatly concerned about the record deficits we are facing in the coming years. There is a cost to the creation of a new holiday. It is a cost in both salaries and in lost productivity.

But there is a way to reduce that cost and yet not take away any of the significance of a Dr. King holiday. This is the Boren amendment of which I am a cosponsor. The Boren amendment would have three holidays celebrated on their traditional or actual date. These would be Columbus Day, George Washington's Birthday, and Martin Luther King's Birthday. In most years, at least one of these holidays would fall on a weekend. This would save the cost of an extra holiday in most years.

This is a bipartisan effort to honor Dr. King, yet avoid adding to our already record deficits. I urge my distinguished colleagues to support this amendment as the one way to be fiscally responsible while not lessening the honors to Dr. King.

Mr. President, the Martin Luther King holiday bill has special interest to the citizens of my State. Dr. King was a native of Georgia. Atlanta was his home. There he was the minister of the Ebenezer Baptist Church. And there he established the headquarters of the Southern Christian Leadership Conference.

Dr. King had a profound impact on our State as he did the rest of the Nation in his work to achieve racial equality. I cannot say that all of these problems have been solved. But look how far we have come in this country during the last 20 to 25 years. Now when there is discrimination, the victim has laws on the books to protect him and avenues in which he can seek redress.

We are a better country for these changes, a far better country. Dr. Martin Luther King, Jr., devoted his life to working to bring these changes about. It was through his and others' courageous struggles that we made great strides in truly achieving the ideals of this country as expressed in the Declaration of Independence: "We hold these truths to be self-evident, all men are created equal and are endowed by their Creator with certain inalienable rights."

For these reasons, I will cast my vote in favor of a national holiday to honor Dr. King. I hope my colleagues will also join in supporting this cost-saving and reasonable amendment.

Mr. President, I support this amendment and I do think the holiday has now taken on a great symbolic meaning to millions of Americans.

Mr. BOREN. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. Who yields time?

The Senator from Kansas.

Mr. DOLE. Mr. President, I do not have 10 minutes remaining, but I yield the remaining time I do have to the distinguished Senator from New Jersey to make a statement, not a statement on the amendment but a statement on the bill. At 2 p.m. I will have to do something else.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. BRADLEY. Mr. President, Dr. Martin Luther King was an American; he was christian and black. I did not know him but I heard his words. He spoke with a prophetic voice about redemption—of our individual souls and from our national disgrace. The dream he shared that hot August afternoon in 1963 on the steps of the Lincoln Memorial—the dream he gave his life for—was a dream shared by millions of Americans black and white alike. It was a dream that challenged America to live up to its ideals, to rise above the assumed rights of prejudice and to assert the inherent rights of humanity once again, just as 100 years earlier Abraham Lincoln had urged Americans to rise above the assumed rights of property and to assert the inherent rights of humanity. Dr. King taught what any good family North or South taught—there is no room for hate in this house. He preached that America was still an idea becoming—becoming what its people would have it be. And he labored for an America in which men and women were not judged by color but stood equal in the eyes and practices of the State just as they do in the eyes of God. His message told us what we knew, that America was incomplete without addressing the injustice, festering in our national soul, of a dual society of black and white. But he believed that even in the face of blatant discrimination, America—its institutions and its people—had the capacity for righting the wrong course. His message offered redemption from our original sin. His message spawned the civil rights revolution of the 1960's—the 1964 Civil Rights Act, 1965 Voting Rights Act, the 1968 Fair Housing Act. These laws secured long withheld civil rights for black Americans but they also changed the attitudes of white Americans, and led to a legitimate moral awakening, and made America a better place.

Respect for democracy lay at the core of Dr. King's tactics. He was a nonviolent man who was steadfast in his objective. He would not compromise with racism. Forty times he went to jail for his beliefs. Time and time again he stood for human dignity and individual self worth. He said he would rather go hungry than eat at the back

door; he said he would rather go thirsty than drink from a white's only drinking fountain; he said he would rather march in the streets to change the democracy than be denied the right to vote in a democratic country. When his people wanted to flee the church in the face of physical danger he said stand firm for you stand with the right that shall prevail. He made us all see the monstrous evil we had allowed to seep into our national conscience and he provided us the way out through a commitment to love our brothers as ourselves, and to seek justice through the application of moral power to the institutions of our democracy.

This is the American we seek to honor with a national holiday.

This is the man that the Senators from North Carolina have implied was Communist. I hear the Senators' words:

King's name remains a source of tension; We have not used the normal procedures of the Senate—no committee hearings; There will be citizens who will be hostile to this Congress; A veneer of religion cloaked his political beliefs and agenda; I do not agree with the viewpoint of my distinguished colleagues but I respect it; I want a national civil rights day, not a Martin Luther King holiday.

Mr. President, I hear their words, but I cannot connect them with the reality I know. I want to give the Senators of North Carolina the due respect of a colleague, but I must say it is just not possible in this case. When I listen to the senior Senator from North Carolina talk about Dr. King and communism and when I listen to the junior Senator from North Carolina construe Dr. King's words so that he implies Dr. King called American soldiers Nazis—two images swirl up in my imagination, one trivial, one ominous. The first image is that of a shriveled persimmon, small and bitter, drying up, ready to blow away when exposed to a winter wind. The second image is hot, flashing across my mind in rapid frames—Bull Connor and his dogs; George Wallace at the school door; three civil rights workers murdered; marches and sit-ins; Medger Evers struggling to stand, shot in the back in front of his own home; and Dr. Martin Luther King dead in his coffin.

As I listen to the Senators from North Carolina, I hear their rationalization; they are not against black Americans, you understand, just Dr. King. Yet nowhere in this debate have I heard the two Senators say they supported the 1964 civil rights law, even today, or the 1965 Voting Rights Act. Indeed they voted against the recent voting rights extension. They fought to protect the tax-exempt status of schools that practiced racial discrimination, and they have voted against reauthorization of the Civil Rights Commission. They speak for a past that the vast majority of Americans

have overcome. They are quick to take offense, to see a slur, to go for the jugular and they do it within the rules of the Senate which is their right.

Mr. KENNEDY. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The point of order is well-taken. The Senate will please be in order.

Mr. BRADLEY. If only they had as much respect for the civil rights of all Americans as they do for Senate rules.

The Senators from North Carolina have implied on more than one occasion that they are courageous, fighting for their views. "Political suicide," the Senator from North Carolina has called his opposition to the holiday. I do not think they are courageous; I think their actions are very carefully calculated.

No, they are not etching another American profile in courage in this debate. Far from it. They are running the old campaign, as old as the interaction of race and politics in America. They are playing up to old Jim Crow and all of us know it. This holiday is their cutting issue. This is the one that gets the people aroused and to their feet cheering. But which people, Mr. President, those who believe that America is one Nation under God or those who believe that it still should be two, separate and unequal? I sense it is the latter group that will rally to the call from the Senator from North Carolina.

They would seek to deny this holiday in an act of self-styled courage. I wonder how much courage they would have in the face of an angry mob; or the onslaught of nightsticks; or the fusillade of rocks; or the threat that the next church will be bombed. I wonder how long they would persist without the assurance that the authorities were on their side?

And so I ask myself who are they defending; how do they see themselves? Why are they so afraid of making a national holiday for Dr. King. It is the cost, they say. It is the fact that the FBI spied on him, they say. It is because Lincoln, Roosevelt, Madison, and Jefferson do not have holidays, they say. It is because he opposed the war in Vietnam, they say, and, finally, it is because he is not a good model for the young, they seem to say.

Good model for the young? I have always thought that parents were supposed to be the model for the young and that parents became the model by their actions and words.

Mr. President, I ask unanimous consent that I may continue for 2 additional minutes.

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

Mr. BRADLEY. Let me tell the Senators from North Carolina that children grow up without hate in their hearts not because of Martin Luther

King or John F. Kennedy or the distinguished Senators from North Carolina or New Jersey. They grow up without hate, they grow up respecting that all men are created equal in the eyes of God because their parents taught them that and lived it and they grew up and sensed the rightness of that teaching. That is it. No mystery.

So, Martin Luther King Day will not make up for all those parents who failed to teach their children to be colorblind or to love their neighbor as themselves. The Dr. Martin Luther King holiday will not root out that evil in their hearts but it will give us a day to reflect on the life and work of this great American. When the young look at Dr. King and his times, they can be proud, as I was back in 1964, a college student, sitting in that far corner of the Senate Chamber the night the civil rights bill passed.

It will give then a chance to pause and reflect on moments when we do come together as a national community dedicated to fulfilling the promise of our democracy.

It will give us time to reflect on those moments when our glacial collective humanity moves an inch forward. That happened during the times and life of Dr. Martin Luther King.

A national holiday gives us a chance for a structured service in our churches and synagogues and community centers in order to focus on the power of Dr. King's redemptive message and to ask ourselves individually what we have done and what we can do to realize his dream. For us in the Senate, that holiday will give us the special chance to think back to this vote, a chance to reflect about the day most of us, Democrats and Republicans alike, treated brotherhood as a personal command and not a political chit.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for 1 minute.

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

Mr. DOLE. Mr. President, I want to take 1 minute to respond on the amendment that has been offered by Senator BOREN and others.

I think it is probably a good idea, but it comes a little late in the process. I say to the distinguished Senator from Oklahoma that I hope this amendment is not passed but that he will offer it on different legislation. I think it might not save all the money that has been talked about saving.

We might have a lot of absenteeism when the holiday came on a Tuesday or a Thursday. In addition, we are told that a lot of people in this country like the 3-day weekend. They like the Monday holiday, for a lot of reasons.

So do commercial interests. So I cannot support the amendment.

I do commend the Senators who sponsored it. I hope we can have hearings following the passage of this bill in its present form. Senator RANDOLPH presently has a bill in that does pretty much what the Boren amendment does.

Mr. BOREN. If the Senator will yield, we hope we will be successful in this amendment. If we are not, we hope to introduce some legislation on this matter.

VOTE ON AMENDMENT NO. 2339

The PRESIDING OFFICER. Under the previous order, the time of 1:45 p.m. having arrived and passed, through extensions, we come to the vote on the amendment offered by the Senator from North Carolina (Mr. HELMS). The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. HUMPHREY (when his name was called). Present.

Mr. CRANSTON, I announce that the Senator from Connecticut (Mr. DODD), and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. DODD) would vote nay.

The PRESIDING OFFICER (Mr. QUAYLE). Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 5, nays 92—as follows:

[Rollcall Vote No. 300 Leg.]

YEAS—5

Armstrong East Symms
Denton Helms

NAYS—92

Abdnor Goldwater Moynihan
Andrews Gorton Murkowski
Baker Grassley Nickles
Baucus Hart Nunn
Bentsen Hatch Packwood
Biden Hatfield Pell
Bingaman Hawkins Percy
Boren Hecht Pressler
Boschwitz Heflin Proxmire
Bradley Heinz Pryor
Bumpers Hollings Quayle
Burdick Huddleston Randolph
Byrd Inouye Roth
Chafee Jepsen Rudman
Chiles Johnston Sarbanes
Cochran Kassebaum Sasser
Cohen Kasten Simpson
Cranston Kennedy Specter
D'Amato Lautenberg Stafford
Danforth Laxalt Stennis
DeConcini Leahy Thurmond
Dixon Levin Tower
Dole Long Weicker
Domenici Lugar Wilson
Durenberger Mathias Tsongas
Eagleton Matsunaga Wallop
Evans Mattingly Warner
Exon McClure Weicker
Ford Melcher Wilson
Garn Metzenbaum Zorinsky
Glenn Mitchell

ANSWERING "PRESENT"—1

Humphrey

NOT VOTING—2

Dodd Riegle

So the amendment (No. 2339) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 2341

The PRESIDING OFFICER. Under the previous order, the vote now occurs on amendment No. 2341, offered by the Senator from North Carolina. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. EAST (when his name was called). Present.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber who desire to vote?

The result was announced—yeas 4, nays 93, as follows:

[Rollcall Vote No. 301 Leg.]

YEAS—4

Garn Helms
Hatch Symms

NAYS—93

Abdnor Glenn Mitchell
Andrews Goldwater Moynihan
Armstrong Gorton Murkowski
Baker Grassley Nickles
Baucus Hart Nunn
Bentsen Hatfield Packwood
Biden Hawkins Pell
Bingaman Hecht Percy
Boren Heflin Pressler
Boschwitz Heinz Proxmire
Bradley Hollings Pryor
Bumpers Huddleston Quayle
Burdick Humphrey Randolph
Byrd Inouye Roth
Chafee Jepsen Rudman
Chiles Johnston Sarbanes
Cochran Kassebaum Sasser
Cohen Kasten Simpson
Cranston Kennedy Specter
D'Amato Lautenberg Stafford
Danforth Laxalt Stennis
DeConcini Leahy Stevens
Denton Levin Thurmond
Dixon Long Tower
Dole Lugar Weicker
Domenici Mathias Tsongas
Durenberger Matsunaga Wallop
Eagleton Mattingly Warner
Evans McClure Weicker
Exon Melcher Wilson
Ford Metzenbaum Zorinsky

ANSWERED "PRESENT"—1

East

NOT VOTING—2

Dodd Riegle

So Mr. HELMS' amendment (No. 2341) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

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

The PRESIDING OFFICER. The Senate will come to order.

VOTE ON AMENDMENT NO. 2343

The PRESIDING OFFICER. The question recurs on the amendment of the Senator from Oklahoma, No. 2343. The question is on agreeing to the amendment of the Senator from Oklahoma. The yeas and nays have been ordered, and the clerk will call the roll.

The bill clerk called the roll.

Mr. EAST (when his name was called). Present.

Mr. CRANSTON. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from Michigan (Mr. RIEGLE) are necessarily absent.

The PRESIDING OFFICER. Are there other Senators in the Chamber desiring to vote?

The result was announced—yeas 45, nays 52, as follows:

[Rollcall Vote No. 302 Leg.]

YEAS—45

Andrews Goldwater McClure
Armstrong Gorton Melcher
Baucus Grassley Nickles
Bingaman Hatch Nunn
Boren Hatfield Packwood
Boschwitz Hawkins Quayle
Burdick Heflin Randolph
Chiles Helms Roth
Cohen Humphrey Rudman
Denton Jepsen Simpson
Domenici Kassebaum Stafford
Durenberger Kasten Symms
Evans Long Tower
Exon Lugar Wallop
Garn Mattingly Zorinsky

NAYS—52

Abdnor Hart Pell
Baker Hecht Percy
Bentsen Heinz Pressler
Biden Hollings Proxmire
Bradley Huddleston Pryor
Bumpers Inouye Sarbanes
Byrd Johnston Sasser
Chafee Kennedy Specter
Cochran Lautenberg Stennis
Cranston Laxalt Stevens
D'Amato Leahy Thurmond
Danforth Levin Tribe
DeConcini Mathias Tsongas
Dixon Matsunaga Warner
Dole Metzenbaum Weicker
Eagleton Mitchell Wilson
Ford Moynihan
Glenn Murkowski

ANSWERED "PRESENT"—1

East

NOT VOTING—2

Dodd Riegle

So Mr. BOREN's amendment (No. 2343) was rejected.

Mr. DOLE. Mr. President, I move to reconsider the vote by which the amendment was rejected.

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

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. BOREN. Mr. President, will the Senator from Kansas yield to me for a brief statement?

Mr. DOLE. I am happy to yield to the Senator from Oklahoma.

Mr. BOREN. I thank the Senator from Kansas.

Mr. President, I think that the close vote on this amendment indicates that there is widespread support in the Senate for the idea of trying to find an appropriate way to honor the individuals and causes represented and still strike a balance with the fiscal and budgetary impact.

There were several Senators who told me that they were very much for the substance of this amendment but were worried procedurally about what it might do in terms of causing a conference. Clearly there were many others, in addition to those who voted for this amendment, who would have voted for it as a freestanding bill.

I will just repeat that we will introduce it as a bill, the cosponsors of the amendment. We would be glad to receive the names of others who might like to cosponsor it. We will be pursuing it as a separate piece of legislation.

Mr. NUNN. Will the Senator from Oklahoma yield just for a brief observation?

Mr. BOREN. Yes.

Mr. NUNN. Mr. President, I am delighted the Senator from Oklahoma is going to introduce that. I will certainly want to remain a cosponsor. I also encourage Senators to look at the bill that has been introduced and pending for a long time by Senator RANDOLPH, which would deal with this whole subject of holidays in a similar way.

I want to emphasize to my colleagues, while we are thinking about this amendment which came so close, that this amendment would save \$3,750,000,000 over the next 15 years. That is not a sum to be in any way ignored, particularly when the amendment of the Senator from Oklahoma would have carried out the purpose of this bill by honoring Dr. Martin Luther King by preserving the holiday and by treating this holiday with other holidays in similar categories.

So I hope we can get the Judiciary Committee or the Governmental Affairs Committee, if the Governmental Affairs Committee is deemed to have jurisdiction over this bill, to have prompt hearings and let us figure out a way to carry out the spirit of this legislation which is precisely what this body wants, but to do it in a way that is fiscally responsible in a period when deficits are a very severe peril to the economic future of this country.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, let me do one thing that I feel I should do at this point. I have talked with the mi-

nority leader about this and he has cleared it on his side.

Mr. President, I ask unanimous consent that when the Wilson-Nunn-Boren amendment is introduced as a bill, that it be placed directly on the calendar.

