SENATE

TUESDAY, MARCH 27, 1962

(Legislative day of Wednesday, March 14, 1962)

The Senate met at 12 o'clock meridian, on the expiration of the recess, and was called to order by the Vice President.

Rev. Donald Earle Lewis, pastor, Hamline Methodist Church, Washington, D.C., offered the following prayer:

Eternal God, Thou who didst create us all and who didst endow us with the distinctiveness of differences, we bow in reverence, different men, from different places, of different creeds, yet bound together by a common allegiance—America—and made brothers by a common prayer—"Our Father."

We thank Thee, O God, for our heritage, guarded in these halls, which bequeaths to us the right to differ with respect, to deviate with honor, to challenge without malice, to contest without fear.

Grant us always, we pray Thee, O God, the consciousness of the deeper bonds and higher loyalties that unite, but deliver us from the enslavement of the common mold. Help us always to remember the common good; but keep us from forgetting that men have names and hearts.

May our differences cause us to cherish the ties that bind, and may those ties cause us to honor and give thanks unto Thee, O Lord, Holy Father, almighty and everlasting God. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Monday, March 26, 1962, was dispensed with.

MESSAGES FROM THE PRESIDENT

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

EXECUTIVE MESSAGE REFERRED

As in executive session,

The VICE PRESIDENT laid before the Senate a message from the President of the United States submitting the nomination of Robert F. Woodward, of Minnesota, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary to Spain, and withdrawing the nomination of Ellis O. Briggs, of Maine, a Foreign Service officer of the class of career ambassador, to be Ambassador Extraordinary and Plenipotentiary to Spain; which nominating message was referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed a bill (H.R. 10573) to grant the American Numismatic Association perpetual succession, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the following concurrent resolutions, in which it requested the concurrence of the Senate:

H. Con. Res. 25. Concurrent resolution authorizing the printing of additional copies of a Veterans' Benefits Calculator;

H. Con. Res. 405. Concurrent resolution authorizing the printing of additional copies of hearings on civil defense for the Committee on Government Operations;

H. Con. Res. 408. Concurrent resolution authorizing the printing of the publication entitled "Our Flag" as a House document, and providing for additional copies;

H. Con. Res. 412. Concurrent resolution authorizing the printing of additional copies of House Report No. 1282, parts 1 and 2, 87th Congress, 1st session;

H. Con. Res. 414. Concurrent resolution authorizing the printing of additional copies of "Hearings Relating to H.R. 4700, To Amend Section 11 of the Subversive Activities Control Act of 1950, as Amended (the Fund for Social Analysis)," 87th Congress, 1st session;

H. Con. Res. 416. Concurrent resolution to print as a House document the publication "Guide to Subversive Organizations and Publications," and to provide for the printing of additional copies;

H. Con. Res. 419. Concurrent resolution providing for additional copies of hearings on "Small Business Problems in the Poultry Industry," 87th Congress; and

H. Con. Res. 451. Concurrent resolution authorizing the printing of additional copies of House Document No. 218, 87th Congress, 1st session, entitled "Inaugural Addresses of the Presidents of the United States."

HOUSE BILL PLACED ON CALENDAR

The bill (H.R. 10573) to grant the American Numismatic Association perpetual succession was read twice by its title and placed on the calendar.

HOUSE CONCURRENT RESOLUTIONS REFERRED

The following House concurrent resolutions were severally referred to the Committee on Rules and Administration:

H. Con. Res. 25. Concurrent resolution authorizing the printing of additional copies of "A Veterans' Benefits Calculator":

"Resolved by the House of Representatives (the Senate concurring), That after the conclusion of the second session of the Eighty-seventh Congress there shall be printed fifty thousand two hundred and forty additional copies of a Veterans' Benefit Calculator prepared by the Veterans' Affairs Committee of which two thousand copies shall be for the use of the Veterans' Affairs Committee, two thousand copies for the use of the Committee on Finance, thirty-seven thousand four hundred and eighty-five copies for the use of the House of Representatives, and eight thousand seven hundred and fifty-five copies for the use of the Senate."

H. Con. Res. 405. Concurrent resolution authorizing the printing of additional copies of hearings on civil defense for the Committee on Government Operations:

"Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the House Committee on Government Operations five thousand additional copies of the committee print 'Civil Defense—1961, Hearings Before a Subcommittee of the Committee on Government Operations, House of Representatives, August 1, 2, 3, 4, 7, 8, and 9, 1961,' issued by the Committee on Government Operations during the Eighty-seventh Congress, first session."

H. Con. Res. 408. Concurrent resolution authorizing the printing of the publication entitled "Our Flag" as a House document, and providing for additional copies:

"Resolved by the House of Representatives (the Senate concurring), That the publication entitled 'Our Flag', published by the Office of Armed Forces Information and Education, Department of Defense, be printed with illustrations as a House document; and that three hundred thousand additional copies be printed, of which two hundred thousand shall be for the use of the House of Representatives, and one hundred thousand shall be for the use of the Senate."

H. Con. Res. 412. Concurrent resolution authorizing the printing of additional copies of House Report No. 1282, parts 1 and 2, 87th Congress, 1st session:

"Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Un-American Activities ten thousand additional copies each of parts 1 and 2 of the House Report Numbered 1282, Eighty-seventh Congress, first session, entitled 'Manipulation of Public Opinion by Organizations Under Concealed Control of the Communist Party.'"

H. Con. Res. 414. Concurrent resolution authorizing the printing of additional copies of "Hearings Relating to H.R. 4700, To Amend Section 11 of the Subversive Activities Control Act of 1950, as Amended (the Fund for Social Analysis)," 87th Congress, 1st session:

"Resolved by the House of Representatives (the Senate concurring), That there be printed for the use of the Committee on Un-American Activities ten thousand additional copies of 'Hearings Relating to H.R. 4700, To Amend Section 11 of the Subversive Activities Control Act of 1950, as Amended (the Fund for Social Analysis)', Eighty-seventh Congress, first session."

H. Con. Res. 416. Concurrent resolution to print as a House document the publication "Guide to Subversive Organizations and Publications," and to provide for the printing of additional copies:

"Resolved by the House of Representatives (the Senate concurring), That the publication entitled 'Guide to Subversive Organizations and Publications', prepared by the Committee on Un-American Activities, House of Representatives, Eighty-seventh Congress, first session, be printed as a House document; and that there be printed one hundred thousand additional copies of said document of which sixty-five thousand shall be for the use of said committee and thirty-five thousand shall be prorated to the Members of the House of Representatives and the Senate for a period of ninety days after which time the unused balance shall revert to the Committee on Un-American Activities."

H. Con. Res. 419. Concurrent resolution providing for additional copies of hearings on "Small Business Problems in the Poultry Industry," 87th Congress:

"Resolved by the House of Representatives (the Senate concurring), That there shall be printed for the use of the Select Committee on Small Business, House of Representatives, one thousand five hundred additional copies of parts I, II, and III, of Hearings on Small Business Problems in the Poultry Industry, Eighty-seventh Congress, first session."

H. Con. Res. 451. Concurrent resolution authorizing the printing of additional copies of House Document No. 218, 87th Congress, 1st session, entitled "Inaugural Addresses of the Presidents of the United States":

"Resolved by the House of Representatives (the Senate concurring), That there be

printed, with illustrations, twenty-seven thousand two hundred additional copies of House Document 218, Eighty-seventh Congress, first session, entitled 'Inaugural Addresses of the Presidents of the United States from George Washington to John F. Kennedy', of which twenty-two thousand and fifty copies shall be for the use of the House of Representatives, and five thousand one hundred and fifty copies shall be for the use of the Senate."

COMMITTEE MEETING DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the Constitutional Rights Subcommittee of the Committee on the Judiciary was authorized to meet during the session of the Senate today.

EXECUTIVE COMMUNICATIONS, ETC.

The VICE PRESIDENT laid before the Senate the following letters, which were referred as indicated:

REPORT ON TITLE I AGREEMENTS UNDER AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954

A letter from the Administrator, Foreign Agricultural Service, Department of Agriculture, transmitting, pursuant to law, a report on title I agreements under the Agricultural Trade Development and Assistance Act of 1954, concluded during February 1962 (with an accompanying report); to the Committee on Agriculture and Forestry.

REPORT ON REAPPORTIONMENT OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, reporting, pursuant to law, that the appropriation to the Department of Justice for "Fees and expenses of witnesses" for the fiscal year 1962, had been reapportioned on a basis which indicates the necessity for a supplemental estimate of appropriation; to the Committee on Appropriations.

AMENDMENT OF SECTION 3515 OF REVISED STATUTES, TO ELIMINATE TIN IN THE ALLOY OF THE 1-CENT PIECE

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to amend section 3515 of the Revised Statutes to eliminate tin in the alloy of the 1-cent piece (with accompanying papers); to the Committee on Banking and Currency.

WHITE HOUSE POLICE FORCE

A letter from the Secretary of the Treasury, transmitting a draft of proposed legislation to authorize an adequate White House Police force, and for other purposes (with accompanying papers); to the Committee on Public Works.

REPORT ON GRANTS TO NONPROFIT INSTITUTIONS FOR BASIC SCIENTIFIC RESEARCH

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a report on grants for basic scientific research made by the Department, to nonprofit institutions, in the year 1961 (with an accompanying report); to the Committee on Government Operations.

REPORT OF ATTORNEY GENERAL

A letter from the Attorney General, transmitting, pursuant to law, a report on the activities of the Department of Justice, for the fiscal year ended June 30, 1961 (with an accompanying report); to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

Petitions, etc., were laid before the Senate, or presented, and referred as indicated:

By the VICE PRESIDENT:

A concurrent resolution of the Legislature of the State of South Carolina; to the Committee on the Judiciary:

"CONCURRENT RESOLUTION MEMORIALIZING CONGRESS TO PROPOSE A CONSTITUTIONAL AMENDMENT ABOLISHING INCOME, ESTATE AND GIFT TAXES AND PROHIBITING THE FEDERAL GOVERNMENT FROM ENGAGING IN ANY BUSINESS, PROFESSIONAL, COMMERCIAL, FINANCIAL OR INDUSTRIAL ENTERPRISE EXCEPT AS PROVIDED IN THE FEDERAL CONSTITUTION

"Be it resolved by the House of Representatives (the Senate concurring), That the Congress of the United States be memorialized to, without delay, propose to the people an amendment to the U.S. Constitution or to call a convention for the purpose of adding to the Constitution an article to read as follows:

" 'ARTICLE —

" 'SECTION 1. The Government of the United States shall not engage in any business, professional, commercial, financial, or industrial enterprise except as specified in the Constitution.

" 'SEC. 2. The constitution or laws of any State, or the laws of the United States, shall not be subject to the terms of any foreign or domestic agreement which would abrogate this amendment.

" 'SEC. 3. The activities of the U.S. Government which violate the intent and purposes of this amendment shall, within a period of three years from the date of the ratification of this amendment, be liquidated and the properties and facilities affected shall be sold.

" 'SEC. 4. Three years after the ratification of this amendment the 16th article of amendments to the Constitution of the United States shall stand repealed and thereafter Congress shall not levy taxes on personal incomes, estates, and/or gifts.'

"Be it further resolved, That certified copies of this resolution be forwarded to the Vice President of the United States, the President pro tempore of the Senate, the Speaker of the House of Representatives and to each member of the South Carolina congressional delegation.

"I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the South Carolina House of Representatives and concurred in by the Senate.

"INEZ WATSON,
"Clerk of the House."

A joint resolution of the Legislature of the State of California; to the Committee on Post Office and Civil Service:

"ASSEMBLY JOINT RESOLUTION 8

"Joint resolution relative to the issuance of a commemorative postage stamp in honor of the Tournament of Roses

"Whereas the Tournament of Roses had a simple beginning in 1889 with the decoration of horses and buggies with flowers in a New Year's Day parade; and

"Whereas the Tournament of Roses parade now attracts hundreds of thousands of visitors to Los Angeles County each year to witness this colorful and dramatic wintertime event; and

"Whereas the wide publicity directed each year by the Tournament of Roses to its participants strengthens the bonds of friendship, good will, and understanding between the city of Pasadena and other cities, States, and nations with entries in the parade; and

"Whereas the eyes and ears of the Nation are focused upon southern California every New Year's holiday with television audiences estimated at 60 million persons enjoying the pageantry and excitement of this most spectacular celebration; and

"Whereas on January 1, 1964, the Tournament of Roses will observe its 75th anniversary, one of the outstanding civic spectaculars of its kind throughout the Nation and the world: Now, therefore, be it

"Resolved by the Assembly and Senate of the State of California (jointly), That the Legislature of the State of California memorializes the Postmaster General of the United States to provide for the issuance of a commemorative postage stamp in honor of the 75th anniversary of the Tournament of Roses; and be it further

"Resolved, That the chief clerk of the assembly is hereby directed to transmit copies of this resolution to the President and Vice President of the United States, to the Postmaster General of the United States, to the Speaker of the House of Representatives, and to each Senator and Representative from California in the Congress of the United States."

A resolution adopted by the City Council of the City of San Fernando, Calif., protesting against the imposition of a Federal income tax on the income derived from public bonds; to the Committee on Finance.

A resolution adopted by the woman's auxiliary to the Lake County Medical Society, Mundelein, Ill., protesting against the enactment of legislation to provide medical care for the elderly; to the Committee on Finance.

A resolution adopted by the City Council of the City of Hayward, Calif., opposing any amendment to the Constitution of the United States which would have the effect of subjecting the income from State and local bonds to a Federal tax; to the Committee on Finance.

THE ALEXANDER HAMILTON NATIONAL MONUMENT — AMENDMENT TO THE CONSTITUTION DEALING WITH POLL TAXES

The Senate resumed the consideration of the joint resolution (S.J. Res. 29) providing for the establishing of the former dwelling house of Alexander Hamilton as a national monument.

Mr. MANSFIELD. Mr. President, what is the pending question?

The VICE PRESIDENT. The question is on agreeing to the amendment of the Senator from Florida [Mr. HOLLAND], striking out all after the resolving clause, as amended, of Senate Joint Resolution 29, and inserting in lieu thereof certain other words.

Mr. MANSFIELD. This is a proposed constitutional amendment seeking to abolish the poll tax in the several States, is it?

The VICE PRESIDENT. It is a proposed constitutional amendment.

Mr. HOLLAND rose.

Mr. RUSSELL. Mr. President——

The VICE PRESIDENT. The Senator from Georgia.

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

Mr. HOLLAND. Mr. President, I believe I have the floor.

The VICE PRESIDENT. The Senator from Florida has not been recognized; he has not yet addressed the Chair.

Mr. HOLLAND. Mr. President, I did not get here——

Mr. RUSSELL. Mr. President——

The VICE PRESIDENT. Does the Senator from Georgia yield?

Mr. RUSSELL. Yes, Mr. President; I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I did not get here in time to consult with the majority leader and the Senator from Georgia. Of course I am willing to have whatever procedure they see fit to propose followed in connection with the things we understand will happen today.

Mr. MANSFIELD. Mr. President, will the Senator from Florida seek recognition?

Mr. HOLLAND. I have already been recognized.

The VICE PRESIDENT. No; the Chair did not hear the Senator from Florida address the Chair first. The Senator from Georgia first addressed the Chair, and the Senator from Georgia has been recognized.

Mr. RUSSELL. Mr. President, inasmuch as this question has arisen, let me say that I understood the Senator from Montana to state, last evening, just before the recess was taken, that the order of business today would be that the Senator from Florida would offer his amendment and would address himself to it, and that then the Senator from Georgia would have an opportunity to make a point of order.

I came here prepared to follow that procedure, as outlined by the majority leader. I do not always agree with the positions taken on various issues on the floor of the Senate by the majority leader; but in order to retain my standing in the Democratic Party, I support him on matters of procedure. [Laughter.]

Mr. HOLLAND. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. Yes, I yield.

Mr. HOLLAND. I am very happy to follow any course of action which will be satisfactory to the majority leader and to the Senator from Georgia. I was simply seeking advice as to whether the two distinguished Senators had agreed on a course of action. I am perfectly willing to follow the course which has been suggested by the Senator from Georgia.

Mr. RUSSELL. We had agreed to the extent that the Senator from Montana had announced what he conceived would be the order of business today, and the Senator from Georgia had not entered any demurrer thereto.

Mr. MANSFIELD. Mr. President, will the Senator from Georgia yield to me?

Mr. RUSSELL. I am glad to yield.

Mr. MANSFIELD. The distinguished Senator from Georgia is correct in his interpretation of what was said last night. If it is agreeable to him, I would appreciate it if the Senator from Florida could now be recognized.

Mr. RUSSELL. Very well; I shall withdraw my recognition for the present, and also my request for the quorum.

Mr. HOLLAND. Mr. President——

The VICE PRESIDENT. The Senator from Florida is recognized.

Mr. DIRKSEN. Mr. President, does the Senator from Florida wish to have a quorum call at this time?

Mr. HOLLAND. I understood that there would be a short quorum call, to accommodate Senators who may desire to be advised if any of them wish to hear what I shall say.

Mr. RUSSELL. Mr. President, will the Senator indulge me a moment? I had proposed to suggest the absence of a quorum merely out of courtesy for my distinguished friend, the Senator from Florida. But if any other Senator wishes to suggest the absence of a quorum, that will be satisfactory.

Mr. HOLLAND. Mr. President, inasmuch as so many of my distinguished colleagues are desirous of suggesting the absence of a quorum, as a courtesy to me, I shall be glad to yield to any of them for that purpose, provided it is understood that in yielding for that purpose I shall not lose my right to the floor.

Mr. DIRKSEN. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. DIRKSEN. How long does the Senator from Florida expect to discuss the pending question?

Mr. HOLLAND. Forty-five minutes or an hour, I suspect.

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

The VICE PRESIDENT. Does the Senator from Florida yield to the Senator from Illinois, for the purpose of enabling the Senator from Illinois to suggest the absence of a quorum, with the understanding that in yielding for that purpose the Senator from Florida will not lose his right to the floor?

Mr. HOLLAND. That is correct, Mr. President.

The VICE PRESIDENT. The absence of a quorum has been suggested; and the clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

[No. 30 Leg.]

Aiken	Hart	Moss
Allott	Hartke	Mundt
Anderson	Hayden	Murphy
Beall	Hickenlooper	Muskie
Bible	Hickey	Neuberger
Boggs	Hill	Pastore
Burdick	Holland	Pearson
Bush	Hruska	Pell
Byrd, Va.	Humphrey	Prouty
Byrd, W. Va.	Jackson	Proxmire
Cannon	Javits	Randolph
Carlson	Johnston	Robertson
Case, N.J.	Jordan	Russell
Chavez	Keating	Saltonstall
Church	Kefauver	Scott
Clark	Kerr	Smathers
Cooper	Kuchel	Smith, Mass.
Cotton	Lausche	Smith, Maine
Curtis	Long, Mo.	Sparkman
Dirksen	Long, Hawaii	Stennis
Dodd	Long, La.	Symington
Douglas	Magnuson	Talmadge
Dworshak	Mansfield	Thurmond
Eastland	McClellan	Tower
Ellender	McGee	Wiley
Engle	McNamara	Williams, N.J.
Ervin	Metcalf	Williams, Del.
Fong	Miller	Yarborough
Fulbright	Monroney	Young, N. Dak.
Goldwater	Morse	Young, Ohio
Gruening	Morton	

Mr. MANSFIELD. I announce that the Senator from Alaska [Mr. BARTLETT], the Senator from Tennessee [Mr. GORE], the Senator from Colorado [Mr. CARROLL], and the Senator from Minnesota [Mr. MCCARTHY] are absent on official business.

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Maryland [Mr. BUTLER], and the Senator from Indiana [Mr. CAPEHART] are necessarily absent.

The Senator from South Dakota [Mr. CASE] is absent because of illness.

The PRESIDING OFFICER (Mr. SMITH of Massachusetts in the chair). A quorum is present.

Mr. HOLLAND. Mr. President, I appreciate the fact that after considerable delay the Senate is about to take up the amendment which I sent to the desk and offered yesterday afternoon. I understand that amendment is now the pending question. Am I correct in my understanding?

The PRESIDING OFFICER (Mr. BURDICK in the chair). The Senator is correct.

Mr. HOLLAND. Mr. President, first I wish to give a little history about the amendment. The amendment is in substantially the same form now—only a few words different—that it was in when offered by me first in 1949, 13 years ago, with the concurrence of eight very fine Senators from that part of the country from which I come. They agreed with me that not only was the principle involved in the amendment right, but also that the South, which had already knocked out poll taxes entirely in six States, going much further than the amendment would go, should show its willingness to recognize the conviction of the country that people who are American citizens and citizens of a State and who are otherwise qualified to vote should not be prevented from voting for their President, Vice President, Senators, and Representatives in Congress—that is, the elective Federal officials—by reason of any failure or unwillingness or inability to pay a poll tax or any other tax which might be substituted therefor.

Mr. President, I ask leave at this time to read into the RECORD the names of the distinguished additional Senators who joined me in that faraway time, the 81st Congress, in 1949. They included the distinguished late Senator from Georgia, Mr. George, who unhappily is not with us now; the distinguished former Senator from Texas, Mr. Connally; the distinguished late Senators from Maryland, Mr. O'Conor and Mr. Tydings; the distinguished Senators from Louisiana, Mr. Ellender and Mr. Long; the distinguished late Senator from North Carolina, Mr. Broughton; and the distinguished Senator from Virginia, Mr. Robertson.

Mr. President, I cannot speak with certainty as to the objectives of all cosponsors at that time, but I do know from long conversations at the time with Senator George of Georgia, that his opinion and his objective were exactly the same as my own; that this was something which ought to be done, and that the South ought to have an affirmative part in doing it.

Mr. President, without reading the list of the distinguished cosponsors in later

Congresses, I ask unanimous consent at this time that the lists of Senators who joined me in the 82d, the 83d, the 84th and 85th Congresses be printed in the RECORD as a part of my remarks.

There being no objection, the lists were ordered to be printed in the RECORD, as follows:

Eighty-second Congress: Senators Holland, of Florida; Smathers, of Florida; George, of Georgia; Hoey, of North Carolina; Smith, of North Carolina; McClellan, of Arkansas; Fulbright, of Arkansas; Byrd, of Virginia; Robertson, of Virginia; O'Conor, of Maryland; Ellender, of Louisiana; Long, of Louisiana.

Eighty-third Congress: Senators Holland, of Florida; Smathers, of Florida; George, of Georgia; Hoey, of North Carolina; Smith, of North Carolina; Ellender, of Louisiana; Long, of Louisiana; McClellan, of Arkansas; Fulbright, of Arkansas; Robertson, of Virginia.

Eighty-fourth Congress: Senators Holland, of Florida; Smathers, of Florida; George, of Georgia; Ellender, of Louisiana; Long, of Louisiana; McClellan, of Arkansas; Fulbright, of Arkansas; Ervin, of North Carolina; Scott, of North Carolina; Thurmond, of South Carolina.

Eighty-fifth Congress: Senators HOLLAND, of Florida; SMATHERS, of Florida; MCCLELLAN, of Arkansas; ELLENDER, of Louisiana; LONG, of Louisiana.

Mr. HOLLAND. The list of those Senators who joined me in the 86th Congress was so long and so much like the group which has joined me this time that I shall not ask that that list be separately printed.

Mr. President, I do ask, however, that the list of the 67 cosponsors who have joined me in the introduction of the amendment proposed by Senate Joint Resolution 58 of this Congress be printed in the RECORD in full at this point in my remarks.

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

Senators AIKEN, ALLOTT, ANDERSON, BARTLETT, BEALL, BENNETT, BIBLE, BOGGS, BURDICK, BUSH, BUTLER, BYRD of West Virginia, CANNON, CAPEHART, CARLSON, CASE of New Jersey, CHAVEZ, CHURCH, COOPER, COTTON, CURTIS, DIRKSEN, DODD, ENGLE, FONG, GOLDWATER, GRUENING, HARTKE, HAYDEN, HICKENLOOPER, HRUSKA, HUMPHREY, JACKSON, KEATING, KEFAUVER, KERR, KUCHEL, LAUSCHE, LONG of Hawaii, LONG of Louisiana, LONG of Missouri, MANSFIELD, MCCARTHY, MCGEE, METCALF, MONRONEY, MORSE, MORTON, MOSS, MURPHY, MUSKIE, NEUBERGER, PASTORE, PEARSON, PELL, PROUTY, RANDOLPH, SALTONSTALL, SCOTT, SMATHERS, SYMINGTON, WILEY, WILLIAMS of New Jersey, WILLIAMS of Delaware, YARBOROUGH, YOUNG of North Dakota, and YOUNG of Ohio.

Mr. RANDOLPH. Mr. President, will the distinguished Senator from Florida yield at this point, if to do so would not break the continuity of his thought?

Mr. HOLLAND. I am glad to yield.

Mr. RANDOLPH. A unanimous-consent request has been granted for printing in the RECORD, as a part of the remarks of the able Senator from Florida, a list of Senators who, in the 87th Congress, joined him as cosponsors of the measure. It has been my privilege, which I have accepted also as a responsibility, to be among those whose names appear on that list. Is that correct? Does the Senator find my name listed?

Mr. HOLLAND. The Senator is correct. I am happy to gratefully acknowledge the fact that ever since he became a Member of the Senate, the distinguished Senator from West Virginia has joined me in the offering of the amendment.

Mr. RANDOLPH. Mr. President, will the Senator yield further?

Mr. HOLLAND. I yield.

Mr. RANDOLPH. It is appropriate to add that Senators are deeply conscious of the painstaking and effective manner in which the subject under consideration has been presented on recurring occasions in this body by the distinguished Senator from Florida.

Our franchise of freedom, the American ballot, is an instrument to be used by citizens not only as a right and an opportunity granted by law, but also as an expression of a responsibility which stems from the law. So, to vitiate in any degree the representative use of the American ballot would weaken the system under which we operate as a democracy.

For the record, I commend wholeheartedly the leadership which has been exemplified over and over again in this vital matter, and I applaud the worthy efforts of the diligent senior Senator from Florida.

I do not desire to overpaint the picture of a situation inherent in the subject about which we are talking, and which causes me to characterize the measure as "a franchise of freedom," but I urge that we do everything necessary to guard against forfeiture of our freedom. We would even drift, rather than be driven, into a dictatorship. We could lose democracy by default if, in this Nation, we should fail to encourage maximum use of the ballot. The Senator from Florida proposes a method by which the number of persons qualified to vote would be increased. The attainment of this end result would be wholesome.

Mr. HOLLAND. Mr. President, I greatly appreciate the kind remarks of the distinguished Senator from West Virginia. Again I thank him for joining me in presenting the amendment on various occasions since he became a Member of this body.

Mr. President, at this time I should like to place in the RECORD section 1 only of the amendment which I offered yesterday, which states all of the substance of the proposed constitutional amendment. I shall read it:

SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

Mr. President, in the amendment are minor changes from Senate Joint Resolution 58, which I explained, and was happy to explain, yesterday in a colloquy with the distinguished Senator from Illinois [Mr. DOUGLAS]. If any further explanation is desired, I shall be glad to yield for the purpose of making it.

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

Mr. HOLLAND. I am happy to yield to the distinguished Senator from Ohio.

Mr. LAUSCHE. A suggestion has been made that the amendment proposed by the Senator from Florida contains provisions which would eliminate the disqualification that now exists in some States with regard to a poll tax, but in place of such a poll tax disqualification, the amendment would allow States to pass laws making the payment of taxes a qualification for the right to vote. I read the amendment, and I found no such language in it. Will the Senator explain whether, under the proposed amendment, States could disqualify a citizen from voting on the basis of failure to pay either a poll tax or any other tax?

Mr. HOLLAND. Mr. President, I am happy to reply. The proposed amendment covers the subject of possible disqualification to vote by nonpayment of any other tax in exactly the same words that it covers the poll tax requirement.

The Senator may have received his information from the fact that, as originally introduced this year, as introduced every year since 1953, and as approved by a yea-and-nay vote of 72 to 16 in the Senate, in 1960, the resolution included two provisions which are not now in the proposed amendment. They were as follows:

In addition to mentioning failure to pay a poll tax or other tax, there was mention of failure to meet a property requirement. There was also a section 2 in the measure which, recognizing the fact that 12 States had laws that disqualified such people as paupers from voting, excluded the amendment from application in that kind of case. There was no case in which property ownership was the only qualification for a finding that a person was a pauper. That provision, inserted in the amendment for the past 8 years, was put there at the suggestion of the legal staff of the Library of Congress and the legal staff of the Senate in order to preclude any fear on the part of any Senator representing 1 of the 12 States which had a provision disqualifying paupers from voting, and assure him that his State was not affected. There was never any intention to disqualify anyone by that provision, but instead, to show that the States that had so acted were protected in the continuance of their action.

Incidentally, the Library of Congress informed me specifically that in every instance in which measures affecting paupers had been placed in the laws of the respective 12 States, they were enacted as measures to preserve the purity of the ballot, because it had been found that in the case of the ballots of inhabitants of poorhouses and the like they were likely to be voted by others who had some political iron in the fire. Such was the salutary purpose in each of the 12 States.

However, at the suggestion of the majority leader, and after a conference with the distinguished gentleman from New York [Mr. CELLER], the leader in the House on that question, we all came to the conclusion that there would be no prospect or possibility of any State

now imposing a property qualification, because while property qualifications have existed in the distant past, and some time or other have been found in the laws of nearly every State in the distant past, there have been none enacted for many years. Any legislature confronted with such a situation would have to realize that it was disqualifying many of its people, of all colors, and of humble situations in life, from voting.

We think there is no practical chance that that sort of thing shall ever again be invoked. Section 2, to which I have referred, affected only the property owning qualification.

Some comment has been made to the effect that we are destroying the jurisdiction of one of our ablest committees, the Committee on the Judiciary, in taking up this measure as we are. I want it made very clear that not only are we not destroying that jurisdiction, but that for 14 long years I have been invoking that jurisdiction, and that there have been five thorough, detailed hearings upon this proposal, the records of which are printed and are available now to any Senator who may wish to read them, and on four occasions there have been recommendations from the subcommittees which handled these hearings to the full committee that the measure be reported to the Senate. However, the measure has never been reported to the Senate.

Senators will recall that in 1960, when we took up this matter, we had to do it without benefit of a formal report of the Committee on the Judiciary. We do have the approving reports of the subcommittees on four occasions, and we have this year, in connection with the very thorough hearing conducted under the leadership of my distinguished friend, the Senator from Tennessee [Mr. KEFAUVER], the report on the exhaustive hearings which were held. While the committee was not willing to recommend the proposal, we do have this quotation, which shows very clearly that the subcommittee still feels the same way it has felt through the years. I quote from page 13 of the report:

As a safe and certain method, a constitutional amendment is preferable.

There were pending two or more constitutional amendments on the same subject. The opinion of the subcommittee was very clear that they regard the constitutional amendment method as the preferable method.

Let us recall that 68 Senators are cosponsoring this measure in this Congress. Let us recall that there were exhaustive hearings held last year. Let us recall that this follows the pattern of what has happened in each Congress beginning with the 81st Congress.

It can hardly be said with any degree of solemnity whatever that the Judiciary Committee has been imposed upon; instead, it was quite apparent that the conditions in which we found ourselves were such that the joinder of 68 Senators, more than enough to sustain this or any other constitutional amendment, had not brought forth a report or even a report without recommendation which would bring the measure to the floor of the Senate.

So when we come to the point where the inaction of a great committee has resulted in such a situation as this for 14 years, and when we now have an ample number of Senators as cosponsors of this measure to assure its submission to the States, so far as the Senate is concerned, it is a protection of the rights of Senators and a protection of the rights of the Senate itself to bring up the matter in any way that is available, from a strict parliamentary standpoint, and that is what we have done here.

Mr. President, I recall that some Senators who are not greatly interested in the Alexander Hamilton resolution wept bitter tears over the fact that that resolution was interfered with here. I call attention to the fact that a second resolution of the same sort has been introduced and reported by the committee, and is on the calendar. No harm has been done to anyone. To the contrary, the Senate, through its appropriate committee, has shown very proper concern and consideration to the two distinguished Senators from New York [Mr. JAVITS and Mr. KEATING], who were the cosponsors of the original Alexander Hamilton resolution, and, as I understand, are also the cosponsors of the substituted Alexander Hamilton resolution, which is now on the calendar.

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

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

Mr. JAVITS. I should like to state that what needed to be done has been done with respect to the Alexander Hamilton resolution. As I expressed myself when the first action on the resolution was taken in the Senate, I had no doubt about the fact that that would be done. It is a measure of universal appeal. I am sure that the Senator from Florida, as he states quite properly, would not wish anything untoward to happen to the resolution.

Nonetheless, this does not in any way excuse us—and I am sure my colleague [Mr. KEATING] would join me in this statement were he on the floor at this time—in expressing our appreciation to the Senator from Florida and to all other Senators and to the appropriate committee, as well as to the Senate leadership, for the speed and cooperation which have been shown in restoring the Alexander Hamilton resolution to its original status quo position. I have little doubt that it will be followed in proper course by action.

I do not wish in any way to depreciate the understanding which I have of that courtesy and cooperation, when I state that I appreciate what was done in view of the circumstances last night. It so happened that my plane was delayed, and I arrived here at 6:15 p.m. The Senator from Florida, with his unfailing courtesy, took note of the fact that I was in no position to introduce my substitute. I will introduce it today. However, this is all of a pattern. Whatever may be our difference with respect to the policy involved, this is all of the pattern of the Senator's unfailing understanding and courtesy in the relationships as between Senators, all of whom are very busy men.

