

by a vote on the floor. The Senate has changed that and just reversed the situation. It has taken the labor union out.

Mr. WHITENER. Out of title I?

The CHAIRMAN. Yes.

Mr. WHITENER. They didn't take them out of title X.

The CHAIRMAN. They took them out of title I.

Mr. WHITENER. Only where they are lawfully engaged. I really don't find any argument with that. I don't see why you need to write that into the law just as I don't see the necessity of one of the other provisions here, and I didn't refer to it in my testimony. They said no law enforcement officer—shall be indicted for doing his duty in a lawful way. How silly can you get?

The CHAIRMAN. Very well, but there was a change made there and, yet, your committee, and the House under the proposal here of sending this thing to the floor and concurring in the Senate amendment, would obviate any opportunity for even an amendment on that to reinstate the House version.

The gentleman made, also, some reference to the burden that would be put upon the Federal courts. There has been a tendency all through the years, and especially for the past several years, to preempt the State laws and concentrate power in the Federal Government and in the Federal courts.

If this is enacted into law as it is now written, you are going to have to have many additional Federal judges, more Federal police power to enforce this, and at a time when we are talking about retrenching, economizing, trying to stabilize the dollar.

But many, many questions could be raised. We are going to have to go to the floor.

The question here before this committee is whether we are going to adopt the version advocated by the advocates of this bill, take it as it is with no opportunity for amendment in a very limited discussion. Of course the discussion amounts to nothing if you can't amend it.

Mr. WHITENER. Certainly 1 hour discussing would not be adequate.

The CHAIRMAN. Even if you had 6 hours, your discussion would be really worthless if you had no opportunity to amend it. So it gets down to the question of what this committee is going to do. That is really the problem that is before us, and the question to be resolved.

Are we going to take it that way, or are we going to send it back to your committee, which you say you prefer and which I think would be the proper procedure?

Mr. WHITENER. Mr. Chairman, if this bill went back to the Judiciary Committee, I can assure you that there are members of that committee who have a record of strong support of civil rights legislation who would be offering key amendments to this language and who would be trying to improve it.

The CHAIRMAN. Since there seems to be no willingness on the part of the advocates of this bill to send it back to the committee, then the least we could do would be to send it to conference, would it not?

Mr. WHITENER. Yes, second to going back.

The CHAIRMAN. For orderly procedure.

Mr. WHITENER. I think in fairness—I am not trying to argue both sides of the case—but in fairness to those gentlemen, and I reiterate