The PRESIDING OFFICER. Is there objection? Hearing no objection, it is so ordered.

Mr. BAKER. I thank all Senators.

Mr. NUNN. Mr. President, may I ask the majority leader, if he would yield, there are two separate amendments here, one by the Senator from California—and I am for that amendment—and the other one by the Senator from Oklahoma, of which I am a cosponsor. I believe the majority leader intended for both of those to be placed on the calendar, is that right?

Mr. BAKER. Mr. President, I ask unanimous consent that I may rescind the order previously entered.

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

Mr. BAKER. Mr. President, I must say, in all fairness, I have not checked the second part of that. Let me do that and I will make the request again in just a moment.

Let me make one other announcement. Mr. President, it is now 2 minutes to 3. I previously indicated we were going to try to limit the time for speeches to 5 minutes and provide that no amendments would be in order. That request will not fly.

But let me warn Senators that they ought to know that that vote is going to occur at 4 o'clock. I hope everybody will be considerate of the time that Senators require to make their final statements.

Mr. RANDOLPH addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. RANDOLPH. Mr. President, the comments made by Senator BOREN, Senator NUNN, and others indicates that we are approaching that time within the Senate and in the committee consideration of legislation which is, in substance, what the Senator from West Virginia, who is now speaking, has been attempting to achieve for at least 6 years.

I am grateful, not only to have joined in the amendment which lost by seven votes, which was an amendment that should have been adopted, in my opinion, but I am gratified at the strong support it received. I hope that the majority leader and the minority leader will help us in bringing this matter as quickly as possible to the Senate itself. The country will profit, and we will do something that I think is very important, by reestablishing the original dates of observance to commemorate the significance of the work of the individual and the importance of the event.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. HECHT). The question recurs on amendment No. 2269 by the Senator from California (Mr. WILSON). Who yields time?

Mr. DOLE. Mr. President, I ask unanimous consent that that amendment be temporarily laid aside.

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

Mr. DOLE. Mr. President, let me just comment on the colloquy which had taken place before the majority leader made certain comments. Then I will be happy to yield to other Senators.

It is my hope that we may be able to accommodate Senators who have a deep interest in a bill that would be similar to the amendment just defeated in a very close vote. There are a number of Senators on both sides of the aisle—Senator KASSEBAUM, Senator MATTINGLY, Senator RANDOLPH, Senator DENTON, Senator BOREN, Senator NUNN, and others—who would like us to move on the legislation very quickly. This Senator has no objection to it being put on the calendar. That is not a judgment for this Senator to make. But I think there should be hearings on the proposal because we need to explore the cost. There are differences of opinion as to how much it might save. We have all kinds of figures of \$100 million, \$200 million. Plus, I think there might be some strong objections from commercial interests who like 3-day weekends, from organized labor who like 3-day weekends in collective bargaining agreements, and a number of things we were not able to focus on in the brief time that the amendment was before us. In fact, opposition to the amendment had 30 seconds. It is pretty hard to make the case in 30 seconds. Certainly, I would not object to placing it on the calendar along with the proposal of the Senator from California, Senator WILSON. But I would hope that there would be hearings on this rather comprehensive approach proposed by a number of Senators.

Several Senators addressed the Chair.

Mr. DOLE. Mr. President, I understand we are going to limit the speeches now to 5 minutes. I yield 5 minutes to the Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. METZENBAUM. Mr. President, I ask unanimous consent to yield 1 minute to the Senator from Oklahoma without losing my right to the floor.

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

Mr. BOREN. I thank the Senator from Ohio and I thank the Senator

from Kansas for the comment he has just made.

I hope the leadership will consider such a request to allow the bill to be placed immediately on the calendar with the understanding that hearings would be held before its consideration. I would only say again my conversations with those from the civil rights community, the leaderships of several organizations, would convince me that, as a separate question, they might well also support this piece of legislation rather than having it tied as an amendment to this bill. It is a free-standing proposal, and I think there will be widespread support. I hope we can adopt the mechanism, because of the public concern over the cost, that will enable us to have a very quick timetable to consider the legislation.

Mr. DOLE. If the Senator will yield briefly for 10 seconds, I think we could have an expedited procedure. I do think we need to address the cost, primarily. I have received hundreds of calls and letters and they say the concern is cost. There may be other concerns, but the expressed concern is the cost.

Mr. BOREN. I thank the Senator.

Mr. METZENBAUM. Mr. President, I am pleased that the Congress is about at that point where we will appropriately honor one of the greatest men of our times. No one before or since Martin Luther King has contributed more to breaking down the barriers of discrimination that society has built, not only discrimination against the blacks but against all minorities.

I am proud to have known Dr. King personally. I was fortunate to have marched with him in Selma, and I share the dream that he so eloquently expressed.

I remember that day so well in Selma when we marched. At the conclusion of the march, I remember calling my home in Cleveland and speaking with my wife. I remember her consternation and fear because she had just heard on the TV that Mrs. Viola Liuzzo had been murdered in cold blood that day and she was one of the participants. She sacrificed, Martin Luther King sacrificed, so many others have sacrificed, that the civil rights movement might move forward.

Dr. King was a man of action who awoke the conscience of America at a time when others were willing to simply turn their heads away. He was a man who decried the senseless killing of innocent people wherever it took place.

The honor which we now bestow upon him has unfortunately been far too long in coming. We can ill afford to delay this action any longer and we will not. We will bring it to a conclusion promptly.

The action we take today is more than symbolic. It is a statement to oppressed peoples everywhere that they

need not accept anything less than equality.

Dr. King gave his life for the cause of freedom. As was recently shown by the 20th anniversary march on Washington, the American people continue to share his dreams for a better world. I am honored to be able to participate in the establishment of this perpetual memorial to Martin Luther King's great accomplishments.

It is my opinion that when the historians write about the great men who lived in the 20th century and who had an impact upon our Nation and the world, Martin Luther King's name will be among those.

Mr. HART addressed the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. HART. Will the Senator from Kansas yield me 4 minutes?

Mr. DOLE. Four minutes.

Mr. HART. Mr. President, I ask unanimous consent that Miss Dawn Alexander, a member of my staff who has worked very diligently for a number of years on this very important legislation, be accorded floor privileges during the consideration of this matter.

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

Mr. HART. Mr. President, I strongly support this legislation making the third Monday in January a national holiday in commemoration of the birthday of the late Dr. Martin Luther King, Jr. A national holiday honoring Dr. King is not only a fitting tribute to a person who did more than any other individual in our lifetime to advance the cause of social justice—it also underscores our national commitment to equality and freedom.

Our Nation is dedicated to the proposition that all are created equal. But for most of our history, some Americans have been more equal than others. Until the civil rights movement led by Dr. King, a Nation which gave the world the Declaration of Independence and Bill of Rights had to contend with Jim Crow laws, poll taxes, and Government-enforced segregation. A national holiday honoring Martin Luther King is proper recognition of the enormous contributions he made to protecting and extending the rights of all Americans and capturing that democratic ideal which we profess to believe in.

Mr. President, consistently throughout our history, individuals have emerged who have raised the best of our national ideals and brought them alive for their contemporaries. Martin Luther King was such a prophet for our own age.

Opponents of this legislation have criticized the proposed holiday as a special privilege for blacks or minorities in general. Certainly Dr. King's life and message has special meaning for black Americans and others who

have been victims of discrimination. But in inspiring us toward a future of justice, peace, and equality, Martin Luther King spoke to the whole world. In honoring Dr. King, we are honoring the cause of social justice, equal opportunity, and civil rights for all Americans. Dr. King's dream is a dream behind which all of us—women and men, black and white, Jew and gentile, northern and southern—can unite, for it is the dream which captures the promise of America.

At a time when deviousness reigns throughout our land, we need to hold before us the memory of a courageous individual who gave his life attempting, in his words, "to transform the jangling discords of our Nation into a symphony of brotherhood." In making real the ideals of our Nation, Martin Luther King, Jr., manifestly strengthened America.

Martin Luther King demonstrated the power of an individual to change our society through peaceful means. He chose to march but not to riot, to sing but not to strike, to speak but not to attack. Although his years were cut tragically short by violence, his life story affirms the ability of Americans to move this Nation forward through the ballot box and the pen rather than the tank or the sword. This lesson is an instructive one for members of other societies committed to peaceful change. What in other societies would be possible only with violent upheaval—the end of legal segregation—was accomplished in this Nation through the moral suasion of a young black minister armed with the commitments and energies of millions of peaceful Americans.

It is my desire that the proposed holiday be not simply a day for commemorating the life of Dr. King but also a day for reflection for all Americans on how we can make Dr. King's dream a reality. We should use the third Monday in January as a hallmark of how far we have come and how far we have to go.

It is my hope that for at least 1 day of the calendar year, the attention of our Nation will be focused on those aspects of our national life which cry out for the peaceful methods of Dr. King. Without the spotlight of a national holiday, too many problems will become further shrouded in the dismal robes of apathy and neglect. Martin Luther King warned against this when he said that "Injustice anywhere is a threat to justice everywhere."

This holiday has also been opposed on the grounds of cost. I am not immune to these concerns, although estimates on the real costs have varied by millions of dollars. The Congressional Budget Office has determined that the cost would be \$18 million—a figure far below that usually cited by

opponents of this measure. Regardless, those who have focused on cost are asking the wrong questions. How can we put a dollar figure on justice and compassion and civil rights? Why do we focus on the costs of holiday without mentioning the costs of wasted human potential or the benefits of a united, creative, energetic people?

Mr. President, Martin Luther King, Jr., once said that "we will not be satisfied until justice rolls down like water and righteousness like a mighty stream." Establishing a national holiday in honor of Dr. King will not bring justice and righteousness, but it will serve to recognize the contributions of an authentic hero who gave his life so others could enjoy the full benefits our society offers. Remembering his dedication and actions in this way should inspire all of us to work harder toward his vision of a better world.

Mr. BUMPERS addressed the Chair. The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. I yield such time as the Senator from Arkansas desires.

Mr. BUMPERS. Mr. President, it has been exactly 100 years until this year that Mahatma Gandhi, a young fledgling attorney in South Africa, was subjected to the apartheid policies of that nation, which still exist. In his writings he said that he could never understand how any man could feel that he honored himself by dishonoring others.

This was at a time in South Africa when blacks were forced to walk in the streets so that white men could walk unimpeded on the sidewalks.

Mr. President, I rise in support of this legislation. I consider it altogether appropriate that this great body should act today to honor a man who changed forever the course of American history. Dr. Martin Luther King dedicated his life to challenge the laws and customs that had so bitterly divided this Nation since its birth. He forced Americans to recognize that the rights and guarantees of the Constitution are meaningless unless applied equally to all, regardless of race, color, religion, sex, or national origin.

Martin Luther King's struggle was an American struggle, a patriotic quest for social justice and racial equality. Moreover, in a time of turmoil, anger, and frustration, he steadfastly advocated nonviolent resistance and powerful oratory to bring about change. Dr. King appealed to the decency of America, and his words brought out the best in us all. His assassination at the age of 39 and the loss of his leadership and vision are a national tragedy.

In large measure, this proposed Federal holiday would go beyond recognizing Dr. King's birth. It would serve as an annual reminder that many of his dreams for civil rights and social jus-

tice remain unfulfilled. I sincerely hope that it will also be a time for all of us to celebrate freedom, justice, and tolerance in America.

Some believe that it was Dr. King who was behind the social strife that we experienced in the 1960's and to some extent still face today. Our memories have faded.

Slavery was alive in this land only slightly more than one century ago. It was an evil institution and it had evil consequences—consequences that follow us to this very day. When a great body of individuals is treated cruelly and is deprived of what the rest of us consider to be the basics of life, then those people are going to rise up—sometime, somewhere, some way—against those who have persecuted them. The black people of this country had suffered great persecution and were beginning to protest. We can be grateful that Martin Luther King was there for one brief moment to direct that protest in a nonviolent way. In the spirit of Mahatma Gandhi, Dr. King preached passive resistance and other forms of nonviolent civil disobedience as vehicles for social change. How ironic, and how unalterably sad and tragic, that in claiming the life of Martin Luther King, the forces of hate removed from our midst the one most effective voice for peace and brotherhood among the races. Martin Luther King did not "cause" social unrest. The dark passage across the Atlantic, the chains and the auction blocks, the "white only" signs, and the separate schools: These are the causes of civil strife.

And what did Dr. King seek? Simply the right to vote without harassment, the right for black Americans to eat in the same restaurants where whites ate, the right to stay in the same hotels, to have the opportunity for the same jobs, and to go to the same schools. Simply stated, Dr. King believed that the promises of "justice" and the "blessings of liberty" in the preamble to the Constitution, and the specific constitutional guarantees of the Bill of Rights and the 13th, 14th, and 15th amendments should be peaceably and firmly and resolutely claimed once and for all by black Americans.

I humbly ask my colleagues, then, to take this occasion not only to affirm the goodness and importance of Martin Luther King, but to rededicate ourselves to a spirit of love and brotherhood in an unhappy world where the emotion of hate still finds a more receptive audience than the message of love.

I believe, Mr. President, that Congress should conduct a thorough review of the way in which we designate national holidays. Some of my colleagues have made some valid points, I think, about the costs to the Federal Treasury and the effect that

increasing the number of holidays has on small businesses. Perhaps, as some of my colleagues argue, holidays and days to honor important historic figures should be set on a date certain, to fall on that date each year regardless of the day of the week. I believe this proposition has merit and should be considered by the Senate. I am persuaded that we should today, without further delay, endorse the bill before us with a resounding vote which sends a message to all Americans that the principles for which Dr. King stood—equality, peace, justice, and compassion for all people in the world—are principles of supreme value to all of us.

Mr. LEVIN addressed the Chair. The PRESIDING OFFICER. Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as the Senator may need.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I feel great pleasure today as we approach the vote on this historic legislation to create a holiday for Martin Luther King, Jr.

This is a day when we in the Senate recognize Dr. King as deserving a unique place in our national life and our cultural heritage. Dr. King's vision and dream embraced all Americans in his quest to make a living reality of equality of opportunity and economic and social justice for all humankind, those fundamental principles in our Constitution.

Mr. President, certain opponents of this legislation have sought to discredit its legitimacy by alleging that the civil rights movement led by Dr. King had been Communist influenced—that Dr. King had befriended a member and former member of the Communist Party.

Six years of electronic surveillance by the FBI failed to produce any evidence that Dr. King's civil rights activities were vehicles to further any Communist aims. At no time did the FBI produce evidence that Communist Party members represented, or spoke in the name of, or in behalf of, Dr. King.

Last night, on CBS news, indeed, Stanley Pottinger, the former Assistant Attorney General who had access to those files, said the following:

There was nothing in the files, either in tapes or written records that I saw, that indicated that Martin Luther King was a communist or a communist sympathizer, or in any way knowingly or negligently let himself be used by communists.

Mr. President, no American leader ever was subjected to as much investigation or surveillance as Dr. King was. His phones were tapped and his hotel rooms were bugged by the FBI yet, despite all of the surveillance, nothing

was ever found by the FBI to impugn or discredit Dr. King's motives, aims, or actions. In fact, Mr. President, Dr. King was opposed to communism because of its antireligious basis, its glorification of the State above individuals, its tendency to view "the ends as justifying the means."

Mr. President, some opponents of this bill have also argued that Dr. King advocated the breaking of laws—that he lacked respect for the U.S. Government and even sought to undermine it.

Dr. King believed that unjust laws—the local ordinances and State laws that supported segregation—had to be challenged in their legitimacy and the way to do this was through nonviolent civil disobedience, wherein the protestor acknowledged and accepted the penalties and sanctions for his civil disobedience. One of Dr. King's most notable statements on civil disobedience and communism is found in his letter from a Birmingham jail. In his letter, Dr. King writes:

All segregation statutes are unjust because segregation distorts the soul and damages the personality. . . . An unjust law is a code that a majority inflicts on a minority that is not binding on itself. This difference is made legal. On the other hand a just law is a code that a majority compels a minority to follow that it is willing to follow itself. . . . We can never forget that everything Hitler did in Germany was "legal" and everything the Hungarian freedom fighters did in Hungary was "illegal." It was "illegal" to aid and comfort a Jew in Hitler's Germany. But I am sure that, if I had lived in Germany during that time, I would have aided and comforted my Jewish brothers even though it was illegal. If I lived in a communist country today where certain principles dear to the Christian faith are suppressed, I believe I would openly advocate disobeying these anti-religious laws—Birmingham City Jail, April 16, 1963.

Mr. President, Dr. Martin Luther King, Jr., deserves the fullest honor of this Nation. Few have dedicated their life so tirelessly in the struggle for equality. His unyielding commitment to improve the lot of all Americans has been demonstrated—he achieved significant goals by peaceful and non-violent actions. To Dr. King, those means were beneficial to those in the struggle as the ends they were seeking.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. BAKER. Mr. President, earlier I propounded a number of unanimous-consent requests to place a bill to be introduced by the Senator from California (Mr. WILSON) directly on the calendar, in view of the fact that there was another bill to be introduced by the Senator from Oklahoma, the Senator from Georgia, and others. Both those deal with holidays—not the King holiday but general holidays—legislation. It has been cleared on both sides, I believe, that they should go di-

rectly on the calendar for future consideration.