Mr. HOLLAND. I thank the distinguished Senator from New York. Certainly I would not want to preclude any Senator from bringing up a matter which he regarded as a matter on which he wished to express himself in this debate or in any other debate. I am glad the Senator from New York is here this morning. I am sorry that his plane was delayed yesterday. I thought it was appropriate at the time to call attention to the fact that we were purposely endeavoring to give full protection to the Senator by the course we followed yesterday.

Mr. JAVITS. I thank the Senator.

Mr. HOLLAND. Mr. President, I should like to talk about the full text of the requirement of the resolution very briefly, from two different standpoints: In the first place, I should like to speak from the standpoint of one who is a citizen of a State which until 1937 had the full poll tax requirement. I realized how many good people were deprived of their privilege of voting by reason of the existence and enforcement of the poll tax provision. I saw repeated cases prior to 1937—and I am talking about my own observations in my own State of Florida—where fine citizens of undoubted patriotism, through absence from the State at the time it was necessary to pay the poll tax, or through forgetfulness—and the State of Florida required the payment of the tax well ahead of time—had not paid the poll tax, and were, as a result, deprived of their opportunity to vote. I am speaking not only about Federal officials, but also of all officials at the State and local level.

I also saw during these early days machine rule of several counties in my State. That has now ceased. That machine rule was perpetuated by the practice of bloc payment of the poll tax in some counties, in order to retain in office certain critical officials within those counties. I have before me an editorial from one of the finest papers in my State, the Tampa Tribune, of Tampa. It tells of what happened prior to 1937. I ask unanimous consent that the editorial may be inserted in full at this point in the RECORD as a part of my remarks.

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

THE TRUE AND THE FALSE

In the poll tax debate taking place in the U.S. Senate, the people are witnessing two useful demonstrations.

One is the hypocrisy of the professional northern civil rights champions.

The other is southern conservatism at its enlightened best.

The debate centers on a proposed constitutional amendment offered by Florida's Senator HOLLAND to abolish payment of poll tax as a prerequisite to voting in the five States which still require it.

Senator HOLLAND, a conservative in the best sense of the word, has been fighting for years to ban the poll tax by constitutional amendment. In this campaign he has had to battle both southern secessionists and northern abolitionists.

The secessionists, as typified by Mississippi Senator EASTLAND, would hold fast to a traditional means of discouraging Negroes from

voting. The abolitionists, like New York Senator JAVITS, are less interested in removing the poll tax than in arguing the right of Congress, by legislative act, to control State voting requirements. They don't want to concede that States have a constitutional right to fix qualifications for voters; and still less, we suspect, do they want a southern Senator to get credit for abolishing the poll tax. That would mar their fabricated image of the South as a swampland of bigotry from which the oppressed can be delivered only by the freethinkers of New York and Chicago.

If the loud shouters for civil rights had thrown their support behind Senator HOLLAND'S amendment when he first introduced it some years ago, the poll tax no longer would encumber the elections of Alabama, Arkansas, Mississippi, Texas, and Virginia. But they preferred to keep the issue.

President Kennedy, we are pleased to see, is not a party to this hypocrisy. He has forthrightly endorsed the Holland amendment as an important contribution to good government.

And so it is. The poll tax is not only a device to discourage the Negro from voting; it is also a handy implement of fraud by which courthouse gangs often perpetuate themselves in office. Such, in any case, was Florida's experience in the years before the poll tax was abolished by the legislature in 1937. One of the telling arguments for its repeal was the corruption of elections it made possible through bloc payment of taxes by well-heeled political machines.

We would prefer to see the five remaining States follow Florida's example and cast out this archaic tax by their own action. But since they do not seem disposed to do so, we believe with Senator HOLLAND that the principle of no tax on voting should be written into the Constitution.

In leading this fight (in which he has the pledged support of 68 other Senators) Senator HOLLAND does credit to Florida, the South, and the cause of true conservatism.

Mr. HOLLAND. Mr. President, I now wish to read this paragraph:

And so it is. The poll tax is not only a device to discourage the Negro from voting; it is also a handy implement of fraud by which courthouse gangs often perpetuate themselves in office. Such, in any case, was Florida's experience in the years before the poll tax was abolished by the legislature in 1937. One of the telling arguments for its repeal was the corruption of elections it made possible through bloc payment of taxes by well-heeled political machines.

I do not think it is necessary to pursue that point further. Undoubtedly that was the experience in Florida. After we had repealed the poll tax, we saw a tremendous improvement, both from the standpoint of the cessation of the machines of the type I have just mentioned in the government of certain small counties, and in the immediate added participation of citizens in elections.

In 1936, when Florida repealed its poll tax, the total vote cast in the Democratic primary was 328,749. In 1940, the primary vote was 481,437, an increase of 152,688. Comparing that increase with the gain in population in the 5 years from 1935 to 1940, we find that the increase in the participation in our elections was 46-plus percent, whereas the percentage of census gain from 1935—that being a State census—to 1940, the year of the Federal census, was only 18 percent. So the increase in voting was almost three times as great as the increase in Florida's population. This was an increase in the participation of white citizens in voting, because in 1940, in the Democratic primary, Florida still had the white primary system. As we all know, the white primary was knocked out shortly thereafter by the Supreme Court of the United States. But I am talking now about the phenomenal increase in those 4 years of the number of white citizens alone, as shown by the actual election figures.

We have found since the white primary system was abolished, and since Negroes have been participating more and more in our elections, that the number of their participants has risen from 20,000 in the general election of 1936 to 183,197 on the registration books in 1960.

There are persons who think we are interested only in white voters, and there are persons who think we are interested only in Negro voters. So far as I am concerned, I think a citizen is entitled to vote for his President, his Vice President, his Senators, and his Representatives, regardless of what may be the law of the State with reference to local elections. I think the results accomplished in our State, where in 1960 1,540,000-plus voted, indicate rather conclusively the beneficent nature of what Florida has done.

It is not for me to belabor any other States. The States about which I shall speak briefly are States of which I am very fond. I am very fond of their Senators. I do not have to tell Members of the Senate that that is true, because they know it is the case. But when we look at the results in the good States of Mississippi and Alabama in the 1960 general election, we are bound to see what has happened there as a result, in large part, of the imposition of a poll tax.

Mr. BUSH rose.

Mr. HOLLAND. Mr. President, I will yield to the Senator from Connecticut when I have finished this point, if I may do so.

In the good State of Mississippi, the total participation as shown by the election returns and the census reports was just above 25 percent of the total number of citizens who were eligible by age to register and participate. Twenty-five percent or one-fourth of the total number of voting age is a good deal less than one-half the number of white citizens who were eligible by age to participate in that election.

When we compare that figure with the national average of around 70 percent, certainly we can see that something is wrong, and we can realize that that sort of expression is not representative of the citizenship of that good State.

I call attention to the fact that the election was very vigorously contested; and that is, I think, to the credit of the State. There were three groups of candidates for presidential electors: the regular Democratic group, the unpledged Democratic group, and the Republican group. It so happened that the two distinguished Senators from Mississippi [Mr. EASTLAND and Mr. STENNIS] were voting for the regular Democratic ticket, as were several Representatives; that the Governor of the State and other Representatives were voting for the unpledged Democratic ticket; and that the Republicans were making a major effort in that State, as compared with their earlier efforts.

When we consider the actual results, we realize how tragic the picture is. Almost 1,200,000 citizens were of eligible age and residence to qualify to vote had they wished to do so. The winning ticket of electors polled 116,000 votes, just under 10 percent of the total. As I have just remarked, the total vote cast was 25 percent. How anyone can feel that that was a representative expression of the people of that good State, and how anyone can feel that other States and other people everywhere in the Nation do not have a stake and a proper interest in that sort of situation, I do not see. Personally, I have a very deep interest in seeing that representative expressions are made in elections for national officers, whether it be in my own city, my county, my State, or any other State, by as full participation of the citizens as can be had, because I believe in the voice of the people. I decry any effort to confine the voice that is heard at elections to a much smaller segment of the citizens than that which truthfully represents the whole people.

Mr. President, there are some who feel that the people in the Old South portion of Florida would not and cannot support this amendment. I have the opposite conviction. The largest vote I received in 1958—the last year when I was elected to the Senate—from any county in Florida was 81 percent of the votes cast in Gadsden County, which has the largest percentage of Negro citizens of any county in our State; and, incidentally, they have known for years that I have been a cosponsor or an original sponsor of this proposal, and they also know that I voted for repeal of the poll tax in Florida in 1937.

Mr. President, I hold in my hand a very fine editorial published in the Tallahassee Democrat, a newspaper published in the very place where there were major disturbances a year or more ago. The standards of this newspaper are those of the old-time conservatism; and I respect this newspaper very highly because of the soundness of the positions it takes, as I have observed them throughout the years. The editorial is entitled "The Way To Outlaw Poll Taxes."

At this time I should like to read the part of the editorial which I think most pertinent in this regard. After stating that Florida got rid of the poll tax 25 years ago and that the results of getting rid of it have been salutary, and then after reciting the troubles in Congress, where we have been endeavoring by one means or another to have the poll tax repealed, it is stated in the editorial:

At the same time, Senator SPESSARD HOLLAND from the time he has been in Washington has been the author and principal sponsor of an amendment which would put prohibition of State poll taxes in the U.S. Constitution, thereby removing the doubts of constitutional validity and propriety from the proposed bills to have Congress tell the States how to run their election machinery.

It is the Holland plan which President Kennedy now is trying to get through Congress. It is in line with the fundamental

principle that the way to change the constitutional practices is to change the Constitution by the prescribed method of submitting amendments to the States for ratification.

With no more than a handful of States still levying the poll tax, and none needing it either for revenue or regulation, there is little doubt that such an amendment would be ratified quickly if Congress lets it go to the States.

It's a good way to put behind us a tremendously exaggerated issue that consumes too much legislative time, and too much public attention with its propaganda.

Mr. President, the editorial speaks for itself; and all of the editorial is well worth reading. At no point in the editorial is there any departure from the part I have read to the Senate.

I now ask unanimous consent to have the entire editorial printed at this point in the RECORD.

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

THE WAY TO OUTLAW POLL TAXES

It would be a good thing for the South if all its Members of Congress would join President Kennedy in support of the Holland constitutional amendment to outlaw the poll tax as a prerequisite to voting.

It's not that the poll tax is such a terrible thing in itself. It once was a respectable form of levy by which the man who exercises his right to vote contributed to the cost of elections by paying a tax or, in early Florida, contributing a day's work on the public roads in lieu of a cash payment. It might even, someday, have been called on as a logical method of helping defray the tremendous costs of campaigning on the theory that citizens, who receive the prime benefit of officials unhampered by financial commitments to backers, have an obligation to replace special privilege contributions with tax funds.

All that is beside the point, though.

The poll tax has come into disrepute partly because it was abused by making payment of the tax for members of a voting bloc a means of controlling elections; and partly because of a relentless campaign based more on theory than fact which painted it as a means of keeping poor people and minorities from voting. Thus, it became a civil rights issue.

Repeated efforts to have Congress pass an act outlawing the poll tax in State and local elections have been directed at a few Southern States. They have run into stubborn opposition from southerners who, in the first place, think such regulations of voting procedures belong to the States under the Constitution; and who, in the second place, band together to resist those who are trying to shove something down their throats for no other purpose than to serve a political cause among their own minorities without disturbing anything at home.

Although Florida hasn't had a poll tax for a quarter of a century, most of our Members of Congress have voted down the line with other southerners in blocking Federal legislation attempting to outlaw it in the few States which retain it.

At the same time, Senator SPESSARD HOLLAND from the time he has been in Washington has been the author and principal sponsor of an amendment which would put prohibition of State poll taxes in the United States Constitution, thereby removing the doubts of constitutional validity and propriety from the proposed bills to have Congress tell the States how to run their election machinery.

It is the Holland plan which President Kennedy now is trying to get through Congress. It is in line with the fundamental principle that the way to change constitutional practices is to change the Constitution by the prescribed method of submitting amendments to the States for ratification.

With no more than a handful of States still levying the poll tax, and none needing it either for revenue or regulation, there is little doubt that such an amendment would be ratified quickly if Congress lets it go to the States.

It's a good way to put behind us a tremendously exaggerated issue that consumes too much legislative time, and too much public attention with its propaganda.

Mr. HOLLAND. Mr. President, the Pensacola Journal is the principal newspaper in west Florida; and it covers a considerable part of Alabama, too, as Senators know. I hold in my hand an editorial published in that newspaper; the editorial is entitled "Holland, Kennedy Oppose Poll Tax." Because I want Senators to know that the people in the Old South part of our State do not frown upon this amendment, but have felt that elimination of the poll tax has been wholesome and healthy, I now read from the editorial:

Florida has been without a poll tax for many years. Its abolition was forecast as likely to bring great trouble, but the dire predictions have failed to materialize.

Then the editorial goes on to give general approval to the amendment.

I ask unanimous consent that the entire editorial be printed at this point in the RECORD.

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

HOLLAND, KENNEDY OPPOSE POLL TAX

For several sessions of Congress, Senator SPESSARD L. HOLLAND, of Florida, has been attempting to have submitted to the votes of the State a constitutional amendment banning a poll tax payment as a requisite for voting.

Now help has come from an unexpected quarter, President Kennedy, against whose program Senator HOLLAND has voted as often as most Republicans.

The President, according to a letter read in the Senate by HOLLAND, recalls he supported the Florida Senator when he was in the Senate and still believes the amendment "an important contribution to good government" as it "would encourage wider voter participation" in election of Federal officials. No poll tax or property qualification should abridge the right to vote, he said.

This is one of the two civil rights measures which the administration now is pushing. The other is to allow a sixth grade education to obviate any literacy test, which too often is used to disqualify persons, black and white, who are displeasing to the party of the registrars.

Some have argued that an amendment is not needed to abolish the poll tax, now levied only in Alabama, Arkansas, Mississippi, Virginia, and Texas. However, the Constitution expressly leaves the qualification of voters up to the States, so an amendment seems required.

HOLLAND has been plugging for the amendment with more and more success through the years and in 1960 the Senate passed it by 70 to 17 after rejecting a proposed statutory change. However, the House became embroiled in other amendments and failed to act on it.

Florida has been without a poll tax for many years. Its abolition was forecast as likely to bring great trouble, but the dire predictions have failed to materialize.

Some of the other Deep South States, however, have used the poll tax to prevent Negroes and poor whites from voting. A cumulative feature in some States requires that if a voter fails to pay he must go back and pay taxes for all the years he failed to pay from the year he became voting age before he can vote.

This makes voting prohibitive for many. The result is evident when one examines the votes cast in those States which have poll taxes in comparison with total eligible and in States where no such tax is required.

The move is one way to accord wider civil rights in a basic field with all States passing upon the issue, not merely Congress.

Mr. HOLLAND. Mr. President, I have now introduced, for the RECORD, three editorials—two from the northern and western part of Florida, in the Old South portion of the State, and one from the Tampa Tribune, on the west coast. I shall not labor this matter. I might put into the RECORD editorials from a newspaper in Miami—one with the highest standards—and also editorials from newspapers in other parts of the State, all of which approve this position. But I call attention to the fact that these editorial writers and these newspaper editors have seen both systems in operation, and they know some of the ill effects of the old system; and they know that in Florida those ill effects were wiped out, either in part or entirely, by elimination of the poll tax.

Some persons may ask why I do not favor going all the way, and thus urge elimination of poll taxes for all purposes; and it may be suggested that if the poll tax should be eliminated for this purpose, it should likewise be eliminated for all other purposes. However, Mr. President, the real facts of the cases show why that suggestion should not be followed at this time.

For instance, in our State it is required that only fee-simple owners of property may join in bond elections which impose a lien on their property; and we have had other property requirements which have been effective in controlling those who participate in millage elections where the taxpayers fix millage on themselves. I have known of cases in other States, which have referendum or recall procedures, in which there are specific limitations of this sort, depending upon the type of proposed legislation sought to be referred to the people for their approval or their rejection; and there are similar requirements in many other cases where action is to be taken by the local people.

For instance, in Florida we have set up large numbers of drainage districts; and the question of establishing such a district is addressed to the conscience of the people who have to pay the tax and the people who will thus be faced with the question of imposing a lien on their property in the proposed district at the time when they are asked to vote on the matter. So I could cite numerous instances of that kind which come up in connection with the handling by States of affairs important to them and important to their various localities, and in connection with which the poll tax is imbedded either in their constitutions or in their statutes, or in both.

So I do not think it would be wholesome or would bring about good results in connection with this matter if we attempted to go all the way at the same time, as we in Florida went all the way in 1937.

Mr. President, let me say that I am exceedingly grateful to the large number of Senators, from all parts of the country, who have participated in the offering of this amendment through the years. All I can say is that I have done my level best in every Congress to bring it out of committee and before the Senate in the regular way; and I have no apology whatever to make for bringing it up at this time, in this way, with the gracious concurrence of both the majority leader and the minority leader.

When the time comes that the will of the Senate can be thwarted, instead of furthered, by the inaction in a committee for 13 years, it occurs to me that the Senate then has a right to act, particularly when it may act only by two-thirds vote of its membership, indicating the breadth of the support the measure enjoys.

Mr. President, there are other comments which I should like to make. I believe I said I would refer to the general election held in Alabama in 1960—and, again, without any criticism at all, except of the system under which that election was held. In that fine State, those who participated in 1960—and all of us know what the issues in Alabama were, and all of us know that they were hard fought—were 31 percent of the total shown by the census as those who were entitled by age to participate.

I may say that the Senators from Alabama and the Senators from Mississippi have repeatedly stated in this debate that I can know nothing about this matter in their States because I do not know their citizens who have suffered from the imposition of a poll tax there. But, Mr. President, I know what happened in Florida, and I can see the good results there; and I also know that since this question has come up here, I have received letters and telegrams from various citizens in Alabama and from various citizens in Mississippi—whose names I shall not state now, for obvious reasons—who have told me that they have been precluded from casting their votes, not only by reason of the fact of the existence of the poll tax, but also by reason of the details in connection with its imposition.

For instance, one of them tells of an effort to pay the poll tax by mail, and tells of the fact that the payment was returned so late that the deadline had passed. Incidentally, in Alabama and also in Mississippi the deadline is February 1, whereas the general elections do not come until November, or more than 9 months later.

Who can say any citizen, unless he is eating and drinking politics all his life, as do Members of the Senate and the House of Representatives, is going to remember a deadline more than 9 months ahead of the date upon which the vote would be cast?

Furthermore, two of these letters protested at the method of collection. Collection in one of the two States is done by the sheriff, and they objected and protested against that.

I will allow any Senator to see the letters, if he wishes, and the same goes for the wires although I do not expect to use the names of the persons, whom I do not know, and I do not know whether they are white or colored. All I know is that they write or wire about the difficulty which they have in trying to cast their votes.

One teacher from Alabama wired me that she did not object to the amount which she had to pay, that she was willing to pay more than the amount of the tax in assisting efforts to repeal it, and she urged knocking out the poll tax because she objected to the system and objected to the kind of machine control exercised under the system.

I think the evidence, not only that I have seen with my own eyes, but that which has come to me by the mails and by wires from the two States which are the only ones I have mentioned, and I think the evidence offered to the House committee which has been holding hearings on a proposed constitutional amendment which is similar, if not identical with the one we are considering here, shows abuses have grown up under the imposition of the poll tax. When the election figures themselves speak louder than any letters or wires, because, whereas the national average of participation is about 70 percent of those who are qualified by age, residence, and otherwise, participation in these two good States was only 25 and 31 percent, respectively, in the 1960 election, I do not think any more definite proof is required of the fact that we need to take appropriate action.

I believe affirmative action taken here would result very quickly in ratification by the States.

Mr. President, I am going to ask that there be incorporated in my remarks, as a part of them, an editorial from the New York Times entitled "Abolishing the Poll Tax," the date being Sunday, March 18.

The PRESIDING OFFICER (Mr. HICKEY in the chair). Without objection, it is so ordered.

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

ABOLISHING THE POLL TAX

Congress is taking the long way to a good end in its consideration of a constitutional amendment to outlaw the poll tax. This archaic system of restricting the right to vote survives in only 5 States, and fairness to both Negroes and whites requires its total discard with maximum speed. Its effectiveness in negating democracy is seen with special force in a State such as Mississippi, where the combination of poll taxes and literacy tests has been a factor in keeping three-quarters of the citizens from voting.

The quickest way to get rid of this obstacle to true majority rule would be through a simple law prohibiting the States from making payment of a poll tax a requirement for voting in Federal elections. But the southern Democrats are not ready to move with such directness, and the administration has decided to settle for the much more cumbersome method of a constitutional amendment.

Such an amendment cleared the Senate 2 years ago by a margin of nearly 4 to 1, but never came to a vote in the House. This year it may again get lost in the endless jockeying that bedevils every effort to inch ahead on the civil rights front. President Kennedy's declaration of support for the measure should reduce this noxious possibility. Even after the proposal gets through Congress, it faces a wearying wait for ratification by the States. No sectional controversies were involved in the 22d amendment barring a third Presidential term. Yet it took almost 4 years from passage to effective date. A start on abolishing the poll tax is already long past due.

Mr. HOLLAND. I also ask unanimous consent to have printed in the RECORD as a part of my remarks an editorial from the Washington Post dated March 20, 1962, entitled "Question of Democracy"—and that is exactly what it is, Mr. President.

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

QUESTION OF DEMOCRACY

Some people are getting a good deal of wry satisfaction out of the clash between southern Senators on the Holland anti-poll-tax amendment to the Constitution. It is something of a novelty to observe a mild-mannered son of the South rub salt into the wounds of his colleagues, and no one can deny that it is amusing to listen to their sputtering retorts and personal insults. Yet there is a deeper significance in this little drama which the country and especially the Congress ought not to miss.

In pointing to the need for his amendment to abolish the poll tax in five Southern States, Senator HOLLAND, of Florida, bore down on the concept of minority government that still prevails in some parts of the South. In Mississippi only 25.63 percent of the people of voting age participated in the 1960 election. In Alabama the percentage was 31. "If the people in every State do not have a stake in that kind of situation," said Mr. HOLLAND, "then I do not know what I am talking about."

Senator EASTLAND contended that Mr. HOLLAND knows "nothing more than the man in the moon" about voting in Mississippi and Alabama. But the Senator from Florida went right ahead with his exposure of the sorry dilution of democracy in the poll tax States. He threw the spotlight on Mr. EASTLAND's contention that voting should be further restricted instead of being enlarged and on the serious loss of population in the States that tax voting.

It may be, of course, that the traditionally anti-civil-rights Senators are merely going through the motions of opposition. Certainly they are orating more for the record than for the Senate. It is perfectly clear that whenever the issue can be brought to a vote the proposed amendment sponsored by Senator HOLLAND and 67 of his colleagues will be approved. Nevertheless, it is salutary to have the shallowness and reactionary nature of the opposition exposed by a courageous member of the southern fraternity who cannot stomach the concept of government by the few. With the contest in this posture, surely the Senate cannot take long to reassert its belief in popular government.

Mr. HOLLAND. Mr. President, the writer of this editorial was mistaken in attributing to the senior Senator from Mississippi [Mr. EASTLAND] the statement "that voting should be further restricted instead of being enlarged." This statement was made instead by his junior colleague [Mr. STENNIS] early in the debate on the motion to consider S.J. Res. 29.

I am not taking the time to quote from these editorials, but I want people to know that in jurisdictions where there has not been a poll tax or any other imposition upon voters for decades, this same sentiment prevails.

I noticed with particular gratitude an editorial in the Washington Star of yesterday. I remember that 10 days ago, when we started this debate, there was an editorial in the Star which indicated that this was a "phony" issue. That is the word they used. This is the editorial the Star has written after a debate of 10 days. I read it:

TIME FOR A VOTE

The debate, if it can be called that, on Senator HOLLAND'S poll tax amendment has dragged on long enough. It is true that no great harm has been done since no business of urgent importance has been delayed in the Senate. Still, we think that the Senate, and we are sure that the country, is getting tired of windy discourses on the weather, the Supreme Court, and similar subjects that have nothing to do with the business at hand.

There is no issue of States rights—

I want to come back to that in a moment.

There is no issue of States rights expanding Federal power or anything of the sort involved. No claim can be successfully maintained that an intolerant and intemperate majority is trying to force something down the throat of the South. This is simply a proposal to amend the Constitution—a proposal which must be approved by a two-thirds vote in the Senate and the House and then ratified by three-fourths of the States before it can become effective. In short, Senator HOLLAND is advocating a procedure which faithfully adheres to the democratic process. Those southerners who are stalling action by what amounts to a filibuster, in fact if not in name, are posing as champions of nothing better than the proposition that the minority has a right to impose its will on the majority.

Returning to the matter of States rights, a great deal has been made of that, or sought to be made of it. I do not think there is any person who has fought any harder than has the Senator from Florida for measures which are regarded as protecting States rights and against measures which are regarded as diminishing States rights. I think the record shows that abundantly. But in this matter we are proceeding in recognition of, instead of in depriving the rights of the States, in the way the Constitution has provided for amendment of the Constitution except in one or two matters which were not subject to amendment, but which in all other matters of public concern was subject to amendment. It provides that a proposed amendment should pass both Houses of Congress by a vote of two-thirds of each House, before it can be submitted to the States, and then requires that three-fourths of the States must ratify it before it can be effective.

That provision was put in there to protect States rights and the States, by requiring that any such proposal shall be submitted to what I shall call the jury of States as the method of determining whether the conscience of the Nation as a whole was so aroused on the proposals as to require action, in accord with the States rights doctrine and with the States rights protective feature of the Constitution. Such a proposal could not be submitted to the States unless two-thirds of the Senate and of the House had voted for it first. Then that proposal had to run the gauntlet which we know it has to run in the States.

I believe the conscience of the Nation is sufficiently aroused so that we will have speedy ratification, because I find nowhere a willingness to defend a program of poll tax.

The men who have spoken in defending it are fine men, fine lawyers, and fine orators, and can speak at considerable length on any subject, and they have spent much time in asserting and proving that this is a constitutional matter.

I know the Senator from Alabama [Mr. HILL], who made one of the finest speeches on the poll tax I have heard, spent probably nine-tenths of his 5-hour speech asserting that this is a constitutional matter, imbedded in the Constitution. Therefore, in his conclusion, if it is embedded in the Constitution, as it is, it is a matter which can be taken up only by constitutional principles, and we have chosen that method and have pursued it for 13 years, without any apology of any kind and without any castigation by the people of my own State and by the people of the States of those who have joined in introducing this proposal. We are proceeding constitutionally because we know it is a constitutional question, and I shall not dwell on that part of the argument, because Senators who are seizing the opportunity to oppose our proposal and have attacked it have proven conclusively in the RECORD that this is a constitutional question and must be handled by constitutional means.

Mr. President, their demonstration of that fact falls far short of proving that it should not be disturbed at all. There are now 45 States which have entirely eliminated requirements of this sort.

In the beginning every State of the 14 which came into the Union after the ratification of the Constitution—the Thirteen Original States plus Vermont—had a requirement much more burdensome than the poll tax requirement, insofar as the amounts involved were concerned. Mr. President, each one of those 14 States long ago knocked out its provisions of that type.

It is true that the great Commonwealth of Virginia has a poll tax provision, but that was put into its laws not back at the beginning but after the War Between the States, and it has no relation at all to the very substantial conditions for qualifications for voting which existed in the Commonwealth of Virginia at the time of the adoption of the Constitution.

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

Mr. HOLLAND. I yield to the Senator from Illinois.

Mr. DOUGLAS. It is not true that the Virginia poll tax as a necessary qualification for voting was first proposed in 1902, so far as modern times are concerned?

Mr. HOLLAND. Mr. President, I believe that to be correct but, so far as the Senator from Florida is concerned, I cannot so state definitely. I state definitely it was proposed after the War Between the States and not at all as a residue or hangover of the much more burdensome provisions which had existed in the beginning in the Commonwealth of Virginia and which long ago were knocked out.

Mr. President, many other States have had requirements with regard to voting. In some cases these have been poll-tax requirements and in many other cases there have been requirements which went much further than the poll tax such as, for instance, the one last knocked out in the State of Pennsylvania, which went a good deal further than the poll-tax requirement. I believe that was knocked out in 1933. Again I would not trust my memory to say so with finality.

Mr. President, the 45 States which do not have poll taxes have some right in this matter to insist that the votes in the 5 remaining States be more representative of the people of those States.

When we consider the Mississippi election of 1960—when only 25 percent participated, and the winning side received 116,000 votes as compared to 108,000 votes for the next; when the 116,000 votes which prevailed, thus controlling the entire electoral vote of Mississippi, represented a little less than 10 percent of the total number of the citizens who were qualified to vote, if only they chose to do so, by paying poll taxes and doing the other required things—how can we feel that that is a representative expression? Should not other States be deeply concerned about expressions from my State, or from the State so ably represented by the present Presiding Officer, the Senator from Illinois [Mr. DOUGLAS], or from every other State, as representative of the thought of the people of those States? How else may we be satisfied that righteous verdicts are being reached?

Mr. President, claim has been made on the floor that some of these States have sought to eliminate poll taxes in recent years and have failed to do so. That is a rather humorous matter, if one really thinks it through. It has been proposed as a measure of broadening the participation in voting, and then has been voted upon not by all the people but by the people who have paid poll taxes and who have some interest in the perpetuation of the poll tax system.

Mr. President, I am so sure that the conscience of this country will not stand for the continuation of this practice, so bad as it has shown itself to be, if we give to the States an opportunity to pass upon the question, that I have been making the effort all these years, joined by many other Senators, to pass this proposal.

I observe that the Senator from Tennessee [Mr. KEFAUVER] is in the Chamber. The Senator from Tennessee has been of great assistance as chairman of the subcommittee which, in the last two or three Congresses, has heard the question. We have joined together in seeing that we do all we can to give to people generally an opportunity to be heard in this matter.

Mr. President, I do not believe I have any further comments to make at this time. I repeat that I am not in any way castigating any State, and I am not castigating any brother Senator. I am merely presenting a cause in which I believe and which I know from experience is a wholesome cause, which will lead to greater democracy and to better government. I hope the Senate will so regard my feeble efforts over these many years.

During the delivery of Mr. HOLLAND'S speech,

Mr. HOLLAND. Mr. President, before I take up the situation in Alabama, I shall be glad to yield to the distinguished Senator from Connecticut.

Mr. BUSH. Mr. President, will the Senator from Florida be so kind as to yield for a minute, in order that I may send to the desk for printing an amendment which I have discussed with the Senator? I should like to do this with the understanding that my statement will not interrupt the continuity of the remarks of the Senator from Florida.

Mr. HOLLAND. Mr. President, I am glad to yield for that purpose.

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

Mr. BUSH. I thank the Senator from Florida for his courtesy.

Mr. President, I send to the desk an amendment of the pending measure. The amendment provides that the people of the District of Columbia, which constitutes the seat of the Government of the United States, shall be entitled to elect two Members to the U.S. Senate and a number of Members to the House of Representatives equal to the number of Members of the House of Representatives to which States having the same population as the District of Columbia would be entitled.

The Members of Congress authorized by this article shall be elected at such time and in such manner, and the electors of such Members shall have such qualifications, as Congress shall provide by law.

Mr. President, 11 States of the United States have smaller populations than the District of Columbia. Each of them has at least one Representative in the House of Representatives, and each has 2 U.S. Senators.

The District of Columbia, with a population of 764,000 according to the 1960 census, is larger than any of those States. It has no representation in Congress.

I have discussed this proposal with officials of the District of Columbia government and with many citizens of this community. It seems to me that Congress must now consider the desirability of giving to this large population the same consideration in the Halls of Congress as is given to at least 11 States whose population is smaller than that of the District of Columbia.

Mr. President, I ask that the amendment be printed and lie on the desk. I ask unanimous consent that a table of States having population less than that of the District of Columbia be printed following my remarks. I also ask unanimous consent that the amendment be printed following the table.

The PRESIDING OFFICER. The amendment will be received, printed, and lie on the table; and, without objection, the table and amendments will be printed in the RECORD.

The table and amendments are as follows:

Population of District of Columbia (1960 census)	763,956
States with less population than District of Columbia:	
Hawaii	632,772
Alaska	226,167
Wyoming	330,066
Idaho	667,191
Montana	674,767
North Dakota	632,446
South Dakota	680,514
Nevada	285,278
Vermont	389,881
New Hampshire	606,921
Delaware	446,292

Strike all after the resolving clause and insert in lieu thereof the following:

"That the following articles are hereby proposed as amendments to the Constitution of the United States, both or either of which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of their submission by the Congress:

"'Article —

"'SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

"'SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

"'Article —

"'The people of the District constituting the seat of the Government of the United States shall be entitled to elect two Members to the Senate and a number of Members to the House of Representatives equal to the number of Members of the House of Representatives to which a State having the same population as such District would be entitled. The Members authorized by this article shall be elected at such time and in such manner, and the electors of such Members shall have such qualifications, as the Congress shall provide by law.'"

Amend the title so as to read: "Joint resolution proposing amendments to the Constitution of the United States, relating to the qualifications of electors, and the granting of representation in the Congress to the people of the District of Columbia."

Mr. BUSH. Mr. President, I thank the Senator from Florida for according me the privilege of submitting this amendment. I shall call up my amendment for the Senate's consideration at the appropriate time.

Mr. HOLLAND. I thank the distinguished Senator from Connecticut.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the House had passed, without amendment, the following joint resolutions of the Senate:

S.J. Res. 152. Joint resolution to provide for the reappointment of Dr. Caryl P. Haskins as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

S.J. Res. 153. Joint resolution to provide for the reappointment of Dr. Crawford H. Greenewalt as Citizen Regent of the Board of Regents of the Smithsonian Institution.