It is my understanding that the Wilson bill will be called up from the calendar tomorrow and be dealt with and that the Boren bill be the subject of hearings and inquiry by the committee before it is taken from the calendar.

On that basis, Mr. President, I now ask unanimous consent that, when introduced, the Wilson bill go directly to the calendar and when introduced, the Boren bill, as described, go directly to the calendar.

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

Mr. BAKER. Mr. President, I yield to the Senator from California so he may introduce the bill just alluded to.

Mr. WILSON. I thank the Chair. I thank the majority leader.

S. 1970—LIMITATION OF NUMBER OF LEGAL PUBLIC HOLIDAYS

Mr. WILSON. Mr. President, as the majority leader has indicated in his remarks, it is my intention at this time to introduce legislation. I am sending to the desk a bill which we really need not have the clerk read. I shall tell my colleagues the reason that it need not be read is that it is essentially the same language that appeared earlier in the amendment which it is now my intention to withdraw.

I say to those who were here during the speech of my good friend from Oklahoma (Mr. BOREN) that I think his remarks adequately set the stage for the concern that is contained in what was an amendment, what will be a bill. The bill, very simply, states that the cost of the growing number of legal public holidays to the Federal Government has become prohibitive.

Mr. President, it is a good thing for society to mark events, to commemorate them when they are important to our history and when they celebrate our traditions and values. It is appropriate when society marks the birthday of those Americans who also, by their lives, have celebrated our great traditions. That is a good thing, a thing to be encouraged.

But it is also necessary that we gain some perspective in terms of the cost to the taxpayer.

I anticipate, Mr. President, as the years wear on there will be more Americans who attract the admiration of those in this body that we will seek to have commemorated and celebrated by a deserved national recognition.

So what we are doing, very simply, is saying that with the passage of this bill celebrating the birthday of Martin Luther King, Jr., there will thereafter be no more than 10 annual paid holidays. The cost of those holidays in terms of Federal employees is \$18 billion a year. They are followed by the States and by the private sector. The cost, Mr. President, is very, very great.

This bill will not affect what we are doing this afternoon.

I ask unanimous consent to withdraw my pending amendment on the legislation that would commemorate the life of Dr. Martin Luther King, Jr., and I will ask that I have the support of my colleagues tomorrow when we take up the bill which the leader has just placed upon the calendar.

Mr. KENNEDY. Reserving the right to object, and I will not object, I express my appreciation to the Senator from California for the way he has proceeded on this issue, and to indicate that as a member of the Judiciary Committee, where this measure will be examined, I will do everything to insure that we get an expeditious handling of it.

I thank the Senator for his cooperation. I know he has strong views about it. All of us who are committed to this legislation owe a special debt to the Senator from California.

Mr. BYRD. Mr. President, reserving the right to object, what is the request?

The PRESIDING OFFICER. The request is that the amendment of the Senator from California be withdrawn.

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

The majority leader is recognized.

Mr. BAKER. Mr. President, I yield to the distinguished Senator from Oklahoma so that he may introduce a bill contemplated by the unanimous-consent agreement already entered into.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

S. 1971—FORMULA FOR CELEBRATION OF CERTAIN HOLIDAYS

Mr. BOREN. Mr. President, I send, on behalf of myself, Senators NUNN, KASSEBAUM, HATFIELD, HEFLIN, RANDOLPH, CHILES, ZORINSKY, MATTINGLY, DOLE, and DENTON, a bill to the desk and ask that it be properly referred.

The PRESIDING OFFICER. Under the previous order, the bill will be placed on the calendar.

Mr. BOREN. Mr. President, today Congress will act upon legislation to create another national holiday. By a large majority the Senate, as did the House, will express its desire to honor the cause of equal opportunity and reconciliation between all Americans. I join in expressing the desire that such an action will bring new unity and harmony among our people.

At the same time, Mr. President, like many other Americans, I am very concerned about the record high deficits that are being forecast for the next several years. To continue deficits of \$200 billion for the next few years will destroy our economy and economic opportunity for all of our people. We cannot continue blissfully down this path of enormous budget deficits with-

out feeling the economic consequences very soon.

Because of this grave concern for our huge deficits, I am introducing legislation today that will allow us to both honor the cause of equal opportunity while also making some progress in holding down these huge budget deficits. This bill would amend our statutes to make George Washington's birthday, or President's Day, as it is known, Columbus Day, and Martin Luther King's birthday on the traditional or actual date the event took place, respectively, February 22, October 12, and January 15. When the date of celebration occurs on Saturday, or Sunday, the occasion will be celebrated on that day.

Mr. President, the practical effect of this bill will mean that in most years, one of these three holidays will be celebrated on a weekend. This will permit us to continue observing these occasions without adding a new paid Federal holiday every year.

The formula will not be exact in every year, but over the next 15 years, it would keep the net number of paid Federal holidays at 9 instead of increasing it to 10, as will occur if we fail to act. We would save about \$250 million of the taxpayers' money each year by taking this action.

The formula also does not favor one holiday over another or reduce the meaning of any one of them. It treats all these events in the same way. It is simply a way to continue appropriate national events while helping to hold the line on excessive Government spending.

Mr. President, I ask unanimous consent that the table showing the actual day of celebration of those three holidays for the years 1984-2000 be printed in the RECORD.

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

TABLE

	King—January 15	Washington— February 22	Columbus—October 12
1984.....	Sunday.....	Wednesday.....	Friday.....
1985.....	Tuesday.....	Friday.....	Saturday.....
1986.....	Wednesday.....	Saturday.....	Sunday.....
1987.....	Thursday.....	Sunday.....	Monday.....
1988.....	Friday.....	Monday.....	Wednesday.....
1989.....	Sunday.....	Wednesday.....	Thursday.....
1990.....	Monday.....	Thursday.....	Friday.....
1991.....	Tuesday.....	Friday.....	Saturday.....
1992.....	Wednesday.....	Saturday.....	Monday.....
1993.....	Friday.....	Monday.....	Tuesday.....
1994.....	Saturday.....	Tuesday.....	Wednesday.....
1995.....	Sunday.....	Wednesday.....	Thursday.....
1996.....	Monday.....	Thursday.....	Saturday.....
1997.....	Wednesday.....	Saturday.....	Sunday.....
1998.....	Thursday.....	Sunday.....	Monday.....
1999.....	Friday.....	Monday.....	Tuesday.....
2000.....	Saturday.....	Tuesday.....	Thursday.....

Mr. DOLE. Mr. President, I wish to express my support for the purpose of this legislation, which is to mitigate the costs of legal public holidays, which, according to the considerable amount of mail I have been receiving,

is for major concern to many of my constituents.

The approach taken in this bill would be to change the date that we celebrate George Washington's birthday, Columbus Day, and the soon to be enacted King holiday from Monday to the actual birth date of these great men. The sponsors of this bill hope that in the long run, this approach will save money because in certain years the holidays will fall on a Saturday or Sunday, and thus result in no additional costs in terms of lost worker productivity.

While, again, I support the general thrust of the legislation, questions have been raised about whether this bill would decrease, or, in fact increase costs. For instance, Monday holidays reduce costs by stimulating greater industrial and commercial production by decreasing employee absenteeism. Monday holidays also result in savings by enabling workweeks to be free from interruptions in the form of midweek holidays. In addition, I would note that when we originally passed Monday holiday law in 1968, it enjoyed broad public support. Public opinion polls conducted in connection with the proposal showed that 93 percent of the persons polled supported the idea of uniform Monday holidays. The bill was also strongly supported by many major business groups and enjoyed substantial support from the labor community.

For these reasons, when committee consideration begins on this legislation, I will be exploring the possibility of an amendment which would keep the observance of all three holidays on a Monday. However, in those years where the actual birth date would fall on a weekend, the holiday would be celebrated on the actual birth date, instead of Monday.

Mr. President, as I understand it, there is no request that the remaining time, which is about 35 minutes, be equally divided—I guess there is no objection to that—for Members who may wish to make closing statements, hopefully not to exceed 5 minutes in length.

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

Mr. DOLE. Yes.

Mr. BAKER. I think, in all fairness, we ought to divide it equally.

Mr. President, I now make that request, that the time be controlled in the usual form.

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

Who yields time?

Mr. KENNEDY. Mr. President, I yield such time as the Senator from California needs.

The PRESIDING OFFICER. The Senator from California is recognized.

Mr. CRANSTON. Mr. President, the bill before us represents an important

milestone on the road to freedom and equality.

I have long supported establishing a Martin Luther King, Jr., national holiday, and have cosponsored such legislation in every Congress since I came to the Senate in 1969. Dr. King was one of the most inspiring leaders of any era. He exemplified the best of America—of our democratic traditions, our strides toward full and equal civil rights, and our commitment to the Bill of Rights.

His speeches, his writings, his actions all worked toward fulfilling the fundamental promise of America and of our unique revolution—toward a land which truly recognizes that all are created equal, and all can share the dream.

In 1957, I traveled throughout the South—visiting Texas, Mississippi, Alabama, Georgia, and other States. I met with freedom marchers and segregationists, with reporters, Ku Klux Klan members, and church leaders.

I went to feel the winds of freedom blowing there—stirred by Martin Luther King, Jr.—and the counterwinds of fear and suppression.

And I saw the incredible results Dr. King achieved by applying the nonviolent techniques of Gandhi to the teachings of Christ. He touched people's souls in their tenderest spot.

Our defense, said King, is to meet every act of violence toward an individual Negro with the fact that there are thousands of others who will present themselves as potential victims. If the oppressors bomb the home of a Negro, they must learn that there are 50,000 more to bomb. Our refusal to hit back will make the oppressor ashamed of his methods. He will be forced to stand before the world and his God splattered with the blood of his Negro brother.

In Black America of that time, as Dr. King wrote,

... Freedom had a dull ring, a mocking emptiness when, in their time ... buses had stopped rolling in Montgomery; sit-inners were jailed and beaten; freedom riders were brutalized and mobbed; dogs' fangs were bared in Birmingham; and in Brooklyn, New York, there were certain kinds of construction jobs for whites only ...

Abraham Lincoln had signed a document that came to be known as the Emancipation Proclamation. The war had been won but not a just peace. Equality had never arrived. Equality was a hundred years late.

One hundred years after the slaves were freed, Dr. King's visionary movement finally made freedom a reality for many black Americans. Because of Dr. King, blacks fighting for economic justice and civil rights had a new confidence that the American Constitution and conscience were on their side.

The life of this one individual changed the course of our Nation's life. It changed a course begun in 1619 when the first black slave was brought to our shores.

Dr. King's firm stand for peace, justice and love, his refusal to let 3½ centuries of blind hatred and blatant discrimination deter him, brought together black and white. As he foresaw, his movement lifted the burden of Jim Crow from the lives of blacks and from the souls of whites.

Dr. King kindled a rebirth of America's dedication to the liberty and dignity of each individual—black or white, red or yellow, Jew or Gentile.

The ideals for which he lived and died are universal truths. They live beyond his lifetime in the hearts and minds of all people around the globe who love and cherish freedom.

We who help lead this Nation will be held up to Dr. King's example for our commitment and actions in making the promise of the Constitution's guarantee of civil rights for every American a reality.

A national holiday commemorating the birth of Dr. King enhances our country by celebrating our respect for individual freedom and for civil rights precious to all of us, not merely those of any particular group. For Martin Luther King's contribution was to all humanity. Our country's official honor to this great and visionary leader is long overdue.

I support this resolution and urge its prompt adoption.

Mr. KENNEDY addressed the Chair.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, in a few brief minutes, this debate will be history, and the Senate will take the truly historic action of designating the birthday of Martin Luther King, Jr., as a national holiday for all Americans.

Many vital issues face us in the present Congress. But the measure now before us may well be our most enduring achievement. Long after all of us have left the Senate, long after all our other actions have been forgotten, people will remember that this was the Congress that gave Martin Luther 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 forever, so long as there is an America.

And each year henceforth, on the anniversary of his birth, citizens of every region and every color will pause in their own communities and in their own way in tribute to this man who brought us a fuller measure of justice than our Nation had ever known before.

Martin Luther King dedicated his life—and then gave his life—to complete the unfinished business of the American Revolution and the Civil War. More than any other American, he helped to rid our Nation of the ves-

tiges of slavery and the reality of racial segregation.

Most of all, it was the special genius of Dr. King that made America's civil rights revolution a peaceful revolution. He was the irresistible force of justice that made the immovable object of discrimination move.

In short, Martin Luther King, Jr., deserves the place which this legislation gives him beside Washington and Columbus. In a very real sense, he was the second father of our country, the second founder of a new world that is not only a place, a piece of geography—but a noble idea, a set of ideals.

I believe that our debate in this Chamber has helped the Senate to understand the true power of Dr. King's dream. However difficult the times may seem, however distant the goals of peace, freedom, and justice may appear—the dream of Martin Luther King will always shine in the darkness, warm our hopes, and light our world.

As my colleagues are aware, the life and memory of my brother Robert Kennedy have been invoked in this debate. Some words of his apply so well to Dr. King:

Each time a man stands up for an ideal, or acts to improve the lot of others, he sends forth a tiny ripple of hope, and crossing each other from a million different centers of energy and daring, those ripples build a current that can sweep down the mightiest walls of oppression and resistance.

Martin Luther King, Jr., stirred the current that swept down America's mightiest walls of oppression and resistance. Whether the issue was the evil of prejudice or a war that was wrong, he stood up; he spoke out; and he spoke for the American soul. His was not the blind jingoism which accepts things as they are, but the true patriotism which challenges our country to do better precisely because of love for it and loyalty to its best ideals.

For Dr. King was the prophet of America as one people, free and inseparable, black and white together. As he said:

There is no separate black path to power and fulfillment that does not interest white paths, and there is no separate white path to power and fulfillment, short of social disaster, that does not share that power with black aspirations for freedom and dignity. We are bound together in a single garment of destiny.

Today, in the Senate, we proclaim that we hear these words across the years—and that while Dr. King's voice may be still, his message will make freedom ring down the decades and generations. We are bound together; we are woven together in a single garment of destiny. So how right it is that as Americans, black and white together, all of us shall celebrate Martin Luther King's birthday as a singular holiday of American freedom.

Mr. President, I suggest the absence of a quorum, with the time to be equally divided.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. WILSON. 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. WILSON. Mr. President, I yield 4 minutes to the Senator from Alabama.

Mr. DENTON. Mr. President, I was just asked whether I wanted to make a statement and how long the statement would take, and I said 4 minutes. It would take another 15 minutes before I would be able to make my statement.

Mr. WILSON. In that case, Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be divided equally.

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

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. MATHIAS. 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. MITCHELL. Mr. President, it is unfortunate that the tone of some of the debate over this proposal has become a compelling reason for its passage.

But there is a better reason why it deserves the support of all Americans who recognize that the days of "separate but equal" are unequivocally behind us.

The principal issue is whether or not we believe that the civil rights struggle was central to our national history and to the kind of nation we want to become.

For those who believe that the civil rights struggle was a peripheral question, then there is no sound reason to honor its most renowned leader.

But if we believe, as I do, that a nation like ours, existing under the constitutional guarantees of equal treatment, cannot dishonor in practice the principles we honor in theory, then the civil rights struggle was, indeed, the seminal source of the American belief that all citizens must be treated justly, regardless of their origins, their antecedents, or their race.

Those who believe this should support this bill's passage.

It has been suggested that we combine this commemoration with the creation of days honoring other famous Americans, or other groups involved in the effort to attain equal treatment before the law. But those suggestions spring from a profound misunderstanding of the nature of the civil rights struggle.

Many nations in this world have paper constitutions which guarantee equal treatment and civil liberties, while their secret police insure that those protections are meaningless. In many nations some individuals and groups are far more equal than others.

At the dawn of the civil rights movement, the large question before our society was whether the United States, too, would become another of those nation states established for justice and freedom, but cynically ignoring freedoms and injustice for some of its people.

To that question, the overwhelming majority of the American people have answered a resounding no. They answered with their votes and their voices; with their hopes and their hearts they have said that the American dream of equality before the law and civil rights was to become a reality for all.

So the issue is whether we believe that the man who was instrumental in bringing that question clearly into focus for his countrymen should be honored, as we now honor the man who first found the New World, and the man who was instrumental in bringing about our national independence.

Columbus Day is a tribute, not to Italian Americans, but to the courage of men who sailed into a horizon of which they knew nothing. It is a tribute to the fact that our national origins are diverse. Columbus Day does not denigrate the bravery of seacaptains of English or Italian or any other extraction. It stands for all early voyagers who had the vision and the courage to sail into the unknown, and for what we have achieved as a result of their bravery.

We do not denigrate Jefferson or Madison or Adams when we honor our national independence and freedom by choosing to name the holiday for George Washington. Nor do we slight the enormous contributions of all civil rights leaders if we signify that their struggle and victory will be designated by the name of their most renowned member.

Washington's birthday is a way to recognize all our Founding Fathers and all who risked their lives in the great enterprise of the American War of Independence. To recognize the centrality of the civil rights struggle by naming a day for Martin Luther King is a no less straightforward means of giving national recognition to the fact that we have, today, come closer to realizing the American dream of equality for which the civil rights struggle was waged. Almost a century after chattel slavery was abolished, Martin Luther King made Americans see the injustice of denying to citizens in practice what the Constitution granted in theory: Equality of opportunity, equality of treatment, and

equality of rights. That is a dream to which we all still aspire.