THE ALEXANDER HAMILTON NATIONAL MONUMENT — AMENDMENT TO THE CONSTITUTION DEALING WITH POLL TAXES

The Senate resumed the consideration of the joint resolution (S.J. Res. 29) providing for the establishment of the former dwelling house of Alexander Hamilton as a national monument.

Mr. KEFAUVER. Mr. President, I compliment the distinguished Senator from Florida for his very excellent statement and his long and persistent effort toward the adoption of a constitutional amendment containing the substance of S.J. Res. 58, which we are considering today. His address has been logical and persuasive, and he has made an excellent and fair presentation of the issue and the problem dealt with by the proposed amendment.

Mr. President, I have the honor of serving as chairman of the Subcommittee on Constitutional Amendments, which is a standing subcommittee of the Committee on the Judiciary. All proposed amendments to the Constitution, regardless of their subject matter, are referred to this subcommittee. Senate Joint Resolution 58, which was introduced by the distinguished senior Senator from Florida, for himself and 66 other Senators, is before this subcommittee. It would abolish the poll tax as a prerequisite for voting in Federal elections. Also pending in the subcommittee on the same subject is Senate Joint Resolution 81, introduced by the Senator from Pennsylvania [Mr. CLARK] and other cosponsors, which in only minor detail is different from the proposal sponsored by Senator HOLLAND.

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

Mr. KEFAUVER. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. I am happy to advise the Senator that I was glad to incorporate in the proposed amendment, now pending, the four words of difference between my original proposal and that of the distinguished Senator from Pennsylvania [Mr. CLARK], so that those words are now to be found in the proposal pending before the Senate.

Mr. KEFAUVER. I thank the Senator from Florida. Upon examination I see that is true.

Mr. President, I am certain that I speak for the majority of the members of the subcommittee when I say that an amendment to the Constitution to abolish the poll tax as a prerequisite to voting is very much needed and desirable. The attitude of the Subcommittee on Constitutional Amendments is evidenced by the fact that five of its six members are cosponsors of the Senator's amendment, as contained in Senate Joint Resolution 58. In addition to myself, the Senator from Connecticut [Mr. DODD], the Senator from Illinois [Mr. DIRKSEN], the Senator from New York [Mr. KEATING], and the Senator from Hawaii [Mr. FONG] are cosponsors. I should like to

outline briefly the recent legislative history of this amendment and the past efforts which have been made in its behalf in the Subcommittee on Constitutional Amendments.

In the 81st Congress Senate Joint Resolution 34, sponsored by the senior Senator from Florida, was reported favorably by the subcommittee on May 23, 1949, after public hearings had been held. On June 2, 1949, the Committee on the Judiciary voted to postpone its consideration indefinitely.

In the 83d Congress the subcommittee again held public hearings on this subject, and on May 23, 1954, it again reported this amendment to the full Committee on the Judiciary, where no action was taken upon it.

In the 84th Congress, public hearings were again held by the Subcommittee on Constitutional Amendments on the proposed poll tax amendment of the Senator from Florida [Mr. HOLLAND], and on June 14, 1956, it was again reported favorably to the Committee on the Judiciary. Again no action was taken there.

In the 86th Congress, additional public hearings were held in 1959 on the proposal of the Senator from Florida, and on September 1, 1959, it was reported favorably to the Committee on the Judiciary.

Although the Committee on the Judiciary did not act on the proposal, its provisions were nonetheless voted on by the Senate when it was offered as an amendment to another pending constitutional amendment under consideration.

Mr. President, the rather unusual procedure which attended this amendment in the 86th Congress is set forth in last year's annual report made by the Subcommittee on Constitutional Amendments for the Committee on the Judiciary. This is Senate Report No. 130 of the 87th Congress, 1st session. I ask unanimous consent that the portions of that report setting forth this legislative history on pages 2, 3, 4, and 10 be printed at this point in the RECORD.

There being no objection, the portions of the subcommittee's annual report were ordered to be printed in the RECORD, as follows:

ANTIPOLL TAX

On August 6, 1959, Senator HOLLAND introduced Senate Joint Resolution 126; by the end of the session, it had the cosponsorship of 67 Senators.

The text of the operative part of the proposed amendment is so brief that it can be more succinctly quoted than described:

"ARTICLE —

"SECTION 1. The right of citizens of the United States to vote in any primary or other election for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax or to meet any property qualification.

"SEC. 2. Nothing in this article shall be construed to invalidate any provision of law denying the right to vote to paupers or persons supported at public expense or by charitable institutions.

"SEC. 3. The Congress shall have power to enforce this article by appropriate legislation."

Because of the broad sponsorship and wide interest in the resolution, hearings on it were held on August 17 and 27, 1959. At that time, Senator Holland gave a comprehensive presentation on behalf of the cosponsors. Senators Case of South Dakota and Keating supported the resolution but directed much of their testimony toward the question of representation for the people of the District of Columbia. Senator Stennis testified in opposition to the resolution. The subcommittee also heard Mr. Clarence Mitchell, of the NAACP, and Mr. Joseph L. Rauh, of the ADA, who, although they favored the objective of the resolution, were of the opinion that a constitutional amendment was not required for its achievement.

On September 1, 1959, the subcommittee approved Senate Joint Resolution 126 without amendment and recommended to the Committee on the Judiciary that it be favorably reported.

On February 2, 1960, the Senate took up discussion of Senate Joint Resolution 39, to authorize Governors to fill temporary vacancies in the House of Representatives. As an amendment to the resolution, Senator HOLLAND proposed the substantive portions of Senate Joint Resolution 126 regarding the poll tax; this amendment was adopted by a vote of 72 yeas to 16 nays. Then Senator KEATING proposed the adoption of an amendment (cosponsored by Senator BEALL and Senator CASE of South Dakota) which contained the substantive portions of Senate Joint Resolution 138 regarding the enfranchisement of the District of Columbia; this amendment was adopted by a vote of 63 yeas to 25 nays. The resolution, as amended, was adopted by a vote of 70 yeas to 18 nays. (The debate in the Senate can be found beginning at p. 1715 and ending on p. 1765 of the CONGRESSIONAL RECORD, vol. 106, pt. 2.) The text of the resolution, as passed by the Senate, is as follows:

"Resolution proposing amendments to the Constitution of the United States to authorize Governors to fill temporary vacancies in the House of Representatives, to abolish tax and property qualifications for electors in Federal elections, and to enfranchise the people of the District of Columbia

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following articles are hereby proposed as amendments to the Constitution of the United States, and any one of which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE —

" 'On any date that the total number of vacancies in the House of Representatives exceeds half of the authorized membership thereof, and for a period of sixty days thereafter, the executive authority of each State shall have power to make temporary appointments to fill any vacancies, including those happening during such period, in the representation from his State in the House of Representatives. Any person temporarily appointed to fill any such vacancy shall serve until the people fill the vacancy by election as provided for by article I, section 2, of the Constitution.

" 'ARTICLE —

" 'SECTION 1. The right of citizens of the United States to vote in any primary or other election for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax or to meet any property qualification.

" 'SEC. 2. Nothing in this article shall be construed to invalidate any provision of law denying the right to vote to paupers or persons supported at public expense or by charitable institutions.

" 'SEC. 3. The Congress shall have power to enforce this article by appropriate legislation.

" 'ARTICLE—

" 'The people of the District constituting the seat of the Government of the United States shall elect, in such manner and under such regulations as the Congress shall provide by law—

" 'a number of Delegates to the House of Representatives equal to the number of Representatives to which they would be entitled if the District were a State with such powers as the Congress, by law, shall determine; and

" 'a number of electors of President and Vice President equal to the whole number of Senators and Representatives in the Congress to which the District would be entitled if it were a State; such electors shall possess the qualifications required by article II of this Constitution; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice Preesident, to be electors appointed by a State; and they shall meet in the District and cast their ballots as provided by the twelfth article of amendment.' "

On February 3, 1960, Senate Joint Resolution 39 (as amended by the Senate) was referred to the Committee on the Judiciary of the House of Representatives, and this committee reported it favorably, with amendments, on May 31, 1960 (H. Rept. 1698). The resolution was taken up on the floor of the House on June 14, 1960, and passed as amended. The House eliminated from the resolution the proposed amendments with respect to filling vacancies in the House (i.e., the original S.J. Res. 39) and the poll tax (i.e., the original S.J. Res. 126). The House also amended the proposal with respect to the enfranchisement of the District of Columbia. The text of Senate Joint Resolution 39, as amended by the House, is as follows:

"Joint resolution proposing amendments to the Constitution of the United States to authorize Governors to fill temporary vacancies in the House of Representatives, to abolish tax and property qualifications for electors in Federal elections, and to enfranchise the people of the District of Columbia

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution only if ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

" 'ARTICLE—

" 'SECTION 1. The District constituting the seat of Government of the United States shall appoint in such manner as the Congress may direct:

" 'A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

"'SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.'

"Amend the title so as to read: 'Joint resolution proposing an amendment to the Constitution of the United States granting representation in the electoral college to the District of Columbia.'"

On June 16, 1960, the Senate agreed to the House amendments, and on June 17, 1960, Senate Joint Resolution 39, as amended was presented to the Administrator of General Services for presentation to the several States for ratification.

Mr. KEFAUVER. Mr. President, when Senate Joint Resolution 58 was referred to the Subcommittee on Constitutional Amendments last year, I felt that it could be favorably reported by the subcommittee without further hearings. My feeling was due to the numerous hearings which had been held on the amendment in the past, its wide support among the Members of the Senate, and the relatively simple and straightforward nature of the amendment. The subcommittee was not unanimous in this opinion, however, and as a matter of courtesy hearings were again held on the subject. Both Senate Joint Resolution 58 and Senate Joint Resolution 81 were included in the extensive hearings which the subcommittee held during the 1st session of the 87th Congress on proposed amendments concerning the Federal elections system. The printed record of the hearings reached 5 volumes and 1,060 pages. The subjects dealt with were electoral college reform, presidential primaries, and qualifications for voting, including 18-year-old voting, residence requirements, and poll taxes. After the hearings were initially completed, supplemental hearings were held at the request of some Senators in order that they might present views in opposition to the poll tax amendment. It was not until September 8, 1961, all who wanted to be heard had been given full and complete opportunity and the hearings were finally closed.

The chairman of both national political parties, the Honorable WILLIAM E. MILLER, of the Republican Party, and the Honorable John M. Bailey, of the Democratic Party, testified on this subject. Both strongly supported a constitutional amendment to abolish poll taxes as a prerequisite for voting in Federal elections. Assistant Attorney General Nicholas deB. Katzenbach testified that he spoke for the President of the United States in urging swift approval and ratification of the constitutional amendment proposed by Senate Joint Resolution 58.

When the 2d session of the 87th Congress convened, these poll tax proposals were, of course, still pending in the subcommittee and the printed record of the supplemental hearings on poll taxes was not received by the subcommittee until January 26, 1962. The subcommittee has not met since that date but it was my intention that it would consider the poll tax amendment at its next meeting. However, Mr. President, I believe the committee system has served its legitimate purpose several times on this particular subject. No useful purpose would be served by deferring action on this amendment. The hearings held by the subcommittee in the present and past Congresses have been widely distributed and many Members of the Congress and the public have made use of them. The issue is a clear and straightforward one. It has been thoroughly heard and discussed and debated more than enough over the past 12 years. I, therefore, strongly urge my colleagues to join me in voting in favor of the amendment proposed by the distinguished senior Senator from Florida.

I am confident that I speak for the people of my State when I reaffirm my own personal position of long standing on this subject.

Although Tennessee's poll tax was not totally and officially eliminated until an amendment to the State constitution was adopted in 1953, it had been dead as a practical matter for a number of years before. Since 1871, Tennessee's constitution had required a poll tax but it authorized the legislature to make exceptions to its payment and by 1937 its payment was subject to several exemptions and limitations as to age. In 1943, the legislature attempted to repeal the poll tax in its entirety but the Supreme Court of Tennessee held the repealing act to be unconstitutional. In 1949, the Tennessee Legislature greatly diminished the practical importance of the poll tax by laws which abolished its payment as a requirement for voting in primary elections, exempted women and former servicemen from its payment and which made the poll tax collectible only for 1 year following delinquency.

A further act of the legislature in 1951 provided that only poll taxes which were lawfully assessed for the year 1871 had to be paid in order to vote. Then in 1953, the total elimination of the poll tax was confirmed by express amendment of the constitution of Tennessee.

Mr. President, I favor generally proposals which would expand the franchise and remove obstacles to the exercise of suffrage. I believe it is repugnant to our democratic principles to place a tax on voting. Also, our history shows that the vitality of our democracy has increased in direct proportion to participation in voting and the effectiveness of the people's voice in the election of their public officials. The constitutional amendments following the War Between the States, women's suffrage, the direct election of Senators and the recent extension of the vote in presidential elections to citizens of the District of Columbia, are all milestones on the road to the fulfillment of our ideal of government of, by, and for the people. The adoption of the amendment now under consideration will be another advancement toward a more full and perfect democracy.

Mr. President, the Committee on the Judiciary approved and filed with the Senate on March 15 its annual report on the subject of constitutional amendments, which is made for the full committee by the Subcommittee on Constitutional Amendments.

In large part, the basis of the report was prepared by a very able attorney and constitutional counsel from Tennessee, Mr. James C. Kirby, Jr. He is counsel for the Subcommittee on Constitutional Amendments, and has done excellent work on all of the proposed constitutional amendments.

This is Senate Report No. 1305. It contains a section on the subject of poll taxes which mentions some of the highlights of the hearings held by the subcommittee during the 1st session of the 87th Congress. It also discusses briefly the question of whether Congress should proceed by simple legislation or by constitutional amendment to deal with this question. I ask unanimous consent that this section of Senate Report No. 1305 be printed at this point in the RECORD.

There being no objection, the portion of Senate Report No. 1305 of the annual report of the Committee on the Judiciary on constitutional amendments, was ordered to be printed in the RECORD, as follows:

POLL TAXES

On February 28, 1961, Senate Joint Resolution 58 was introduced by Senator HOLLAND, for himself and 66 cosponsoring Senators. Its text is as follows:

"ARTICLE—

"SECTION 1. The right of citizens of the United States to vote in any primary or other election for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax or to meet any property qualification.

"SEC. 2. Nothing in this article shall be construed to invalidate any provision of law denying the right to vote to paupers or persons supported at public expense or by charitable institutions.

"SEC. 3. The Congress shall have power to enforce this article by appropriate legislation."

A similar resolution, Senate Joint Resolution 81, was later introduced by Senator CLARK, for himself and six cosponsors. Two sponsors of Senate Joint Resolution 81 had not been sponsors of Senate Joint Resolution 58, thus making a total of 69 Senators sponsoring proposed amendments aimed at poll taxes.

The principal difference in the two resolutions is that Senate Joint Resolution 58 applies to presidential primary elections only if candidates for the office of presidential elector are the candidates in the primary. Senate Joint Resolution 81 goes further and applies to such primaries whether electors, convention delegates, or the presidential candidates themselves are on the ballot. Neither proposed amendment would apply to State and local elections.

A resolution identical to Senate Joint Resolution 58 (S.J. Res. 126) was approved by the Subcommittee on Constitutional Amendments during the 86th Congress. While it was pending in the Committee on the Judiciary, the Senate voted to add its provisions by floor amendment to a pending resolution concerning appointment of Representatives (S.J. Res. 39). This was done by a vote of 72 yeas to 16 nays. The resolution, after it was amended to contain three separate articles of amendment to the Constitution, was finally adopted by a vote of 70 to 18. However, the House of Representatives approved only the article of amendment concerning presidential elections in the District of Columbia.

Both Senate Joint Resolution 58 and Senate Joint Resolution 81 were included in the hearings conducted by the Subcommittee on Constitutional Amendments. Senator HOLLAND, Senator CLARK, Senator KEATING, and Senator YARBOROUGH testified personally in support of one or both resolutions. Sena-

tor HOLLAND pointed in particular to the increase in voter registration in his home State of Florida after elimination of its poll tax. Senator YARBOROUGH pointed that his State of Texas ranked 44th in the Nation in voter participation, a fact which he attributed in part to its poll tax.

Mr. Brendan Byrne, director of the American Heritage Foundation, introduced figures which showed that the five States which still have poll taxes are among the seven lowest in voter participation. He also stated that poll tax deadlines are generally months ahead of election day when interest in voting is lowest.

Chairman John M. Bailey, of the Democratic Party, and Chairman WILLIAM E. MILLER, of the Republican Party, both testified in support of a constitutional amendment on this subject. Assistant Attorney General Nicholas deB. Katzenbach of the Department of Justice, speaking for the President of the United States, said of the poll tax:

"Today it operates unduly to restrict the rights of national citizenship by disenfranchising thousands of white and Negro voters. It is an arbitrary condition which bears no reasonable relation to a citizen's fitness to vote. It tends to discredit us abroad.

"The President is unequivocally opposed to the poll tax. He earnestly hopes that early action will be taken by the Congress on this measure, and that it will be ratified by the States without delay."

Senator STENNIS testified personally in opposition to the proposed amendments and statements in opposition were filed for the record by Senator HILL, Senator SPARKMAN, and Senator ROBERTSON.

Some feel that Congress has the power to deal with the poll tax by simple legislation without a constitutional amendment. The Constitution provides that qualifications for voting for Senators and Representatives shall be the same in each State as those for electing the most numerous branch of the State legislature, but Congress is empowered to regulate the manner of such elections. Is poll tax payment a qualification for voting or does its payment go only to the manner of elections? This question was discussed at length in the printed hearings and the preponderance of legal opinion expressed to the subcommittee is that poll taxes are qualifications for voting and can thus be eliminated at the Federal level only by constitutional amendment.

Presidential elections present a different question and offer less basis for statutory action. The Constitution provides only that each State shall appoint electors in such manner as its legislature may direct. There is no requirement that presidential electors even be chosen by popular election and they were frequently appointed directly by State legislatures in our early history. Congress is not given the power to regulate either voting qualifications or the manner of elections.

The 1961 report of the Civil Rights Commission includes a recommendation that Congress enact legislation which apparently would be broad enough to outlaw poll-tax payment as a prerequisite for voting in all elections. However, it is not entirely clear from the report that poll taxes are an object of this particular recommendation. Its exact text is as follows:

"Recommendation 1: That Congress, acting under section 2 of the 15th amendment and sections 2 and 5 of the 14th amendment, (a) declare that voter qualifications other than age, residence, confinement, and conviction of a crime are susceptible of use, and have been used, to deny the right to vote on grounds of race and color; and (b) enact legislation providing that all citizens of the United States shall have a right to vote in Federal or State elections which shall not be denied or in any way abridged or interfered with by the United States or by any State for any cause except for inability to meet reasonable age or length-of-residence requirements uniformly applied to all persons within a State, legal confinement at the time of registration or election, or conviction of a felony; such right to vote to include the right to register or otherwise qualify to vote, and to have one's vote counted (Book 1, 1961 U.S. Commission on Civil Rights Report, p. 139)."

This recommendation is not based upon any power in Congress to regulate Federal elections but is instead based upon Congress power to implement the 14th and 15th amendments. It would thus apply to local, State, and Federal elections. To implement this recommendation, insofar as poll taxes are concerned, Congress would have to make a legislative finding that poll taxes are administered in a discriminatory manner. In this connection, it should be noted that the Subcommittee on Constitutional Amendments heard no evidence that collection of the poll tax is administered discriminatorily in any of the five States which still have it. Regardless of the actual purpose or effect of the tax as to particular groups' voting, witnesses on both sides of the question apparently assumed that it is imposed and assessed on all persons, regardless of race or color, with the result that any person who fails to pay it is ineligible to vote.[1]

Arguments can be made that Congress has the power to eliminate poll taxes as a prerequisite for voting in all Federal elections by legislation. However, such a statute would certainly be challenged by litigation which could be protracted and uncertain. As a safe and certain method, constitutional amendment is preferable.

Both Senate Joint Resolution 58 and Senate Joint Resolution 81 were pending in the Subcommittee on Constitutional Amendments at the close of the 1st session of the 87th Congress.

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

Mr. KEFAUVER. I am very happy to yield to the distinguished Senator from Florida.

Mr. HOLLAND. I greatly appreciate the kind things that the Senator has had to say about the Senator from Florida. But above and beyond that, I am grateful for his courtesy, his kindness, and his consideration in holding hearings on this subject, in recommending to the full committee favorable action on my amendment, and in every way furthering prospects of the taking up and submission of the constitutional amendment. I am exceedingly grateful to him, and I wish the RECORD to show my appreciation.

Mr. KEFAUVER. I wish to express my appreciation to the Senator from Florida.

[1] The Commission's finding of fact upon discriminatory application of voting qualifications does not specifically mention poll taxes. Its exact text is:

"A common technique of discriminating against would-be voters on racial grounds involves the discriminatory application of legal qualifications for voters. Among the qualifications used in this fashion are requirements that the voter be able to read and write, that he be able to give a satisfactory interpretation of the Constitution, that he be able to calculate his age to the day, and that he be of 'good character.'" (Book 1, 1961 U.S. Commission on Civil Rights Report, p. 137, finding No. 9.)

The Commission's 1959 report develops a historical argument that the poll tax was instituted in many Southern States to discourage Negro voting (1959 Report of Civil Rights Commission, p. 31).

I think everyone knows the issue quite well, but during the 7 or 8 years that I have been chairman of the subcommittee, we have heard every witness who had any testimony to offer on the proposed poll tax amendment, as we have done with respect to all other amendments. All the testimony, communications, articles, papers, and dissertations by eminent constitutional lawyers have been incorporated in the record which has been distributed to Senators during several Congresses. I believe that no constitutional amendment has been presented to the Senate on which there has been wider discussion or more testimony adduced than the amendment sponsored by the Senator from Florida which is now before the Senate.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. RUSSELL. Mr. President, in accordance with the notice that I gave to the Senate on the day this matter was first suggested, in the form in which it is presented to the Senate, I desire to make a point of order against the resolution of the Senator from Florida [Mr. HOLLAND] and the majority and minority leaders undertaking to submit to the legislatures of the several States what purports to be an amendment to the Constitution of the United States.

I take the position that the Constitution itself prescribes the method by which it may be amended, and that the pending proposal does not appear in the Constitution as a means whereby a proposed constitutional amendment may be submitted to the several States. I further submit that in the 173 years since the Constitution of the United States was first ratified and approved, no attempt whatever has ever been made to so distort the constitutional process. This is the first time in 173 years that an effort has been made to use a piece of proposed general legislation as a vehicle for amending the Constitution of the United States and submitting that amendment to the several States.

The Constitution provides, in article V, the method for its amendment. I desire to read this article, which is the only reference made in the Constitution anywhere to a means whereby it may be amended. It reads:

ARTICLE V

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year 1808 shall in any manner affect the first

and fourth clauses in the ninth section of the first article, and that no State without its consent, shall be deprived of its equal suffrage in the Senate.

Mr. President, this article of the Constitution sets apart from the ordinary provisions dealing with the legislative powers of Congress a method whereby the Constitution of the United States might be amended. Throughout the Constitution are various clauses defining the powers of Congress. Those powers give to the Senate its unique status as a legislative body having nothing comparable with it anywhere in any other government. Only in article V does the Constitution provide for the method whereby the Constitution may be amended. It does not contain a provision—and there is nothing in the Rules of the Senate, and no precedent in the 173 years that Congress has been operating under the Constitution—to make use of a piece of general legislation which partakes of an entirely different nature, and is covered by other sections of the Constitution—sections which deal with the signature of the President to general legislation, and the fact that if he does not sign the proposed legislation in 10 days, it will become law in the absence of his signature; and the further fact that Congress may override the Presidential veto by a two-thirds vote of both Houses. All those provisions are found in other sections of the Constitution. Only in article V is found the method of amending the Constitution.

In article V we find the language to which the great interest of Congress should be devoted. Yet instead of a resolution in the form prescribed or indicated in article V, and followed for the 173 years that Congress has been meeting, an attempt is made to utilize a piece of proposed legislation, respectable enough in itself, proposing a memorial to a great American who has not yet had any memorial erected in his honor; but which requires the ordinary legislative process requiring the signature of the President or else a vote on the part of Congress to override a veto by the President.

Mr. President, the amendment of the Constitution of the United States is a procedure which is solely between the Congress and the several States. This is the only process from which the President of the United States is completely excluded. Nothing in the Constitution indicates that the President shall even see a proposed amendment of the Constitution. He has no authority to veto it. There is no requirement that he approve it. Nothing in the Constitution indicates that it shall even be brought to his attention.

Yet the Senate is undertaking to add to article V of the Constitution, without any authority to do so, a third method of amending the Constitution, by saying that a proposed amendment to the Constitution can be appended to the joint resolution now under consideration.

Mr. President, this is wholly unconstitutional procedure. Nothing in the Constitution warrants it. Nothing in the precedents of the Senate justifies it, although over the years we have had almost every precedent of which the mind of man can conceive.

This is the first time the Senate has undertaken to add a new provision to article V; to undertake to amend the Constitution in an entirely different fashion from that which is prescribed in the Constitution itself.

In my opinion, under ordinary circumstances, the Senate would not tolerate such a procedure as this for 5 minutes. Ordinarily we would ask, What goes on in the Senate of the United States that it should undertake to use a piece of proposed general legislation to get at and to change the form of our basic organic law, the charter of all our liberties?

I remind the Senate that when the distinguished Senator from Montana [Mr. MANSFIELD], our majority leader, first gave notice of this procedure, he told the Senate that he intended to call up a House bill—I do not have the number of it before me; the Senator from Montana is here, and he may recall it—relating to a minor claim, and to use that measure as a vehicle for amending the Constitution of the United States. But when the leadership thought that over, they changed their minds. After it was discussed a little, they concluded that it was wholly probable that the House of Representatives would not even accept from the Senate a bill, bearing a Senate number or a House number, proposing an amendment to the several States to amend the Constitution, but not in the manner prescribed in article V.

Then the leadership made a careful search of the Senate Calendar. They were seeking a joint resolution so that they could at least, perhaps, get inside the door of the House of Representatives, if the Senate proved itself so indifferent to its rules and precedents as to rush in and permit any such procedure as this. So they found on the calendar Senate Joint Resolution 29, a legislative measure dealing with a monument to Alexander Hamilton.

There are plenty of means, and the Senate rules provide any number of legitimate ways, to bring before the Senate proposed amendments to the Constitution without violating the Constitution and undertaking to set up a new provision of article V by procedural action on the floor of the Senate. Nothing in article V justifies this procedure. Mr. President, I submit that this procedure which undertakes to use a Senate joint resolution as a means of submitting an amendment to the Constitution of the United States, is wholly ultra vires and unconstitutional, and that this proposal should be rejected and the subject approached in the same manner as is provided by the Constitution or the laws or the rules which have been enacted thereunder.

There is nothing in the rules of the Senate, there is nothing in the precedents of 173 years, there is nothing in any statute to be found anywhere in the statute books, and there is not a line in the Constitution of the United States that would jusify the procedure which is undertaken here, today. I submit, Mr. President, that it is wholly unconstitutional.

Mr. HOLLAND. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I yield.

Mr. HOLLAND. What rule of the Senate does the Senator contend is violated by this proposal?

Mr. RUSSELL. I did not say any rule of the Senate is violated by it. I said the Constitution is violated by it. The Senate itself has never dealt with this matter. Even in its wildest dreams, the Senate could never imagine that any resort would be made to such an unorthodox procedure as this one, in order to get such a matter as this before the Senate. Therefore, the Senate did not adopt a rule in that connection.

There are other rules of the Senate which provide for legitimate, constitutional means of getting proposed constitutional amendments before the Senate; and the absence of a rule prohibiting this course is indication to me that the Senate has never found it necessary to undertake to alter article V of the Constitution, which prescribes the means by which the Constitution may be amended.

Oh, Mr. President, I am aware that of late we have become somewhat a Dr. Jekyll and Mr. Hyde body. Most of the time we are Dr. Jekyll; we proceed according to the rules. But when we get into a certain type of legislation, then we become Mr. Hyde, and then we do not care whether there is anything in the Constitution or in the laws or in anything else to justify the course we propose; disregarding all of that, when a man from one of the minority groups says, "Put it through," we find a way to put it through without regard to the rules. But most of the time we observe them.

Once I thought of suggesting that we have two sets of rules—one set which would apply to ordinary legislation, and the other set to apply to legislation of the type called civil rights legislation—for we know we use different sets of rules in those circumstances. So I thought it would be well for the Senate to have two different sets of rules. But, after reflection, I concluded that would be a waste of time, for if the new rules did not conform to the purposes of the group of those who favor such legislation, the new rules would be kicked out the window just as fast as the old rules were; so we might just as well leave the rules as they are.

But I think that in order to justify our positions, sometimes, and our rather irrational action, we might follow rule XL—I believe we now have 40 Senate rules—by a rule XLI, stating about as follows: *"Provided,* That none of these rules shall be considered to apply in any case in which an organization of professional do-gooders claiming a membership of a million voters shall declare that any resolution, motion, legislation, or other proposal involves a question of minority rights. In all such cases, neither any rule, precedent, law, nor constitutional provision shall be binding or shall be cited in an effort to restrain the Senate from an immediate vote or

the Presiding Officer from declaring all points of order out of order."

Mr. HOLLAND. Mr. President, will the Senator from Georgia yield further to me?

Mr. RUSSELL. I yield.

Mr. HOLLAND. I note the following provision in article V—the only part of article V which is applicable to this procedure:

> The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution.

Is there anything in the proposed amendment which would avoid the necessity, as recited in the amendment, for two-thirds of both Houses to find that the amendment should be proposed?

Mr. RUSSELL. Yes, there is, because the proposal the Senator from Florida is undertaking to amend does not deal with an amendment to the Constitution. Instead, it deals with a proposal to purchase a memorial to Alexander Hamilton. Therefore, the Senator from Florida is seeking by legislative legerdemain to change a joint resolution which is legislative in character into a joint resolution which proposes an amendment to the Constitution of the United States. But the Constitution does not provide that any action such as that shall be taken by the Senate.

The Senator from Florida has asked about the rules; and heretofore I have stated that although the Senate may do vain things, never before has the Senate ever conceived that there could be such an undertaking as this to amend the Constitution in any such fashion.

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

Mr. RUSSELL. I am glad to yield to the Senator from Kentucky.

Mr. COOPER. I should like to ask a question; but, first, I wish to say that I support the principle of the Holland amendment; but I, too, want the Senate to do what is constitutional and I want my vote to accord with the Constitution.

The Holland amendment, if properly offered is a constitutional means of achieving the aim of abolition of the poll tax. I shall not vote for the statutory method if it is offered as a substitute, for I do not think it would be constitutional.

But to address myself to the point the Senator from Georgia has raised. I shall state a hypothetical case, and perhaps the Senator from Georgia will be willing to elaborate it: Let us assume that a joint resolution to which a constitutional amendment had been offered as an amendment were one of controversy. Is it not possible that a Member of this body could be placed in the difficult position, in which he would want to vote for the constitutional amendment, but would be opposed to the legislative matter in the joint resolution, to which the constitutional amendment had been offered as an amendment?

Let me go one step further—and this, also, is purely a hypothetical question. Suppose the original bill or joint resolution were one of substance which might be controversial; and suppose a constitutional amendment were offered as an amendment to the measure, and the measure as thus amended were passed by both Houses and were sent to the President of the United States. Let us assume that the President found that he could approve of the legislative matter but that he was very seriously opposed to the constitutional amendment, or vice versa. Would not the President be placed in a difficult position—if he desired to veto the measure because of his opposition to a section which was clearly legislative—and in doing so would raise constitutional questions as to the validity of the constitutional amendment?

Mr. RUSSELL. Mr. President, the Senator from Kentucky has raised a very interesting hypothetical question, particularly in the latter part of his question, which I shall undertake to answer first.

In the first place, in my opinion an amendment to the Constitution is not in order as an amendment to any piece of general legislation; and I think a point of order that an attempt to amend a piece of general legislation by means of an amendment in the nature of an amendment to the Constitution of the United States, but also leaving in the original measure any other provision, would be held by any parliamentarian to be completely out of order—in other words, that an attempt to deal in one part of a piece of general legislation with an ordinary statutory enactment, and in another part to deal with an amendment to the Constitution, would be out of order.

In this case, an attempt is made to avoid that, and to put this proposal in order by striking out all after the enacting clause—which in my opinion does not in any way cure the difficulty, for fundamentally the measure is identically the same as it would have been if an attempt had been made to append a constitutional amendment as an amendment to the Alexander Hamilton National Monument joint resolution. I think it would be just as unconstitutional and just as out of order in the one event as it would be in the other.

I am not sure that I understand the first part of the question asked by the Senator from Kentucky. I believe he undertook to refer to a Senator's conscience. I wish to say I have enough trouble dealing with my own conscience, so that I am not inclined to attempt to undertake to deal with the conscience of any other Senator.

Mr. COOPER. My question is this: If I should be opposed to the legislative matter in such a resolution as is before us, and if it also included a constitutional amendment which I favored, then I and other Members of Congress, when asked to vote on the resolution, would be placed in a difficult position. Similarly, as I have said, if the process of amending the Constitution is employed, the President could be asked to sign or veto a measure, the legislative part of which he opposed and the constitutional amendment which he has no power to sign. It seems to me my question is an extension of one of the points the Senator from Georgia has made.