Suggestions have also been made on the floor of the Senate that the struggles of other groups in our society be granted the recognition of their own day. But the very substantial distinctions which exist between the history of black Americans and that of the rest of us cannot and should not be ignored.

Unlike my ancestors and the ancestors of every Member of the Senate, black Americans were not voluntary emigrants to our Nation. They were brought here in chains and kept in chains. Unlike other Americans of diverse backgrounds, their plight helped trigger the only war that ever occurred on American soil. And unlike other Americans, they alone were subject to specific and statutory discrimination.

It detracts not at all from the justice of the cause of the handicapped, Hispanic Americans, Asian Americans, women or any other group to recognize that none suffered anything resembling the black experience.

The fight Dr. King waged was against legal inequality; inequality embodied in law. He fought the kind of inequity that allowed the murder of black men to be treated as less significant than that of white men. It was an inequity that regarded the illiteracy of black children as commensurate with their aspirations in life. And it was an inequity which, in its ugliest forms, countenanced the bombing of churches and homes, the terrorization of women and children, and the perversion of local law enforcement to the subjugation of an entire race.

No other group of Americans has suffered either the degree or the duration of such unequal treatment. No other group of Americans waited so long for redress.

Today the question before us is whether we, as a nation, want to recognize the civil rights struggle as central or peripheral to our national development.

The nature of some of the objections that have been raised personally against Dr. King have been soundly addressed in the debate. Allegations against him have been made for 15 years and were discredited 15 years ago. It is disheartening that these charges continue to be raised. It is a shame that the divisions and bitterness against which the civil rights struggle was waged have not yet vanished. But it is another reason to take the step of supporting this proposal to help heal those divisions and end that bitterness.

Mr. PRESSLER. Mr. President, I have no objection to honoring Dr. Martin Luther King, Jr. In fact, I was personally present in Washington during the August 1963 march and stood nearby as Martin Luther King

gave his "I Have A Dream" speech. I was most impressed with Dr. King's goals and the manner in which he carried them out. He did much for the civil rights movement. Dr. King's record of leadership and his place in history are secure. He was honored by many nations and was a recipient of the Nobel Peace Prize.

However, we must keep in mind that there also have been other great American leaders, including Native Americans, pioneers, former Presidents, and many others who have guided our country forward to the leadership position it holds today.

Many Native Americans want a holiday to honor great Indian chiefs, or American Indians in general, as is illustrated in the following editorial from the Lakota Times, which has distinguished itself as a voice of the Native Americans in South Dakota. With the King holiday added to nine present holidays, it will become almost impossible to consider any additional holidays.

I have voted for amendments to make Dr. King's a commemorative holiday. I voted to have it on a Sunday. But I must oppose creating a total new holiday without proper consideration of Native Americans hopes for recognition also.

NATIONAL INDIAN HOLIDAY

Speaking of ironies, it is sort of laughable that Indian tribes, and the Bureau of Indian Affairs should decide to take a holiday on "Columbus Day." There are a few hard-working Indian people who have refused to prostitute their ideals by taking off a day that marks the beginning of genocide, racism, and the destruction of the Indian way of life.

Shirley Bordeaux reported to her job with the Rosebud Sioux Tribe and it was business as usual. Newton Cummings, Tribal Councilman from the LaCreek District of Martin, stopped by the offices of the Lokata Times to write out a report on his recent trip to Aberdeen; a trip intended to save the jobs of the 21 BIA employees at Pine Ridge, and the Staff of the Lakota Times put in a full work day.

It is also ironic that the U.S. Congress is voting to declare a national holiday for Martin Luther King, Jr. Why hasn't this august body of lawmakers seen fit to declare a national holiday to commemorate the names of the great Indian chiefs who gave their lives in defense of their nations? Why not a national holiday for Crazy Horse, Sitting Bull, Sequoyah, or any of the other tribal leaders that fought for freedom?

In the Black Hills—a grand monument is being carved on the sheer face of the mountain to honor and commemorate the great Indian chiefs of history. Although it is called "Crazy Horse Memorial," it, in reality, honors all of the Indian peoples of this nation.

The American Indian loved freedom so much that he could not be enslaved.

The Indian would have rather died than to give up his freedom. That is why the blacks and other nationalities came to this country. They came as slave labor and cheap labor because the white man could not make slaves of the Indian.

If I thought that anyone would respond, I would ask you to write to your congressman or senator about this, but we seem to have become so apathetic that we would rather sit on our cans and complain than take a few minutes to write a letter.

As an example: several weeks ago I wrote an editorial asking the Indian business people to join forces for our own future. I did this because all I ever hear is complaints from Indian business people about how unfairly they are being treated. And yet, when I asked them to get together and write me about forming an organization that would give us unity and clout, not one single business responded!

Have we become so complacent that all we can expect from the complainers is "let somebody else do it!" Will we still be saying, "let somebody else do it" when our reservations are turned into armed camps, when our reservations are terminated, when all of the funds that are keeping the poor and elderly alive are cut, when the radicals turn our reservations into miniature Nicaraguas?

Either we speak up NOW, or we will see the end of our reservations. The silent majority will become the extinct majority.

Mr. LAUTENBERG. Mr. President, this is a proud day for the Senate. Twenty years ago the Reverend Dr. Martin Luther King, Jr., stirred the soul of this country with his famous march on Washington. Fifteen years ago he was tragically assassinated. Now the Senate is joining the House of Representatives in voting to establish a national holiday to honor the work and ideals of Dr. King. In doing so, we follow a number of States, including my home State of New Jersey, in setting this day aside for national reflection.

Less than one generation ago, blacks in many parts of this country were victims of deliberate and cruel policies of discrimination and segregation. Dr. King, with the moral force of his speeches and nonviolent demonstrations, focused the Nation's attention on the grim reality of racial injustice in America.

Dr. King stood for justice, but not only in the legal code. He also stood for economic and social justice. We must carry his goals of peace and justice with us and rededicate ourselves to achieving them.

As a result of Dr. King's extraordinary influence, Congress passed two major pieces of legislation: The Civil Rights Act of 1964 and the Voting Rights Act of 1965. These two landmark laws boldly reaffirmed this country's commitment to liberty and justice for all.

Our Nation must remember Dr. King's long fight for justice—from the Montgomery bus boycott to the struggle on behalf of municipal workers in Memphis. We must continue to recall the march on Washington and the dream which Martin Luther King, Jr., so eloquently expressed. The continuing relevance of that speech was recently underscored when Dr. King's speech received renewed attention as part of the 20th anniversary march on

Washington. The need continues to fight against the effects of discrimination and poverty, and to reaffirm Dr. King's commitment to nonviolent change and justice.

Mr. President, I am pleased to be a cosponsor of this legislation to establish a national holiday honoring Dr. King and strongly support its passage. The first national celebration of this holiday in 1986 will indeed be a landmark day. It is fitting and proper and I look forward to it.

Mr. BENTSEN. Mr. President, I support H.R. 3706, which commemorates the birthday of Dr. Martin Luther King, Jr., by designating the third Monday in January of each year as a legal public holiday. I have supported such legislation in the past, and am currently a cosponsor of the Senate bill which would realize this long sought goal. Dr. King's singular contribution to the advancement of civil rights and American justice merits recognition. His outstanding leadership, his compassion, and his lifelong dedication to the principles of equality and opportunity for all people, serve as an inspiration to all Americans. I am pleased to pay homage to his memory and his vision for America.

Dr. King taught the American public, through his example of nonviolence, that our democratic principles could be seriously impaired if they were not applied equally to all citizens, regardless of race, color, creed, handicap, or national origin.

Since his fatal shooting in 1968, governmental units, private entities, and worldwide organizations have chosen to honor Martin Luther King, Jr. Today, 18 States along with many cities and towns observe an official holiday in honor of Dr. King. During his lifetime, Dr. King was a Nobel Peace Prize recipient, a worldwide honor accorded to him in recognition of his struggle for peace and equality.

Today, we must remember Martin Luther King, Jr.'s vision by adopting this legislation. I hope that this bill will be quickly enacted in order to pay tribute to Dr. Martin Luther King, Jr., a man of vision, leadership, and courage who galvanized the moral conscience of this Nation, and the world.

Mr. WEICKER. Mr. President, today I rise in support of H.R. 3706, a bill that would designate the birthday of Martin Luther King, Jr. a legal public holiday. As an original cosponsor of the Senate version of this bill and a cosponsor of similar measures in the past, I believe the time has come to honor this great American.

Martin Luther King, Jr., distinguished himself in many ways during his 39 years. He received his doctorate in 1953. He founded the Southern Christian Leadership Conference and the Student Nonviolent Coordinating Committee. In 1963 he was named Time's man of the year, and in 1964 he

was the youngest man to ever receive the Nobel Peace Prize.

More important than the organizations he founded and the recognition he received was the message he carried to all Americans. Dr. King had a dream of a different America, one that upheld the principles and the promises embedded in the 13th, 14th, and 15th amendments and included black Americans in its declaration that "all men are created equal, that they are endowed by their Creator with certain unalienable rights, that among these are life, liberty, and the pursuit of happiness."

In one of his first ventures into the area of civil rights, Dr. King encouraged blacks in Selma, Ala., to register to vote. He knew that their exercise of the constitutional right of suffrage was a key to change. He believed in the democratic process and was committed to making it work. Dr. King saw part of his dream realized when in 1965 the Voting Rights Act became law, and many of the barriers to the participation of blacks in the political process were destroyed.

Martin Luther King pursued relentlessly the goal of equal justice for all Americans. He coordinated the well-known "freedom rides." One such journey resulted in a legal battle that went all the way to the Supreme Court. The high court ruled in 1956 that a State's law requiring buses to be segregated was unconstitutional. Eight years later, the Civil Rights Act made sweeping changes, stating in a positive way the fundamental rights of all Americans. Again, this was a part of the realization of Martin Luther King's dream.

More laudable perhaps than anything else about Dr. King was his adamant adherence to nonviolent tactics in promoting change. As he wrote from a Birmingham jail, "Nonviolent direct action seeks to create such a crisis and foster such a tension that a community which has constantly refused to negotiate is forced to confront the issue. It seeks so to dramatize the issue that it can no longer be ignored. * * * I have earnestly opposed violent tension, but there is a type of constructive, nonviolent tension which is necessary for growth."

During his lifetime, Dr. King was severely criticized by whites and blacks alike. Some saw him as stirring up trouble. Others saw him as timid in his adherence to nonviolence. But King was a man whose integrity and conscience kept him on a straight path.

Mr. President, even though Martin Luther King was tragically killed in 1968, his spirit and his accomplishments have lived on. Seventeen States—including, I'm proud to say, the State of Connecticut—celebrate his birthday in order to remind all

people of his life of service to the cause of civil rights.

Senator Brooke introduced legislation in 1968 that would make Dr. King's birthday a Federal holiday. In each successive Congress, the idea has been rekindled. Fifteen years after his death and 20 years after the historic March on Washington, the time has come for all Americans to honor this great American.

Martin Luther King once said of repression: "For years now I have heard the word 'Wait'. * * * This 'Wait' has almost always meant 'Never'."

Mr. President, the Senate must not wait. Now is the time to do justice to the man and his memory.

Mr. SASSER. Mr. President, I rise in support of H.R. 3706, to establish the birthday of Dr. Martin Luther King as a national holiday.

A holiday honoring Dr. King would serve many purposes. It would be a day not only to honor the birth of a great American, but also to glorify the principles that he lived and died for. It would also be a day to recognize all outstanding black Americans who have contributed to our Nation's greatness.

In honoring Dr. King we would honor the highest tradition of our Nation. No modern American better symbolizes what our country stands for than Martin Luther King. His commitment to nonviolence proved that social and economic change can be made in a peaceful manner. Dr. King proved to us that rights such as liberty, freedom, and equality cannot be denied to anyone. He is deserving of such an honor.

The time to observe the many contributions made by Dr. King is long overdue.

Thomas Jefferson once said, "One man with courage is a majority." Such a man was Dr. Martin Luther King. He fought to rid our society of discrimination, and he helped make our country a better place to live. He once said that "Injustice anywhere is a threat to justice everywhere." His whole life was a living testament to those words. He traveled the length and breadth of this country to remind us that discrimination has no place in our society. And he gave his life in pursuit of this noble belief.

A Martin Luther King holiday would allow all Americans of every race and creed to reflect on his ideals and their role in sustaining our basic values of liberty and equality. Our country would be well served by this national holiday.

Mr. DANFORTH. Mr. President, the life and work of Dr. Martin Luther King, Jr., provide a strong witness to what is good in our Nation and its people. It is an honor to rise in support of H.R. 3706 because, it seems to me, the designation of Dr. King's birthday as a legal holiday would com-

memorate not only a good man and a great man, but the essential goodness of the American people.

I came to know both Dr. King and his father when we served together on the board of Morehouse College in Atlanta. The great force of Dr. King's personality and the urgency of his calling were apparent to all those around him. Although Dr. King was pulled into a tumultuous period in our national life, he was manifestly a figure committed to healing and to love.

Some who oppose the creation of a legal holiday in honor of Dr. King's birthday argue that we should not honor a person who was so often found at the center of conflict, at the cutting edge of social change.

To those who recall only the divisiveness and conflict of those times, I say: Remember, evil never goes down without a fight. To hasten a day of justice and freedom, one must press oppression and bondage into the grave. Dr. Martin Luther King, Jr., stood up and opposed a monstrous evil. It is no surprise that the evil fought against its own defeat, nor is it remarkable that the din of a mighty battle attended the conflict of good and evil. It is always so.

We honor Dr. King, I believe, because the good he evoked from all Americans overcame the passions of injustice. From a great and terrible passage in our history, we emerged with a clear and stirring vision of freedom and brotherhood.

Dr. King showed us wonderful things, Mr. President.

He showed his own people that they can walk the road to freedom in dignity and in the spirit of nonviolence and love.

He showed all Americans that our capacity for love is greater than our capacity for bitterness, that the ideals that bring us together are far greater than the forces which would push us apart.

He showed us that a time of conflict and animosity can yield a spirit of unity and common purpose.

The world, Mr. President, is a place where we can wait a lifetime for the demonstration of the great truth that love is more powerful than hatred, that good is the master of evil. The life and work of Dr. King offer just such a rare and glorious lesson. It is fitting that his life and his work should be remembered with a legal holiday. For that reason, I joined in introducing this legislation in February. It is a privilege to again urge the passage of this important legislation.

Mr. EAGLETON. Mr. President, if I were to rank legislation in this Congress according to degree of moral importance, the enactment of a national holiday in honor of Dr. Martin Luther King, Jr., would emerge high on the list.

It has been 20 years since Dr. King proclaimed from the steps of the Lincoln Memorial his dream that all Americans one day would walk in the sunshine of equality and freedom. Even with the passage of time, few of us will forget how he inspired us, and how he moved this Nation.

Although Dr. King did not live to see that dream become a reality, we learned through his short life that peaceful change is not only possible, but necessary. By his personal example, we learned to embrace patience over violence, love over hatred, national unity over division.

This legislation on which we debate today, has been a long time coming. I remember speaking in favor of a public holiday 4 years ago. Why it was not acted on then, we need not speculate, for we have received recent unpleasant reminders even in this Chamber, of those who would misread history and denigrate the essential contribution of Dr. King. From the beginning, there have been forces at work which sought to throw in this bill's path serious obstacles—misinformation aimed at creating high drama and controversy in order to obfuscate the real issue. Fortunately, the House of Representatives overwhelmingly adopted this legislation, by a vote of 338-90. It is my hope that this body will see through the smear tactics and affronts to decency and a fair reading of history, as well as did the House. The filibuster which temporarily blocked this body from acting on the bill was deeply regrettable.

Those who disparage King's message charge that he encouraged violence. They are the ones who have done violence—to history. For, on that historic day in 1963 it was that civil rights leader who provided exactly the opposite counsel to hundreds of thousands before him who were desperate enough to be moved in any direction. In the shadow of Lincoln's statue, King said:

In the process of gaining our rightful place we must not be guilty of wrongful deeds. Let us not seek to satisfy our thirst for freedom by drinking from the cup of bitterness and hatred. We must forever conduct our struggle on the high plain of dignity and discipline.

It is easy to allow these days of relative calm in the 1980's to fade our memory of what the 1960's in this country were all about. It was a time of profound racial unrest, deep bitterness and widespread violence. Few areas of the country were immune from perceived danger. In the midst of this tumult and national vision emerged Dr. King. His words and deeds were a moral uplift. But more importantly, in hundreds of towns and cities across this land his visits brought stability where there would assuredly have been violence, dialog where there would have been absolute

standoff. Without Dr. King's leadership, it is difficult to imagine just how we as a country would have emerged from that decade—whether we would have become as healed and as enriched as I believe that we did.

In an age when many believe we are short on American heroes, it is imperative to recognize those who truly meet the test. The designation of King's birthday as a public holiday is our way of expressing this recognition. The third Monday in January will forever be our way of saying thank you to him and of honoring his memory. But it will be more than a mere symbolic action, for I hope and believe that it will be observed each year as a day of focusing the public consciousness on the timeless values about which he preached and practiced, and for which he lived and died. It will be a day every year where all Americans can affirm, in the words of King upon his acceptance of the Nobel Peace Prize, their "abiding faith in America and an audacious faith in the future of mankind."

Mr. President, I often think of America as the world's greatest social experiment. Certainly the turbulence generated in the quest for guaranteed civil rights was the 20th century test of our country's moral fiber. We were fortunate that King's teachings and inspiration interceded at this divisive moment, for they pointed the way and allowed us the chance to demonstrate that we as a Nation could rightfully retain a position of moral leadership in the world. Today's vote to establish a public holiday for Dr. Martin Luther King, Jr., is a fitting tribute to that courageous American. I urge my colleagues to join in this effort.

Mr. HATCH. Mr. President, from time to time, this body considers legislation that cannot be judged by normal standards. Such legislation cannot be weighed and scrutinized by normal procedures, subject to the cost and benefit analysis that each of us must personally bring to bear when we cast our votes. Rather, such legislation is largely of a symbolic nature through which Congress speaks to various interests or constituencies and either associates itself with their aspirations or commits itself, in principle, to their policy goals and objectives.

Clearly, H.R. 3706 is such a measure. Designed to establish the third Monday in January as a Federal holiday to honor the birthday of the late Martin Luther King, Jr., H.R. 3706 seems likely to pass this body overwhelmingly, not because of the compelling force of its legislative provisions, but because of its symbolic message. H.R. 3706 represents the latest affirmative by the Congress of the United States of its commitment to the most enduring objectives of the civil rights movement.

I join my colleagues in this expression of commitment. I join my colleagues in this renewed statement of congressional identity with the values and principles of civil rights and equal opportunity and nondiscrimination. I join my colleagues in the symbolic statement that we appear on the verge of making in honoring the most visible leader of the modern civil rights movements in this Nation.

Where I cannot, however, join what is apparently the majority of my colleagues is in the support of H.R. 3706, not in its capacity as an emblem of our sympathies, but as a concrete legislative enactment with tangible, real-world implications. I cannot join the apparent majority in support of H.R. 3706 because it is much more than merely symbolism. It would establish a substantive national public policy that, on the basis of my personal cost and benefit analysis, would be detrimental to the country.

Primarily, the holiday proposal would be detrimental because our national economy cannot easily afford a new holiday. According to data provided by the House Post Office and Civil Service Committee, an additional day off would cost taxpayers—in holiday or premium pay and lost production—approximately \$300 million, including post office costs. In addition, depending upon how many State and local government bodies honored the holiday, costs could increase by as much as \$690 million. Finally, depending upon the extent of observance by the private sector, employee payrolls could increase by as much as \$4.3 billion. The total of these costs could theoretically approach \$5.3 billion.

Although I have doubts that the total costs would reach these limits—largely because many Monday holidays tend primarily to be days-off only for public employees—it is clear nevertheless that substantial costs would be incurred by the American taxpayer and, no doubt, by the American consumer. To the extent that this is realized, and our Nation becomes a marginally less productive one, there can only be fewer opportunities for new employment. It is the highest irony that a day of celebration for Dr. King were to result in even a slightly diminished fund of job opportunities for workers, particularly minority workers, in the United States. I cannot conceive that Martin Luther King, Jr., himself would have tolerated this form of celebration.

In particular, the new holiday proposed in this measure is ill-timed coming merely 2 weeks after the productive efforts of the Nation have resumed after the Christmas and New Year holidays. Just at a time when the economic machinery of the country is restarting from this season, we would be establishing a new day of official leisure. I cannot see how this consti-

tutes prudent public policy by those of us entrusted to make such policy.

A number of amendments to this measure could be adopted to address this difficulty: The holiday could be transformed into a special day of celebration, it could be transformed into a Sunday holiday rather than a Monday holiday, or it could even be transformed into a day of holiday to occur actually on Martin Luther King's birthday, January 15, whenever it occurred, rather than insisting that it be celebrated in a way designed to insure the maximum reduction of national productivity.

Mr. President, in addition to its cost, however, I have serious reservations about H.R. 3706 because of the unusual precedent that it establishes in honoring the birthday of a single individual. With only a single exception—the birthday of the founder of the country and our first President, George Washington—there are no national holidays to honor great individuals in American history. There is no national holiday for Alexander Hamilton or Benjamin Franklin or James Madison or John Marshall or Abraham Lincoln or Theodore Roosevelt or Franklin Roosevelt. Nor is there any national holiday for the great civil rights leaders of our country who have preceded Dr. King, Frederick Douglass or Samuel Gompers or Susan B. Anthony or Whitney Young. There are no national holidays for the great scientists, the eminent humanitarians, the great philosophers, the great lawyers, or the great doctors of our Nation.

Again, a number of amendments could be adopted to retain the symbolism of H.R. 3706, and maintain the expression of commitment to the objectives of civil rights. We could establish a national holiday for the purpose of reflecting upon the state of civil rights or human rights or minority rights in our Nation. We could establish a holiday to celebrate representative civil rights leaders in our Nation's history, individuals of varying racial and ethnic and religious backgrounds who have contributed toward the realization of the ideals of equal opportunity in American society.

Mr. President, while I fully acknowledge the political realities involved in the forthcoming vote in this measure, I reluctantly conclude that I can join with the majority of my colleagues only in what is clearly meant to be a symbolic expression of support for the achievements of Dr. King and more generally for the progress of minority rights in this country over the past generation. I cannot, however, in good conscience vote either to create a new holiday, to be enjoyed largely by Federal employees alone, or to single out among a number of outstanding individuals, all of whom have made enormous contributions to this Nation, a

single person. As a result, with great hesitation, I will vote "no" on the pending measure.

Mr. BIDEN. Mr. President, I wholeheartedly support the Martin Luther King, Jr. holiday bill. I am well aware of the profound significance of this measure. But some seem to believe that because we are bestowing such a great honor, that we supporters have a great burden to carry in justifying the bill. They are absolutely wrong. That burden was carried by Martin Luther King, Jr., himself.

Nearly 20 years ago, Dr. King said:

Now is the time to lift our national policy from the quicksand of injustice to the solid rock of human dignity.

No individual in modern history has played a greater role than Dr. King in fulfilling the moral imperative of that statement. He gave us a vision of human dignity and social justice that inspired the Nation and continues to do so today.

There were dark days in the 1960's when Dr. King seemed to be the only defense against forces I could never understand. Courageous is vastly inadequate to describe him. He seemed not to comprehend the danger others sensed all around. Dr. King's faith in God, and his faith in the basic goodness of humanity, seemed to carry him beyond earthly fears.

Dr. King never wavered in his commitment to nonviolent means. As he said in his Nobel Peace Prize acceptance speech in 1964:

Nonviolence is the answer to the crucial political and moral questions of our time; the need for man to overcome oppression and violence without resorting to oppression and violence. Man must evolve for all human conflict a method which rejects revenge, aggression and retaliation. The foundation of such a method is love.

Dr. King was not simply an advocate of rights of blacks in this Nation. He was not simply a civil rights activist. Individuals who characterize him as such miss the reason for his greatness. He served as the social conscience of this Nation, has continued to do so for 15 years after his death, and will continue to do so as long as I can imagine. He set our goals, he showed us the path to achieve them and, most importantly, he inspired us to believe the words of the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal."

We could spend days quoting Dr. King's most moving and important statements, and recounting his contribution to furthering this Nation's ideals of freedom and social justice. But perhaps the most remarkable thing about this man was his total self-dedication, his lack of regard for his personal well-being, as symbolized by this statement he made shortly before his assassination:

Well, I don't know what will happen now, but it really doesn't matter with me now. Because I've been to the mountaintop . . . I may not get to the promised land with you, but I want you to know tonight that as a people we will.

Mr. CHILES. Mr. President, the passage of legislation to observe the third Monday in January as a Federal holiday not only honors Dr. Martin Luther King, Jr., but also many persons black and white who gave their time and their effort in making America live out its creed of equality for all. This legislation will hopefully move us to positive reflection on the events and circumstances which culminated in what has been called the Second American Revolution.

Dr. King was a reluctant warrior in the initial bus boycott in Montgomery, Ala. However, his powerful oratorical ability and magnetic leadership soon made him the focal point of the Montgomery boycott movement. But, it was still a people movement. The black people in Montgomery used the boycott to signal to Alabama and to the South and indeed to this Nation that the status quo—segregation and unequal opportunity—had to go.

Dr. King was able to articulate in a powerful and effective manner, the hopes and dreams of many who heard him. He was able to dramatize the frustrations and aspirations of blacks in America who wanted to share the American dream. In his famous speech 20 years ago, Dr. King said, "I have a dream and it is deeply rooted in the American dream." Dr. King seldom strayed far from the American dream of equality and justice for all citizens regardless of race, creed, color, sex, nationality, or religious belief.

America is a great nation because of its diverse citizenry. Our greatness is enhanced because we are able to accept the differences in one another, but not let those differences make a difference in our treatment before the law. Dr. King's various marches and campaigns had a very definite effect on the significant civil rights laws enacted by the Congress in the 1960's. The 1964 Civil Rights Act, the Voting Rights Act, the Housing Act Amendments of 1968, all had his imprint.

Although Dr. King never held a political position, he had a tremendous impact on the political advancement of blacks in this country. He appealed to the sense of fairness of people of good will and we have made great strides because a majority of Americans are fair-minded and tolerant. Thus, the appeal fell on sympathetic ears.

Finally, Mr. President, although it is fitting that we seek to honor Dr. King, we also honor in this bill, those persons who sought, during the civil rights struggle and who still seek today, the American dream—"one

nation indivisible with liberty and justice for all."

Mr. DODD. Mr. President, I hope that the Senate will give strong approval to this bill establishing a national holiday on the third Monday in January to commemorate the birthday of the Reverend Martin Luther King, Jr.

By so acting, we honor the memory of one of America's greatest citizens—a man of courage and conviction and peace, a champion of justice and freedom, a leader, a hero, a prophet.

We also acknowledge by this legislation the contributions made to American society by a people who, though brought here against their will and oppressed for centuries, helped make this a better, richer, stronger, and more open land in which to live.

And finally, we call attention to the fact that, in no small part due to Martin Luther King's efforts, the United States has in our lifetimes moved far closer to realizing in fact the equality of opportunity and respect for human dignity that have been American ideals since the founding of our republic.

Things have changed so dramatically that it is hard to recall just how daunting and formidable a task faced a young Baptist minister named Martin Luther King, Jr., less than three decades ago.

In many parts of the United States, at that time, by law, black children could not attend school with their white neighbors. By law, black Americans could not eat at the same restaurants or register in the same hotels as white Americans. By law, blacks traveling on buses or watching movies or attending ballgames were forced to sit together, separate from whites, in inconvenient or less desirable sections.

For millions of black Americans, the most fundamental rights of citizenship—to vote, to run for office, to serve on a jury, to have your own fate determined by a jury of your peers, to speak out in public—were virtually unknown.

No single person did more to change that pattern of oppression, discrimination, and racism than Reverend King. The qualities of character and the skills that achieved success for him are well-known: eloquence, insight, intelligence, determination, courage, tactical shrewdness, and vision.

Ultimately, however, it was not the bus boycott in Montgomery or the march to Selma, nor any speech or tactic that defined his genius.

Instead, it was his ability to persuade millions of black Americans that being assigned to inferior status neither proved inferiority nor had to be accepted. And it was a capacity to persuade millions of white Americans that bigotry diminishes its perpetra-

tors almost as much as it demeans its victims.

And in the end, too, Martin Luther King's achievement is neither recorded in any statute book nor visible in integrated public facilities. The civil rights movement of the fifties and sixties has aptly been called the second American revolution. Like the first, it was fought and won in the "hearts and minds of the people" of this country. Martin Luther King's real claim to history is that he changed the way millions of people thought about themselves and one another.

There are some who have argued that a holiday in his honor is inappropriate.

He inspired rebellion and revolution, it is charged. So, too, of course, did George Washington, whose birthday we celebrate as a national holiday each year. And it is well to remember that the revolution Martin Luther King led was based on love, disdained any use of violence, and had no victims.

He was too controversial, others charge. So, as well, of course were Abraham Lincoln and Thomas Jefferson, both vilified in their lifetimes and after. Yet there lives are justly honored by permanent granite memorials in the heart of this city. To change centuries of ignorance, hate, and injustice would hardly be possible without upsetting the long-settled comforts of prejudice. I doubt that anyone of good will would judge the discomforts he stirred not merited by the results he achieved.

Finally, it is said, we should wait. Fifteen years after a person's life ends is too soon for a confident assessment of his net worth to posterity. For accuracy, we need the focal length of time to lend clarity to our vision.

That argument should not be lightly dismissed. Fame is fleeting. It is easy to mistake celebrity for heroism. In an age when reputations have the half-life of mimeographed press releases, it generally does make sense to gain perspective before rendering a final verdict.

In this case, however, there is no cause for concern. Martin Luther King stood for freedom, equal opportunity, good will, love of one's fellow men and women, peace, openmindedness, and justice. These are enduring values not ephemeral fashions. If they do go out of vogue, we will have far more to worry about than that we created an inappropriate national holiday.

In one of the Biblical metaphors that enriched his orations, Reverend Dr. King once said that he had gone to the mountaintop and seen the promised land. Only a man of vision and optimism could have made that statement, for we were then, and are yet now, still far from eradicating the vestiges of racial prejudice in America.

But we have come a long way from the days of Jim Crow and firehoses turned on civil rights marchers and plaques reading "whites only" on water fountains. And both for the direction we took and the distance we traveled, this Nation owes a debt of gratitude to Martin Luther King.

In passing this legislation, we make a small payment on that debt. We also symbolize our resolve to continue toward the destination he identified and help insure that the dream he dreamed was not an idle one but an accurate prophecy of a better future for us all.

Mr. PERCY. Mr. President, I rise to speak in support of H.R. 3706, a bill to designate the third Monday of January as a national holiday to commemorate the birthday of the late Reverend Martin Luther King, Jr. This legislation has already passed the House by an overwhelming vote of 338 to 90, and I urge my colleagues in the Senate to support this bill as well.

Despite the tremendous support for making Dr. King's birthday a national holiday, the move has by no means attained unanimity. Indeed, persuasive arguments can be made that the economic costs will be high. But this decision, like many others, should be viewed in terms of balance. I believe the lift that this commemoration will give to the national spirit of many Americans and people throughout the world far outweighs the relatively small resultant costs.

Many who opposed Dr. King's work did so on the basis of their belief that King was a "revolutionary." But what these critics failed to recognize is that Dr. King proved that there can be a nonviolent, moral revolution. One should distinguish between this type of revolution and one where the cause or methods are unjust. During their lifetimes, many of this country's Founding Fathers were revolutionaries. The positive spirit of revolution is deeply embedded in our own history.

Martin Luther King, Jr., was a revolutionary in his time, but like the Founding Fathers, his revolution was borne out of his patriotism and his desire to make America a better place for all of its citizens.

In every Congress since Dr. King's assassination on April 4, 1968, legislation making his birthday a national holiday has been introduced. I have supported this legislation from the beginning. In fact, I have cosponsored every resolution honoring Reverend King in this way.

I was honored to march with Dr. King in Chicago and was saddened but still honored to walk arm in arm along side Walter Reuther, president of the UAW, throughout the funeral service in Atlanta for Dr. King.

I urge passage of this bill as a way of reaffirming our commitment to the principles advocated 20 years ago

during the historic march on Washington—the event which helped to establish Dr. King as a national leader and led to the passage of the 1964 Civil Rights Act.

In commemorating Dr. King's birthday, we are reminded of his courage, sacrifice, and the suffering of black Americans. This day will serve as a symbol for all who continue to strive for real equality.

With the establishment of a Martin Luther King national holiday, we provide a living memorial that helps us renew our dedication to the principles set forth more than 200 years ago in our Declaration of Independence that:

All men are created equal, that they are endowed by their creator with certain inalienable rights, that among these are life, liberty, and the pursuit of happiness.

Through his work, Dr. King reminded us of a basic tenet in our Constitution—equality for all. Dr. King's actions reminded us that we must live by the principles upon which our country was founded.

Mr. President, I support passage of this bill because Dr. King's commitment to equality, peace, and justice was honorable and should be recognized. His nonviolent approach in combating bigotry and in raising people's consciences toward the moral rightness of racial equality was honorable and should be recognized.

It is appropriate at this time to note the significant personal achievements that were made by Dr. King.

At an early age, Rev. Dr. King showed leadership qualities as an ordained minister and assistant pastor in his father's church in Atlanta in 1947. By the age of 35, Dr. King became the youngest man to be awarded the Nobel Peace Prize in 1964.

Dr. King's contribution to our Nation is immeasurable. He crusaded for all Americans who were poorly housed, unemployed, undernourished, uneducated, and underprivileged. As a result of Dr. King's work, millions of people enjoy a better life today.

Martin Luther King's birthday should be a time to remember the achievements that have been made in civil rights, as well as a time to firmly commit ourselves to the unfinished business of achieving equality for all.

So while January 15 may become just another holiday for some people, I hope others will use it to reflect and contemplate on how to further achieve the goals which Martin Luther King fought so hard to establish.

Finally, this holiday will revitalize the dream that Dr. King had for his own four children and for all children: "that some day they would be judged not by the color of their skin, but by the content of their character * * *."