Mr. RUSSELL. Mr. President, I do not think it would be constitutionally possible to undertake to amend the Constitution of the United States by means of an amendment to an ordinary statutory provision. So such an attempt would be wholly out of order; and I think the Chair would, of his own accord, raise that point if no Member of the Senate did; namely, that a constitutional amendment cannot be added to a legislative statute; and the proposal to tie a suggested constitutional amendment to some legislative provision would, in my opinion, be null and void—and would be when it was sent to the President or wherever it went.

It would also be contrary to any rule of procedure of which I have any knowledge. I do not think that condition could possibly arise. We have it here today in this proposal; only the proponents are not proposing to leave in Alexander Hamilton at all; they are wiping him out completely and entirely, but are undertaking to take the Alexander Hamilton Senate joint resolution number as a means of proposing to the States a constitutional amendment, and that is the very point of order I am making here—that they are using a legislative vehicle as a measure covering a constitutional amendment, and the Constitution of the United States does not permit any such procedure.

Mr. MILLER. Mr. President, will the Senator yield for an inquiry?

Mr. RUSSELL. Yes, I yield for that purpose.

Mr. MILLER. Is it the contention of the Senator from Georgia that if the amendment by the Senator from Florida is adopted, it is not then a constitutional amendment requiring a two-thirds vote by both Houses of Congress? Is that the Senator's contention?

Mr. RUSSELL. I frankly had not projected it that far, because I do not think it can constitutionally be offered as an amendment to the Constitution in that way.

Mr. MILLER. May I ask, as a matter of a hypothetical question, whether it would be the Senator's opinion?

Mr. RUSSELL. I would think, having had a moment to turn it over in my mind, that if it were attached to a legislative proposal it would take only a majority vote to pass it, if the Senate wanted to violate all its procedures and article V of the Constitution of the United States; but I would hope, if we were so remiss in our duties and so voted, that perhaps the Members of the other body would look at the matter and say, "We do not think this is proper procedure," and would consign it to one of the cubbyholes which are used for some of these matters. Or, if they were so far derelict as to approve it, I would hope the President of the United States would have the courage to say, "This is improper procedure, and I therefore send it back to Congress with my disapproval."

Mr. MILLER. Mr. President, will the Senator yield so I may ask the Senator from Florida a question?

Mr. RUSSELL. I will be happy to yield provided I do not lose the floor.

Mr. MILLER. May I ask the Senator from Florida if it is his opinion that, if his amendment is adopted, it would

require a two-thirds vote of both Houses of Congress?

Mr. HOLLAND. It certainly would. The text of the resolution so provides. The rule laid down in article V of the Constitution does not go so far as to provide what vehicle shall be used by Congress. It simply says Congress, by two-thirds vote in both Houses, may accept the amendment.

My information and belief is that there is no requirement at all as to the vehicle or resolution number, so long as the body of the resolution is there. It prescribes definitely that it must be approved by two-thirds of the Members of each House before it can be submitted to the several States. There is no doubt at all in my mind that that is the situation.

Mr. MILLER. I thank the Senator from Florida.

I wonder if the Senator from Georgia will yield so I may ask a parliamentary question of the Chair.

Mr. RUSSELL. I will be glad to yield for that purpose.

Mr. MILLER. Mr. President, we have now been given the opinions of two of our distinguished Senators, which seem to be in conflict. The question I wish to ask the Chair is whether or not, if the Holland amendment is adopted, a two-thirds vote by the Senate will be required.

The VICE PRESIDENT. The Chair is of the opinion that a two-thirds vote would be required.

Mr. MILLER. I thank the Senators and the Chair.

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

The VICE PRESIDENT. Does the Senator from Georgia yield to the Senator from Kentucky?

Mr. RUSSELL. I yield.

Mr. COOPER. If Senate Joint Resolution 29 is passed by the Senate and the House in the form before us—with the Alexander Hamilton resolution stricken—would it be necessary for the President to sign it?

Mr. RUSSELL. Under my view, it would have no validity whatever, because an ordinary resolution would be used that requires only a majority vote.

I would like to propound to the Chair a parliamentary inquiry. If the Holland amendment were not in it, what vote would it take to pass the Alexander Hamilton resolution?

The VICE PRESIDENT. A majority vote.

Mr. RUSSELL. I think nothing can better illustrate the constitutional question that is involved. A legislative vehicle is being undertaken to adopt a constitutional amendment.

Mr. COOPER. Is it contended that Senate Joint Resolution 29, if passed as now before the Senate, would require the signature of the President?

Mr. RUSSELL. As written now, of course it would require the signature of the President. There is no doubt about it. Even the distinguished Senator from Florida and the Parliamentarian will agree with that.

I am glad to propound a parliamentary inquiry, whether, if Senate Joint Resolution 29 passes in the form in which it now stands, it would require the signature of the President.

The VICE PRESIDENT. It would.

Mr. RUSSELL. That illustrates the fact that this procedure is unconstitutional. We are adopting an absurd, farfetched, irrational, unreasonable, and unconstitutional method of undertaking to get this amendment. It justifies the point of order I have made that it is wholly unconstitutional to undertake to adopt a provision which requires a two-thirds vote and which does not go to the President by using a resolution which requires only a majority vote and which the President must approve or disapprove.

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

Mr. RUSSELL. I yield.

Mr. CURTIS. For the purpose of a parliamentary inquiry?

Mr. RUSSELL. Yes, for that purpose.

The VICE PRESIDENT. The Senator will state the parliamentary inquiry.

Mr. CURTIS. If the resolution were to be amended by the Holland amendment, it has been stated it would require a two-thirds vote for passage. My question is, Will it require a two-thirds vote to adopt the Holland amendment to Senate Joint Resolution 29?

The VICE PRESIDENT. Only a majority vote is required in acting upon an amendment.

Mr. CURTIS. Will the Senator yield for one other parliamentary inquiry?

Mr. RUSSELL. Yes.

Mr. CURTIS. There are two parts to the Holland amendment, one to strike out and the other to insert. The question is, Can a vote be had on each one?

The VICE PRESIDENT. The Chair is informed by the Parliamentarian that a division could be had on section 1 and section 2.

Mr. CURTIS. I did not understand the ruling of the Chair.

The VICE PRESIDENT. The Chair is informed by the Parliamentarian that a division of the question could be obtained on section 1 and section 2.

Mr. CURTIS. That does not answer my question. My question is, Could we have a division of the motion as stated in the preamble, having a separate vote on that part which strikes out, and a separate vote on the language to be inserted?

The VICE PRESIDENT. The Parliamentarian informs the Chair that a motion to strike and insert is not divisible, under the rules.

Mr. RUSSELL. Are there any precedents of the Senate on that point?

Mr. President, while the Parliamentarian looks up precedents I wish to conclude my argument by saying that I make the point of order that this proposal to amend a regular legislative proposal, which requires a majority vote and which would go to the President for his approval or disapproval, by a constitutional amendment, which requires a two-thirds vote and which would not go to the President for his approval or disapproval, is wholly unconstitutional and that it should be so declared, and that this matter should be brought up in a way in keeping with the Constitution of the United States.

The VICE PRESIDENT. The Chair has two questions before it. The first relates to the language:

> If the question in debate contains several propositions, any Senator may have the same divided, except a motion to strike out and insert, which shall not be divided.

The Senator from Georgia asked if there were any precedents. Rule XVIII covers the subject adequately.

The Senator from Georgia further raises a question of the constitutionality of the matter before the Senate. Under the precedents of the Senate, whenever a question is raised by a Senator concerning the constitutionality of any matter it is the duty of the presiding officer, instead of ruling upon the question, to submit it to the Senate for its determination. Therefore, in accordance with this line of precedents and practice in the Senate, the Chair submits to the Senate the following question: "Is the point of order of the Senator from Georgia well taken?"

Mr. MANSFIELD. Mr. President, I think it is clear that the proposal of the Senator from Florida is entirely in accord with the Constitution of the United States and with the Senate rules. On the question of final adoption of Senate Joint Resolution 29, as amended by the Holland substitute, two-thirds of the Senate must vote in the affirmative if the resolution is to be agreed to. The same will be true in the House of Representatives. The joint resolution, as thus amended, will then be submitted to the several States for ratification. Therefore, all the requirements of the Constitution and of our rules will have been met.

Mr. President, I move that the question of constitutionality as raised by the distinguished Senator from Georgia be laid on the table, and I ask for the yeas and nays.

The VICE PRESIDENT. The question is on the motion, which is not debatable. Is there a sufficient second?

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the motion of the Senator from Montana to lay on the table the point of order raised by the Senator from Georgia [Mr. RUSSELL].

The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Minnesota [Mr. MCCARTHY], the Senator from Colorado [Mr. CARROLL], the Senator from Alaska [Mr. BARTLETT], and the Senator from Tennessee [Mr. GORE] are absent on official business.

I further announce that, if present and voting, the Senator from Minnesota [Mr. MCCARTHY], the Senator from Colorado [Mr. CARROLL], and the Senator from Alaska [Mr. BARTLETT] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Maryland [Mr. BUTLER], and the Senator from Indiana [Mr. CAPEHART] are necessarily absent.

The Senator from South Dakota [Mr. CASE] is absent because of illness.

If present and voting, the Senator from Utah [Mr. BENNETT] would vote "yea."

The result was announced—yeas 58, nays 34, as follows:

[No. 31 Leg.]

YEAS—58

Allott	Hartke	Murphy
Anderson	Hayden	Muskie
Beall	Holland	Neuberger
Bible	Humphrey	Pastore
Boggs	Jackson	Pearson
Burdick	Javits	Pell
Bush	Keating	Proxmire
Byrd, W. Va.	Kefauver	Randolph
Cannon	Kuchel	Saltonstall
Carlson	Lausche	Scott
Case, N.J.	Long, Mo.	Smathers
Church	Long, Hawaii	Smith, Mass.
Clark	Long, La.	Symington
Dirksen	Magnuson	Wiley
Dodd	Mansfield	Williams, N.J.
Douglas	McGee	Williams, Del.
Engle	McNamara	Yarborough
Fong	Metcalf	Young, Ohio
Gruening	Monroney	
Hart	Moss	

NAYS—34

Aiken	Hickenlooper	Prouty
Byrd, Va.	Hickey	Robertson
Chavez	Hill	Russell
Cooper	Hruska	Smith, Maine
Cotton	Johnston	Sparkman
Curtis	Jordan	Stennis
Dworshak	Kerr	Talmadge
Eastland	McClellan	Thurmond
Ellender	Miller	Tower
Ervin	Morse	Young, N. Dak.
Fulbright	Morton	
Goldwater	Mundt	

NOT VOTING—8

Bartlett	Capehart	Gore
Bennett	Carroll	McCarthy
Butler	Case, S. Dak.	

So Mr. MANSFIELD'S motion to table Mr. RUSSELL'S point of order was agreed to.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Florida [Mr. HOLLAND] to strike out all after the resolving clause, as amended, and inserting in lieu thereof certain words.

STANDBY AUTHORITY TO ACCELERATE CERTAIN PUBLIC WORKS PROGRAMS—AMENDMENT

Mr. CHAVEZ. Mr. President, at the request of the President of the United States, I submit an amendment to Senate bill 2965, to provide standby authority to accelerate public works programs of the Federal Government and State and local public bodies.

A few days ago, the President urged me to start hearings for the purpose of considering S. 2965. We plan on conducting hearings as soon as possible on this bill in order to give everyone an opportunity to express his views with respect to this legislation.

I ask unanimous consent to have printed in the RECORD the proposed amendment and the letter from the President with respect to this amendment.

The VICE PRESIDENT. The amendment will be received, printed, and appropriately referred; and, without objection, the letter and amendment will be printed in the RECORD.

The amendment was referred to the Committee on Public Works, as follows:

On page 3, following line 8, insert the following paragraph at the end of section 2:

"In addition, the Congress finds that (i) certain communities and areas in the Nation are presently burdened by substantial unemployment and underemployment and have failed to share fully in the economic gains of the recovery from the recession of 1960–1961 and (ii) action by the Federal Government is necessary, both to provide immediate useful work for the unemployed and underemployed in these communities and to help these communities, through improvement of their facilities, to become better places in which to live and work. It is the intent and purpose of the Congress to provide for an immediate program of assistance for capital improvements in those areas."

Add the following new section 8 and renumber succeeding sections accordingly:

"IMMEDIATE AID TO AREAS OF SUBSTANTIAL UNEMPLOYMENT

"SEC. 8 (a) In areas currently designated by the Secretary of Labor as having been areas of substantial unemployment in each of the twelve immediately preceding months, and in areas currently designated as "redevelopment areas" pursuant to the Area Redevelopment Act, projects or programs otherwise authorized to be assisted under sections 4, 5, 6, and 7 of this Act may be assisted thereunder, with funds made available under this section, without regard to the provisions in those sections and section 3 requiring the proclamation and existence of a capital improvement acceleration period and without regard to any limitation on the aggregate amount of funds which may be prescribed by the President for the purposes of any such section. For the purposes of this section there is hereby authorized to be appropriated the sum of $600,000,000 which may be allocated by the President among sections 4, 5, 6, and 7 of this Act.

"(b) The President shall prescribe rules, regulations and procedures which will assure that adequate consideration is given to the relative needs of the areas eligible for assistance. In prescribing such rules, regulations, and procedures, the President shall consider among other relevant factors: (1) the severity of the rates of unemployment in eligible areas and the duration of such unemployment, and (2) the income levels of families and the extent of underemployment in eligible areas.

"(c) If the President determines that an area suffering unusual economic distress (because of a sustained extremely severe rate of unemployment or an extremely low level of family income and severe underemployment) does not have economic and financial capacity to assume all of the additional financial obligations required, a grant otherwise authorized pursuant to this section for a project or program in such area may be made without regard to any provision of law limiting the amount of such grant to a fixed portion of the cost of the project or program."

In sections 3, 4, 5, 6, and 7 strike "9" wherever it appears and insert "10".

In line 17 on page 10 and in line 3 on page 11, insert "sections 4, 5, 6, and 7 of" prior to the word "this".

The letter presented by Mr. CHAVEZ is as follows:

THE WHITE HOUSE,
Washington, D.C., March 26, 1962.

Hon. DENNIS CHAVEZ,
Chairman, Committee of Public Works,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am transmitting herewith a draft of proposed legislation which would authorize immediate initiation of a $600 million capital improvements program in those sections of our country which have failed to share fully in the economic gains of the recovery from the recession of 1960–61. This proposal is in the form of an amendment to the proposed Standby Capital Improvements Act of 1962, which I transmitted to the Congress on February 19 and which has since been referred to your committee as S. 2965.

The proposed Standby Capital Improvements Act, together with the recommended standby temporary tax reduction authority and the pending bill to strengthen permanently our Federal-State system of unemployment insurance, would constitute a new and powerful arsenal of weapons to combat the recessions which periodically sap the vitality of our economy. The waste and distress which characterize these periodic recessions can and must be abated. Passage of the recommended legislation will make possible timely and effective action to reduce the severity and duration of future recessions.

Our present problem is not, of course, one of nationwide recession. We have been making a strong recovery from the recession of 1960–61. Gross national product rose from $501 billion in the first quarter of last year to $542 billion in the last quarter. Industrial production has risen 12 percent over the last 12 months. Disposable personal income per capita has passed the historic $2,000 milestone. Unemployment in the last year has declined from 6.9 percent of the labor force to 5.6 percent, and the number of persons at work has increased by more than 1 million over a year ago. The recovery still has considerable distance to go before full employment is restored. But, despite the fact that our economic performance of the last 2 months has fallen below expectations, we look for a strong and continued expansion throughout the year and into 1963.

Although we do not today face a problem of general recession, the two recessions of the last 5 years—interrupted only by a short and incomplete recovery—have left in their wake serious problems of prolonged large-scale unemployment and economic distress in hundreds of communities in all sections of the country. The roster of these communities includes large cities, smaller cities, and rural areas. The causes of their troubles are manifold—exodus of industry, displacement of labor by technological change, excessive dependence on placement of labor by technological change, excessive dependence on declining industries, influx of jobseekers, changing weapons requirements in military procurement, and chronic rural poverty. Whatever the cause, the results are the same—high and persistent urban unemployment or rural underemployment. Continued economic expansion for the Nation as a whole will in time help to restore the prosperity of many of these areas. But their needs are urgent now, and further help should not be delayed until another recession threatens the whole economy.

There are 852 localities which have been designated as redevelopment areas under the Area Redevelopment Act of 1961, and a further 106 communities which have been designated for 12 months or more as areas of substantial unemployment. These 958 localities account for 38 percent of our population. In these areas, taken together, 1 out of 13 members of the labor force is unemployed, and the average unemployment rate is 33 percent higher than in the rest of the country.

Most of these areas are eligible for assistance under the Area Redevelopment Act of 1961. Although the area redevelopment program is less than a year old, assistance has already been extended to 82 communities in 26 States. As this program gathers momentum, more and more communities will be aided in their efforts to build a durable foundation for sustained local prosperity.

The area redevelopment program, however, is a continuing effort to help communities to attract new and permanent jobs to solve their long-range economic problem, it

is not primarily designed to provide immediate relief of distress caused by unemployment, or to assist in the general rehabilitation and improvement of public facilities. I believe that a further Federal effort is necessary, both to provide immediate useful work for the unemployed and the underemployed, and to help these and other hard-pressed communities, through improvement of their public facilities, to become better places to live and work.

Accordingly, I urge that we initiate as soon as possible a $600 million capital improvements program in the redevelopment areas and in the communities which have been designated for 12 months or more as areas of substantial unemployment. Actual expenditures will depend upon the timing of congressional action. If legislation and the supporting appropriation are enacted promptly, expenditures under this program would be approximately $25 million in the remaining months of fiscal 1962, $350 million in fiscal 1963, and $225 million in the early months of fiscal 1964.

These funds would be allocated for Federal capital improvements projects in economically depressed areas and for grants and loans to eligible States and localities for improvement of community facilities. Federal grants to States and localities would range up to 50 percent of the cost of each project, and could be higher in certain exceptional cases. Loans would be available to assist hard-pressed communities which would otherwise be unable to meet promptly their share of project costs.

Projects under this program would be limited to those which could be initiated or accelerated within a reasonably short period of time and completed within 12 months after initiation. Other limitations of the standby bill would also apply: For example, projects could be approved only if they were capable of meeting an essential public need, if they would contribute significantly to the reduction of unemployment, and if they were not inconsistent with locally approved comprehensive development plans.

State and local capital improvements under this program would include such projects as water improvements; parks and other recreational development; sewerage systems and water pollution control; construction, rehabilitation, and modernization of public buildings, such as hospitals and civic buildings; and road, street, airfield, and port improvement. Examples of Federal projects and programs would include conservation activities to improve our public land, water, timber, fish and wildlife resources, and construction or improvement of laboratories, research and training facilities, and other public buildings.

The standby capital improvements bill and this proposal for an immediate public facilities program are, in my judgment, of equal importance to the economic welfare of our Nation. The former would enable us more effectively to combat the waste and hardship of future recessions; the latter would bring new public facilities, new jobs, and new hope to those communities whose economic troubles have resisted the rising tide of national economic expansion.

Sincerely,

JOHN F. KENNEDY.

THE ALEXANDER HAMILTON NATIONAL MONUMENT — AMENDMENT TO THE CONSTITUTION DEALING WITH POLL TAXES

The Senate resumed the consideration of the joint resolution (S.J. Res. 29) providing for the establishing of the former dwelling house of Alexander Hamilton as a national monument.

Mr. JAVITS. Mr. President, I offer as a substitute for the pending amendment an amendment in the nature of a substitute, which is at the desk and is identified as "3-15-62—B."

The VICE PRESIDENT. The amendment will be stated.

The Chief Clerk proceeded to state the amendment.

Mr. JAVITS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with, and that the text of it may be printed in the RECORD at this point.

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

Strike out all after the resolving clause and insert in lieu thereof the following:

"That the Congress finds that the requirement that a poll tax or other tax be paid, or that any property qualification be met, as a prerequisite for voting or registering to vote at primaries or other elections for President, Vice President, electors for President or Vice President, or for Senator or Member of the House of Representatives, is not and shall not be deemed a qualification of voters or electors voting or registering to vote at primaries or other elections for said officers, within the meaning of the Constitution, but is and shall be deemed an interference with the manner of holding primaries and elections for said national officers, an abridgment of the rights and privileges of citizens of the United States, a tax on such rights and privileges, an obstruction of the operations of the Federal Government, and an impairment of the republican form of government.

"SEC. 2. It shall be unlawful for any State, municipality, or other governmental authority or any subdivision thereof, or for any person, whether or not acting on behalf of any State, municipality, other governmental authority or subdivision thereof, to levy, collect, or require the payment of any poll tax or other tax or to impose a property qualification as a prerequisite for registering to vote or voting in any primary or other election for President, Vice President, elector for President or Vice President, or Senator or Member of the House of Representatives, or otherwise to interfere with or prevent any person from registering to vote or voting in any such election by reason of such person's failure or refusal to pay or assume the obligation of paying any poll tax or other such tax or meeting any property qualification. Any such levy, collection or requirement, and any such tax or property qualification, shall be invalid and void insofar as it purports to disqualify any person otherwise qualified from voting at such primary or other election."

Amend the title so as to read: "Joint resolution to protect the right to vote in national elections by making unlawful the requirement that a poll tax be paid as a prerequisite to voting in such elections, and for other purposes."

Mr. JAVITS. Mr. President, the amendment is offered on behalf of myself and Senators DOUGLAS, KEATING, BUSH, HART, NEUBERGER, CASE of New Jersey, PASTORE, SCOTT, ALLOTT, MORSE, PROXMIRE, BEALL, WILLIAMS of New Jersey, and KUCHEL.

Mr. President, the amendment I would substitute for the constitutional amendment which is now before the Senate is in the form of a statute eliminating the poll tax in elections for Federal Government officials.

I am well aware of the intention of the majority leader to move to table this particular substitute. Nonetheless, I have offered it because I feel very deeply that if we are to do anything, after the pain and anguish which we always go through in these matters, let us do something now instead of deferring the day when we will do something.

Aside from every other argument on this subject—and this has been a matter of disputation for a very considerable period of time—the argument which seems to be most persuasive is this: If we pass a constitutional amendment and it is approved by the States, we will still have to be back here to pass a statute, because no amendment to the Constitution is self-operative. We must pass a law to implement it. Therefore, why go through all of this circumlocution if we can constitutionally—and I believe it is now clear beyond peradventure that it can be done—do the same thing by statute now? Do we want a repetition of the events of the last 2 weeks, if it is completely unnecessary?

The constitutional amendment technique has been with us for 14 years. We actually passed it in the Senate in 1960, but nothing has happened. So here we are again with the same constitutional amendment at this session.

On the other hand, in the House, on five successive occasions, there has been passed a simple statute to outlaw the poll tax. If we had seen fit on any one of those occasions to do exactly as the other body had done, the matter would long since have been settled. May it be said to the credit of this body that this was attempted on one occasion. In 1945 the Judiciary Committee actually reported to the Senate a bill which is very similar to the one I have offered today, which would have outlawed the poll tax in respect of elections for Federal officials. However, that bill ran afoul of extended debate, as it is euphemistically called, and cloture was not successful; so the matter fell by the wayside.

Mr. President, the first point of argument is, Why should we try to do it by constitutional amendment, when we will have to pass a statute ultimately anyhow, and when we can enact legislation right now? I shall go into that question in some detail later.

The same matter was debated and discussed and voted upon in 1960, at which time the Senate voted to table this statutory approach by a vote of 50 to 37. However, since that time we have had the experience of having passed a constitutional amendment which, when it went to the other body, got nowhere. I do not know what will happen to this one, but I do know that if we pass it as a statute now we have assurance that it will be passed by the House, by reason of the fact that on five successive occasions in the other body such a statutory method has been adopted and enacted. Consequently, a provision outlawing the poll tax is more likely to be enacted this time as a statute than as a constitutional amendment.

I repeat, first, the most important point is that we will have to pass a statute anyhow sooner or later; therefore, we might as well do it now, since we have the power to do it.

Secondly, as to the chances for enacting a constitutional amendment, let us remember that there are 11 States which either have the poll tax now or have had it in the very recent past. So we start with that problem. We also have the fact that 11 States did not ratify our last previous constitutional amendment, giving to residents of the District of Columbia the right to vote in presidential elections. We have also the fact that a considerable number of States—12 to be exact—disqualify paupers or inmates of charitable institutions from voting. It strikes me that when we take the 11 and add to that number—and then we need only 2 more—the 12 States which have laws preventing paupers or inmates of charitable institutions from voting, we are running some risk that a minority of the country, both as to the number of States and as to population, may frustrate the whole design of Congress. Therefore, I believe we must ask ourselves the logical question: Why do it the hard way? Why not do it the direct way which is available to us, and in which the other body has time and again shown a disposition to join?

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

Mr. JAVITS. I should like merely to add one sentence. Then I will be very glad to yield to the Senator from Florida.

Mr. President, I must, of course, demonstrate—as I shall now undertake to do—that to take the statutory course is permitted by the Constitution, because whether it can be tested or not, we are too responsible to move in that way unless we are convinced the Constitution allows it. So I shall now attempt to demonstrate that to the Senate.

I now yield to the Senator from Florida.

Mr. HOLLAND. What reason does the Senator have for thinking that the States which have pauper statutes, so called, would be interested in defeating this amendment?

Mr. JAVITS. I think any of the States which have pauper statutes may be interested in defeating the amendment. It will be argued in more detail in respect to the Senator's amendment when we reach that part of the debate, assuming that I do not succeed, but it may very well be that those States which have that kind of provision may entertain some doubt about continuing under their laws. They may say, "This is an out on that score because of doubt as to what that may or may not mean"; and hence they may find an interest in not ratifying the amendment in order to continue their own laws with respect to paupers.

Mr. HOLLAND. The Senator knows, does he not, that we struck out of section 1 the reference to property qualifications?

Mr. JAVITS. I do not want to deal with that in full at this point because property disqualification can and will be discussed, I am sure, in connection with the constitutional amendment, and raises some questions. I was only trying to answer specifically the Senator's question as to what States might be against this proposal.

Mr. HOLLAND. I cannot follow the Senator's logic. When we strike out of section 1 the only thing that related to section 2, by striking out the property qualification provision, I do not see how the pauper provisions of the 12 States involved could have any application at all to this amendment.

Mr. JAVITS. I am not trying to apply the constitutional amendment proposal to the State laws; I am only trying to apply the acid test to the proposal: Whether we are likely to have the amendment approved by three-fourths of the States. I point out that a number of States have an interest because of those laws to let the Constitution remain as it is.

Mr. HOLLAND. Does the Senator think there is anything in the amendment which would interfere with those States or the pauper provisions?

Mr. JAVITS. I would rather not pass upon that question until the questions of exclusion and inclusion raised by the Senator have been dealt with in the debate, as I feel certain they will be.

The question of constitutionality, which is involved in the statutory substitute I am offering, has been very much discussed; but I think constitutionality is firmly based upon a number of grounds, all of which are recited in my amendment itself, in which the Congress finds as a fact that the poll tax is an attempt to interfere with the manner of holding elections and primaries, a tax on primaries, an abridgment of rights and privileges of citizens of the United States, a tax on such rights and privileges, an obstruction of the operations of the Federal Government, and an impairment of the republican form of government. This relates to the various elements of the Constitution upon which I depend in urging the constitutionality of such an approach as this.

The first question is: Is the poll tax a qualification for voting within the language of the Constitution, article I, section 2, which gives the States power? Or is it a regulation as to time, place, or manner within article I, section 4, which expressly authorizes the Congress to act? The word "qualification" has been defined time and again in the Congress. Interestingly enough, I find the most exact definition in a message sent by the Governor of South Carolina to his own legislature in 1947, urging the legislature to repeal the poll tax. In his message, the Governor of South Carolina said:

> There has been much misguided agitation about the poll tax as a qualification for voting. Capacity, in accordance with the other constitutional provisions, to exercise the right of franchise should be the only qualification of an elector.

In short, what the Governor was really saying was that any kind of financial or property prerequisite for voting is not a qualification. He himself defines the word "qualification" as synonymous with the concept of capacity. It seems to me that that concept is borne out by the cases, particularly the one case upon which the proponents of the constitutional amendment theory constantly rely, the case of *Breedlove* v. *Suttles* (302 U.S. 277), decided in 1937. There the Supreme Court refers throughout to the poll tax not as a qualification for voting—or, to use the words of the Governor of South Carolina, as relating to capacity—but as a "prerequisite of voting."

I respectfully submit that treated as a prerequisite, as a condition precedent for voting, it falls far more within the time, place, and manner of holding elections, over which article I, section 4, of the Constitution gives Congress the power, than it does within the term "qualifications," over which article I, section 2, gives the States power.

This is also borne out by other cases which have been decided by the Supreme Court under article I, section 4. But I find a very interesting reference with respect to it in the opinion of the Attorney General of the United States, when he testified the other day before a subcommittee of the other body, in which the main thrust of his testimony was with respect to literacy. The Attorney General, when he argued the question with respect to the poll tax, said that the statutory method for eliminating the poll tax was in his opinion just as valid an exercise of congressional authority as it was with respect to literacy. However, he said that the administration preferred the constitutional amendment approach; and so he said he preferred that method. But he said, as a basic and organic element of his opinion, that the statutory method for outlawing the poll tax was just as effective and valid as it was with respect to literacy.

The cases which can be cited in support of that process go back to 1879. I refer to *Ex parte Siebold* (100 U.S. 371) in which there were convictions for ballot-box stuffing under Federal criminal law. The convictions were upheld on the ground that Congress has the power to assume the entire regulation of the election of Representatives and may, as it did in that criminal election fraud statute, undertake only partial regulation.

A very important aspect of that case—and it is true of a whole series of cases—is the proposition that under article I, section 4, State regulation applies only unless and until Congress steps in, and then only to the extent that those State regulations are not superseded by Federal law. So it is plain that Federal law can be effective notwithstanding the fact that the Supreme Court has upheld the poll tax. The Supreme Court upheld a State poll tax statute in the Breedlove case, to which I referred, on the ground that it was not discriminatory on its face; the statute made distinctions as to women and certain other categories of voters who were exempt, but that was before Congress stepped into the situation and, in terms of its own authority, there is a whole line of cases which holds that so long as Congress does not assert its authority, State regulations may remain in effect and may, indeed, be constitutional without contravening the power of Congress, when Congress chooses to exercise it.

I cite next the case of *Davis* v. *Ohio* (241 U.S. 565), which dealt with redistricting in that State. There, again, the

Supreme Court stated that Congress had the express power to prohibit the way in which redistricting had been done by the State so long as the Congress chose to exercise that power. Since the Congress had not chosen to exercise the power, the Court held, the State retained the power. A similar case was *Smiley* v. *Holm* (285 U.S. 355), in which the Court stated that Congress has a general supervisory power over the whole subject of congressional elections.

The most convincing case in terms of the authority that we are discussing today is United States against Classic, in which convictions were upheld under a Federal statute prohibiting the denial of rights secured by the Constitution for altering ballots cast in a primary election. The question was whether constitutional guarantees applied to primary elections. In that case, the Court said, at page 310:

> Such right as is secured by the Constitution to qualified voters to choose Members of the House of Representatives is thus to be exercised in conformity to the requirements of State law subject to the restrictions prescribed by section 2 and to the authority conferred on Congress by section 4, to regulate times, places, and manner of holding elections for Representatives.

And at page 315:

> While, in a loose sense, the right to vote for Representatives in Congress is sometimes spoken of as a right derived from the State [citations omitted], this statement is true only in the sense that the States are authorized, by the Constitution, to legislate on the subject as provided by section 2 of article I, to the extent that Congress has not restricted State action by the exercise of its powers to regulate elections under section 4 and its more general power under article I, section 8, clause 18 of the Constitution "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers."

Madam President (Mrs. NEUBERGER in the chair), it has also been argued—and quite properly, I think—that under present conditions the poll tax is an abridgment of the rights and privileges of citizens of the United States. One of those rights and privileges is the right to vote for Federal officials; and it seems to me that the imposition of a tax on any such right is clearly an abridgment of the rights and privileges of citizens.

It is argued that there were property qualifications in the States at the time of ratification of the Constitution, and that they were not considered as anything other than the normal course of events at that time. But the difficulty lies in the contrast between the situation of the country then and the situation today, when the passage of time has made us feel that the voting right should not be encumbered either by a property qualification or by any financial consideration, and that Congress can assert that the developments in our whole social order now result in making what may formerly have been considered tolerable as an institution, an encumbrance under present conditions and an abridgment of the rights of citizens to exercise their rights and privileges as citizens of the United States.

And finally there is the constitutional provision—one not too often construed—which relates to the duty of the Federal Government to provide for every State a republican form of government.

It will be noted that in this discussion of constitutionality—which I repeat is mainly premised on the two points of the times, places, and manner of holding Federal elections, which are clearly within the power of Congress, and upon the obstruction of, or imposition of a burden on, the right to exercise one's rights and privileges as a citizen of the United States—there is yet another point, namely, the way in which the poll tax has worked to discriminate against Negroes in the exercise of the voting right, so that Congress has power to act under the 15th amendment.

We do not have as much evidence on this subject as we have with respect to use of the literacy test as a means of discriminating in connection with voting. However, we are by no means without evidence on this subject. For instance, it is very interesting to me to note that the Senator from Florida, in arguing in favor of his amendment, has always argued as a fact, and has given figures from his own State to show, that removal of the poll tax has had a material effect in increasing the number of voters there and also in increasing the number of those who seek to vote. I think that is a most important argument, and it is an additional plea in favor of adoption of this proposed constitutional amendment.