I end my statement with the thought and hope that the establishment of a Martin Luther King holiday

will bring our Nation closer to making his dream a reality.

Mr. MATHIAS. Mr. President, when I first introduced this bill, I must say I thought that the day we would be passing it might be long distant.

I was joined in introducing the bill by the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Kansas (Mr. DOLE), and by 32 other Members of the Senate by the time this debate began. The fact that so many Senators cosponsored the bill, Senators from both sides of the aisle, is an indication of the widespread feeling in the Senate that the time had come to give recognition not just because of the remarkable ministry of Martin Luther King, Jr., but also because more than a century after the end of the Civil War, we had finally achieved a reconciliation of black and white America. That reconciliation had come about in large measure because of the ministry of Martin Luther King, Jr.

In addition, it is time to recognize in a highly visible and symbolic way the contribution of all black Americans to the advance and progress of American society.

All of those motivations are represented in the bill which I hope will pass the Senate at 4 o'clock.

We have not had an easy debate. It has had its high points and it has had its low points. But it has been a debate which will end on a very high point. This debate, in both Houses of Congress will express the American people's sense of deep appreciation for the achievement of Martin Luther King. It will express the gratitude of the American people for the fact that black and white Americans together have realized his dream, the dream of black and white Americans living together in peace. It will be a positive expression from Congress, speaking for the American people, that we recognize the contributions that black Americans have made.

I am grateful to all those who have cosponsored this bill. I am particularly grateful to Senator DOLE, whose experience, knowledge, and skill on the floor have brought us to this moment, when we can anticipate final passage; and to Senator KENNEDY, an original cosponsor of the bill, who has managed it on the Democratic side.

However, the real gratitude must go to those millions of Americans who are not here in the Senate today. Millions of Americans, black and white alike, have sent a signal to their representatives in Congress that this is the moment, that this is the time, that this is the point in history when this recognition of Martin Luther King should take place.

We have waited more than a century since the end of the Civil War for this moment of reconciliation. I am confident that the Senate will rise to this

historic occasion and, by an overwhelming vote, pass the Martin Luther King, Jr., holiday bill.

Mr. DOLE. Mr. President, how much time on each side remains?

The PRESIDING OFFICER. The Senator from Kansas has 11½ minutes, and the Senator from Massachusetts has 8½ minutes.

Mr. DOLE. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator is recognized.

Mr. DOLE. Mr. President, there is more than symbolism to the vote before us, and yet let us not underestimate the importance of symbols to a diverse people in search of common bonds. It is more than the commemoration of past achievements which we propose; more than a personal tribute; more even than a day of national reflection. In declaring Martin Luther King's birthday a national holiday, we reassert the continuing hold of compassion and nonconformity over the American mind.

"The reasonable man adapts himself to the world," wrote George Bernard Shaw. "The unreasonable one persists in trying to adapt the world to himself. Therefore, all progress depends on the unreasonable man."

Stop and ponder for a moment the role of unreasonable men and women in forging the American Nation. By any known standard, it was unreasonable to leave behind the old world, with its established ways and familiar territory, for the unknown wilds that lay at the end of the 3 month ocean voyage. It was equally unreasonable to propose converting a loose federation of squabbling colonies into a cohesive republic, free of kings and in bondage only to the idea of human equality. Less than a century later, it was tragic as well as unreasonable for brother to take up arms against brother, beginning with what Charles Sumner called in this Chamber "the crime against Kansas" and ending, a decade later, with nearly a million killed or maimed for life.

I never forget that my own State entered this Union in unreasonable times. We were divided in part by geography, in part by the pursuit of rich farming land. More importantly, we were divided over an idea. Both sides in Kansas' own internal conflict vowed loyalty to the documents that established the United States of America. Both sought inclusion in the institutions of government set up by the Founding Fathers. There the similarities ended. For one side was convinced that institutions derive their moral authority from the ideals that give them birth. If they are unfaithful to those ideals, if they betray the democratic essence of the American experience, then they forfeit power as well as purpose.

So Kansas went to war—bloody, protracted civil war—egged on by the Sumners and Calhouns of Washington. It was not reasonable. Yet it was unavoidable.

In our own century, we have all seen another revolution, primarily legal and social, secondarily political and economic. This was a crusade to narrow and ultimately eliminate the gap between the verbal promise of equality and the harsh reality of inequality. It was led by a man who may have sounded unreasonable to some—but whose only real offense was to point out how far we had strayed from the old ideals. Like other American heroes, Dr. King threw open the windows of our society when the scent of hypocrisy threatened to overcome our better natures. He reminded us that the great phrases justifying rebellion in 1776 compelled a peaceful reformation in the 1960's. From now on, we might do well each January 15 to remind ourselves that America was founded by dissenters, that she grew rich and powerful through the migration of dissatisfied people throughout the world, that her greatest weapons have never been military but spiritual. Most of all, we might remember that we are a nation still caught up in the process of becoming. As the playwright Thornton Wilder once put it, "It's not easy being an American because the rules aren't made yet."

Martin Luther King made some new rules and remade some old ones. He made us listen to men and women whose place in society could not be measured by their wealth or their access to power. Treating us as an extended family, he exported some of our religious beliefs out of the church pew and onto the nearest street corner. He was a strict constructionist when reading the charters of our nationhood, and from his interpretation and his faith he drew the strength to be unreasonable for justice.

Holding up a mirror to society, he was certain to offend some who did not like the reflection they saw. King, of all men, understood that democracy thrived in the arena of public contentiousness. He knew better than any man of his generation that differences were healthy for a free people and that only indifference posed a threat to their continued freedom. He would, I suspect, have understood that sometimes words can be spoken in the heat of debate, words that can be too easily twisted, words that can be oversimplified or misinterpreted. At times, he suffered such a fate himself.

But first and foremost, Dr. King was a healer. And it is in that spirit that I rise to support this legislation. He reminded us that we are a Nation with have-nots as well as haves, obligated to provide for hope as well as the common defense. In the words of

Hubert Humphrey, "Oh my friend, it's not what they take away from you that counts—it's what you do with what you have left."

Dr. King lost his life but no one can take away his legacy. Like the men in olive grey and brown khaki whom we honor on Veterans Day, like the man in a blue collar or women in the classroom whom we salute on Labor Day, like so many others who have in their own way helped close the gap between America's promises and her performance, he risked everything for what he believed in. It is the belief we commemorate, as well as the believer; it is the struggle for opportunity as old as America herself to which we pledge ourselves anew. Dr. King appealed to uneasy consciences while he lived. With this bill we perpetuate that appeal; we accept his challenge to make good on the basic premise of America.

Mr. President, I yield back the remainder of my time and reserve the remainder of the time on this side.

How much time remains on each side? I wish to reserve 3 minutes for the majority leader.

The PRESIDING OFFICER. The Senator from Kansas has 5 minutes remaining and the Senator from Massachusetts has 8½ minutes remaining.

Mr. KENNEDY. Mr. President, I suggest the absence of a quorum on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DOLE. 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. DOLE. Mr. President, I yield 2 minutes to the distinguished Senator from Alabama (Mr. DENTON).

The PRESIDING OFFICER. The Senator from Alabama is recognized.

Mr. DENTON. Mr. President, when the next vote comes up, I am going to be voting in favor of the bill because I believe that there is a great increment of advantage, a great merit to expressing some recognition for the tremendous change in American racial relations and in American civil rights which occurred through the work of Martin Luther King.

I have already, by my previous votes, indicated that I think there might be better ways of doing it than adding to the tremendous expense of national holidays. I believe that there were some things about Martin Luther King which were not perfect, but I believe they are transcended by the national importance of the deserving character of the man and the significance of what it meant to the whole Nation to effect the change that occurred in the South.

I wish to mention one feature of that change which recently occurred in Selma, Ala. A white man raised \$410,000 for the Center for the Performing Arts in Selma, Ala., which was matched by a grant from the Reagan administration of \$410,000. I was instrumental in interceding for that grant.

Bob Hope, perhaps the President, and the man who arranged for the grant, the best country singers in the country will be there. The performing arts center will mostly be for the benefit of the blacks who are in a great majority there.

The other example I want to give is the Civil War cannon, one which was built in Selma, having been restored to Selma by the Reagan administration. After 15 years of trying we finally got it there.

I was given the honor of presenting the cannon and I never saw a more joyous time.

The PRESIDING OFFICER. The time yielded to the Senator has expired.

Mr. DENTON. I need 30 more seconds.

On that day blacks and whites stood together, wept and laughed together, as we commemorated the great war and as we honored those black men who, I think, are the greatest heroes in this Nation, who gave their lives in a just cause in Vietnam while all the racial dissension was going on at home. To me they are the greatest black heroes or the greatest heroes of any war in our history and I wanted to explain why I am going to vote for this bill. Thank you, Mr. President.

Mr. HELMS. Mr. President, today we have been through an historic debate, a debate which has not included much interest in obtaining the basic information needed to make the important decision we are called upon to make. I find it quite remarkable that there is a tremendous diligence on the part of the press and many Members of this body every time the Reagan administration sends up a nomination to a political appointment. No trouble is spared, no closet is left unsearched, no skeletons are left unexamined, if the nominee is someone who has not totally embraced the prevailing orthodoxy of the left.

Yet that same diligence has fallen into disuse. No one is anxious for the facts. The facts are dismissed beforehand as trash. There are apparently no facts which some Members of this body are willing to admit might change their minds. They have decided beforehand to approve this legislation no matter what might emerge.

Of course, that is the right of Senators to make such judgments. It is also the right of citizens to decide whether their rights and views are fully represented by such attitudes. I think that some day the facts will emerge, and

that many citizens of the United States may regret the action shortly to be taken here today.

So the eye of history is upon us. It is appropriate therefore to recall some of the judgments in our history on Dr. King.

In 1965, President Harry S. Truman was in New York for an award from Freedom House. Reporters asked for his views on Dr. King. The President's views were set forth in the New York Times as follows:

In his morning walk here on Monday, Mr. Truman termed Dr. King 'a trouble-maker' . . .

Earlier in the day, on his morning stroll near the Carlyle Hotel at 76th Street and Madison Avenue, Mr. Truman said the Rev. Martin Luther King, the civil-rights leader, was a 'rabble-rouser' who has hurt the Negroes' cause 'because he hasn't got any sense.'

He said that Dr. King had acted like a 'damn fool' and that the recent civil-rights march from Selma to Montgomery, Ala., had 'disturbed the peace and accomplished nothing.'—New York Times, April 14, 1965.

Mr. President, similar views were expressed by the distinguished minority leader, Mr. ROBERT C. BYRD, in 1968 after the Memphis riots. The distinguished Senator was quoted by the Chicago Tribune in an article that began:

After the Memphis riot, members of Congress at last began to pay some attention to King. Sen. Robert C. Byrd of West Virginia said federal action should be taken to keep King from carrying out any march in Washington. Byrd said that "If this self-seeking rabble-rouser is allowed to go thru with his plans here, Washington may well be treated to the same kind of violence, destruction, looting, and bloodshed" as Memphis.—Chicago Tribune, March 30, 1968.

Mr. President, on April 5, 1968, shortly after Dr. King's assassination, the distinguished minority leader, Mr. BYRD, said in the Senate:

I was not an admirer of Dr. Martin Luther King, but I regret, as much as any Senator regrets, the tragedy that befell him, and I feel sorrow for his family. I was shocked but I was not surprised at what happened, because of the tension that existed in Memphis. . . .

There is a lesson to be drawn from what happened in Memphis and from what has been happening with increasing intensity throughout the Nation in recent years. That is, that mass protests, mass demonstrations, and mass marches and the like—whether labeled nonviolent or otherwise—can only serve to encourage unrest and disorder, and to provoke violence and bloodshed. . . .

And, in the end, those who advocate such methods often become, themselves, the victims of the forces they themselves have set in motion.

This, in a manner, is what happened to Dr. King. He usually spoke of nonviolence. Yet, violence all too often attended his actions. And, at the last, he himself met a violent end.

There are those who will believe that his death in Memphis was for a just cause. Yet, even in fighting for a just cause, one must

pursue his course with reason, with due regard for the public welfare and good order, and with due respect for the law.

Dr. King must have known that, rioting having erupted from last week's attempted march in Memphis, there was, in its wake, such an atmosphere of tension as to make his presence in that city dangerous to himself and to others, at least for the time being. He must have known that the situation was volatile, and that passions had become greatly inflamed.

Yet, I regret he persisted in his course, continued to exhort his following to renew the march next week, and told the cheering audiences that a Federal court injunction would be ignored. "We're not going to let any injunction turn us around," he said, according to press reports.

Mr. President, no man can determine for himself whether or not a court injunction is legal or illegal, constitutional or unconstitutional. To do so would be to take the law unto one's own hands.

Justice Frankfurter said:

"If one man can be allowed to determine for himself what is law, every man can. That means, first, chaos, then tyranny."

Mr. President, one cannot preach nonviolence and, at the same time, advocate defiance of the law, whether it be a court order, a municipal ordinance, or a State or Federal statute. For to defy the law is to invite violence, especially in a tense atmosphere involving many hundreds or thousands of people. To invite violence is to endanger one's own life. And one cannot live dangerously always.

Paul said, in his Epistle to the Romans:

"Let every soul be subject unto the higher powers."

He said, in his Epistle to Titus:

"Put them in mind to be subject to principalities and powers, to obey magistrates, to be ready to every good work."

And he said, in his second Epistle to the Thessalonians:

Now, we command you, brethren, in the name of the our Lord Jesus Christ, that ye withdraw yourselves from every brother that walketh disorderly.

Thus, we are exhorted to obey the law and to respect authority, Mr. President, and those who refuse to do this cause serious risks to themselves and to others.

The words of Proverbs are as today as they were in the day of King Solomon, who is thought to have written them:

Whoso keepeth the law is a wise son; but he that is a companion of riotous men shameth his father.

Dr. King's profession was that of a minister. But no man if required to be a member of the clergy to be able to read and to understand these simple passages from the scriptures, and all men would profit from obedience thereto.

This is an hour of great emotion throughout the land, Mr. President, and it is an hour of shame and remorse and sorrow.

But it should also be a time for sober reflection by all citizens.

And out of this moment should come a spirit of rededication to the principles of equal justice for every man, whatever his race, and a reawakening of respect for law and order on the part of every man, whatever his race.

Neither men nor mobs can continue to create disorder and disregard the laws and disrupt the orderly functioning of government at any level, without shaking the very foundations of our society, tearing our country asunder, and destroying themselves in the end.

We must, if we are to avoid disaster, strive to live in peace, work together in harmony, seek redress for our grievances through established legal processes, and strive always for the preservation of good order.

This, I hope, will be the lesson we will all draw from the tragic events of recent days in Memphis.

Mr. President, this, as I have said, is a time of deep emotion. We may have on our hands a highly flammable situation in which passions will determine events of the day. What I am saying is difficult to say at a time like this, it may be misinterpreted by some, and it may not be considered entirely in keeping with the views being expressed by many, but I feel constrained to make this call to reason—in the hope that the reactions of all our people may be influenced by careful thought of what is needed to steer the Nation through this confused and troubled period.—Congressional Record, April 5, 1968, pp. 9139-40.

A former member of this body, the distinguished Senator from Massachusetts, Mr. Brooke, was quoted by the Washington Star in similar sentiments. The Star wrote:

Last week, Brooke was asked to comment on Martin Luther King's Anti-Vietnam war stand, his attempt to characterize the conflict as a Negro war and his advice to youths to refuse to serve if drafted.

The answer was direct and unequivocal. King is making a tragic mistake, Brooke said, in trying to bind together a personal anti-war sentiment and the unquestionably just cause of Negro rights. The only result, he said, will be damage to the civil rights cause.

This is a time for sane, calm deliberation, Brooke said. Inciting of violence is not going to bring about civil rights for the American Negro. It will not be done by violence—Washington Star, May 16, 1967.

A prominent American insurance executive, Mr. James S. Kemper, assessing the damage created by riots in American cities, had this to say in 1965:

More than any other single man, Dr. King is responsible for the development of mass crime in the civil rights movement.

Mr. President, I ask unanimous consent that the entire article from the U.S. News & World Report of October 4, 1965, be printed in the RECORD at this point.

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

[From U.S. News & World Report, Oct. 4, 1965]

DR. KING'S POLICY: INVITATION TO RACIAL VIOLENCE?

SYRACUSE, N.Y.—Says a prominent insurance executive—

"More than any other single man, Dr. [Martin Luther] King is responsible for the development of mass crime in the civil-rights movement."

Making this statement was James S. Kemper, Jr., president of companies of the Kemper Insurance Group, based in Chicago. He addressed the convention of the New York Mutual Agents Association here September 21 on the subject of "Law and Order."

Said Mr. Kemper:

"Nonviolence as practiced by Dr. King and his followers means that civil-rights advocates may break the law without moral blame if they are willing to pay the consequences.

"Dr. King says that if a man believes a law is unjust, or if he wishes to violate a just law in order to bring a condition of claimed social injustice to the attention of the public, he may break such laws if he is prepared to pay a fine or go to jail. This philosophy has been at the root of all of the sit-ins, lie-ins, lie-downs, mass demonstrations, mass invasions of Government offices—including the White House—blocking of entrances and exits to public buildings, and all of the other offenses against the community that have been committed in the name of civil rights for the past several years. It may be said that these tactics got results. . . .