But on the negative side, and in regard to use of the poll tax for purposes of discrimination, I should like to refer first to the 1961 report of the Civil Rights Commission on voting, at page 162:

> A striking situation exists in one of the eight counties, Issaquena, Miss., where no Negroes are registered to vote. A wealthy Negro landowner and merchant pays more than $2,000 taxes annually to his county, and when bond issues are approved by the white electorate, he carries a large share of the financial burden. Yet, he says, as consistently as he proffers his $2 poll tax along with his other taxes, it is refused by the collector.

Let us remember that in most of these States, the poll tax has to be paid long before the time to register and the time to vote. Hence, the poll tax is a tipoff to the authorities that a particular Negro may have decided that he wants to vote; and then all the machinery is set in motion to discourage him from what some in that area consider to be a very bad idea.

Madam President, in the testimony recently taken before a subcommittee of the Judiciary Committee of the other body in regard to the poll tax, there was evidence from two citizens of Mississippi; and I should like to read part of that evidence, if I may, to my colleagues, because it gives some idea of how the poll tax is used. The chairman of the committee was addressing Mr. Smith, a witness:

> The CHAIRMAN. Have you had any experience to indicate that? Did you do any checking on records or have you had the experience to indicate that the removal of the poll tax would be a great improvement relative to the number of Negroes who can register and vote?
>
> Mr. SMITH. Maybe I could substantiate this with an experience in Holmes County—that is in central Mississippi. The county seat is about fifty miles from the State capital, which is Jackson, where I live.
>
> There is a small college operated for Negroes there. They have students from thirteen foreign countries. The president of that college is a Negro woman, Dr. Mallorey, well educated. She has traveled around the world and knows her way around.
>
> She has a farm about 2 miles from the school. She sent the check for her taxes on her farm, and included $2 to pay her poll tax. The man who is chief deputy sheriff now—his wife at present is the sheriff—the man who is chief deputy sheriff—he served the last time and his wife succeeded him—sent the check back and everything and he used language that I would feel embarrassed to use before this committee.
>
> But in substance finally he said—he didn't use words that are worthy of repeating in your presence, but it had references to Negro citizens paying their poll taxes.
>
> He said when he got ready for them to pay them, he would send for them. Not one single Negro in that county—and in connection with that, Negroes constitute the majority of the population in that county.

And so forth. So that is another factual example.

Also, Madam President, the Department of Justice has instituted litigation on the ground that the poll tax is being used as a means of discriminating against Negro voters in Tallahatchie County, Miss. The title of the case is United States against Dogan. The district court has denied a motion by the Government for a preliminary injunction on the ground that no good faith effort was made to pay the poll tax. But again I cite this instance to lend some factual basis—which I think very clearly exists—for the point that payment of the poll tax can be used, and as a matter of fact is used, as one of a number of means of discrimination in connection with the exercise of the right to vote.

Madam President, in a social sense—and I believe it important to analyze this aspect—the poll tax is certainly a discouragement to voting, especially in the areas and upon those whom it affects with the greatest impact. Although the poll tax is not large in amount, the difference between the amount of income enjoyed by citizens who do vote and the amount of income of citizens who apparently can very easily be discouraged from voting is very marked. For example, the national figures show that in 1956 the average per capita income of white citizens was $2,917, whereas the average income for individual nonwhite citizens was $1,075. These are figures from the 1960 Bureau of the Census report.

Also, when one looks at the rates of nonwhite income in the South, something in the amount of $23 or $25 a week, he can see that a cumulative poll tax, which is the case in some of the States that have the poll tax, can take away a material part of a week's pay. This is not to say that it is a burden that is absolutely impossible, but it is a material drawback to the exercise of the privilege, and the Federal Government, through the Congress, has a right to act in this field, under the economic and other conditions we presently face in our country.

Madam President, if I may, I wish to summarize the argument I have made in favor of the statutory approach. I have not detained the Senate long, because

this matter has been debated once before. I would like to summarize the situation as follows:

First and foremost, the path of a constitutional amendment, which has been around here for the last 14 years, has never been a path which the other body has followed. The other body has consistently, on five separate occasions, voted a statutory means for outlawing the poll tax. The only opportunity which the Senate has had to vote on it was in 1960, when the constitutional amendment which it passed came to naught in the other body. The Senate has on one previous occasion, in 1945, had a statutory provision reported by the Judiciary Committee.

If we adopt the constitutional amendment, we shall have to double back on our tracks and adopt a statute, because the amendment is not self-implementing. On the other hand, if we enact a statute, it immediately becomes operative and the poll tax is removed in the five States in which it remains.

Before I leave the constitutional amendment process, it has been stated there is some doubt—and I think there is some doubt—as to ratification when we have 11 States which did not ratify the amendment to give voting rights to citizens of the District of Columbia, and when we have 12 States which disqualify voters who are defined as paupers, with the possibility that certainly 2 of those States will prefer to leave the system as it is now instead of running the risk of what the amendment will or will not do in respect of paupers.

A brief word on the question of whether it is constitutional. I have before given the opinion of the Attorney General of the United States, which I submit is entitled to be very seriously listened to by the Congress. I am referring to the opinion of the Attorney General as he testified on the question on March 15, 1962, before a subcommittee of the Judiciary Committee of the House of Representatives. He said:

> Let me turn now to House Joint Resolution 404 and other proposals to abolish State poll tax laws.
>
> For the past quarter century, Congress and the Nation have been keenly aware of the unfair burden caused by such laws.
>
> Federal legislation to eliminate them, either by statute or by constitutional amendment, has been introduced in every session since 1939. Anti-poll-tax bills were passed by the House five times. Similar proposals have been favorably reported by Senate committees, and 2 years ago, one such measure passed the Senate.
>
> I am completely in favor of these proposals. In the second half of the 20th century poll tax laws are out of date.
>
> Only five States still have them—Alabama, Arkansas, Mississippi, Texas, and Virginia.
>
> Within recent years Florida, Tennessee, South Carolina, and Georgia, among others, have dropped these antiquated requirements. The State of Florida reports a notable increase in registration to vote since it abandoned the poll tax. So does Tennessee.

And so forth. Now I come to the question of constitutionality in the Attorney General's opinion. He said the following at page 9 of his statement:

> How poll tax laws are to be eliminated is up to the Congress. I believe that Congress has the power under the Constitution to enact legislation abolishing State poll tax laws applied to Federal elections. I believe it has this power under sections 4 and 8 of article I of the Constitution, which I have already discussed; under section 4 of article IV, which gives the Federal Government a responsibility to guarantee a republican form of government to the States; and under the 14th and 15th amendments—
>
> The basic reason for my belief is this: In America, the right to vote is the rule and restrictions on that right are the exception. The poll tax is an arbitrary and meaningless requirement, having no reasonable relationship to the rights and privileges of citizenship, and it may therefore be forbidden under the provisions I have mentioned.
>
> Nevertheless, a constitutional amendment is a realistic and commendable path to the same goal. There should be little doubt of speedy ratification of such an amendment, since 45 of our 50 States already do not have such useless legislation.
>
> I, therefore, endorse this method of eliminating poll taxes as a condition for voting in elections for Federal officers.

In short, the Attorney General found the statutory method perfectly constitutional. He also found the constitutional amendment route to be perfectly valid. In view of the fact that the administration's proposal was the amendment route, he adopted that. But it seems to me that the Congress unquestionably has the power to proceed by the statutory route, and the whole point of my argument today is that it ought to exercise that power.

Again by way of summing up, the power, in my opinion, is derived from the authority of the Congress to determine the times, places, and manner of holding elections for Federal office. It derives from the right of Congress to eliminate burdens upon or abridgments of the right to vote for Federal officials. It applies to the right of Congress also to deal under the 15th amendment, with situations which tend to create discrimination in voting, or under the 14th amendment with deprivations of the privileges and immunities of citizens.

On any one of those grounds, both on the factual basis which I have described, and on the basis of law which I have referred to, there is ample authority for Congress to proceed by the statutory method.

Finally, the provision that States shall have the authority over qualifications for voting is not a provision which defeats the power of the Congress in respect of the matter we are discussing now, because I point out that in the leading case on that point, the case which sustained a poll tax statute as constitutional on its face, Breedlove against Suttles, the court at no point referred to the poll tax as a qualification for voting, but spoke of it as a prerequisite. We respectfully submit that prerequisites for voting belong in the category of times, places, and manner of voting, which is within Congress power, rather than in the category of qualifications.

Now I would like to conclude my argument, if I may, upon the substantive aspects of this question, aside from its constitutionality, which I have discussed, and aside from the risks of getting a constitutional amendment ratified.

I might say to my colleagues that, of course, we should all try to do our utmost to get the amendment ratified if that is the choice of Congress, but, given the choice of means and the opportunity to eliminate the anachronism by statute—and it is an anachronism—I think we ought to take advantage of that opportunity.

I should like to call the attention of my colleagues to an editorial in the New York Times which I think properly epitomizes the choice which we face between a constitutional amendment and a simple statute.

The Times says, with respect to the poll tax amendment:

> Congress is taking the long way to a good end in its consideration of a constitutional amendment to outlaw the poll tax. This archaic system of restricting the right to vote survives in only five States, and fairness to both Negroes and whites requires its total discard with maximum speed. Its effectiveness in negating democracy is seen with special force in a State such as Mississippi, where the combination of poll taxes and literacy tests has been a factor in keeping three-quarters of the citizens from voting.
>
> The quickest way to get rid of this obstacle to true majority rule would be through a simple law prohibiting the States from making payment of a poll tax a requirement for voting in Federal elections. But the southern Democrats are not ready to move with such directness, and the administration has decided to settle for the much more cumbersome method of a constitutional amendment.
>
> Such an amendment cleared the Senate two years ago by a margin of nearly four to one, but never came to a vote in the House. This year it may again get lost in the endless jockeying that bedevils every effort to inch ahead on the civil rights front. President Kennedy's declaration of support for the measure should reduce this noxious possibility. Even after the proposal gets through Congress, it faces a wearying wait for ratification by the States. No sectional controversies were involved in the 22d amendment barring a third Presidential term. Yet it took almost 4 years from passage to effective date. A start on abolishing the poll tax is already long past due.

In short, in view of the tortuous experience which we have had with the constitutional amendment route, it seems clear to me that we should take the most direct statutory route, particularly in view of the fact that notwithstanding the administration's support for the constitutional amendment, the administration's representative, the Attorney General, who represents the administration on legal matters, nonetheless supports the proposition which I have stated, that it is perfectly constitutional to proceed by the statutory route.

Madam President, under these circumstances it seems to me we should not ourselves invite, without any assurance of success considering past history, the long and tortuous passage on which we shall be embarking if we adopt the constitutional amendment route. We should do something definitive. We have the opportunity to do something definitive. Let us do something definitive. Let us pass the statute. Ultimately we shall have to act by statute anyway. Let us act by statute now, especially in view of the very strong case which can be made for acting in that fashion.

It was said a long time ago by Salmon P. Chase, "The way to resumption is to

resume." I say the same in respect to this problem. The way to outlaw this anachronistic poll tax is to outlaw it now, by statute in the Congress, especially since we have every encouragement from the fact that the other body, having passed such a provision five times, is far more likely to adopt a statutory provision than to adopt a constitutional amendment, which the Senate has passed once and which never got anywhere in the other body.

For those reasons, Madam President, I hope the Senate will support my substitute and the statutory approach toward solving this problem.

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

Mr. JAVITS. I yield.

Mr. COOPER. As I understand the Senator's argument, he takes the position that either the statutory or the constitutional amendment is adequate to prohibit the imposition of a poll tax by the States.

Mr. JAVITS. I must say to my colleague that I would not wish to say precisely that—and I am sure my colleague knows my love and respect for him—because he used the word "adequate." If the Senator will allow me to say it my way, I would say that certainly the statutory or constitutional amendment approach, assuming enactment and implementation, would bring about an end to the poll tax.

I have argued, and I am deeply convinced, that the statutory approach is by all odds the better way to proceed.

Mr. COOPER. Madam President, will the Senator from New York yield further? I do not wish to intrude upon the time of the Senator from Illinois, but this may be the only opportunity I shall have to make a comment, because I understand that a motion is to be made to table the amendment offered by the Senator from New York. I am led to intervene also, because of my great respect for the Senator from New York.

As the Senator knows quite well, I do not believe there have been many legislative issues upon which we have disagreed, particularly with respect to those issues which affect the field of civil rights. Whatever may be said about this issue, and how much it may be quieted down, this is an issue which is involved in the field of civil rights.

I intend to vote against the motion to table, when it is made, because I believe those who support the amendment of the Senator from New York, should have as reasonable an opportunity to support this amendment by argument and debate as those who have opposed the Holland amendment. I do not believe they would use up as much time.

But, because my position would not be known if the amendment is tabled, I state that if a vote comes upon the merits I will vote against the amendment offered by the Senator from New York. I do not believe that constitutionally the imposition of the poll tax by the States can be inhibited by the enactment of a legislative statute by the Congress.

We are in a dilemma. I believe the poll tax has been used in some States to discriminate against voters. I am very thankful we do not have such a tax in our State. But, I am sure, as the Senator from New York pointed out by reference to specific cases, the poll tax has been used in some States to discriminate against voters.

Nevertheless, the Congress of the United States can move against this discrimination only in a constitutional way. I believe that the only way the poll tax restrictions can be removed is under the terms of the Constitution, and that is by constitutional method.

The Senator from New York and I would agree upon this point, I am sure. We have been debating civil rights issues in the Senate for years, as well as proposed legislation. There is much that can be done if the effort would be made. During the last 2 years, we have played around the edges of the subject. A few legislative measures have been proposed of doubtful constitutionality.

I say that the record of the present administration has been one of avoiding legislative action. Little progress made in the field of civil rights, except in the continuation and extension of measures undertaken and initiated under the administration of President Eisenhower. No legislation has been passed. Emphasis seems to be laid upon the appointment of able and outstanding members of the Negro race to office. This is all for the good and I have favorcd these appointments, but appointment of a few to office is not a substitute for legislative action to more nearly assure equal rights to all Negroes and all people in this country.

In addition to appointment to offices, the administration has made much of the issue whether a Negro can belong to some club. I have no fault with this administration on either approach, but I assert they do not meet the needs and the necessity of providing by legislation and Executive action equality of rights to all citizens.

I suggest there are some things the administration can do and the Congress can do, if there is really a desire to come to grips with the problem of civil rights. There are measures which can be taken without doubt of their constitutionality. Something can be done in the field of housing, by legislative action and probably by Executive action. If it does require legislative action, there is no question about its constitutionality.

In 1954 the Supreme Court ruled upon the Brown case. It has been 8 years since the ruling. If the administration wishes to make progress in this field it can have introduced in the Congress a legislative proposal to enable the Attorney General of the United States to intervene upon behalf of those who are discriminated against, under the Brown decision.

The Senator from New York and I have introduced proposed amendments to the Civil Rights Act of 1957 which would authorize the Attorney General to intervene, and give to him the same power with respect to integration of schools, as he has with respect to voting rights.

I have taken this opportunity to make the point that measures can be taken, both legislative and Executive, which will be effective in the field of civil rights, and which will not cut across the question of constitutionality. Those measures are not being taken by the administration or by the Congress.

The amendment offered by the Senator from Florida is a good amendment. I will vote for it. I am sorry in this instance I cannot join, as I often do, with my dear friend, a strong fighter for constitutional and civil rights, the Senator from New York.

Mr. JAVITS. Madam President, I am very grateful to my colleague. I wish to join with the Senator in what he has stated about the fact that we are playing around.

Madam President, I think we are not hitting the main point and that we are playing around. I do not say this for a moment in any sense of derogation of the efforts of our friend from Florida.

Mr. COOPER. I do not, either.

Mr. JAVITS. I think all of us understand his position and his sincerity on this question for many years. But in relation to the substance of what we are accomplishing, I say we are still playing around. The administration has asked for only two measures. They are by no means earth shattering civil rights measures. Both are with respect to voting, in which the path has been thoroughly blazed. At the same time the administration "sits on its hands" with reference to an order that would eliminate discrimination in housing. It does not ask the Congress to do anything about segregation in the school systems. It does not even give power to the Attorney General to start suits in relation to those questions. I could not agree with the Senator from Kentucky more, and while he and I differ as to the constitutionality of this particular approach which I am urging, nonetheless, be it said, so far as I am concerned, I am offering it to the Senate, working for it here in the Senate, and debating it today because I do not want us to play around. If we really want to get to ultimates, let us at least do something which will be tangible and effective, instead of merely giving people power to do something about something later when they start a suit or when they ratify a constitutional amendment. If we should today pass the statutory approach which I have proposed, the House passes it, and the President signs it—as he will, because the Attorney General has said that the measure is constitutional—then we would have done something. We would have outlawed the poll tax, and that would be the end of it in the five States. We would have stopped playing around.

I wish the Senator from Kentucky—and I know completely the purity of his judgment and the sincerity of his views—had come to the other conclusion and that he could have joined with me today in trying to do something which would have stopped the playing around even in the very limited area in which the administration is allowing us to operate today.

Let it never be forgotten that we cannot get a civil rights measure of any kind

passed unless the administration in authority asks for it. This was true with the Eisenhower administration; it is true with the Kennedy administration. I take a very dim view of the prospects, notwithstanding the great fights which will be put up by my colleague Senator KEATING on the subject of voting, by myself on the subject of education, and by others to whom were assigned various aspects of the new civil rights package which was introduced on March 13. Notwithstanding everything we do, it will take the administration to do more. We understand that. Hence my effort today at least to make what the administration is asking for, limited as it is, meaningful by making the measure a statute which could accomplish something, instead of a constitutional amendment which would go to the other body, where it has never succeeded before, then make the rounds of the States, and then come back for us to pass some kind of implementing statute. I say let us do it now.

Mr. HOLLAND. Madam President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. HOLLAND. I am sorry I have not heard all the able argument of the distinguished Senator. I wonder how he has dealt with the question of choice of electors to vote for President and Vice President. I notice that even the distinguished Attorney General, who testified on this question, testified that it presented very great trouble to him, and that it appeared to be one of the principal reasons why he preferred the amendment approach. As a basis for the Senator's comment, may I read or reread, for the Senator has read it already, the provisions in the Constitution on this point? The first provision to which I refer is in section 1 of article II, the second paragraph of which reads as follows:

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress.

Besides that provision, the only other provision on the choice of electors of which the Senator from Florida knows is that contained in paragraph 3 of the same article, which he reads as follows:

> The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

The Senator from Florida has not been able to figure out any means whereby any mind, no matter how capable in the field of law, could justify interference with those provisions through a statute, and he wonders why the Senator from New York has come to the conclusion that his proposed statute would be legal as applied to this particular field of the selection of electors to choose the President and the Vice President of the United States.

Mr. JAVITS. What my statutory approach and what the statutory approach adopted time and again in the House seeks to reach is the voter himself. If, therefore, the voter is to vote for electors, then his right to vote shall not be inhibited or encumbered by a poll tax. In short, if he does vote, the poll tax shall not represent a prerequisite to voting. It seems to me that that scheme is entirely consistent with every phase of the Constitution. Whatever function the voter performs, he shall perform it free of any requirement for a poll tax. That is the point of my statutory approach, and I think it is the point of the Senator's proposed constitutional amendment. I do not see where we would run afoul of any difficulty in respect of other matters in the Constitution so long as we limit whatever we do with respect to the particular voter and his ability to vote when he is called upon to do so.

Mr. HOLLAND. Madam President, will the Senator yield further?

Mr. JAVITS. I yield.

Mr. HOLLAND. I refer the Senator again to the words—

> Each State shall appoint, in such manner as the legislature thereof may direct, a number of electors,

How does the Senator get away from the point that that provision, together with the later provision which I have already read, prescribes the whole of any Federal approach to the question of the naming of electors?

Mr. JAVITS. The fact is that when a voter votes for electors in a State, that being the method which the legislature has chosen for the designation as electors, a voter shall not be subject to the requirement of a poll tax. I do not see where there is any inconsistency in the scheme of control when we deal solely with what shall enable the voter to vote or what shall prevent him from voting. I do not see that that would in any way cross over or negate any of the provisions of the Constitution with respect to electors which the Senator has read.

Mr. HOLLAND. Madam President, will the Senator yield further?

Mr. JAVITS. I yield.

Mr. HOLLAND. I call to the Senator's attention a statement of Mr. Katzenbach, the very able Assistant Attorney General, appearing on page 368, part 2 of the hearings before the Subcommittee on Constitutional Amendments. I shall read only one sentence:

> However, whether Congress may enact laws to abolish the poll tax as a condition for election of presidential electors presents a more difficult question.

The learned Assistant Attorney General differentiated between the two cases, that is, the selection of presidential electors and the selection of Senators and Representatives.

The Senator from Florida thinks that the constitutional provisions with reference to the election of Senators and Representatives are perfectly strong and clear and that they make the question a constitutional one, as has already been stated by his good friend from Kentucky. But it seems to the Senator from Florida that the learned Assistant Attorney General who was testifying very properly called attention to the fact that on the question of the selection of electors for President and Vice President even a more difficult situation was presented. I wondered how the distinguished Senator from New York got around that point.

Mr. JAVITS. I just made my reply to that question. Will the Senator be good enough to key us again to the hearings to which he referred?

Mr. HOLLAND. I referred to the second volume of the hearings.

Mr. JAVITS. I should like to read it into the RECORD so we all know what we are talking about. It is the second volume of the hearings before the Subcommittee on Constitutional Amendments of the Committee on the Judiciary of the Senate held June 27, 28, and 29, 1961.

In that regard I should like to point out the opinion of the Attorney General of the United States, Mr. Katzenbach's superior, as recently as March 13, 1962, in which he said:

> I believe Congress has the power under the Constitution to enact legislation abolishing State poll tax laws applied to Federal elections.

I hold with the Attorney General. I have defined my reason for that conclusion in terms of the law as being an effort by my substitute for the Senator's constitutional amendment to reach the voter when, as, and if the voter is exercising his privilege of voting. At that point I say he shall not be in any way subject to the requirements of a tax, to wit, the poll tax.

Mr. HOLLAND. The question as to which is the superior as between the Attorney General and the learned Assistant Attorney General might be the subject of some argument in debate, but I will not debate that with the former attorney general of the State of New York, who may be prejudiced in favor of attorneys general. I merely wished to comment that the Assistant Attorney General had made a very scholarly statement on this subject, as is shown by his testimony, and that he very carefully delineated the difference between the election of Senators and Representatives, on which I personally believe the Constitution is completely clear, and stated that it was a still more difficult question to see how a State could be deprived of setting up machinery "in the manner" that the legislature might determine for the election of its own electors.

Surely the Senator recognizes the fact that here is a new question, a different question, and, the Senator from Florida thinks, a much more difficult question.

Mr. JAVITS. I do not quote the authority of the Attorney General as being supreme and conclusive and superior in legal judgment to that of Mr. Katzenbach. I was only giving the facts about the hierarchy of authority. I rather rely upon my own opinion that what I seek to do by statute is unaffected by this provision of the Constitution as it relates to the voter if, as, and when he is a voter in respect of elections for officials under the Federal Constitution. All that the Senator has read demonstrates that this elector is an official contemplated by the Federal Constitution. When, as, and if a voter is to vote for the elector, I do not wish that voter—and that is all I

have tried to do by this statutory approach—to be subject to any taxes.

Mr. HOLLAND. I thank my distinguished friend from New York. I am sorry that we are not of the same opinion. As I understand it, he is for his amendment, but he is also for my amendment if his amendment fails. In any event I am glad to have his support even on that kind of condition.

Mr. JAVITS. The Senator from Florida is very gracious. Let us leave it that I am for doing something, and that if we want to do something we should adopt my amendment.

Mr. DOUGLAS. Madam President, I rise to support the proposal, in the nature of a substitute to Senator HOLLAND'S amendment, which has been offered by the Senator from New York, and which is sponsored by a group of bipartisan Senators on both sides of the aisle. Just as the opposition to effective civil rights legislation has been bipartisan in nature, I have always felt that the advocacy of civil rights should also be bipartisan in nature. We were very happy, therefore, when the Senator from New York, with his great ability, was willing to lead the fight for the method of statutory enactment rather than constitutional amendment for the abolition of poll tax.

I cannot, however, agree with the Senator from New York, who is my very dear friend, in the caustic criticism which he has made about the conduct of the Kennedy administration. When all the difficulties are considered, I believe the Kennedy administration has made great progress in the field of civil rights, as was recognized in the statement recently issued by the Southern Regional Conference. However, I am always happy to join with the Senator from New York in this struggle for civil rights. He is a host in himself. I am also always happy to have colleagues on the other side of the aisle who will join with us. I only hope that in the vote, which is coming shortly, he will be able to muster as many votes on his side of the aisle as we may be able to muster on our side, and that we may have, therefore, a rivalry in well doing. Let the rollcall show where the balance of merit may lie.

Mr. JAVITS. Madam President, will the Senator yield?

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

Mr. JAVITS. It is always an occasion when we have a debate of this character to speak about bipartisan cooperation, which in all the 6 years that I have been in the Senate has been probably the most gratifying personal experience that I have had. It is a unique instrument which has been forged here in this civil rights struggle. I wish we had more troops. But we certainly have no need to doubt the loyalty or zeal of those we do have.

The Senator from Illinois came to this cause long before I did—not that I had not wanted to, but I was not in the legislature and in the seat of authority to do so. The Senator from Illinois is rightly considered—and if not, I shall make that nomination—the very dean and inspiration of the bipartisan civil rights struggle in this country. This struggle will ultimately succeed. We, at least, whatever may be our successes or failures of the interim, have the gratification of knowing that what we struggle for is not only morally right and essential for the future of our country, but also must succeed because our country's well being will tolerate no other resolution of these controversies and debates.

If the Senator from Illinois will have no other place in history—and he deserves one for his economic work and many other efforts in which he has engaged—his place in history is absolutely secure in this field by the acclamation of not only the people who are affected and by the American people, but, I would like to add, by the acclamation of those colleagues in the Senate with whom he has worked so closely in these things, including myself.

Mr. DOUGLAS. Madam President, I thank the Senator from New York for his gracious comments, of which I am undeserving. The Senator from New York is a most cooperative and able colleague. It has been a great pleasure to work with him. I am not interested in staking out any claim in this field for myself. I do, however, wish to stake out a claim for the zeal with which the northern and western members of the Democratic Party have fought for civil rights. I hope that the very able Senator from New York will be able to muster as large a proportion of his colleagues in this cause as I hope we will be able to muster on our side.

I. THE LEGISLATIVE QUESTION BEFORE THE SENATE

Madam President, it is not my purpose, as a layman, to enter into any long discussion of the constitutionality of Federal statutes outlawing poll taxes or discriminatory literacy tests. Suffice it to say that the able argument of the senior Senator from New York [Mr. JAVITS] and the statement by the Attorney General have personally convinced me that such a law could be constitutional. At the very least it can be said that there are very strong grounds upon which the Supreme Court could declare such statutes constitutional, and that the members of the Court could do this without inflicting the slightest scar upon their judicial consciences.

I am ready to leave the question of the constitutionality of such a statute to the Justices of the Supreme Court and, I believe, we of the legislative branch should instead center our efforts upon the legislative questions as to whether, first, it is good public policy for us to try to abolish the poll tax, and if so; second, what is the most effective method of accomplishing it?

I know it is always a temptation for legislators to discourse at length on the constitutionality of bills which are under consideration, but I suggest that these constitutional discussions are primarily influenced by the political and economic interests and emotional feelings of the participants. This, at least, has been the prevailing practice in the long history of social legislation.

We will recall now when the Wagner Act was proposed, many solons in this body declared pontifically that it was clearly an unconstitutional use of the commerce clause. The Supreme Court held otherwise.

When unemployment compensation and old-age security were up for action, it was argued that this was an obvious misuse of the taxing and spending powers of Congress. The Supreme Court held otherwise. When the Fair Labor Standards Act was introduced it was vehemently contended that this was a manifest misuse of the commerce clause as well as a violation of the fifth amendment which prohibits the Federal Government from taking property without due process of law. The Supreme Court held otherwise.

This experience should teach us all to be chary about pronouncing on the constitutionality of outlawing the poll tax by statutory enactment. We may more appropriately center our attention upon the proper ends to be sought and the best means to be employed.

This morning, at an early hour, I was reading some Gilbert and Sullivan. I came to a verse in "Iolanthe" in which W. S. Gilbert wrote about the House of Lords. In the early part of the 19th century, the House of Lords was the supreme legislative body in England. It regarded itself as the greatest deliberative body in the world, a description which is now frequently applied by Senators to the Senate of the United States. Mr. W. S. Gilbert expressed his opinion of this claim in some verses which I think are still amusing and still appropriate:

And while the House of Peers withholds its legislative hand,
And noble statesmen do not itch
To interfere with matters which they do not understand,
As bright will shine Great Britain's rays
As in King George's glorious days.

II. POLL TAX UNSUPPORTED BY POLITICAL THEORY OF DEMOCRACY

Despite the recent speeches by certain Senators, not many will now openly defend the imposition of a poll tax as a requirement for voting. It was put into general effect in the South not immediately after the Civil War, not immediately after 1877, when the Federal troops were withdrawn, but between 1895 and 1910 for very specific reasons which I shall later discuss. The philosophic argument for it rests upon much the same ground as property requirements for voting; namely, that people without property or who are not able to afford the payment of a poll tax, either have no vital interests which the Government should protect or are so unqualified to vote that they cannot properly use the franchise. Traces of these arguments were contained in the first speech on this subject by the erudite junior Senator from Arkansas [Mr. FULBRIGHT].

But if the history of the United States and of modern democracies teaches anything it is that while the proper protection of property is a function of government, it is not the only one. Governments should also protect the lives and liberties of its citizens, and in the Declaration of Independence, the founders of our Republic boldly declared that one of three basic rights of the individual which governments were instituted to secure was no less than "the pursuit of

happiness." This was next reaffirmed by the Articles of Confederation which declared that one of the purposes of the new confederation was to aid in the general welfare.

The Constitution itself in 1787 not only declared that one of the six main purposes for the new Republic was to "promote the general welfare," but also in article I, section 8, prescribed that Congress might use its taxing and spending powers not merely for "the common defense" but also for the "general welfare."

Lincoln well summed up this principle at Gettysburg when he said that ours was a Government for the people as well as of the people. But it was and is something more. It is also a Government by the people. Not only did Lincoln so state, but the very preamble of the Declaration of Independence lays down as a fundamental axiom that governments "derive their just powers from the consent of the governed."

The people therefore were ultimately to control, and while this was originally strained through independent intermediate bodies in the choice of the President and the Senate, these barriers have now been eliminated. Property qualifications originally imposed by the States have also been repealed and the continuation of the poll tax is an anachronism which cannot be defended in a modern democracy. People have the right to protect their dignity and welfare as well as their property. Participation in public affairs makes them more informed and better rounded citizens.

III. POLITICAL REALITIES BEHIND ADOPTION OF THE POLL TAX

So much for political theory. But the political realities which caused the poll tax to be accepted in the South were of a direct and practical nature.

Here I shall rely upon the testimony of the most eminent historian of recent southern politics in the person of C. Vann Woodward, who has told the story in great detail in his books "Origins of the New South," and "The Strange Case of Jim Crow." First, however, let me qualify Mr. Woodward as a sympathetic authority on the South and defend him against the inevitable charge that he is either a northerner or a Yankee sympathizer.

I have looked up Mr. Woodward's record and checked it. It shows that Professor Woodward was born in Arkansas and took his degree at Emory University in Georgia. He did his graduate work at the University of North Carolina. He taught at Georgia Tech, then at the University of Florida, and following that at the University of Virginia. He has taught in Tennessee and Texas, and indeed, throughout the South, and he is now professor of American history at Johns Hopkins University in Baltimore, which is at least half a southern city. I want to be strictly accurate in what I say, and I must admit that he did lecture for a year at Oxford. But I do not consider this to be a disqualification but in fact the opposite.

In fact, some of my best friends have been Oxford men. I submit, therefore, that Mr. Woodward is southern born, raised, and educated, and almost his entire life has been spent in the South. If his credentials should be further questioned, let it be recorded that one of his grandfathers fought in the Confederate Army for 4 years, and it is my impression that he was wounded defending the Stars and Bars. Certainly, as a good southern soldier, he showed his patriotism by trying to kill as many northerners as he could.

In view of all this, I think it must be admitted that Mr. Woodward comes to us with an impeccable record from the southern point of view.

And now, what does this patriotic and learned son of the South tell us about the importance of the poll tax? He points out that the rise of the Farmers Alliance in the South in 1892 and particularly in 1894 frightened the dominant economic and political groups of that region.

These States had been run from 1877 on—that was the year when Hayes withdrew the Federal troops—by the planter aristocracy, the big merchants, the bankers, the manufacturers, and the railroads. We sometimes think of the Farmers' Alliance, or, as it became known in the West, the Populist movement, as purely a western movement; but it was probably stronger in the South than it was in the West. The Farmers' Alliance sought, on the State level, more popular education, a reform of the tax structure, control over railroad rates, and many other features. Nationally, the Populist Party which became its predominant political arm advocated a Federal income tax, the direct primary and direct election of Senators, the nationalization of the railways, a Federal credit system, and other features thought at the time to be radical.

The alliance also had a parallel Negro organization which at one time claimed almost a million members. This parallel Negro organization was kept separate for social purposes but cooperated closely in political and economic efforts. It worked with much the same objectives, and there was a general attempt on its part to unite the poor whites and Negroes upon a common program of economic and political reform.

The Populist movement functioned as a separate party in a number of Southern States; such as, Georgia, North Carolina, Alabama, Louisiana, and Texas, and, under the leadership of Ben Tillman, inside the Democratic Party in South Carolina. In 1894, the Populists sometimes in fusion with the Republicans, polled an extraordinarily high percentage of the vote in most of the Southern States.

Percentages of votes for Populist and Fusion State tickets in 1894

State:	*Percent*
Virginia	27
North Carolina	54
Georgia	44
Florida	21
Alabama	48
Mississippi	27
Louisiana (1896)	44
Texas	36

It will be seen that the Populist movement and the Republicans carried North Carolina.

At that time the Georgia movement was led by Tom Watson, who worked very closely with the Negroes.

Alabama gave 48 percent of its votes for the Populist and Fusion State tickets. They nearly captured Alabama.

This extraordinary showing frightened the dominant political and economic groups in the South, and they moved swiftly to defeat it.

One of the two major devices which they used was to impose literacy tests together with property and poll taxes. Mississippi had instituted this system earlier, in 1890, probably as a reaction to the Lodge bill. Other States began to follow suit, such as South Carolina in 1895, Louisiana in 1898, North Carolina in 1900, Alabama in 1901, Virginia in 1902, in the celebrated Virginia constitutional convention, Georgia in 1908, and Oklahoma in 1910.

Other States which adopted the poll tax were Florida, Tennessee, Arkansas, and Texas. In a relatively short time the whole South was covered with poll tax provisions, as well as with a web of other provisions.

Professor Woodward's comments on this device are penetrating:

> With its cumulative features and procedures artfully devised to discourage payment, the poll tax was esteemed, at first by some of its proponents as the most reliable means of curtailing the franchise not only among the Negroes but among objectionable whites as well (Woodward, "The Strange Case of Jim Crow," p. 67).

The second major device was to split the poor whites apart from the Negroes so that a political alliance between them would be impossible. This led to the passage of segregation laws and ordinances—with which we are dealing today—which, as Woodward shows, are of a far more recent date than is commonly believed. Racism was therefore substituted for Populism, as an emotional driving force for the poor whites. It was a tragedy that many of the popular leaders in the South accepted this substitute and pursued it vigorously. Ben Tillman, of South Carolina, may have been the most conspicuous; but Heflin, of Alabama; Vardaman, of Mississippi; and Jeff Davis, of Arkansas, were not far behind. Tom Watson, of Georgia—who early had been a most eloquent advocate of economic and other cooperation between the races—held out against racism longer than most; but he finally succumbed, and finally rode to political power upon the doctrine of white supremacy in its most virulent form, embracing both anti-Negroism and anti-Semitism.

The basic purpose of the poll tax was, therefore, not to raise revenue, as has been alleged, and as the junior Senator from Arkansas [Mr. FULBRIGHT] has suggested. It was designed, instead, to limit the franchise. It was intended to reduce the number of low-income citizens who could vote. It disenfranchised poor whites as well as poor Negroes. But since the Negroes were on the average much poorer than the whites, it disenfranchised more Negroes than whites.

It was one of the devices used by the economic and political aristocracy of

the South to keep the rest of the South in subjugation.

A web of other restrictions, such as property, literacy, ability to pass so-called citizenship tests, the "white primary" and so forth, was also woven and still further restricted Negro suffrage; but it was made somewhat easier for the whites to penetrate these measures.

The poll tax and its allied restrictions had the planned-for effect. Woodward states:

> In the seventies, eighties, and nineties, the Negroes voted in large numbers. White leaders of opposing parties encouraged them to vote and earnestly solicited their votes. Qualified and acknowledged leaders of southern white opinion were on record as saying that it was proper, inevitable and desirable that they should vote. Yet after the disenfranchisement measures were passed around 1900, the Negroes ceased to vote. And at that time, qualified and acknowledged leaders of white opinion said, "It was unthinkable that they should ever be permitted to vote" (Woodward, "The Strange Case of Jim Crow," p. 91).

Thus in Louisiana there were 130,300 Negroes registered in 1897, but only 5,300 in 1900, and 1,340 in 1904, or a decrease of approximately 129,000. The number of whites who were registered was also reduced by 72,000—from 164,000 to 92,000—Woodward, "Origins of the New South," pages 342–343.

Following these measures of disenfranchisement, the percentage of voters who went to the polls decreased sharply. In Virginia, between 1892 and 1902, the vote for Congressmen fell off by 56 percent; in Alabama, the decrease was 60 percent; in Mississippi, 69 percent; in Louisiana, 80 percent; and in North Carolina, 34 percent. Florida showed a decrease of 69 percent; Arkansas, of 75 percent; Tennessee, of 50 percent; and Georgia, of 80 percent—Woodward, in the work cited, page 345.

The net effect of all these restrictive provisions, of which the poll tax was only one, was therefore to disenfranchise a large percentage of the voters, both black and white, but of course primarily black, for—as I have said—there were always escape hatches, under the literacy and property tests, through which the whites could be allowed to pass.

But these restrictions, combined with the white primary and the one-party system, operated to reduce the percentage of those voting in the Southern States to the lowest levels in the country. Senators and Representatives from the South came to be elected by relatively small constituencies.

IV. POLL TAX STILL A VEHICLE OF DISENFRANCHISEMENT

In the 1930's and 1940's strong movements developed throughout the country to abolish the poll tax. National action was proposed and defeated, but some State action followed. A good deal of the State action was in response to this and was an attempt to head off further northern efforts to outlaw the poll tax, by national legislation. North Carolina had already led the way in 1920. Huey Long was instrumental in getting the poll tax repealed in Louisiana in 1934; and I have often felt that the memory of Huey Long has perhaps been somewhat unjustly attacked, for a large part of his program was an attempt to restore power to people who had been stripped of that power by the restrictive legislation of some 35 years before.

Florida followed, in 1937, in repealing the poll tax, as the Senator from Florida has said. Georgia, under Ellis Arnall, abolished the tax in 1945; and then the movement halted for a few years. But in the early 1950's, after further national efforts had failed, South Carolina and Tennessee joined their sister States. But Virginia, Alabama, Mississippi, Arkansas, and Texas stood fast. In three of these States—Virginia, Arkansas, and Texas—proposals to abolish the poll tax have been defeated; and those who now enjoy the presently limited franchise seem to be reluctant to broaden it so to admit others. I think it is recognized that the chances for repeal in the other two States—Alabama and Mississippi—are slight.

But, Madam President, this is not a small matter, because in 1960 these 5 States had a total population of 21 million, or approximately 12 percent of the population of the United States.

Madam President, I ask unanimous consent to have printed at this point in the RECORD a table which I have prepared, which shows the present poll tax provisions of these States.

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

TABLE 6

State	Amount of poll tax per year	Is tax cumulative and if so for how long (yes or no)	Maximum State charge	How long before election must poll tax be paid	Is receipt required to prove eligibility at election
				Months	
Arkansas	$1	No	$1.00	7	Yes.
Alabama	$1.50	Yes (2 years preceding election year).	3.00	9	No.
Mississippi	$2 plus $1	Yes (2 years preceding election year).	4.00	9	Yes.
Texas	$1.50	No	1.50	9	Yes.
Virginia	$1.50	Yes (3 years preceding election year).	4.50	6	No.[1]

[1] In Virginia, receipt is only required to prove that voter moving from another county has paid poll tax there during the 3 preceding years.

Source: Mollie Z. Margolin. "Qualification of Voting," summary of State laws, etc., Library of Congress, Legislative Reference Service, June 1961, 229 pages. Ogden, "Poll Tax in the South."

Mr. DOUGLAS. Madam President, defenders of the poll tax commonly lay great stress upon the relative smallness of the tax, as an argument that its payment is not a deterrent to voting. It is pointed out that the poll tax in Arkansas is $1; that in Alabama, Texas, and Virginia, it is $1.50; and that in Mississippi it is $2, plus another dollar. There is no one so poor, it is contended, that he cannot afford to pay from $1 to $2 for the privilege of voting. And if one does not pay it, the failure to do so is said to be proof that the citizen is indifferent to this privilege, and hence does not deserve to be accorded it.

It is no doubt true that the rise in the real incomes of southern people during the last 25 years has made the mere size of the poll tax less onerous than it was; we of the North are very happy that there has been that increase. The Democratic Members of Congress from the North and from the West have consistently voted for measures which would develop the economy of the South. We should realize, however, that between 20 and 25 percent of the population of the country is still on a poverty level of existence, and can be accurately described as "ill fed, ill housed, and ill clothed." The percentage in this class is, of course, appreciably greater in the South than for the Nation as a whole.

When some 25 years ago, President Franklin D. Roosevelt in his inaugural address referred to "one-third of the Nation" as "ill clothed, ill housed, and ill fed," apparently that was a somewhat inaccurate statement, because the actual figures show that at that time approximately three-eighths of the people of the Nation were in that condition. Of course since that time improvements have been made; but the percentage in the South is still appreciably greater than that in the North.

In this connection let me point out that the title of Mr. Galbraith's book, "The Affluent Society," is in many respects perhaps an unfortunate one, for our society is not wholly an affluent one, and there are deep and wide pockets of great poverty and misery. Even the payment of a dollar or two is a heavy burden for an adult to bear in such a family, particularly when the benefits are at best intangible, and doubtless seem to many to be illusory.

The poll tax deterrent is moreover compounded in the three States where the requirement is cumulative. In Alabama and Mississippi the tax must be paid for the 2 years prior to the year of election, and hence comes to a total of $3 and $4, respectively.

I may say that until recently Alabama had a cumulative provision of 24 years, which meant that before one went on the rolls, he had to pay $36 before he could qualify. To the credit of Alabama, the 24-year cumulative provision has been abolished, but, even so, one must pay the tax for 2 years prior to the election.

In Virginia, the cumulative requirement is 3 years and the total is $4.50. Since a very large proportion of the citizens have not paid their poll tax, and are at present disqualified, they must therefore make a very sizable initial payment to acquire eligibility. The cumulative requirement is therefore a further substantial deterrent.

Added to this is the fact that in three of the States—Alabama, Mississippi, and Texas—the poll tax must be paid 9 months, and in Virginia 6 months, before the election. It is difficult for the average citizen to remember that the payment is required that far in advance, and since there is very little publicity on this point, a citizen must be very alert indeed to be able to qualify. The right to vote should not be made as difficult as that. It, of course, operates most severely against the poor, the less educated, and those most severely buffeted by the immediate problems of life. But the more absentminded also miss out.

A final hurdle is set up in the three States which require the prospective voter to bring his poll tax receipt with him before he can vote. This is not only true in Texas and Arkansas, where no other registration is required, but also in Mississippi, where it is. It is very easy, therefore, for people who have paid the poll tax to forget that they must keep on their person the physical proof of this payment when they go to vote. This is particularly true because of the fact that this requirement tends to be obscured and not emphasized, so that it is very natural for the prospective voter to lose or mislay his receipt.

All these plus other restrictions, together with the absence of an effective two-party system, cause the 11 Southern States to be at the bottom of the list in the proportion of those of voting age who vote in general elections.

I ask unanimous consent that a table covering the percentage of civilian population of voting age who voted in the presidential election of 1960 be printed at this point in the RECORD.

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

1960 election score board—How the States ranked in percentage of civilians of voting age who voted in the 1960 presidential election

Rank	State	Civilian population of voting age	Total vote	Percentage
1	Idaho	372,000	300,451	80.766
2	New Hampshire	367,000	295,761	80.588
3	Utah	469,000	374,981	79.953
4	North Dakota	350,000	278,431	79.551
5	South Dakota	388,000	306,087	78.831
6	West Virginia	1,085,000	837,781	77.214
7	Minnesota	2,003,000	1,541,887	76.978
8	Connecticut	1,590,000	1,222,883	76.910
9	Indiana	2,784,000	2,135,360	76.701
10	Massachusetts	3,230,000	2,469,480	76.454
11	Iowa	1,669,000	1,273,820	76.321
12	Illinois	6,244,000	4,757,394	76.191
13	Rhode Island	533,000	405,534	76.085
14	Wyoming	186,000	140,892	75.748
15	Delaware	264,000	196,683	74.501
16	Maine	574,000	421,767	73.478
17	Michigan	4,519,000	3,318,097	73.425
18	Alaska	83,000	60,762	73.207
19	Colorado	1,007,000	736,246	73.112
20	Missouri	2,651,000	1,934,422	72.969
21	Washington	1,703,000	1,241,572	72.905
22	Wisconsin	2,373,000	1,729,082	72.864
23	Vermont	230,000	167,324	72.749
24	New Jersey	3,827,000	2,773,111	72.461
25	Montana	387,000	277,579	71.725
26	Nebraska	857,000	613,095	71.539
27	Ohio	5,833,000	4,161,859	71.349
28	Oregon	1,089,000	775,462	71.208
29	Kansas	1,315,000	928,825	70.633
30	California	9,219,000	6,507,082	70.583
31	Pennsylvania	7,102,000	5,006,541	70.494
32	New York	10,788,000	7,291,079	67.584
33	Oklahoma	1,399,000	903,150	64.556
34	New Mexico	491,000	311,118	63.364
35	Nevada	174,000	107,267	61.647
36	Kentucky	1,876,000	1,124,462	59.939
37	Arizona	680,000	398,491	58.601
38	Maryland	1,819,000	1,055,349	58.017
39	Hawaii	321,000	184,745	57.552
40	North Carolina	2,521,000	1,368,966	54.302
41	Tennessee	2,079,000	1,051,792	50.591
42	Florida	3,099,000	1,544,180	49.828
43	Louisiana	1,770,000	807,891	45.604
44	Texas	5,329,000	2,311,670	43.379
45	Arkansas	1,029,000	428,509	41.643
46	Virginia	2,244,000	771,449	34.378
47	South Carolina	1,227,000	386,687	31.514
48	Georgia	2,342,000	733,349	31.312
49	Alabama	1,825,000	564,242	30.917
50	Mississippi	1,163,000	298,171	25.638

Sources: The American Heritage Foundation; State Election Officials; United States Census Bureau. Hearings before Subcommittee on Constitutional Amendment of Committee on the Judiciary, June 27, 28, and 29, 1961, pt. 2, p. 475.

Mr. DOUGLAS. As the Senator from Florida mentioned earlier, these figures show that the average for the country is a little over 70 percent. Idaho had the best record, with almost 81 percent voting. New Hampshire was next with over 80 percent. I am very happy that my own State was in the upper quarter. Illinois had 76 percent who voted and occupied 12th place despite the large proportion of our foreign-born population who are not yet citizens. But the 11 States at the bottom are all Southern States.

Thus, as the Senator from Florida mentioned, Alabama and Mississippi are at the very bottom, a little less than 26 percent for Mississippi, and 31 percent for Alabama.

While the percentages of participating voters is still low in all of the six non-poll-tax Southern States, they are higher than in the poll-tax States. But they are still very much below those of the Northern, Middle Western, and Western States.

It is certain that the mere removal of the tax will not work wonders overnight, or perhaps even in the immediate future. It will merely remove one of the strands in the web of the poll-tax States which now hold down the voting. But the evidence seems to indicate that it would appreciably increase the number of men and women who would go to the polls.

This can be shown by what happened to the rate of participation in a number of States after the repeal of the poll tax.

In Louisiana, the average rate of participation in the gubernatorial primaries increased from 40.2 percent to 61.1 percent after repeal. In the senatorial primaries, the increase in the average rate was from 31.2 to 46.5 percent.

In Florida the increase in the gubernatorial primaries was from 27 to 34.8 percent, and in the senatorial primaries from 20.1 to 32 percent.

In Georgia the repeal in 1945 of its cumulative poll tax resulted in a doubling of the number of voters, but this must be attributed in part to the collapse of the white primary and the introduction of the 18-year voting age. The average rate of turnout in Georgia gubernatorial primaries went from 16.9 to 30.3 percent.

In Tennessee, there was an average 12-percent increase after repeal.

Alabama's reduction of its cumulative poll-tax requirement, which, as I have said previously, amounted to 24 years, resulted in a spectacular increase of one-third in the number of registered voters and a long-term 10-percent increase in voting in senatorial and gubernatorial primaries.

Frederick D. Ogden, a southern political scientist, concludes that the repeal of the poll tax in general aided the movement for greater voting participation which was already underway. The increase which the abolishment of the poll tax would effect would be, according to him, somewhere between 5 and 10 percent. In my judgment, it might be higher. Certainly it would create several hundreds of thousands of additional voters. It might indeed cause many hundreds of thousands of additional voters to be added to the list.

V. POLL TAX SHOULD BE ABOLISHED BY STATUTE RATHER THAN BY CONSTITUTIONAL AMENDMENT

The question is, then, What is the most effective way of removing this impediment?

I submit that the method of statutory enactment, once it were passed, would be far more effective than that of the proposed constitutional amendment submitted by the Senator from Florida [Mr. HOLLAND]. In the first place, it would go into effect immediately across the Nation. The method of constitutional amendment is, on the other hand, at best slow and clumsy, while there is always the strong possibility or probability that it would never be ratified at all.

Let us consider the delay which a constitutional amendment would bring about. Thus, the 16th amendment took 3½ years to be ratified by the States after it was submitted to them by Congress.

The 17th, 18th, 19th, and 20th amendments each required only approximately a year, while final ratification of the 21st amendment took less than a year, but ratification of the 22d amendment required 4 years.

Moreover, since the Holland amendment merely gives Congress the enabling power to pass a statute later, a further delay would necessarily occur after ratification. Indeed, unless the rules and procedures of the Senate are changed, a further filibuster might prevent such legislation from ever being passed.

It is, however, highly questionable whether the amendment would ever be ratified by the States, for, as we all know, three-quarters of the States must approve an amendment before it can become a part of the Constitution. Therefore, if only 13 of the 50 States were to refuse or neglect to ratify such an amendment, it would not go into effect, no matter how small might be the population of those States or how restricted the numbers who actually took part in the electoral process.

Mr. HOLLAND. Madam President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. HOLLAND. I note that the Senator has not referred to the District of

Columbia voting amendment, which, as I recall, was ratified in about 9 months.

Mr. DOUGLAS. Yes.

Mr. HOLLAND. That involved somewhat the same issue as would be involved in this proposed amendment. I do not know why the Senator omitted reference to that particular amendment.

Mr. DOUGLAS. That was an omission. I am very glad to correct it.

It is, of course, a certainty that the five States which now impose a poll tax, and whose presently eligible voters have refused to repeal it, would not vote to give to the Government in Washington the power to do that which they will not do for themselves. What, then, about the other six States of the Old South which do not have the poll-tax requirement? We can be quite certain that powerful and moving appeals will be directed at them in the name of their common past and their present sectional groupings. They will be asked if they are willing to allow the northerners and westerners in Washington, D.C., to dictate to their sister States what they should do. "You may not believe in the poll tax," they will be told, "but please do not put us under the alien hand of the Yankees in Washington. Let us determine for ourselves what standards are to be followed inside our own States."

This will be reinforced by invocations to the mystical pathos of the lost cause. The voters of the six sister States will be reminded that their grandfathers fought together at Gettysburg and Lookout Mountain and shed their blood together for the Stars and Bars.

The memory of Robert E. Lee, Jefferson Davis, Stonewall Jackson, and their lieutenants will be invoked once more. Once again traveler will make the sad journey back from Appomattox, and the tired and footsore soldier in the faded gray uniform will again return to find his home burned, his cattle killed, and his silver stolen.

It will be almost impossible to resist such powerful emotional appeals as these, and it is doubtful whether a single one of the six remaining States of the Old South will have the temerity to ratify the Holland amendment. Almost certainly not more than one or two would do so. This would mean that the refusal to act of only two or a few more States would be sufficient to kill the amendment. In view of the sentiments of some of the border States and the close alliance of some of the smaller States with the South, this would be likely to happen. Therefore I strongly doubt whether the amendment would ever get the necessary ratifications. States which cast only about one-sixth of the vote in the presidential election of 1960 would be able to defeat the will of States with five-sixths of the voters.

Madam President, I now come to a delicate matter, but I think I am in conformity with the established usages of the Senate:

Since private conversations on this matter have been repeated on the floor of the Senate by those most anxious to observe the procedures of the Senate, I assume that it will not be amiss if I relate a conversation which I had on this subject with the senior Senator from Florida shortly after I came to the Senate many years ago. When the Senator from Florida solicited my support for his amendment, I expressed my belief that it would be defeated because the Southern States would not ratify. I said I might look favorably upon the proposal if a hundred southern political leaders would sign a roundrobin letter stating that they would not only urge their respective State legislatures to ratify the amendment but also personally would pledge that they would work actively to that end. That challenge ended our conversation.

Mr. HOLLAND. Madam President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. Does not the Senator recall that the Senator from Florida told the Senator from Illinois that the Senator from Florida would appear before his own State legislature and ask for ratification by his State of the amendment?

Mr. DOUGLAS. I do not quite remember that, but if the Senator from Florida so states, I am sure it is so.

Mr. HOLLAND. It is in the RECORD in several places, during the course of the debates.

Mr. DOUGLAS. The Senator from Florida is a very truthful man. Of course we accept his statement. No one else has however come forward that I know of.

It is certainly clear, from the way in which the current filibuster has been joined in by the overwhelming proportion of the southern Senators, that such a pledge will never be given, instead the congressional leaders from this section who are so generally esteemed at home can be confidently predicted to use their great influence against ratification just as they have used it to prevent even consideration of the amendment.

To adopt the method of trying to abolish the poll tax by the route of a constitutional amendment is, therefore, in all probability, to lead us down a blind alley, to consume a great deal of precious time, and to lead only to ultimate frustration and defeat.

If, however, we pass the statutory amendment advocated by the Senator from New York [Mr. JAVITS] and others of us, it would in the normal course of events go into effect immediately. If it were defied by some States, then court tests could be arranged fairly quickly and appeals decided. If the Supreme Court upheld the constitutionality of the act, this would finish the matter, because I cannot believe that Southern States would defy the solemn judgment of the Court upon such a matter.

There is another point which has been touched upon in the debate. That is, if we adopt the route of a constitutional amendment in the matter of the poll tax, it will be very difficult for us to use the method of statutory amendment as the administration intends in the case of helping to define the conditions under which the literacy test can be applied. The abandonment of the statutory amendment in the present case will be treated as indicating a disbelief in the constitutionality of the literacy test provisions on the part of those who are its advocates. While lawyers may argue that literacy tests can be distinguished from poll taxes by reason of their being more subject to the 15th amendment, the precedent will operate in the minds of many against a literacy test statute.

Some of the proponents of the Holland amendment may justify it in the cloakrooms on the alleged ground that it will be easier to pass it through Congress than it would be to enact a statute. It is hoped it will not be filibustered as hard as a statutory enactment might be. It is hoped that our southern friends will not really resist the amendment method, which the Senator from Florida has proposed.

While it is still not clear as to what are the final intentions of our friends from the South, the filibuster which has been carried on by them for nearly 2 weeks would seem to indicate that this hope is illusory and that the amendment method would be fought as bitterly as would be that of statutory enactment.

It should also be remembered that there is a considerable body of opinion in Congress which, for reasons I have mentioned, is conscientiously opposed to the use of the constitutional amendment. This sentiment was strong enough 2 years ago to prevent the Holland amendment from even being considered in the House.

As the Senator from New York pointed out, the statutory method has been approved on numerous occasions in the House. This opposition might likely be much stronger in the Senate than it was 2 years ago. It should be remembered that a two-thirds vote of both Houses is necessary for Congress to submit a constitutional amendment for ratification to the States. Therefore, even if the opposition to the amendment in Congress were not able to muster a majority of the Members of either House, its Members might very well be able to obtain more than a third of the votes and hence to defeat the amendment.

In contrast to all this, the method of legal enactment would only require a majority for it to be passed. In addition, the Javits substitute has been precisely tailored to meet the structural defects of the Holland amendment.

I ask the sincere opponents of the poll tax to consider these tactical considerations very carefully before they conclude that the Holland tunnel is the best route to the desired destination.

VI. DEFECTS IN THE ORIGINAL HOLLAND AMENDMENT

This brings us to the crucial defects within the original Holland amendment itself which were not detected when this proposal was before us 2 years ago.

I ask Senators to read the original section 2:

> Nothing in this article shall be construed to invalidate any provision of law denying the right to vote to paupers or persons supported at public expense or by charitable institutions.

When this section was first included in the Holland amendment a few years ago, I thought it referred to the largely inoperative pauper laws of nine States,

primarily in New England, and which are no real barrier to voting.

Mr. HOLLAND. Madam President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield. I thought at that time that there were nine. Apparently there are 12.

Mr. HOLLAND. There are 12 States, 3 in the South and 9 in other parts of the country.

Mr. DOUGLAS. I find that the Senator is correct.

Mr. HOLLAND. The uniform statement of all lawyers who have gone into that question is that each of the laws was passed in an effort to protect the purity of the ballot, because of the fact that people had voted against their will when they were inhabitants of a poorhouse or of a similar institution.

Mr. DOUGLAS. Yes.

We have been trying to trace the history of section 2.

I think it is accurate to say that this provision was not included in earlier versions of the Holland amendment, and was first included in the measure proposed in the 83d Congress. It was included then without an explanation of the reason for its inclusion.

Mr. HOLLAND. Madam President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. The Senator certainly has not had an opportunity to read the record of the hearings. The Senator from Florida has very carefully explained, at the various hearings before subcommittees of the Senate Committee on the Judiciary, the origin and the reason for the inclusion of that section.

Mr. DOUGLAS. I was referring to the time when the measure was originally introduced. I was not aware of the fact that the Senator had given the reasons for its original adoption. When I studied this question last week in some detail there seemed to me to be some evidence that it was what was popularly known as a sleeper or joker. Let me say that I do not wish to question the intent of the Senator from Florida. I merely submit that the sweeping terms of the amendment would have encouraged several States to disfranchise a much greater number of citizens than those who are now barred by the poll tax, because there was an explicit statement that the prohibitions against the poll tax as a requirement for voting were not to apply to property qualifications, to paupers, to those receiving public assistance, or to those supported by charitable institutions.

For example, those who receive public relief, or what is known as general assistance, are certainly being "supported at public expense" and hence could be made ineligible to vote. Last November these numbered 394,000 cases in the country as a whole. Of those, 39,669 were in the 11 Southern States, and 13,429 were in the five poll tax States. Also, in November 1961 there were 2,272,568 recipients of old-age assistance. These were also supported at public expense, both State and national, and hence could be disfranchised. No less than 891,045 of those were in the 11 States of the Old South and 170,274 were in the 5 poll tax States.

Similarly during November of 1961 there were 908,083 families in the country receiving aid to dependent children. Of those 201,791 were in the Old South and 77,961 in the poll tax States. The mothers in those States could clearly have been made ineligible to vote. While it is probable that those in receipt of old-age security payments toward which the aged persons had themselves contributed could not be held to be "supported at public expense," this section could have been used to exclude the 64,000 who are now receiving benefits under the Kerr-Mills Act.

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

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. The Senator is not presuming that merely because a State would have power to do what the Senator has suggested, the State would do it?

Mr. DOUGLAS. It does not necessarily follow, but a very explicit hint is given that if it wished to take that action, it could do so. I am speaking of the original Holland amendment. It specifically stated that it did not apply to paupers, to those receiving public assistance, or to those supported by charitable institutions. So I should say the handkerchief was dropped, so to speak, and the legislature could take the hint very readily.

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

Mr. DOUGLAS. I yield.

Mr. LONG of Louisiana. I believe I have heard of some people who were silly enough to suggest that such action ought to be taken, but I do not think those people have much chance of being effective.

Mr. DOUGLAS. They do not need to do it now, because they have a poll tax. But if the poll tax were abolished, they could obtain the same end by the other methods suggested.

Mr. HOLLAND. Madam President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I think the Senator would be interested to know that in States where such provisions have existed and exist now, either statutes clearly state or the courts have clearly held that the payment of Federal assistance cannot be held to create paupership such as is covered by the provisions of the laws of those States.

Mr. DOUGLAS. What I am trying to say is that the restrictions could be very readily tightened by further legislative enactment.

Mr. HOLLAND. Madam President, will the Senator yield further?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. Aside from the generosity of the Senator in having said that he would not accuse the Senator from Florida of putting a sleeper in the amendment which I have presented, the Senator might also have commented that it would be practically impossible to put a sleeper in a bill of the import of the amendment before us that would fool 100 Senators and, in 1960, would have fooled them so badly that 72 Senators, including, I believe, the Senator from Illinois, voted for the measure.

Mr. DOUGLAS. I was more naive in 1960 than I am today. I talked with several of the 68 sponsors of the Holland amendment. I pointed out section 2 to them and they said, "Good heavens. Did I sponsor section 2? I must have sponsored it in an unwary moment."

We all remember how the Bricker amendment came before the Senate with more than two-thirds of the Senators sponsoring the amendment. We all remember how the discussion of the Bricker amendment developed. We could not muster a two-thirds vote because a great many of the so-called sponsors had put their names on the amendment without knowing the full import of what had happened.

The Senator from Florida has such a disarming manner and such a gentle and genteel approach with which he confronts his fellow Senators in the cloakroom that it is very hard to resist the seductive arguments which he advances.

Mr. HOLLAND. Madam President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I appreciate the kind words of the Senator from Illinois, even though he is slaying me with kindness. I invite his attention to the fact that the Senator from Florida has not lobbied in behalf of his amendment. He has argued it in full and in the open at every hearing that was held. He has debated it in full on the floor of the Senate. He would have had to be very keen indeed to have fooled the former majority leader, the then Senator JOHNSON, and the minority leader, the Senator from Illinois [Mr. DIRKSEN]. He would have to be equally clever to have fooled the present majority leader, the Senator from Montana [Mr. MANSFIELD] and the same minority leader, the Senator from Illinois [Mr. DIRKSEN].

The Senator from Florida had a good amendment. He has retained more than 95 percent of it. He has omitted the part that he did omit against the specific request of the Department of Justice, because the Department preferred my original amendment. There are those who thought that that factor might have been used to help defeat the measure, even as the Senator from Illinois, now when the provision about which he speaks does not even exist, is seeking to prevent Senators from fairly considering the present amendment.

So apparently there was merit in the opinion of the majority leader and others that those provisions, though fair, and without great flaw of their own, might be used by Senators who favored something else to put the original amendment in a false light.

But the Senator comforts himself with the thought that even the Senator from Illinois voted for the measure in 1960. He appreciates that vote. He thinks it was based on sound conscience, and he regrets that the Senator from Illinois will not have an opportunity to vote for the precise amendment again, as he believes he would.

Mr. DOUGLAS. Madam President, I was trying to lay a historical basis for discussion on this point. Having detected the weaknesses I have indicated, and having consulted with some of my colleagues, I had drafted a series of amendments to the Holland proposal which would have eliminated the explicit encouragement which the original text of the Holland amendment gave to those devices. I was on my feet last night and on the point of offering such amendments when the Senator from Florida himself came forward with a revised draft, which was identical with the amendments which I had prepared, with certain exceptions. I thought it was a case of either conscious or unconscious parallelism in action.

It may be that in this whispering Chamber word gets around very rapidly as to what is intended. It is possible that the knowledge that these amendments would be offered by a bipartisan group of Senators may have caused the Senator from Florida to back up and withdraw section 2. I do not know whether that is the case. However, I will say I am interested that there should be this parallelism of action.

Mr. MANSFIELD. Madam President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. MANSFIELD. I wish to say to my distinguished friend, the Senator from Illinois, that he should disabuse his mind thoroughly and completely of any such idea, because, as one who was very vitally interested in this legislation, and who held a series of meetings over the past 4 or 5 days, I assure the Senator that to the best of our knowledge we had no idea that any Member of the Senate was in the process of considering amendments to the proposal which finally emerged. That ought to be clear for the RECORD. If we had known about the Senator from Illinois considering such a proposal I am quite certain we would have gotten in touch with him in one way or another.

Mr. DOUGLAS. I did not say "conscious parallelism." I said it might well have been "unconscious parallelism."

Mr. HOLLAND. Madam President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. Just as the Senator has confessed that he did not know that the Senator from Florida had amended his amendment until it was presented to the Senate, so the Senator from Florida did not know that the Senator from Illinois had any intention of submitting his amendment. Not being gifted with the power of reading minds and not having been in close contact with the distinguished Senator from Illinois, I had no idea that our minds were running in the same direction, although I was very glad to learn, in the colloquy last night, that this was the fact. I thought that the fact that our minds were running in the same direction would lead the Senator from Illinois to see the justice of the amendment. I still have hope for my friend from Illinois.

Mr. DOUGLAS. I must say that the present draft is a distinct improvement over the first one. If the first draft had been continued in the form in which it was originally submitted, I should have been conscientiously advised to oppose the amendment and to urge other Senators to oppose it similarly. I would have made the frank statement that I am wiser now than I was in 1960, which in itself is an indication that we can improve with time.

Mr. HOLLAND. Madam President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. We all should admit that we can improve. However, I wish to call attention to the fact that the original amendment to which the Senator refers was submitted in 1953, and has been in that identical form from then until now. Therefore, it would not have taken any great prescience to learn what was in it in the intervening 9 years.

Mr. DOUGLAS. I believe 1960 was the first time that it came before the Senate.

The statements of the Senator from Florida and the Senator from Illinois appear in the colloquy in the final pages of the CONGRESSIONAL RECORD for yesterday.

I am not quite certain what the provision with respect to the property qualification meant. There is the explicit provision in the original form of the amendment to permit a State to deny the right to vote to paupers and to persons supported in charitable institutions, for example.