"The spectacle of a Nobel Peace Prize winner, supported by thousands of white and Negro clergymen, endorsing the breaking of any law is an open invitation to law-breaking by anyone who chooses to do so. . . .

"Whatever may be the intentions of Dr. King and those who follow his philosophy, they have led the way to exactly the kind of violence that took place this summer in Los Angeles and other cities. . . .

"We start out with something called 'non-violent protest,' and we end up by providing a haven for Black Muslims, Black Nationalists, Communists, Trotskyites and the worst criminals of the Negro underworld leading the citizenry into organized violence and mass destruction."

WATTS DAMAGE ASSESSED

Mr. Kemper, 51, particularly cited the riots in the Watts area of Los Angeles, which he said would cost insurance companies 50 million dollars. He quoted statements by several Negro leaders advocating violence.

Then Mr. Kemper asked:

"Is it any wonder that the minority among the Negro population who are criminals and revolutionaries feel that the Negro leadership has given them a license to kill and burn and loot?"

Mr. Kemper announced that the James S. Kemper Foundation has set up 16 new four-year college scholarships for children of Negro police officers and Negro firemen in larger cities.

The program, he said, "is intended as a means of expressing our opinion that the vast majority of America's Negroes do not want violence, do not want riots, do not want to 'kill Whitey,' but are anxious to take responsible advantage of the opportunities that all good Americans believe they should have in a free society."

Mr. HELMS. Mr. President, Roy E. Wilkins, another prominent black American who was a contemporary of Dr. King, was not entirely complimentary toward Dr. King. For many years Roy Wilkins was executive director of the NAACP. In an April 21, 1967 New York Times article, Mr. Wilkins voiced criticism of comments made by Dr. King relative to potential racial violence during the summer of 1967 and relative to criticism of Vietnam war policy by civil rights groups.

Mr. President, I ask unanimous consent that the April 21, 1967 New York Times article on Roy Wilkins' comments be inserted in the RECORD.

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

[From the New York Times, Apr. 21, 1967]

DR. KING CRITICIZED FOR "VIOLENCE" TALK

Roy Wilkins yesterday decried as "dangerous" Dr. Martin Luther King's recent warning that at least 10 cities across the nation could "explode in racial violence this summer."

Mr. Wilkins, the executive director of the National Association for the Advancement of Colored People, said he thought Dr. King was sincere in making the prediction.

"But I think it's dangerous," Mr. Wilkins added, asserting that the danger lay in the possibility that "less disciplined persons" might interpret such warnings as encouragement to riot.

Speaking to reporters in the Hotel Plaza before the start of a meeting of the board of governors of the National Conference of Christians and Jews, Mr. Wilkins said that Dr. King could not be blamed for riots that might occur, however.

"The conditions of the ghetto are responsible," he said, "the poor schools, poor housing and lack of jobs in the slums. These are responsible for riots, not what Dr. King says."

Dr. King said Sunday that the 10 Northern cities were racial "powder kegs" because "the nation has done nothing to improve conditions in these areas."

Dr. King named seven of the 10 cities: New York, Cleveland, Chicago, Los Angeles, Washington, Newark and Oakland, Calif.

Mr. Wilkins also chided civil rights groups that complained that the war in Vietnam was draining funds from anti-poverty efforts in the United States.

"Nobody but the N.A.A.C.P. is fighting for legislation to get more money for domestic programs—the others are simply deploring proposed cutbacks," he said. "Why don't they take off their coats and roll up their sleeves and try to make sure Congress doesn't cut these funds."

At another point Mr. Wilkins denied that his differences with other civil rights figures meant a "split in the movement."

He said: "There has never been any absolute cohesion or unity in civil rights—people just don't function that way."

Mr. HELMS. Mr. President, in an April 3, 1968, article in the Washington Star, Roy Wilkins had further comments about Dr. King—on this occasion concerning the upcoming "March on Washington." Mr. Wilkins spoke of what he called the great danger of the King campaign in Washington. He also talked about the preventative steps his organization was taking to help provide calm for the event. It is certainly a fair speculation that Mr. Wilkins' efforts may well have helped head off violence.

Mr. President, I ask unanimous consent that the April 3, 1968, Washington Star article on the Wilkins' statements be printed in the RECORD.

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

[From the Washington Star, Apr. 3, 1968]

VIOLENCE THE "GREAT DANGER" IN KING DRIVE, WILKINS SAYS

(By John Flalka)

Roy E. Wilkins, executive director of the National Association for the Advancement of Colored People, said yesterday the "great danger" of the projected poor people's campaign in Washington is that Dr. Martin Luther King "might not be able to keep control of it."

Wilkins commented on the campaign during a question period after speaking at a National Press Club luncheon.

He said the danger presented by the campaign is that "other elements might come in."

"When you get 1,000 or 2,000 people together and all emotionally wrought up, embarking on a project, it's very hard to control them with five or 10 people, because in any crowd there are always some mavericks," Wilkins said.

FEARS EFFECT ON BILLS

He said that individual NAACP members are free to join the demonstration but added that he felt the Washington chapter of the organization will be reluctant to aid the march if requested by King, because of fears that the move would hinder the progress of civil rights legislation currently pending before Congress. (The local NAACP unit has endowed the campaign.)

The NAACP leader said his group, which has 440,000 members, has not been consulted on the planning of the campaign, which is scheduled to begin on April 22.

"This is an enterprise of the Southern Christian Leadership Conference. They sat down in the Bahamas or Nassau or somewhere last winter and thought it up," Wilkins commented, drawing laughter from an audience of about 300 at the luncheon.

In his main speech, Wilkins warned that black militants who call for violence and separatism are actually playing into the hands of white racists and are causing officials in some cities to give police departments "blank checks" to buy heavy weaponry.

STICKERS ISSUED

He said the Washington NAACP is passing out stickers in Washington to head off any riot rumors.

He displayed several that said: "Over No Dead Bodies. Prevent Riots"; "Alive You Can Fight. Dead You're Dead."; and "No Young Blood on the Streets. Prevent Riots."

Wilkins said the current office favorite was "Hot Head. Hot Lead. Cold. Dead."

He repeatedly said that black militants are a "small but vociferous coterie," that represents only an "infinitesimal part" of the country's 22 million Negroes.

White racists, he said, already have been able to stop political moves that would have benefitted Negroes in some cities by stirring up black militants.

Wilkins said it was "tragic" that some young Negroes believe what they have been told by the militants and remove themselves from "competition in the world of all men."

"They will come—softly, I hope—to disillusionment," he added.

Mr. HELMS. Mr. President, another leading black critical of Dr. King was Rev. Henry Mitchell, pastor at North Star Missionary Baptist Church in Chicago in the late 1960's. In an April 20, 1967, New York Times article, Mr. Mitchell said that Dr. King's 1966

summer marches in Chicago created hate.

Mr. President, I ask unanimous consent that the April 20, 1967, New York Times article on Mr. Mitchell's comments be inserted in the RECORD.

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

[From the New York Times, Apr. 20, 1967]

NEGRO PASTORS IN CHICAGO BID DR. KING END MARCHES

CHICAGO, April 19.—The leader of a group of Negro ministers called on the Rev. Dr. Martin Luther King, Jr. today to stop his civil rights marches here and leave Chicago.

Criticism of Dr. King was expressed by the Rev. Henry Mitchell, a pastor of the North Star Missionary Baptist Church, at a news conference with about a dozen other ministers, who said they spoke for 50,000 Chicago Negroes.

Mr. Mitchell said the civil rights marches that Dr. King led here last summer had "created hate." He said Dr. King had been a failure here. He called Dr. King an "outsider" and urged that he "stay in Alabama."

Mr. HELMS. Mr. President, George S. Schuyler was a well-known, prominent black, a journalist by trade, who was a contemporary of Dr. King and who was highly critical of him. In the January 1970 edition of American Opinion, Mr. Schuyler wrote an article entitled "Saint Martin? The Martin Luther King Memorial." Mr. Schuyler compared Dr. King to Benedict Arnold and asserted that the Southern Christian leadership was Communist-dominated.

Mr. President, as an example of the comments of a contemporary black journalist on Dr. King, I ask unanimous consent that this American Opinion article be printed in the RECORD.

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

[From American Opinion, January 1970]

SAINT MARTIN?—THE MARTIN LUTHER KING MEMORIAL

(By George S. Schuyler)

The frantic drive to lift the late Dr. Martin Luther King Jr. to saintly status proceeds apace. The whole spectacle would have delighted old Anatole France and provided abundant supplementary material for a sequel to Penguin Island in which, it will be recalled, bandits and rogues in the course of time became national heroes.

As George Washington, Thomas Jefferson, and Abraham Lincoln whirled in their graves, King achieved in death a national memorial day with flags at half-mast throughout the American empire, and every politician of note trooping to his funeral in Atlanta weeping crocodile tears. While they knelt in prayer at the King bier, vandalistic blacks put a hundred cities to torch.

Before the smoke of the bonfires subsided, there came impudent demands from militant Marxists that every conceivable public building, highway, airport, and school building be named for the Atlanta preacher who had led a dozen half-wit mobs against public order and had secured financial backing

from both the "white power structure" and the Communists to operate revolutionary schools to train his subordinates for the bedeviling of sundry communities.

It was only shortly after an assassin's bullet relieved the country of King's presence that his long-planned march on Washington, to plant in its center a hobo city, was led by his lieutenant Ralph D. Abernathy. Ralph resided the while in a comfortable motel as his dupes wallowed in the bog of Resurrection City. Yet this disgraceful performance was at government expense, even to the feeding of the mules who "marched" to Washington on railroad flatcars.

The King-Abernathy mob didn't quite get around to burning down the White House as had the British in the War of 1812, but they came close to it.

Nobody would have believed such an outrage could occur had there not been so many witnesses, including President Lyndon Johnson who peered gloomily at the wreckage from his front window, while his Attorney General cautioned the police and militia to treat the ruffians gently and respect their Constitutional right to rob, burn, and rape.

Incredulity soared when a few weeks ago a front-page headline in the New York Times declared: "King Family Halting Talks With Nixon For Memorial." The public had not known that any such talks were going on between the Nixon Administration and the King family for a giant King memorial in Atlanta! The talks were abandoned it seems "because of what the Kings say is Mr. Nixon's 'indifferent attitude' toward the black and poor people." Mrs. Coretta Scott King, the widow—and a violent, rampaging Copperhead in her own right—said that "Mr. Nixon at one point had encouraged the project, but that the idea collapsed . . . after seven months of unpublicized negotiations." It had been rather like meeting secretly with the Vietcong.

Dolefully, Hanoi Coretta moaned: "We felt that to get Federal support for a memorial would have been a beautiful thing not only for our country but for oppressed people throughout the world. But President Nixon's attitude, his lack of real concern, suggests that his Administration is motivated by racist attitudes."

Nixon's attitude could also have been motivated by a concern for how Americans would react to building such a monument to a man whose personal staff had included convicted perverts, Communist organizers, and even a member of the Executive Committee of the Communist Party, U.S.A.

One might have regarded the whole thing as a figment of King family imagination had not Leonard Garment, a top White House aide, confirmed the statement, saying it was the first time he had heard that the Kings planned to break off the talks; that he had not been aware of any difference of opinion over Mr. Nixon's "Civil Rights" record. He whined "It would be a disservice to the cause of civil rights and the late Martin Luther King if this becomes a political football."

Mrs. King disclosed that she telephoned the President in early February to ask his help for legislation to create a Freedom Memorial Park in the two downtown Atlanta blocks that contain her husband's birthplace, the Ebenezer Baptist Church where he and his father preached, and his grave. She continued: "Mr. Nixon seemed to like the idea, he even sounded enthusiastic. He said he would send 'the best man for the

job' to talk to me, and promised that the plan would receive immediate attention from the White House."

Then it turns out that, according to Hanoi Coretta, Secretary of Health, Education and Welfare Robert Finch visited her a few weeks later in Atlanta and offered his Department's help in setting up a Black Studies program as part of the memorial. The conspirators agreed to keep mum about all this until Nixon popped the publicity on April fourth, the anniversary of Dr. King's hurried demise. This had to be called off because of the death of former President Eisenhower.

But talks continued between Leonard Garment and Harry K. Wachtel, the memorial foundation's lawyer. It seems that Garment even met with the architects.

The negotiations cooled as the widow King began to propagandize for the Vietcong, and finally there came a White House letter stating that at this time the President was "not prepared" to support the proposed legislation. The Reverend Martin Luther King Sr. moaned that "Martin's memory has gotten cold."

The widow King observed between pitches for the kindly Vietcong: "We had to convince ourselves that the national Government was not willing to help us." So now the memorial foundation is going to go out and raise through a private campaign the three million dollars deemed necessary. Remembering what Phineas T. Barnum said about a sucker being born every minute, they will probably get the money, too.

One thing for which all good Americans should give thanks is that President Nixon did not dare to go through with this caper. It would have otherwise been tantamount to the government building a memorial to Benedict Arnold, who certainly did less harm to America than the sniveling, hypocritical leader of the "Communist-dominated" Southern Christian Leadership Conference.

It is interesting to note that on the board of the King foundation are such people as former Vice President Hubert H. Humphrey; Senator Hugh Scott of Pennsylvania, the new Senate Republican Leader; Senator Edward M. Kennedy of Massachusetts; former Supreme Court Justice Arthur J. Goldberg; Sidney Poitier, the leftist screen actor; and, of course, the Reverend Ralph Abernathy, who first won fame by outdistancing an irate husband in Montgomery, Alabama, but who is now King's successor.

Well, there's no doubt they'll collect the gelt (the Rockefeller Brothers Fund has already coughed up \$250,000), but it looks as if we'll be spared the disgraceful spectacle of the American taxpayer being required to honor a tinhorn Comrade.

Mr. HELMS. Mr. President, when hearings in past Congresses have been held on the Martin Luther King holiday, black American citizens have come forward to testify against the idea I refer to Mr. J. A. Parker, president of the Lincoln Institute for Research and Education, and Ms. Julia Brown, a former FBI informant.

In testimony of February 23, 1982, Mr. Parker stated that during the Vietnam war Dr. King gave support to our enemy. In testimony of June 21, 1978, Ms. Brown said:

While I was in the Communist Party as a loyal American Negro, I knew Martin Luther King to be closely connected with

the Communist Party. If this measure is passed honoring Martin Luther King, we may as well take down the Stars and Stripes that fly over this building and replace it [sic] with a Red flag.

Mr. President, I ask unanimous consent that the testimony of J. A. Parker on February 23, 1982, before the Subcommittee on Census and Population of the House Committee on Post Office and Civil Service, be printed in the RECORD and that the testimony of Ms. Julia Brown on June 21, 1979 before the joint hearings of the Senate Judiciary Committee and the House Post Office and Civil Service Committee be printed in the RECORD.

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

MARTIN LUTHER KING, JR., HOLIDAY
LEGISLATION

(By J. A. Parker)

Mr. Chairman and members of the Subcommittee: I am pleased to appear before this committee to present my personal views on the proposal to establish a national holiday for the birthday of the late Dr. Martin Luther King, Jr.

Personally, I do not favor the establishment of a national holiday for Martin Luther King, Jr. for the following reasons:

First: It is impractical and unrealistic. Please consider the fact that we Americans honor the birth of two men with national holidays—Jesus Christ and George Washington. We do not recognize the birthdays of such great Americans as Thomas Jefferson, Abraham Lincoln, Patrick Henry, Crispus Attucks, Booker T. Washington or General Daniel "Chappie" James. Nor do we celebrate the birthday, with a national holiday, of the only person to be elected president four times—Franklin Delano Roosevelt.

The proponents of a national holiday for Martin Luther King are unwilling to let history make its final judgment on the merits or demerits of Dr. King. Instead, they are plunging ahead trying to pressure Congress to enact Dr. King's birthday as a national holiday.

Second: I am opposed to the designation of Dr. King's birthday as a national holiday because I firmly believe the "jury is still out" as to whether or not he was a hero or a villain. I have not forgotten that while Americans were fighting and dying in Vietnam, Dr. King gave his support to our enemy—the North Vietnamese Communists. He called the United States the "greatest purveyor of violence in the world." And worst, he likened the U.S. to Hitler's Germany when, according to the Washington Post, "He flatly charged the Government with sending Negroes to fight and die in extraordinarily high proportions . . ." Further the Post, in the same editorial, was moved to strongly criticize Dr. King for supporting Ho Chi Minh's position over our own.

During this period of our nation's history, Dr. King was divisive, and for this he was criticized by a large body of influential Americans, including Senator Edward Brooke; former executive director of the NAACP, Roy Wilkins; former executive director of the National Urban League, Whitney Young; baseball-great, Jackie Robinson; and, nationally syndicated columnist, Carl Rowan.

To a large degree, many people today are attempting to ignore the past and rewrite history.

Third: I believe this effort will further exacerbate the effects of a color-conscious society at the expense of the color-blind society, which should be our goal.

If there is a national holiday for Dr. King, a black American, why should there not be a national holiday for a woman, a native American, an Hispanic, etc.? The pursuit of such folly would result in a non-meaning of national holidays for all individuals.

I would like to add that The Lincoln Institute has received more than 200,000 responses from the survey it conducted recently, and the American people have voted, more than 90%, against a national holiday for Dr. King. I want to further add that our survey only sought to determine Americans' view on a national holiday for Dr. King—not state or local recognition.