The present draft is a distinct improvement.

There is a point which I wish to emphasize very strongly. While the new language does not encourage disqualification on all of these grounds, it most certainly does not forbid them. It is silent on these matters. It leaves, therefore, a constitutional vacuum into which States which want to restrict the franchise could move. Could they not impose rather severe property qualifications, since this is not forbidden in the amendment? Could they not disqualify those on relief, since this is not forbidden in the amendment?

Could they not disqualify those receiving old-age assistance, because this is not forbidden in the amendment? The same would apply with respect to those receiving payments for dependent children or those living in old people's homes. Disqualification on these grounds is not forbidden in the amendment.

I believe such disqualification would be against the spirit of the amendment, but would it be technically forbidden?

Mr. HOLLAND. Madam President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. HOLLAND. I call the Senator's attention to the fact that exactly the same situation would exist if the Javits amendment were adopted.

Mr. DOUGLAS. Not quite.

Mr. JAVITS. Madam President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. JAVITS. I am glad the Senator has brought up this very important point, and I am very glad that we can clarify the situation. In the first place, my amendment contains the words "or other tax or to impose a property qualification." The language is found at page 2, lines 15 and 16. That is forbidden as a prerequisite for registering to vote or voting.

That is the first point, and it is a very important point.

In the second place, let us remember that what we do is to give us the flexibility of a statute, so that if there is abuse we can move into it and act on it; whereas what the Senator from Florida would have us do is take the constitutional amendment route. Then we are lashed to two propositions: First, that we then can implement whatever it says, and whatever it does not say we cannot implement. If we want to change it, we can only move by way of a constitutional amendment, because we have moved, in the first instance, by the constitutional amendment route.

I respectfully submit that here is a very powerful reason why we should proceed by the statutory route and not by the constitutional amendment route. I am very grateful to the Senator for bringing up this point.

Mr. DOUGLAS. Madam President, I believe the Senator has made a very powerful argument.

With the limited amount of time at our disposal, I certainly am not ready at this moment to propose a further amendment to the Holland amendment, which would specifically outlaw such attempts. A provision in the Constitution must be drafted with great care. We have largely met this difficulty in the statute which the Senator from New York [Mr. JAVITS] is proposing, by outlawing all property qualifications for voting.

VII. ABOLISHMENT OF RESTRICTIONS ON VOTING FUNDAMENTALLY WILL CONTRIBUTE TO FREEDOM AND DEMOCRACY

Now, Madam President, if I may finish, I would say that those of us who want to give all literate Americans the right to vote, whether they be black or white, and who desire that everyone may be treated as a child of the Divine Spirit, and consequently given an adequate opportunity to develop educationally, economically, culturally, and politically, are always subject to two sets of criticism.

On the one hand, we are accused of violating the rules, customs, and procedures of the Senate, which, as an eminent southern writer has correctly said, are the South's revenge for Appomattox. Then close behind this criticism follows the charge that we are antisouthern and are trying to heap indignity and disgrace upon that section of the country. We are presented to the world and to the South as being brutally unchivalrous and as offending the unappeasable honor of the South.

All this despite the fact that at no time has any member of the civil rights group attacked the South. We have, on the contrary, been careful to say that we in the North and the West have our weaknesses and sins on these matters as well, and that we should eliminate them in the North as rapidly as possible. We have not felt any self-righteousness, and I hope we have not expressed any. We have been careful indeed to point out that we of the North were delivered from the terrible curse of slavery not by any

superiority in moral character but, instead, by the fortunate accident of a colder climate and a less fertile soil.

I hope I will not offend my southern friends if I say that they are in a sense prisoners of history and geography.

Madam President, we are trying, in fact, to free all of our friends, both South and North, from the forces which imprison so many. We know that many of what are upheld as basic institutions of the South are not really supported by the majority of the southern people but are, instead, imposed by a relatively small uppercrust who are dominant and who control overwhelmingly the agencies of information and propaganda. We want to set free the economically disfranchised majority of the South, both white and black alike. We want to open up the doors of more adequate education for the disinherited, both white and black alike. We want to open up the gates of opportunity so that the abilities of white and black alike may function more effectively. To do all these things, we of the civil rights group in the North are willing to pay more taxes. For we know that in this Nation, we are brothers, one of another, and should help to bear the burden of the States which have a low income per capita.

Yes, and we believe that if we can but put these programs into effect and arrange a reconciliation between presently conflicting groups, we can free even those who now despise us from the obsessions which now possess them and so enable their natural and generous emotions and abilities to be devoted to constructive ends. We seek to do this in the true spirit of friendship and without any sanctimonious self-righteousness.

Perhaps we cannot convince our friends that this is so. There are vested interests in misunderstanding which are hard to supersede and it is difficult to keep on a friendly course when one's motives and conduct are systematically misunderstood and misinterpreted. But we shall nevertheless keep on trying and if we should slip now and then, we ask to be forgiven. For that does not represent the deepest desires of our hearts. I am not at all certain that the world as we know it will survive the possible Armageddon of a nuclear holocaust. If it does not, it is better for us to go out on a note of brotherhood rather than as querulous and hateridden creatures. And certainly our chances of survival are greater if we can be both free and united in brotherhood. For it is true now as it was in olden times that where there is no vision the people perish.

If the poll tax is a restriction on voting rather than a qualification for voting, Congress could abolish it for Federal elections without violating the constitutional prohibition against the qualification for voters and electors for national office and State legislatures.

Mr. JAVITS. Madam President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield.

Mr. JAVITS. I think the whole Nation must be proud of the Senator from Illinois, whether one agrees with him or not, and grateful to him for the tone of what he has said. I, as also a person who feels very strongly about these problems, as he does, represent a community which, on the whole, feels the same way. It is an enormous community, containing 10 percent of the population of the United States.

I wish to associate myself especially with the words "sanctimonious righteousness." I feel no such thing. We understand very deeply the reasons and the bases of the currents which are at work here; but I also feel, with the Senator from Illinois, that in a time of such peril, there is all the more reason for doing our utmost to sound the clarion call for morality and fidelity to the guarantees of our Constitution.

The Senator from Illinois has made a trenchant speech. One could comment on it at great length. But if I did so, it would depreciate from the lofty tone which the Senator from Illinois has used. So I leave it at that and express gratitude at being associated with a man of such luminous intelligence in a cause so worthy as this one.

Mr. DOUGLAS. I thank the Senator from New York.

Madam President, we in Illinois know that we have many faults concerning this matter. We in the city of Chicago, which I love, know that in many respects we have fallen short of our ideals. However, it is the intention of all our citizens to push forward and to remove these difficulties as rapidly as possible. They are difficulties which, in the main, are not legal, but social. All I seek to do is to attempt to remove some of the legal difficulties which are impediments. I hope very much that in the months and years ahead we may move forward.

Mr. MANSFIELD. Madam President, the amendment offered by the Senator from New York [Mr. JAVITS] raises two fundamental questions: Whether the statutory approach to this proposal is constitutional; and whether, if the Senate should adopt such an approach, Congress would be likely to complete action on it.

I shall not add to the already considerable flow of words on this subject by discussing the constitutionality of the Senator's amendment. I shall only state my conviction that the adoption of the statutory approach would be certain to delay the abolition of the poll tax as a prerequisite for voting. In my opinion, those who seek to end the poll tax will support the Holland amendment, and will oppose the statutory approach.

Madam President, I move that the amendment offered by the Senator from New York be laid on the table.

Mr. JAVITS. Madam President, will the Senator from Montana withhold his motion for a moment?

Mr. MANSFIELD. Madam President, I withhold my motion.

Mr. JAVITS. Madam President, I wish the RECORD to reflect that the voting package in respect to the implementation of the recommendations of the Civil Rights Commission was introduced by my colleague from New York [Mr. KEATING]. The only reason I have moved as I have with respect to the proposal now before the Senate is that I had done so once before, in 1960. So I carry the matter on at this time. I simply desired that the RECORD be explicit about that.

Mr. MANSFIELD. I thank the Senator from New York.

Madam President, I renew my motion that the amendment offered by the Senator from New York be laid on the table.

Before the vote is taken, I ask for the yeas and nays.

The yeas and nays were not ordered.

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

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

Mr. MANSFIELD. Madam President, on the motion to lay on the table, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana to lay on the table the amendment of the Senator from New York.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT] and the Senator from Tennessee [Mr. GORE] are absent on official business.

On this vote, the Senator from Alaska [Mr. BARTLETT] is paired with the Senator from Tennessee [Mr. GORE]. If present and voting, the Senator from Alaska would vote "nay," and the Senator from Tennessee would vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], and the Senator from North Dakota [Mr. YOUNG] are necessarily absent.

The Senator from South Dakota [Mr. CASE] is absent because of illness.

If present and voting, the Senator from Utah [Mr. BENNETT] and the Senator from North Dakota [Mr. YOUNG] would each vote "yea."

The result was announced—yeas 59, nays 34, as follows:

[No. 32 Leg.]

YEAS—59

Aiken	Hayden	Moss
Anderson	Hickenlooper	Mundt
Bible	Hickey	Murphy
Boggs	Hill	Muskie
Burdick	Holland	Pearson
Byrd, Va.	Hruska	Prouty
Byrd, W. Va.	Johnston	Randolph
Cannon	Jordan	Robertson
Carlson	Kefauver	Russell
Chavez	Kerr	Saltonstall
Cotton	Long, Hawaii	Smathers
Curtis	Long, La.	Smith, Maine
Dirksen	Mansfield	Sparkman
Dworshak	McClellan	Stennis
Eastland	McGee	Talmadge
Ellender	McNamara	Thurmond
Engle	Metcalf	Tower
Ervin	Miller	Williams, Del.
Fulbright	Monroney	Yarborough
Goldwater	Morton	

NAYS—34

Allott	Case, N.J.	Dodd
Beall	Church	Douglas
Bush	Clark	Fong
Carroll	Cooper	Gruening

Hart	Long, Mo.	Scott
Hartke	Magnuson	Smith, Mass.
Humphrey	McCarthy	Symington
Jackson	Morse	Wiley
Javits	Neuberger	Williams, N.J.
Keating	Pastore	Young, Ohio
Kuchel	Pell	
Lausche	Proxmire	

NOT VOTING—7

Bartlett	Capehart	Young, N. Dak.
Bennett	Case, S. Dak.	
Butler	Gore	

So Mr. MANSFIELD'S motion to lay the Javits amendment on the table was agreed to.

Mr. MANSFIELD. Madam President, I move to reconsider the vote by which the motion was agreed to.

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

The motion to lay on the table was agreed to.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Madam President, I should like to query the majority leader at this time as to whether he has canvassed the situation so far as other amendments are concerned, and what the Senate may expect by way of business for the rest of the day.

Mr. MANSFIELD. Madam President, in response to the question raised by the distinguished minority leader, to the best of my knowledge I believe there will be only one other amendment, that to be offered by the distinguished Senator from Connecticut [Mr. BUSH], and I am under the impression that will not take too much time.

It is hoped, with the cooperation of the Senate, that it might be possible to finish consideration of the pending business tonight, and I ask Senators to help the distinguished minority leader and me in trying to bring about that sort of conclusion.

THE ALEXANDER HAMILTON NATIONAL MONUMENT — AMENDMENT TO THE CONSTITUTION DEALING WITH POLL TAXES

The Senate resumed the consideration of the joint resolution (S.J. Res. 29) providing for the establishing of the former dwelling house of Alexander Hamilton as a national monument.

Mr. BUSH. Madam President, I call up my amendment in the nature of a substitute for the Holland amendment, which I sent to the desk this afternoon, and ask to have it stated.

The PRESIDING OFFICER. The amendment of the Senator from Connecticut in the nature of a substitute for the so-called Holland amendment will be stated.

The LEGISLATIVE CLERK. It is proposed to strike all after the resolving clause and insert in lieu thereof the following:

That the following articles are hereby proposed as amendments to the Constitution of the United States, both or either of which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of their submission by the Congress:

"ARTICLE —

"SECTION 1. The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay any poll tax or other tax.

"SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

"ARTICLE —

"The people of the District constituting the seat of the Government of the United States shall be entitled to elect two Members to the Senate and a number of Members to the House of Representatives equal to the number of Members of the House of Representatives to which a State having the same population as such District would be entitled. The Members authorized by this article shall be elected at such time and in such manner, and the electors of such Members shall have such qualifications, as the Congress shall provide by law."

Mr. BUSH. Madam President, the purpose of the amendment is merely to give to the people of the District of Columbia, which is the seat of government for the United States, an entitlement to elect two Members of the U.S. Senate and a number of Members of the House of Representatives equal to the number of Members of the House to which a State having the same population as the District of Columbia would be entitled.

(At this point Mr. METCALF assumed the chair.)

Mr. BUSH. Mr. President, the purpose of the amendment is to give the citizens of the District of Columbia, in the heart of the United States, the same consideration in respect to representation in the Congress of the United States as is given to the people of States which have lesser populations than that of the District of Columbia.

In respect to that point, Mr. President, I comment that the population of the District of Columbia in the latest census was 763,000. States with lesser populations than that included the following:

Hawaii, with 632,000.
Alaska, with 226,000.
Wyoming, with 330,000.
Idaho, with 667,000.
Montana, with 674,000.
North Dakota, with 632,000.
South Dakota, with 680,000.
Nevada, with 285,000, approximately one-third as many as the District of Columbia.
Vermont, with 389,000.
New Hampshire, with 606,000.
Delaware, with 446,000.

Each of these States which has a smaller population is represented in the U.S. Senate by two Senators and in the House of Representatives by at least one Representative.

A year or two ago the Senate passed a constitutional amendment to permit the citizens of the District of Columbia to vote for President and Vice President of the United States, but those citizens have no authority whatever to vote for members of the legislative branch. More than three-fourths of a million citizens of the Capital City of the United States are disfranchised so far as the legislative branch of this Government is concerned. I think in simple equity the citizens of the Capital of the United States should have representation in the Congress. I believe this is a solution to the political problem which worries a great many people, including, I think, a large majority of voters in the District of Columbia.

I have discussed this proposal with representatives of the District Government, with former representatives of the District Government, with residents of this community, and with some of the Members of the Senate of the United States. I introduced a measure to implement this proposal on May 11, 1961. It was appropriately referred, I believe, to the Committee on the Judiciary. There it has remained. Unfortunately, no hearings have been held on the measure.

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

Mr. BUSH. I now bring it forward as an amendment to the pending proposal, so as to bring it to the attention of the Senate. More than three-quarters of a million citizens of the United States in the Nation's Capital have no representation whatever in the Congress. It seems to me to be an appropriate time to bring the measure before the Congress, in the hope that if we do not get satisfactory action on it today at least we can focus our eyes on the importance of this question, and perhaps get a hearing on the bill as a separate proposal, so that it may receive the consideration to which I so firmly believe it is entitled.

This is not a home rule bill, Mr. President. I do not believe that the Congress is in the mood to pass such a proposal, or that the Congress thinks well of the idea of granting so-called home rule to the District of Columbia. I have reservations about that subject. At the present time I should not favor it.

On the other hand, I see no reason why such a large body of our citizens, larger than the body of citizens in each of 11 States which have smaller populations, should be disfranchised and not represented in the Congress of the United States.

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

Mr. BUSH. I yield to the Senator from Florida.

Mr. HOLLAND. I have great respect for the distinguished Senator, but I hope that he will not insist upon his amendment for the following reasons:

In the first place, this proposal would be a radical departure from anything else in this Nation. It would give to the District of Columbia—which is not a State, which does not have a Governor, which does not have home rule, which cannot even pass its own ordinances—the same number of Senators and proportionately the same number of Members of the House of Representatives as every other State in the Nation has.

I am told by the staff member who has been so ably advising the committee headed so ably by the Senator from Tennessee [Mr. KEFAUVER], that this matter has not been submitted to hearings. The Senator from Tennessee has

conducted very careful hearings on my proposal, not only in this Congress but also in prior Congresses. Many points of view have been aired upon the subject.

Because this is such a far-reaching provision, so completely different from anything now existent in this country, I hope the Senator will not insist upon his amendment, but will permit the subject to be studied, as it deserves to be, by a committee in this Congress or in the next Congress.

Mr. BUSH. Mr. President, I thank the Senator. I know his position is sincerely taken.

Frankly, I do not see any reason why the citizens of the District of Columbia should be deprived of representation in the Congress merely because it is a district and not a State. There are more than three-fourths of a million citizens in this city. They now can vote for President and Vice President of the United States, thanks to the action of the Congress, but they lack any way of expressing themselves in the halls of the Congress. It seems to me that is a perfectly ridiculous situation.

Mr. HOLLAND. Mr. President, the Commonwealth of Puerto Rico has more than 2 million citizens and does not have representatives in the House or in the Senate.

In addition, I invite the Senator's attention to the fact that recently we extended the voting privilege to the District of Columbia. The Senator from Florida was one who voted for that measure. The States have approved the amendment. The citizens of the District of Columbia, like citizens anywhere else, now can vote for President and Vice President of the United States.

I suggest that first there should be a little trial run, to see how the citizens of the District of Columbia, after such a long term of nonparticipation, show their attitude toward the National Government.

I insist that a measure of such far-reaching consequence should be submitted to hearings. I commend to the Senator the careful hearings which are given uniformly by the Senator from Tennessee [Mr. KEFAUVER] and his able subcommittee.

Mr. BUSH. I thank the Senator from Florida.

Mr. President, I shall yield at this time on this point to the Senator from Tennessee, who has asked me to yield.

Mr. KEFAUVER. The Senator has said that the proposal was referred to the Judiciary Committee, which is correct. The measure was referred further to the Subcommittee on Constitutional Amendments. In the 86th Congress there were very full hearings on amendments concerning representation of the District. I think an amendment with respect to having representation of the District of Columbia in the House of Representatives was presented by the distinguished Senator from New York [Mr. KEATING]. Extensive hearings were held. As I recall, the amendment was reported favorably by the subcommittee, and later it was joined with a constitutional amendment I had proposed and the poll tax amendment, and then passed by the U.S. Senate.

All of those proposals lost out in the House of Representatives, except the part relating to voting for presidential electors.

In principle I agree with the Senator from Connecticut. I think the people of the District of Columbia should have some representation. I think, however, that perhaps it ought to be first in the House of Representatives, during a trial period, rather than the U.S. Senate initially.

I say further to the Senator that there are other electoral reforms which I should like to see voted upon and approved by the House, as well as by the Senate, and approved by three-fourths of the States, but I fear that if they were added to the pending joint resolution it might mean the defeat of the whole resolution.

So I think it is the part of wisdom to take them one by one.

Mr. KEATING. Mr. President, will Senator yield?

Mr. BUSH. I yield to the distinguished Senator from New York.

Mr. KEATING. Mr. President, I commend the senior Senator from Connecticut for his initiative in presenting this amendment. He has had a long-standing interest in extending the franchise to people in the District of Columbia and in other measures to strengthen voting rights for all Americans.

He was very much interested and expressed that interest to me at the time referred to by the distinguished Senator from Tennessee when the opportunity came to present in behalf of myself, the Senator from South Dakota [Mr. CASE], and the Senator from Maryland [Mr. BEALL] the constitutional amendment which for the first time allowed Americans residing in our Nation's Capital to participate in the choice of the President and Vice President. Under the provisions of our original amendment, the District of Columbia would have been given the same representation in the electoral college and in the House of Representatives which it would enjoy if the District were a State.

The amendment passed the Senate in this form. Unfortunately, the House Committee on the Judiciary, and subsequently the House itself, eliminated the provisions for representation in the House of Representatives and limited representation in the electoral college to a maximum of three, regardless of the population of the District.

Since the District of Columbia under the present method of apportionment would have been entitled to at least four, and possibly five, electors if it were a State, the final amendment in effect made three-fourths or three-fifths citizens of Americans in the District of Columbia. I strongly objected at the time to this concept of "fractional" citizenship, which I still find abhorrent, but three-fourths or three-fifths citizenship is better than none, and for that reason no one who had the interest of the District of Columbia residents at heart could vote against the final resolution.

The amendment offered by the Senator from Connecticut [Mr. BUSH] would provide for representation in the Senate, as well as the House. There is much logic in according the people of the District this consideration, since States with much smaller populations have both Senators and Representatives. However, our original amendment did not provide for Senate Members, and no hearings were held on this specific issue. I believe that we should have such hearings. If the question is not resolved today, I shall urge upon the chairman of the Subcommittee on Constitutional Amendments, the distinguished Senator from Tennessee [Mr. KEFAUVER], who has always been very cooperative on these questions, that hearings be held in order to revive attention in the District of Columbia situation, which the Senator from Connecticut has so admirably done by offering the amendment, and to determine what further steps are necessary to complete the process begun by the 23d amendment, of bestowing full citizenship upon the people of the District. As the chairman of the subcommittee, the Senator from Tennessee [Mr. KEFAUVER], has been a strong supporter of efforts of the kind proposed in the past. I have every reason to believe that he will be sympathetic to the point of view presented by the distinguished Senator from Connecticut. I have an open mind on the conclusion of Senators. I think that the District should have voting representation in the House of Representatives, and I for one, as a member of the committee, will be very much interested in hearing the views presented by the distinguished Senator from Connecticut, who has focused our attention today on a pressing problem in the Nation's Capital.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. BUSH. I am glad to yield to the Senator from Ohio.

Mr. YOUNG of Ohio. The distinguished senior Senator from Connecticut has made a very interesting argument. He has offered a very interesting amendment. However, I feel that despite his fine presentation, we should bear in mind that doubtless many of the 750,000 residents of the District of Columbia vote in the various States from whence they have come, or at least they have a right to do so. I know that many residents here vote in my State of Ohio, casting absentee ballots. It is becoming easier for those who are away from their native States to cast ballots. I feel that that is a consideration we should have in mind.

If the distinguished Senator from Connecticut were offering an amendment dealing solely with representation in the House of Representatives on the basis of population, I might have an open mind on that question and, following hearings, I could see some merit to it. But in view of the fact that the District of Columbia belongs to all the States, that it is not a State of the Union, I want the distinguished senior Senator from Connecticut to know that at this time I could not possibly go along with any

amendment that would give the District of Columbia two Members of the U.S. Senate.

Mr. BUSH. I thank the Senator from Ohio.

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

Mr. BUSH. I yield for a question.

Mr. KEFAUVER. I concur wholeheartedly in what the Senator from New York [Mr. KEATING] has said. If the amendment is not agreed to at the present time, as the Senator requested, we shall have ample hearings, because I am in full agreement with the general objective of representation of the District of Columbia.

Mr. BUSH. Mr. President, that assurance is very important to me. Did I correctly understand the Senator from Tennessee to say that if I request hearings on the bill which has been in his committee, he will see that public hearings are held and that appropriate witnesses from the District of Columbia will be given an opportunity to testify on the bill at a public hearing?

Mr. KEFAUVER. That will be done. I cannot say exactly how soon it will be done because other hearings are planned, but it will be done as soon as we can get to it.

Mr. BUSH. Mr. President, in view of the assurance of the distinguished Senator from Tennessee, and in deference to my friend the Senator from Florida [Mr. HOLLAND], who is the sponsor of the proposed constitutional amendment, and the comments of the Senator from New York [Mr. KEATING] also, as well as my own belief that a measure of the importance of the one before the Senate should have public hearings and that witnesses who have an equal and important interest in such an amendment should be heard before the Senate is asked to vote upon it, I will not ask the Senate to act today on the amendment, and I now formally withdraw it.

The PRESIDING OFFICER. The Senator from Connecticut withdraws his amendment.

The question is on agreeing to the amendment of the Senator from Florida [Mr. HOLLAND].

The amendment was agreed to.

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

Mr. DIRKSEN. Mr. President, I thought some confusion developed today on the vote to table the point of order. I think I am correct in summarizing the whole subject for the RECORD about as follows:

First came the motion to consider Senate Joint Resolution 29 to provide a monument for Alexander Hamilton. That motion was roundly discussed. That was the motion to consider.

There followed the Holland amendment in the nature of a substitute for all after the resolving clause. With respect to that amendment, a point of order was made by the distinguished Senator from Georgia [Mr. RUSSELL].

That point of order was laid on the table by the vote of the Senate. That left the Holland proposal pending before the Senate. The Senator from New York [Mr. JAVITS] then offered a substitute, which changed the whole proposal from the status of a constitutional amendment to that of a legislative proposal. That proposal, however, was voted down by the Senate. So the Holland proposal is before the Senate in proper form.

It is not the number that counts. It is not the fact that we took Senate Joint Resolution 29 from a legislative proposal. It is the content and the subject matter of the resolution that really counts in determining its status as a constitutional proposal.

There is no legislative matter included in the amendment that is presented before us. There is no requirement for a presidential signature.

There has been some question about all this, but I think I have stated the true state of affairs with respect to it. I wish the Chair would catechize the Parliamentarian to see whether the minority leader is correct in his statement.

The PRESIDING OFFICER. The Chair states that the Senator from Illinois has correctly stated the situation.

Mr. DIRKSEN. I wish to add one further thing. The opinion of the Attorney General has been used very freely in a discussion on the Senate floor. I wish to read from the report of the Committee on the Judiciary entitled "Constitutional Amendments," at page 12:

> The Constitution provides that "qualifications" for voting for Senators and Representatives shall be the same in each State as those for electing the most numerous branch of the State legislature, but Congress is empowered to regulate the "manner" of such elections. Is poll tax payment a "qualification" for voting or does its payment go only to the "manner" of elections? This question was discussed at length in the printed hearings and the preponderance of legal opinion expressed to the subcommittee is that poll taxes are "qualifications" for voting and can thus be eliminated at the Federal level only by constitutional amendment.

I respect the opinion of the Attorney General, but I submit to the Senate that there is expert legal opinion in other sections of the country, much of which was presented to the subcommittee when this subject was under hearing and discussion.

Mr. RUSSELL. I do not know the purpose of the rather remarkable post mortem which has just been delivered by the distinguished minority leader, acting as the coroner, for those of us who have opposed this legislation and this method. It is a rather remarkable performance, after the Senate has taken action, after the point of order has been made, and after the Senate has voted on the question, for the minority leader to seek confirmation of his position from the Parliamentarian. A great deal of time has elapsed, and a number of other questions have been voted on.

It seems to me that the distinguished minority leader might have sought confirmation before the vote. If he had done so, it might have been of assistance to other Members of the Senate.

Evidently, his conscience was hurting him somewhat about having the rules of the Senate ravished in the manner in which they were ravished by the Senate. He therefore felt he must seek consolation, by some kind of confessional route, by getting the approval of the Parliamentarian of the Senate.

Mr. President, we have seen a great many remarkable things transpire in the Senate. Yet this is the first time in 173 years that the Senate has found it necessary to use the method it has used, which at best is a stretching of the rules of the Senate to an extreme to which they have never before been stretched in 173 years. It was the first time that this method had ever been employed in 173 years.

I assure the Senate that this is not the first time Members of the Senate have been eager to submit constitutional amendments to the several States, and have used every device that was available to them to have them submitted to the several States.

As I understand, the minority leader had need to call on the Parliamentarian to say that he has cast a wise and proper vote.

I respect the Parliamentarian of the Senate. However, I consult the Parliamentarian in advance, and if I have any information to transmit to the Senate, I transmit it before the vote, and do not wait until after a third reading of the bill, and after a number of amendments have been passed on. I do not wait until then to call on the Parliamentarian to say that I was correct in the position I took.

The last vestige of the legislative proposal was extirpated, dug up, thrown away, and burned with the thorns in the effort of the proponents of this unheard of procedure to give life, vitality, and propriety to this remarkable procedure that we have followed today.

When the Senator from Illinois retires to his beautiful estate along the banks of the Shenandoah or Potomac, where the Senator lives, and picks up the pruning hook and prunes the bushes and burns the trash, he can imagine that he is also burning the last remnant of the legislative proposal that was called up and used as a vehicle to transmit a proposal to the Senate.

I hope the Senator from Illinois feels better. I have no feeling of resentment, but I must comment on the fact that this has been a day of extremely unusual and remarkable events in the Senate.

Mr. DIRKSEN. Mr. President, I am deeply distressed by the infelicity and pain that I have caused my distinguished friend and brother in the faith.

Mr. RUSSELL. The Senator has caused me no pain. The only pain I felt was when the Senator voted wrong.

Mr. DIRKSEN. I believe I detected a note of pain and distress. However, I thought I should first invite my distinguished friend from Georgia to come and share with me the beauties of what

he calls my estate, but which in reality is a very humble property on which I grow some flowers, some of which I obtained from Atlanta. I hope they will bring great comfort to me. So I hope the Senator from Georgia will come and share that comfort with me.

I believe it is written in the Good Book, as my distinguished friend from Georgia knows, that one man clad in righteousness is a match for all the hosts of error.

I believe that today we see righteousness triumphant, and the doing of a job that should have been done a long time ago. I know it brings pain. It is not unlike the labor that produces a new child in the world. Perhaps if this process is finally consummated, both in the House and in the Senate, the new child in the form of a world without a poll tax will have been born. Obviously that will be of some importance.

So I am sure, Mr. President, that I have violated no rule. I am sure that my summation of the situation has been quite circumspect. I am equally sure that I detected some confusion earlier in the afternoon. I hope that now the votes will be correct, and that we can send this proposal off to the other branch of the Congress and wish it well. So I apologize if I have offended my affectionate friend.

Mr. RUSSELL. Mr. President, I assure the Senator from Illinois that I was not offended. I was shocked, astonished, and surprised, but I felt no offense. I have been around the Senate too long to take any offense whatever at any position which any other Senator takes. I hope the other 99 Members of this body will be as kind to me in not being offended at any position I may take.

I thank the Senator for his very kind invitation to visit him at his cottage. I will accept the Senator's modification. I thought it was a lovely home when I was privileged to visit in it.

Mr. DIRKSEN. But modest.

Mr. RUSSELL. Perhaps by some standards. Judging by homes where I come from, down in the country, the Senator has an elegant home. But I will accept the Senator's standard concerning his own home. I appreciate the invitation to visit it and to share the glories of the flowers, the flora, and the fauna that may be on his lands. I appreciate the invitation, and I shall accept it sometime.

I will share with the Senator from Illinois almost anything except an increase in the confusion that he has caused by the statement he has made in seeking to clarify the situation.

Mr. DIRKSEN. Come with me tonight.

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. Was the amendment offered by the Senator from Florida adopted by a voice vote?

The PRESIDING OFFICER. The Senator is correct. Before the third reading was had, the Senator's amendment was adopted by a voice vote.

Mr. HOLLAND. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. Has the joint resolution been read the third time?

The PRESIDING OFFICER. The joint resolution has been read the third time.

Mr. HOLLAND. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Florida will state it.

Mr. HOLLAND. At what stage in the proceedings will the yea-and-nay vote occur, at which it must be determined that two-thirds of the Senators present and voting have voted affirmatively in order to pass the joint resolution?

The PRESIDING OFFICER. The next stage in the proceedings will be the vote on the passage of the joint resolution.

Mr. HOLLAND. Is it appropriate at this time to ask for the yeas and nays on the passage of the joint resolution?

The PRESIDING OFFICER. It is.

Mr. HOLLAND. Mr. President, on the passage of the joint resolution, I ask for the yeas and nays.

The yeas and nays were ordered.

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

The Chief Clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Alaska [Mr. BARTLETT] and the Senator from Tennessee [Mr. GORE] are absent on official business.

I further announce that, if present and voting, the Senator from Alaska [Mr. BARTLETT] and the Senator from Tennessee [Mr. GORE] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from Utah [Mr. BENNETT], the Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], and the Senator from North Dakota [Mr. YOUNG] are necessarily absent.

The Senator from South Dakota [Mr. CASE] is absent because of illness.

On this vote, the Senator from Indiana [Mr. CAPEHART] and the Senator from Utah [Mr. BENNETT] are paired with the Senator from North Dakota [Mr. YOUNG]. If present and voting, the Senator from Indiana and the Senator from Utah would each vote "yea," and the Senator from North Dakota would vote "nay."

The yeas and nays resulted—yeas 77, nays 16, as follows:

[No. 33 Leg.]

YEAS—77

Aiken	Clark	Hickenlooper
Allott	Cooper	Holland
Anderson	Cotton	Hruska
Beall	Curtis	Humphrey
Bible	Dirksen	Jackson
Boggs	Dodd	Javits
Burdick	Douglas	Jordan
Bush	Dworshak	Keating
Byrd, W. Va.	Engle	Kefauver
Cannon	Fong	Kerr
Carlson	Goldwater	Kuchel
Carroll	Gruening	Lausche
Case, N.J.	Hart	Long, Mo.
Chavez	Hartke	Long, Hawaii
Church	Hayden	Long, La.
Magnuson	Mundt	Scott
Mansfield	Murphy	Smathers
McCarthy	Muskie	Smith, Mass.
McGee	Neuberger	Smith, Maine
McNamara	Pastore	Symington
Metcalf	Pearson	Wiley
Miller	Pell	Williams, N.J.
Monroney	Prouty	Williams, Del.
Morse	Proxmire	Yarborough
Morton	Randolph	Young, Ohio
Moss	Saltonstall	

NAYS—16

Byrd, Va.	Hill	Stennis
Eastland	Johnston	Talmadge
Ellender	McClellan	Thurmond
Ervin	Robertson	Tower
Fulbright	Russell	
Hickey	Sparkman	

NOT VOTING—7

Bartlett	Capehart	Young, N. Dak.
Bennett	Case, S. Dak.	
Butler	Gore	

The PRESIDING OFFICER (Mr. METCALF in the chair). Two-thirds of the Senators present and voting having voted in the affirmative, the joint resolution is passed.