A final observation: To date, Dr. King's home state of Georgia has not seen fit to honor him with a holiday.

STATEMENT OF JULIA BROWN

Ms. BROWN. Mr. Chairman, I, Julia Brown joined the Communist Party in December 1947, thinking I was joining a legitimate civil rights organization. Finding that I was a true member of the Communist Party which advocated the overthrow of the United States Government, I decided to leave the organization, but I had to bide my time to avoid suspicion. Subsequently, I went to the FBI to report what I had heard and seen. In 1951, I was asked by the FBI to go back into the Communist Party as an undercover agent to report on their subversive activities.

While at the Communist Party meetings, which only party members attended, I frequently heard Martin Luther King discussed and was told by Frieda Catz that he was in training for a civil rights movement in this country. Frieda Catz was a party member from Cleveland, Ohio, who had been assigned to my training and education within the Communist Party. On learning this, I reported it to my contact in the FBI. He told me that the Bureau knew that Martin Luther King had high-level connections with the Communist Party, and I should report anything else that I heard about his activities. I continued to report until June of 1960.

In Martin Luther King's early years of agitation he was the hero of America's Communists. The cells that I was associated with in Cleveland were continually being asked to raise money for Martin Luther King's activities and to support his civil rights movement by writing letters to the press and influencing local clergymen, and especially Negro clergymen, that Martin Luther King was a good person, unselfishly working for the American Negro, and in no way connected with the Communist Party.

There are many great Negroes, such as George Washington Carver and Booker T. Washington who provide the youth of America with an example they can follow. Martin Luther King provides an example of agitation and manipulation for goals dictated by hatred and envy. The memory of Carver and Washington would be dishonored if this committee acts favorably in this matter.

Mr. Chairman, while I was in the Communist Party as a loyal American Negro, I knew Martin Luther King to be closely connected with the Communist Party. If this measure is passed honoring Martin Luther

King, we may as well take down the Stars and Stripes that fly over this building and replace it with a Red flag.

Thank you.

Senator THURMOND. Is there anything else you would care to say, or does that complete your statement Ms. Brown?

Ms. BROWN. That completes my statement.

Senator THURMOND. Do you have any questions you would like to propound to Ms. Brown?

Mr. WILLIAMS. No. Thank you.

Senator THURMOND. Thank you, Ms. Brown.

Ms. BROWN. Thank you.

Senator THURMOND. Our next witness is Mr. Karl Prussion.

The VICE PRESIDENT. The majority leader.

Mr. BAKER. Will the manager yield to me?

Mr. DOLE. I am happy to yield.

Mr. KENNEDY. Whatever time the leader desires.

Mr. BAKER. I am most grateful to both Senators.

Mr. President, we are approaching a momentous time as only the Senate can approach such important events. I have witnessed a few. I participated in many great debates that have surged through this Chamber, and divided our membership. I have seen, Mr. President, issues debated here, determined, and resolved here which have far-reaching implications on the foreign and domestic policies of this Nation.

But I have seldom approached a moment in this Chamber when I thought that the action we are about to take has greater potential for good and a greater symbolism for unity than the vote that is about to occur in 8 minutes.

That event, Mr. President, which is about to happen, makes my mind go back fully 20 years to a time when I was in this city, not as a Senator but as a young Tennessee lawyer traveling from a place where I had transacted my client's business in the direction of National Airport.

But, Mr. President, it was not an easy journey because as I made my way, I was impeded by a sea of humanity and by what seemed like a million Greyhound buses. For this was the day of the great civil rights march on Washington and there was no escaping it.

Mr. President, the taxi driver had his radio on and it was tuned to those proceedings that were going on on the Mall and at the Lincoln Memorial. It seemed as I listened and waited and sat in that crowded traffic jam that an endless procession of speakers took their turn at the microphone and all of them presenting with great emotion and great energy their appreciation for justice, all of them demanding equality before the law and each of them proclaiming the same insistent message that their emancipation was incomplete.

But, Mr. President, as I sat there listening I also heard a 34-year-old minister who was the head of the Southern Christian Leadership Conference, a dynamic young man who had spent part of that year in a Birmingham jail, and I left that taxi to try to work my way toward the focus of that dynamism and to hear this man first hand and unfiltered.

As he spoke through the murmuring noise of that crowd I could sense the special impact that he was having on that group and I was sure on the Nation and the world.

As he reached the climax of his speech no one in this country could doubt that that special attention was well-deserved. The speaker, Mr. President, was Martin Luther King, Jr. and the speech was "I Have a Dream."

More than 20 years separate that day from this and in those 20 years we have seen changes in this country and in this society which are nothing short of revolutionary, and we have the opportunity to memorialize the extraordinary progress we have made in race and social relations in America and to renew our commitment to improving those relations and now to expanding the horizon of human freedom still more.

Black Americans have suffered too much for too long in this country. They have been bound in the chains of slavery and barred from the free exercise of political expression and, as Martin Luther King once wrote "Smothered in the airtight cage of poverty."

But, Mr. President, for all of this, black Americans have made extraordinary contributions to this country and in every aspect of our national and personal lives. They have fought and died for this Nation; they have defended, they have expanded, and extended, the blessings of freedom and opportunity in this country. Mr. President, they have served this country much better than this country has always served them.

So it is only right that we set aside a day of national commemoration of that role black Americans have played in America's life, its work and social progress, and only fitting and proper that that day should be designated in memory of and in celebration of the accomplishments of Dr. Martin Luther King who in so many ways is the embodiment and the ennoblement of the aspirations and ambitions of so many millions from every walk of life.

So, Mr. President, the vote we are about to cast will perhaps not settle great issues between nations or change the statute law and the institutional arrangements of Government. The vote we are about to cast may not balance the budget but it is proof positive, Mr. President, that the country and the Senate have a soul and that

we intend to acknowledge and to celebrate the nobility of all of our citizens in the opportunity which they must have to participate in the fullness of America's future.

We can do that, Mr. President, by the establishment of this national holiday for this purpose at this time.

Mr. DOLE addressed the Chair.

The VICE PRESIDENT. The Senator from Kansas is recognized.

Mr. DOLE. Have the yeas and nays been ordered?

The VICE PRESIDENT. They have not.

Mr. DOLE. I request the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. DOLE. Mr. President, as I understand the time remaining is the time of the Senator from Massachusetts.

Mr. KENNEDY. I am prepared to yield back the time.

I yield such time as remains to the Senator from Kansas.

Mr. DOLE. Mr. President, I have no further comments. I think the distinguished majority leader and the distinguished Senator from Massachusetts and others have made excellent statements.

I must acknowledge the presence of the Vice President which I think is always significant. As far as this Senator is concerned the bill is ready for final approval and we can either have a quorum call—

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

Mr. President, it is 2 minutes to 4 and the vote is ordered at 4 o'clock but just so our respective cloakrooms can put Senators on notice the time has arrived, I would like to suggest the absence of a quorum, if the Senator will yield for that purpose.

Mr. DOLE. Yes.

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

The VICE PRESIDENT. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

The question is on the third reading of the bill.

The bill (H.R. 3706) was ordered to a third reading and was read the third time.

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

The assistant legislative clerk called the roll.

The VICE PRESIDENT. Are there any other Senators in the Chamber wishing to vote?

The result was announced—yeas 78, nays 22, as follows:

[Rollcall Vote No. 303 Leg.]

YEAS—78

Andrews	Durenberger	Mattingly
Armstrong	Eagleton	Melcher
Baker	Evans	Metzenbaum
Baucus	Ford	Mitchell
Bentsen	Glenn	Moynihan
Biden	Gorton	Nuan
Bingaman	Hart	Packwood
Boren	Hatfield	Pell
Boschwitz	Hawkins	Percy
Bradley	Heflin	Proxmire
Bumpers	Heinz	Pryor
Burdick	Hollings	Quayle
Byrd	Huddleston	Riegle
Chafee	Inouye	Roth
Chiles	Johnston	Sarbanes
Cochran	Kassebaum	Sasser
Cohen	Kasten	Simpson
Cranston	Kennedy	Specter
D'Amato	Lautenberg	Stafford
Danforth	Laxalt	Stevens
DeConcini	Leahy	Thurmond
Denton	Levin	Trible
Dixon	Long	Tsongas
Dodd	Lugar	Warner
Dole	Mathias	Weicker
Domenici	Matsunaga	Wilson

NAYS—22

Abdnor	Helms	Rudman
East	Humphrey	Stennis
Exon	Jepsen	Symms
Garn	McClure	Tower
Goldwater	Murkowski	Wallop
Grassley	Nickles	Zorinsky
Hatch	Pressler	
Hecht	Randolph	

The VICE PRESIDENT. The Chair reminds the galleries that they are guests of the Senate and that no displays of approval or disapproval are permitted in the Senate.

On this vote there are '78 yeas and 22 nays. The bill is passed.

Mr. DOLE. Mr. President, I move to reconsider the vote.

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

The motion to lay on the table was agreed to.

Mr. BAKER addressed the Chair.

The VICE PRESIDENT. The majority leader is recognized.

Mr. BAKER. Mr. President, may I take this opportunity to extend my deep gratitude and thanks to the distinguished managers of this measure, especially to Senators DOLE and MATHIAS, Senator THURMOND, the chairman of the committee, and to all others on this side who participated so long and diligently in this effort.

May I express my appreciation as well to the minority leader, to the ranking member of the Judiciary Committee, and all those who managed on the Democratic side.

This is a historic moment, Mr. President, and I thank all Senators.

Mr. President, in a moment it will be the intention of the leadership to ask the Senate to turn to the consideration of the unfinished business, which is the State authorization bill.

Mr. BYRD addressed the Chair.

The VICE PRESIDENT. The galleries will please be in order. The minority leader is asked to suspend until the galleries are in order.

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

The VICE PRESIDENT. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER (Mr. SPECTER). Without objection, it is so ordered.

Mr. KENNEDY. Mr. President, this has been a great day in the history of the Senate, and a great day for all Americans. I want to express my gratitude to our many colleagues on both sides of the aisle who worked so hard to bring this legislation successfully to final passage in the Senate, especially Senator MATHIAS, the principal sponsor of the bill; Senator BYRD and Senator BAKER, whose skillful and sensitive Senate leadership meant so much to all of us in the critical stages of this debate; Senator DOLE for his able work in helping to manage the bill on the Senate floor; and Senator BIDEN, the ranking Democrat on the Judiciary Committee.

I also want to take this opportunity to single out for special praise the large number of dedicated staff persons in the Senate whose tireless efforts did so much to make this impressive victory possible. In particular, I commend Andrea Young, Burt Wides, and Carolyn Osolinik of my own staff, as well as all those on other staffs who contributed so much to this unique bipartisan effort, especially Marge Baker, Sheila Bair, Susan Cameron, Mike Epstein, Mark Gitenstein, Lynn Holmes, Steve Matalitz, and Chip Reid. Without their outstanding skill and dedication, we could not have prevailed today, and the Nation is deeply in their debt.

Finally, above all, I want to commend the person who has truly made all the difference in this effort, the woman who more than any other American has kept Martin Luther King's dream alive, someone whose friendship has meant so much to me and my family—Dr. King's wife and his great partner in all his great work, Coretta Scott King.

Mr. BAKER. Mr. President, if I could have the attention of the Senate for a moment—

The PRESIDING OFFICER. The majority leader is entitled to be heard. The Senate will be in order.

Will the ladies and gentlemen in the galleries cease all conversations.

Mr. BAKER. I thank the Chair.

Mr. President, first I want to express an apology to the minority leader. When I suggested the absence of a

quorum a moment ago, I did not notice that the minority leader was on his feet.

Mr. BYRD. I had the floor.

Mr. BAKER. And I believe may have had the floor, and perhaps my quorum call was out of order. But regardless of the technicalities, I want to acknowledge that it was an oversight on my part and that I wish to apologize to the minority leader for that.

Mr. BYRD addressed the Chair.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the majority leader. He is very kind and always accommodating to me. He owes me no apology. I understand how those things can happen with all the hustle and bustle, so I thank him.

Mr. BAKER. I thank the minority leader.

DEPARTMENT OF STATE AUTHORIZATIONS

Mr. BAKER. Mr. President, I now ask for the regular order.

The PRESIDING OFFICER. The Senate will now resume consideration of the unfinished business, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 1342) to authorize appropriations for fiscal years 1984 and 1985 for the Department of State, the United States Information Agency, and the Board for International Broadcasting, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BAKER addressed the Chair.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. BAKER. May I make one further announcement. I indicated earlier today, Mr. President, that it was my hope that we could go to the Interior appropriations conference report immediately after the King vote. That conference report is not quite ready, but I think it will be ready yet during the course of this day or early evening. It is the hope of the leadership on this side, even though we are on the State authorization bill, which is now pending, that it will be laid aside temporarily so that the conference report, which is privileged, might be taken up and disposed of today. I want to put Senators on notice of that possibility.

Mr. President, I now yield the floor.

Mr. PERCY addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, today the Senate will consider S. 1342, a bill authorizing appropriations for the Department of State, U.S. Information Agency, and the Board for International Broadcasting for fiscal years 1984 and 1985. The total amounts authorized by this legislation for fiscal

years 1984 and 1985 are \$3,203,518,000 and \$3,234,249,000, respectively. This represents a cut of \$65,427,000 from the administration's fiscal 1984 request and a cut of \$330,442,000 from the administration's fiscal year 1985 request. Despite these substantial reductions, I believe that this bill will provide the U.S. foreign policy agencies with adequate resources to carry out their various mandates and to promote U.S. interests abroad.

Mr. President, elsewhere in the RECORD and prior to the referral to other matters, several charts were incorporated in the RECORD which compared the administration's request with the committee's recommendations, and they were printed in the RECORD. I will not, therefore, repeat those.

It would be the intention of the managers of the bill to move just as rapidly as we possibly can. We hope to finish this bill tonight.

I should like to read off at this time the sequence of amendments so that any Senators interested in those amendments can promptly come to the floor. Each amendment is expected to take a relatively few minutes except one or two that might be in controversy.

The first amendment will be the National Endowment for Democracy; the second United States-India endowment; third, Radio Free Europe, Radio Liberty foreign currency gains; fourth, U.S. Embassy in Mexico; fifth, security officers; sixth, extraordinary protective services; seventh, European Space Agency; eighth, U.N. World Assembly on Aging; ninth, nonproliferation, in which I understand Senator BOSCHWITZ and others have an interest; tenth, human rights. Following that, an amendment of some interest to Senator CRANSTON, USIA film. Then two amendments in which Senator DOLE has indicated an interest, Helsinki Commission and the National Endowment for Democracy; several amendments in which Senator KASSEBAUM has indicated an interest, Peace Corps amendment, modification of amendment 2200, U.N. Decade for Women. Following that, an amendment that Senator LUGAR has indicated an interest in, Soviet studies, followed by an amendment in which Senator MATHIAS has an interest, prepublication review issues; an amendment Senator McCLURE has indicated an interest in, SALT II, and Senator NICKLES involving an amendment, review of U.S. participation in the United Nations. The amendment Senator PELL indicated an interest in will not be offered.

Senator PRESSLER has indicated an interest in amendments involving, first, the study of U.N. funding; second, employment of U.S. nationals by the United Nations; third, withholding funds for specific budget

items. Senator PROXMIRE has indicated an interest in amendment No. 2162, National Endowment for Democracy, and amendments 2311 and 2312.

Senator PRYOR has indicated an interest in an amendment involving the Under Secretary for Agricultural Affairs. Senator HELMS has indicated an interest in the State Department Compensation Reform Act, USIA audit, the Soviet Embassy, a sense of Congress resolution, and lobbying foreign policy agencies.

The final amendment the managers of the bill are aware of involves an amendment in which Senator LEAHY is interested, involving El Salvador.

AMENDMENT NO. 2344

Mr. PERCY. Mr. President, at this time I send to the desk an amendment involving the National Endowment for Democracy and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Illinois (Mr. PERCY) proposes an amendment numbered 2344.

Mr. PERCY. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

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

The amendment is as follows:

Page 26, beginning in line 20, strike out "to the National Endowment for Democracy (established pursuant to title IV of this Act)" "and insert in lieu thereof, in accordance with title IV of this Act, to the National Endowment for Democracy".

Page 33, strike out line 21 and all that follows through line 3 on page 43 and insert in lieu thereof the following:

TITLE IV—NATIONAL ENDOWMENT FOR DEMOCRACY

SHORT TITLE

Sec. 401. This title may be cited as the "National Endowment for Democracy Act".

NATIONAL ENDOWMENT FOR DEMOCRACY

Sec. 402. (a) The Congress finds that there has been established in the District of Columbia a private, nonprofit corporation known as the National Endowment for Democracy (hereafter in this title referred to as the "Endowment") which is not an agency or establishment of the United States Government.

(b) The purposes of the Endowment, as set forth in its articles of incorporation, are—

(1) to encourage free and democratic institutions throughout the world through private sector initiatives, including activities which promote the individual rights and freedoms, including internationally recognized human rights, which are essential to the functioning of democratic institutions;

(2) to facilitate exchange between United States private sector groups (especially the two major American political parties, labor, and business) and democratic groups abroad;

(3) to promote United States nongovernmental participation, especially through the two major American political parties, labor, business, and other private sector groups, in