Mr. MANSFIELD. Mr. President, I move that the preamble to the joint resolution be stricken out.

The motion was agreed to.

Mr. MANSFIELD. Mr. President, I move that the title of the joint resolution be appropriately amended.

The motion was agreed to; and the title was amended so as to read: "Joint resolution proposing an amendment to the Constitution of the United States, relating to the qualifications of electors."

Mr. HOLLAND. Mr. President, I move that the Senate reconsider the vote by which the joint resolution was passed.

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

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, before the Senator from Florida [Mr. HOLLAND] leaves the Chamber, I should like to take this occasion to extend to him my congratulations for a job well done and to commend him for the fairness, tolerance, and understanding he has shown consistently over the past 2 weeks of debate.

I am sure my colleagues will realize that it was not easy for the senior Senator from the State of Florida to take the position he took in relation to the proposed constitutional amendment which has just passed this body, but having had close dealings with him over the last 2 weeks especially, I have come to admire him and honor him. I think in what he has done he has represented the finest traditions of the Senate and he has shown courage which I think we should all take note of.

I am delighted we were able to pass the proposed constitutional amendment under the outstanding leadership of the Senator from Florida, and I commend him. It was a pleasure to serve in the ranks under his leadership.

Mr. HOLLAND. Mr. President, I appreciate more than I can say the kind words of the majority leader. I want to make it very clear to my colleagues that it would have been impossible to bring up the measure, much less pass it, without the very active help of the

majority and minority leaders. We obviously would not have been able to accomplish what we have today without the great assistance of the majority leader of the Senate, which I appreciate.

UNITED NATIONS BONDS PURCHASE

Mr. DIRKSEN. Mr. President, while Senators are in the Chamber in considerable numbers, I should like to ask the distinguished majority leader about the program for tomorrow and the ensuing week.

Mr. MANSFIELD. It is the intention of the leadership to have Calendar No. 1246, Senate bill 2768, authorizing the purchase of United Nations bonds, laid before the Senate.

Mr. President, I move that the Senate now proceed to the consideration of Calendar No. 1246, Senate bill 2768.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 2768) to promote the foreign policy of the United States by authorizing the purchase of United Nations bonds and the appropriation of funds therefor, which had been reported from the Committee on Foreign Relations, with amendments.

LEGISLATIVE PROGRAM

Mr. DIRKSEN. Mr. President, I now renew my request in regard to the programs for tomorrow and the ensuing week.

Mr. MANSFIELD. Mr. President, we intend tomorrow to have the Senate consider the nominations on the Executive Calendar, and also the Treasury-Post Office appropriation bill. In order to do that, we shall temporarily lay aside the United Nations bond bill.

As we proceed, we shall try to arrive at an appropriate procedure for the remaining items on the calendar.

Mr. DIRKSEN. I should like to ask the majority leader another question. Some Members on both sides, I am sure, will be absent from the city, beginning with the end of the week. The question of when a vote will be taken on the United Nations bond proposal and on the amendments thereto is of some concern. Perhaps that can be determined later, or perhaps the majority leader can advise us now on that point.

Mr. MANSFIELD. Mr. President, it is my guess that there will be several days of debate on the United Nations bond issue bill. There are now on the calendar other measures to which we can attend. I hope that after consultation with the distinguished minority leader and other interested Senators, if need be, and, that if at all possible, we can arrive at some sort of reasonable limitation of time for Monday next.

UNITED NATIONS BONDS PURCHASE

Mr. RUSSELL. Mr. President, I send to the desk and ask to have printed and to lie on the table amendments in the nature of a substitute for the United Nations bonds bill.

The PRESIDING OFFICER. The amendments will be received, printed, and will lie on the table.

Mr. RUSSELL. Mr. President, I shall make a brief statement about the nature of the proposed substitute.

In the first place, it forgives or eliminates the debt the United Nations owes this country up until now, for the activities of the United Nations Emergency Force in the Middle East and the United Nations military operation in the Congo. I understand that amounts to approximately $38 million. There is a provision, however, that that amount shall be credited on any assessment which may be made at a later date against the United States.

A second section provides:

> From and after the enactment of this act, no official of the United States or any other person acting in behalf of the United States shall be authorized to permit the use of any military equipment or materiel belonging to the United States or to order the participation of any person serving in the Armed Forces of the United States in any military action instituted by the United Nations unless and until such use or participation has been authorized by a joint resolution of the Congress of the United States if the Congress shall be in session. When the Congress is not in session, the President of the United States by Executive order which shall be printed in the Federal Register, may loan military equipment or materiel not to exceed $15 million in value to the United Nations if the President finds and so declares that such loan is necessary and in the interests of the security of the United States.

I shall not labor this subject at length this evening. My objection goes to the fact that the committee bill and the substitute so ably argued by the Senator from Vermont would give the United Nations too much money. I have seen time and time again, from articles in the press, that the sale of bonds of $200 million would provide an advance reserve to use for situations similar to that in the Congo.

It so happens that I was opposed to what took place in the Congo. I think military action there was ordered prematurely and before all the procedures for which the United Nations was created and which it was supposed to carry on had been exhausted. I regarded the first attack, at least, as an unnecessary act of aggression. I shall discuss that subject later.

I have nothing against the officials of the United Nations, but I am one of the old-fashioned people who believe in the Constitution. We have had people engaged in war in the Congo. Call it what you please, it has been war. People have been killed and they have been shooting at each other with all the instruments they could get.

I do not like to see men like Conor Cruise O'Brien have authority to commit this country's resources to military action if Congress is in session. I think Congress ought to pass a joint resolution on the subject. That is the heart of my substitute, and I shall discuss it at length at some later date.

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

Mr. MANSFIELD. I yield to the Senator from Alabama.

Mr. SPARKMAN. I will complete the question I started to ask the majority leader earlier. Can he give us some idea when we may expect to take up the bond issue? Does he think it will be sometime tomorrow or Thursday?

Mr. MANSFIELD. My guess is that it will be Thursday, because in the meantime there will be other business to attend to.

Mr. SPARKMAN. Will it probably be taken up tomorrow?

Mr. MANSFIELD. Probably other business will be taken up tomorrow, and if any attention is given to the U.N. bond issue tomorrow, it will be of short duration.

Mr. SPARKMAN. Will there be a morning hour tomorrow?

Mr. MANSFIELD. There will be.

GREEK INDEPENDENCE DAY

Mr. JAVITS. Mr. President, the Greek nation celebrated the 141st anniversary of its independence on Sunday, March 25. On that day tribute was deservedly paid to the brave men who wrested liberty from the Ottoman Empire in 1921 and the people of Greece have remembered again the many crises and hardships they have had to undergo in order to maintain their freedom.

This determination to be free is a heritage also of ancient Greece which in many ways has become an integral part of Western civilization. Today Greece lives for its future, not its past, and its people are industriously building a nation with strong economic roots and a stable political base. The United States has contributed in substantial measure to the economic recovery of Greece from the ravages of World War II and the bloody civil war that the Communists subsequently waged, and today Greece is a firm pillar of support for NATO. I am happy to join the Greek people in commemorating this 141st anniversary of Greek independence and to assure them of continued support for their historic efforts to strengthen the structure of their social and economic life.

SUPREME COURT DECISION ON APPORTIONMENT

Mr. KEATING. Mr. President, the Supreme Court's decision in the Tennessee apportionment case will meet with the approval of everyone who believes in giving full significance to the equal protection clause of the 14th amendment. The arbitrary setting of election districts by the State legislatures dilutes the right to vote as effectively as other more obvious examples of disenfranchisement. Such practices violate not only the U.S. Constitution, but in many cases the constitutions of the very States in which such practices are most aggravated.

This problem has been long neglected by the courts and the Congress, and for that reason many may have wrongly believed that these unfair practices would be forever condoned. The Court's land-

mark decision should finally dispel any such illusions.

I introduced last week a resolution authorizing the Committee on the Judiciary to make a complete study of congressional and State election districts with a particular view of determining the advisability of Federal laws to correct existing conditions. The Court's decision gives immediacy to this proposal. Congress cannot afford another failure to help implement the law of the land, such as in the case of the school desegregation decision.

We will not be doing justice to the guarantees in the Constitution of a republican form of government and of equal protection of the laws by petty calculations as to the number of Democrats and Republicans who would be affected by any adjustment of existing practices to the requirements of the Constitution. We are dealing with the rights of American citizens, not with the interests of political parties.

Moreover, I regard any generalizations as to which party would benefit from a fair apportionment as purely speculative. Recent studies show that in the last decade representation for our major cities actually has improved, while representation for our growing suburban population has rapidly deteriorated. It is evident that such studies that the suburbs of America, rather than the cities, would be the most likely beneficiaries of an apportionment overhauling. But the more important consideration is the Constitution, and every American will benefit, whether he lives in a rural, suburban, or city area, from the knowledge that at long last we are giving meaning to the Constitution's commands.

I hope that there will be early action on my resolution and that Congress will make its full contribution to efforts to achieve fair representation for all Americans.

A MISSED OPPORTUNITY IN SOUTH VIETNAM

Mr. KEATING. Mr. President, the history of our efforts to save South Vietnam will reveal some lost opportunities. One of the saddest of these lost opportunities came to my attention recently, for it was a program which, if vigorously supported a year ago, might have contributed immeasurably to the will and determination and ability of the people of South Vietnam to put up a strong defense against the guerrilla invaders.

What I am referring to is this: Between 40 to 70 percent of the people of South Vietnam are afflicted with an eye disease, called trachoma. Unless treated, the disease leads to blindness, perhaps one of the most fearful afflictions that can befall a person. Yet trachoma can be treated very easily and at relatively little cost. It can be cured or arrested with drugs and vitamins.

For the last 2 years, a most successful eye clinic has been operated by the Catholic Relief Services with the services of four American volunteer ophthalmologists. These ophthalmologists, one of whom was Dr. Elliott B. Hague of Buffalo, reported great success in curing trachoma and treating its complications. Dr. Hague has been in touch with me about his experiences. He served as a volunteer, with his wife who is a trained nurse, for several months at the eye clinic near Saigon. His own contribution was substantial. He is determined now to do all he can to see that blind bureaucracy or perhaps prejudice in Washington does not hinder the program further.

What is needed is to put the program on a continuing basis for several years. In about 2 years, I am told, trachoma can be virtually wiped out, except for the refugees coming from Communist North Vietnam. Their condition usually reveals the hardship and deprivation characteristic of Communist countries and has served to spread trachoma in South Vietnam as well.

Mr. President, to continue my tale of the lost opportunity—this program to wipe out trachoma was discussed with ICA and formally submitted to the Peace Corps. What was the result? Nothing. Absolutely nothing. I am informed that no formal response was ever received by Dr. Hague or by the Catholic Relief Services.

Mr. President, I can only speculate on the reasons for missing out on a program that could have done so much for the South Vietnamese people. A new tendency seems to be developing in government deliberately to exclude religious agencies from any participation in foreign aid projects and even from useful and important volunteer services. The Peace Corps has publicly announced its plans not to work through any existing religiously affiliated group. It is most disturbing to think that foreign aid programs or Peace Corps projects are judged not on their own merits but merely on the issue of whether a religious or church-affiliated group may, however remotely, also be involved in the project.

This approach is unworthy of a great and free nation. To send American soldiers to fight and die in South Vietnam, yet to ignore a project which might have a tremendously beneficial impact through the critical area merely because it was first set up by missionaries is shocking. It is widely resented and it is self-defeating. I am asking both AID and the Peace Corps for a full report as to why we let another significant opportunity slip by us in South Vietnam and whether or not it was for such an ignominious and unworthy motive.

Finally, Mr. President, it is my understanding that there will be another submission of this project directly to AID representatives in Saigon and another attempt made to break through the maze of bureaucracy and perhaps prejudice that has beclouded the issue. I sincerely hope that this proposal will be given fair consideration and weighed on its own considerable merits and not on the scale of politics or prejudice.

CIVIL RIGHTS—REPORT OF THE SOUTHERN REGIONAL COUNCIL

Mr. KEATING. Mr. President, careful reading of the report of the Southern Regional Council provides little basis for satisfaction in the progress being made in the field of civil rights. It does credit the administration with a strong sense of obligation to civil rights and this has led to widespread press reports that the council has lauded the President's accomplishments. This is not a fair appraisal of the council's statement. On the contrary, it will be apparent to anyone who studies the report that there is much more criticism of unfulfilled promises and inadequate measures than there is praise of new policies and practices.

The council points out, for example, that the same administration which requires every Government contractor to practice nondiscrimination, "spends enormous sums for university centered research, without care as to whether the institutions deny admission to Negro students and scholars." It describes the Office of Education in the Department of Health, Education, and Welfare as "aloof" to the educational crisis in the Nation. It criticizes the failure of the administration to challenge the construction of segregated hospital facilities under the Hill-Burton Act. It describes the refusal of the Department of Defense to take steps to desegregate the National Guard as a "national scandal." It pointedly discredits the reasons given by the President for refusing to issue an Executive order against discrimination in Federal housing programs as he promised to do during the campaign. It notes critically that the administration has failed to support legislation to strengthen its "severely restricted" ability to assist in efforts to desegregate our schools.

It is true that the council gives the President abundant credit for some accomplishments, good intentions and noble sentiments. This is encouraging, but it is no substitute for the full scope of positive action needed to accord to all our citizens their rights under the Constitution.

The Commission on Civil Rights has outlined the Executive and legislative measures urgently needed to protect civil rights in America. The report of the Southern Regional Council in no way contradicts the Commission's recommendations, but rather underscores their validity and necessity. I would hope that the council's review of civil rights in our Nation will be an impetus for renewed action rather than an excuse for complacency on this vital subject.

RIGHT AND LEFT EXTREMISTS

Mr. HUMPHREY. Mr. President, I wish to call to the attention of my colleagues a sensible and balanced comment on certain extreme statements recently made by former Vice President Nixon in an attempt to polarize the John Birch Society on the extreme right and the Americans for Democratic Action on the extreme left.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial from the Minneapolis Star, dated March 16, 1962, entitled "Extremists, Right and Left."

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

EXTREMISTS, RIGHT AND LEFT

Labels are often used carelessly by both sides in the current debate over political extremism in this country.

One of the examples of such carelessness is the effort by some politicians to equate the rightwing extremism of the John Birch Society with the supposed leftwing extremism of the Americans for Democratic Action.

Former Vice President Nixon is the latest to make this comparison in a recent look at the political spectrum in this country.

Yet is this a fair comparison?

Those who read the writings of Robert Welch, the founder of the John Birch Society, quickly come to the conclusion that Welch favors a totalitarian society of the right with himself as the leader.

As Nixon pointed out, Welch's words are those of a would-be dictator, and they leave members no choice but to agree with Welch and what he stands for or to quit the society.

But what about the Americans for Democratic Action? Should it be regarded as an extremist organization that is as far from democracy on the left as the John Birch Society is on the right?

We do not think that the two organizations are comparable. The Americans for Democratic Action is itself strongly anti-Communist. It was anti-Communist when it was formed in 1948 to oppose the Progressive Party and the Progressive presidential candidate, Henry A. Wallace, and it still is anti-Communist.

Back in 1948, the Americans for Democratic Action took a strong stand in favor of two anti-Communist programs proposed by President Harry S. Truman and widely supported in the country. They were the Marshall plan and American aid to Greece. The Americans for Democratic Action since then consistently has supported American foreign aid programs and consistently has opposed communism.

It is true, of course, that the Americans for Democratic Action does include New Dealers, Fair Dealers, New Frontiersmen and assorted other liberals. It is true, too, that it backs social reforms, many of which are opposed by middle-of-the-roaders and conservatives. Thus it is easy for rightwingers who equate liberalism with socialism, and socialism with communism, to claim that the Americans for Democratic Action is as extreme in its leftwing philosophy as the John Birch Society is in its rightwing philosophy.

But there is a significant difference that is frequently overlooked: The Americans for Democratic Action is in favor of working within the present democratic system in the United States and it seeks social reform through democratic processes. The same respect for democratic process cannot be claimed for a rightwing organization headed by a man who wants to be an American dictator.

Who, then, are the leftwing extremists in the United States? They are the Communists themselves and those in Communist-front organizations which support the Communists' aims and goals.

The Communists and their mouthpieces on the extreme left thus become the counterparts of the Birchers on the extreme right.

Mr. HUMPHREY. This continued effort on the part of the rightwingers to confuse genuinely liberal groups with the Communist apparatus is a disservice not only to the liberal groups themselves, but also to our country. Clear thinking and clear identification are prerequisites for making mature, sound judgments of national policy. Mr. Nixon's attempt to smear the Americans for Democratic Action has been rightly challenged by a newspaper which can in no sense be termed a spokesman for the Democratic Party.

The editorial speaks for itself, and Mr. Nixon speaks for himself; and in so doing he has done himself an injustice and a disservice. He has revealed a shocking lack of political understanding and responsibility. We have the right to expect better of a former Vice President. He should, and I believe does, know better than what his words would indicate.

Mr. President, in my mind the editorial will be very helpful to people who seek to have a better understanding of some of the political forces at work in our country. As I said, the editorial has come from a newspaper that is relatively independent, but more often than not supports Republican candidates.

PUBLIC WORKS TO STIMULATE ECONOMY

Mr. HUMPHREY. Mr. President, the President of the United States in a letter to the chairmen of the Senate and House Public Works Committees outlined his request for a $600 million program to aid the economy. The letter of President Kennedy was in response to inquiries made to letters from the distinguished Representative JOHN BLATNIK, from Minnesota's Eighth Congressional District, and from the able Senator from Pennsylvania [Mr. CLARK]. The two gentlemen referred to, Representative BLATNIK and the Senator from Pennsylvania [Mr. CLARK], have both been very active in promoting long-term public works programs as a part of the overall national program to stimulate our economy to full employment and to maximum production.

I am happy to be associated in this endeavor, having introduced in the Senate a bill identical to that introduced by Representative BLATNIK. The two bills, the one in the House and the other in the Senate, follow the President's earlier recommendations of standby authority for public works, with a commitment of up to $2 billion of public works programs which are already authorized under congressional action, the public works to be made available when there is a level of unemployment in the economy which is fixed by the proposed legislation, a level that would indicate the need for prompt action.

The President became convinced that it was necessary to do more than merely have standby authority, and, therefore, as his letter of yesterday indicates, he is proposing some immediate action in the form of a $600 million program to aid the economy.

I quote from the President's letter, as follows:

Our present problem is not, of course, one of nationwide recession. We have been making a strong recovery from the recession of 1960–61. Gross national product rose from $501 billion in the first quarter of last year to $542 billion in the last quarter. Industrial production has risen 12 percent over the last 12 months. Disposable personal income per capita has passed the historic $2,000 milestone. Unemployment in the last year has declined from 6.9 percent of the labor force to 5.6 percent, and the number of persons at work has increased by more than 1 million over a year ago. The recovery still has considerable distance to go before full employment is restored. But, despite the fact that our economic performance of the last 2 months has fallen below expectations, we look for a strong and continued expansion throughout the year and into 1963.

The program of President Kennedy, in response to the inquiries of Members of Congress will do much, if acted upon promptly, to lend new vitality to the economy. The program is needed in areas of chronic unemployment. I am hopeful that the respective committees of Congress will act quickly, because every day of delay involves costs not only in terms of income, but also in terms of jobs and lost production.

I ask unanimous consent that the letter of President Kennedy to the Senate and House Public Works Committees be printed at this point in the RECORD, along with an explanatory article, written by Joseph Loftus and printed in the New York Times of today.

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

KENNEDY'S LETTERS ON JOB PLAN

I am transmitting herewith a draft of proposed legislation which would authorize immediate initiation of a $600 million capital improvements program in those sections of our country which have failed to share fully in the economic gains of the recovery from the recession of 1960–61. This proposal is in the form of an amendment to the proposed standby Capital Improvements Act of 1962, which I transmitted to the Congress on February 19 and which has since been referred to your committee as H.R. 10318 (S. 2965) and other identical bills.

The proposed standby Capital Improvements Act, together with the recommended standby temporary tax reduction authority and the pending bill to strengthen permanently our Federal-State system of unemployment insurance, would constitute a new and powerful arsenal of weapons to combat the recessions which periodically sap the vitality of our economy. The waste and distress which characterize these periodic recessions can and must be abated. Passage of the recommended legislation will make possible timely and effective action to reduce the severity and duration of future recessions.

Our present problem is not, of course, one of nationwide recession. We have been making a strong recovery from the recession of 1960–61. Gross national product rose from $501 billion in the first quarter of last year to $542 billion in the last quarter. Industrial production has risen 12 percent over the last 12 months. Disposable personal income per capita has passed the historic $2,000 milestone. Unemployment in the last year has declined from 6.9 percent of the labor force to 5.6 percent, and the number of persons at work has increased by more than 1 million over a year ago. The recovery still has considerable distance to go before full employment is restored. But, despite the fact that our economic performance of the last 2 months has fallen below expectations, we look for a strong and continued expansion throughout the year and into 1963.

SERIOUS PROBLEMS REMAIN

Although we do not today face a problem of general recession, the two recessions of the last 5 years—interrupted only by a short and incomplete recovery—have left in their wake serious problems of prolonged large-

scale unemployment and economic distress in hundreds of communities in all sections of the country. The roster of these communities includes large cities, smaller cities, and rural areas. The causes of their troubles are manifold—exodus of industry, displacement of labor by technological change, excessive dependence on declining industries, influx of jobseekers, changing weapons requirements in military procurement, and chronic rural poverty. Whatever the cause, the results are the same—high and persistent urban unemployment or rural underemployment. Continued economic expansion for the Nation as a whole will in time help to restore the prosperity of many of these areas. But their needs are urgent now, and further help should not be delayed until another recession threatens the whole economy.

There are 852 localities which have been designated as redevelopment areas under the Area Redevelopment Act of 1961, and a further 106 communities which have been designated for 12 months or more as areas of substantial unemployment. There 958 localities account for 38 percent of our population. In these areas, taken together, one out of 13 members of the labor force is unemployed, and the average unemployment rate is 33 percent higher than in the rest of the country.

EIGHTY-TWO COMMUNITIES HELPED

Most of these areas are eligible for assistance under the Area Redevelopment Act of 1961. Although the area redevelopment program is less than a year old, assistance has already been extended to 82 communities in 26 States. As this program gathers momentum, more and more communities will be aided in their efforts to build a durable foundation for sustained local prosperity.

The area redevelopment program, however, is a continuing effort to help communities to attract new and permanent jobs to solve their long-range economic problem; it is not primarily designed to provide immediate relief of distress caused by unemployment, or to assist in the general rehabilitation and improvement of public facilities. I believe that a further Federal effort is necessary, both to provide immediate useful work for the unemployed and the underemployed, and to help these and other hard-pressed communities, through improvement of their public facilities, to become better places to live and work.

Accordingly, I urged that we initiate as soon as possible a $600 million capital improvements program in the redevelopment areas and in the communities which have been designated for 12 months or more as areas of substantial unemployment. Actual expenditures will depend upon the timing of congressional action. If legislation and the supporting appropriation are enacted promptly, expenditures under this program would be approximately $25 million in the remaining months of fiscal year 1962, $350 million in fiscal year 1963, and $225 million in the early months of fiscal year 1964.

SEEKS FEDERAL PROJECTS

These funds would be allocated for Federal capital improvements projects in economically depressed areas and for grants and loans to eligible States and localities for improvement of community facilities. Federal grants to States and localities would range up to 50 percent of the cost of each project, and could be higher in certain exceptional cases. Loans would be available to assist hard-pressed communities which would otherwise be unable to meet promptly their share of project costs.

Projects under this program would be limited to those which could be initiated or accelerated within a reasonably short period of time and completed within 12 months after initiation. Other limitations of the standby bill would also apply: For example, projects could be approved only if they were capable of meeting an essential public need, if they would contribute significantly to the reduction of unemployment, and if they were not inconsistent with locally approved comprehensive development plans.

LOCAL PROJECTS BACKED

State and local capital improvements under this program would include such projects as water supply improvement; parks and other recreation development; sewerage systems and water pollution control; construction, rehabilitation and modernization of public buildings, such as hospitals and civic buildings; and road, street, airfield, and port improvement. Examples of Federal projects and programs would include conservation activities to improve our public land, water, timber, fish and wildlife resources, and construction or improvement of laboratories, research and training facilities, and other public buildings.

The standby capital improvements bill, and this proposal for an immediate public facilities program, are in my judgment of equal importance to the economic welfare of our Nation. The former would enable us more effectively to combat the waste and hardship of future recessions; the latter would bring new public facilities, new jobs, and new hope to those communities whose economic troubles have resisted the rising tide of national economic expansion.

KENNEDY OFFERS NEW WORKS PLAN—18-MONTH PROGRAM SOUGHT TO INJECT $600 MILLION IN 958 DEPRESSED AREAS

(By Joseph A. Loftus)

WASHINGTON, March 26.—President Kennedy urged on Congress today a fast-moving 18-month, $600 million program of public improvements that would put thousands of Americans back to work in hard-pressed communities.

"We do not today face a problem of general recession," he said in letters to chairmen of the Senate and House Public Works Committees. But he said:

"The two recessions of the last 5 years—interrupted only by a short and incomplete recovery—have left in their wake serious problems of prolonged large-scale unemployment and economic distress in hundreds of communities in all sections of the country."

Job hunters would work on water supply improvement projects; parks and recreational developments; sewerage systems and water pollution control; construction, rehabilitation, and modernization of public buildings, such as hospitals and civic buildings; road, street, airfield, and port improvements.

NINE HUNDRED AND FIFTY-EIGHT LOCALITIES ELIGIBLE

A total of 958 localities would be eligible to join the program. The total comprises 852 communities designated as redevelopment areas under the Area Redevelopment Act of 1961 and 106 communities with an unemployment rate of more than 6 percent for over a year.

The Federal Government, in general, would finance half the cost of the projects. In exceptional cases, where States or communities cannot finance their share immediately, Federal loans would be available.

The President's plan is separate from the $2 billion public works authority he wants as a standby weapon if another recession threatens and the 4-year area redevelopment program that started in 1961.

Republicans immediately grasped the political value of a program, sponsored by a Democratic administration, that would pump Federal money into communities in an election year.

Representative JAMES C. AUCHINCLOSS, of New Jersey, ranking Republican on the House Public Works Committee, said he recognized the need to help the unemployed. But he said he was "reluctant to agree with the suggestion that the President of the United States be given sole authority to implement and administer such a program."

Mr. AUCHINCLOSS read his statement at a committee hearing where the President's labor and economic experts testified. He said:

"Our country was founded as a Nation controlled by representative government, and we should keep it that way."

Republicans, in short, are fearful that the administration, if authorized to pick and choose among 958 needy localities, would be tempted to use political considerations in distributing Federal largess.

Up for election this year are all seats in the House of Representatives, 37 Senate seats, and 35 governorships.

JOHN W. MCCORMACK, House Speaker, said he thought Congress would receive the President's program favorably.

The President's request is timely and will be very helpful in those communities where there is chronic unemployment, he said.

LABOR URGES ACTION

Labor leaders have been pressing Mr. Kennedy to act in this field. They spent more than an hour with him on March 12 and left as pro-Kennedy as ever. George Meany, president of the American Federation of Labor and Congress of Industrial Organizations, followed up with a letter to the President last Wednesday. The President and his advisers met Thursday morning and agreed on the program.

If Congress approves the program promptly, about $25 million in Federal money could be spent before June 30, when the fiscal year ends.

The program proposes Federal outlays of $350 million in the next fiscal year and $225 million in the early months of fiscal year 1964. That would carry the program through the fall of 1963.

The President's small budget surplus for the next fiscal year would be imperiled by the projected spending of $350 million. This would reduce the estimated surplus to $113 million—a sum that is more significant psychologically and politically than financially.

The President, in his letters to committee chairmen, cited improvements in economic signs generally and added:

"The recovery still has considerable distance to go before full employment is restored. But, despite the fact that our economic performance of the last 2 months has fallen below expectations, we look for a strong and continued expansion throughout the year and into 1963."

Under the new program, projects would be limited to those that could be initiated or accelerated within a reasonably short period of time and completed within 12 months.

Projects could be approved only if they were capable of meeting an essential public need and contributed significantly to the reduction of unemployment. The projects could not be inconsistent with locally approved comprehensive development plans.

The House Public Works Committee heard Secretary of Labor Arthur J. Goldberg, Dr. Walter W. Heller, Chairman of the Council of Economic Advisers, and David E. Bell, Budget Director, testify in favor of the new program and the standby public works.

Republicans on the committee spoke more sharply of the standby program than of the new proposal. Under the standby plan, a certain level of unemployment would trigger the use of the $2 billion for public works for 1 year.

The President would be able to take the funds allocated for other purposes, except for highway and other trust funds, and use them for capital improvements. Congress then would replace the money transferred by the President to the public works account.

Representative GORDON H. SCHERER, Republican, of Ohio, speaking with sarcasm, said he preferred the standby bill of Representative JOHN A. BLATNIK, Democrat, of Minnesota, to the administration proposal.

"Mr. BLATNIK's provides for direct backdoor spending, yours in only a subterfuge," he said.

Mr. HUMPHREY. The President points out that 852 localities have been designated as redevelopment areas under the Area Redevelopment Act of 1961, and a further 106 communities have been designated for 12 months or more as areas of substantial unemployment. He further points out that 958 localities account for 38 percent of our population.

THE SUPREME COURT'S OPINIONS ON THE TENNESSEE REAPPORTIONMENT CASE

Mr. HUMPHREY. Mr. President, I invite the attention of Senators to excerpts from the Supreme Court's opinions on the Tennessee reapportionment case. The distinguished Senator from New York [Mr. KEATING] commented on the Supreme Court decision. I believe that this decision is among the most important decisions to be handed down for many a generation. It will have an impact upon the economic, social, and political life of our country. This goes far beyond what may be contemplated at this particular moment. The decision will present a problem of implementation. The Court's decision provides the ways and means for implementation.

In other words, Mr. President, reapportionment will be required. Reapportionment will be obtained, if need be, through the district courts by order of the district courts. I believe that the decision in this case is of such importance that excerpts from the Court's opinions on the Tennessee reapportionment case should be made a part of the official record of the Congress. The decision may well stand with some of the great decisions of the Court, like the decision in McCulloch versus Maryland; the decisions that related to the early New Deal measures, under the administration of Franklin Roosevelt; and the decision relating to the steel case as well as other decisions.

Therefore, I ask unanimous consent that excerpts from the Supreme Court opinions in this case, to which I have referred, be printed in the CONGRESSIONAL RECORD. These excerpts will also include not only the majority opinion and the separate opinions of Justices Douglas, Clark, and Stewart, but also the dissenting opinions of Justices Harlan and Frankfurter.

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

EXCERPTS FROM SUPREME COURT'S OPINIONS ON THE TENNESSEE REAPPORTIONMENT CASE

Mr. Justice Brennan delivered the opinion of the Court.

This civil action was brought under 42 U.S.C., sections 1983 and 1988 to redress the alleged deprivation of Federal constitutional rights. The complaint, alleging that by means of a 1901 statute of Tennessee apportioning the members of the general assembly among the State's 95 counties, "these plaintiffs and others similarly situated, are denied the equal protection of the laws accorded them by the 14th amendment to the Constitution of the United States by virtue of the debasement of their votes," was dismissed by a three-judge court convened under 28 U.S.C. 2281 in the middle district of Tennessee. The court held that it lacked jurisdiction of the subject matter and also that no claim was stated upon which relief could be granted (179 F. Supp. 824). We noted probable jurisdiction of the appeal (364 U.S. 898). We hold that the dismissal was error, and remand the cause to the district court for trial and further proceedings consistent with this.

The General Assembly of Tennessee consists of the senate with 33 members and the house of representatives with 99 members.

Tennessee's standard for allocating legislative representation among her counties is the total number of qualified voters resident in the respective counties, subject only to minor qualifications. Decennial reapportionment in compliance with the constitutional scheme was effected by the general assembly each decade from 1871 to 1901. * * * The 1881 apportionment. In 1901 the general assembly abandoned separate enumeration in favor of reliance upon the Federal census and passed the apportionment act here in controversy. In the more than 60 years since that action, all proposals in both houses of the general assembly for reapportionment have failed to pass.

Between 1901 and 1961, Tennessee has experienced substantial growth and redistribution of her population. In 1901 the population was 2,020,616, of whom 487,380 were eligible to vote. The 1960 Federal census reports the State's population at 3,567,089, of whom 2,092,891 are eligible to vote. The relative standings of the counties in terms of qualified voters have changed significantly. It is primarily the continued application of the 1901 apportionment act to this shifted and enlarged voting population which gives rise to the present controversy.

ACTION CALLED ARBITRARY

Indeed, the complaint alleges that the 1901 statute, even as of the time of its passage, "made no apportionment of Representatives and Senators in accordance with the constitutional formula but instead arbitrarily and capriciously apportioned representatives in the senate and house without reference to any logical or reasonable formula whatever." It is further alleged that "because of the population changes since 1900, and the failure of the legislature to reapportion itself since 1901," the 1901 statute became unconstitutional and obsolete. Appellants also argue that, because of the composition of the legislature effected by the 1901 apportionment act, redress in the form of a State constitutional amendment to change the entire mechanism for reapportioning, or any other change short of that, is difficult or impossible. The complaint concludes that "these plaintiffs and others similarly situated, are denied the equal protection of the laws accorded them by the 14th amendment to the Constitution of the United States by virtue of the debasement of their votes." They seek a declaration that the 1901 statute is unconstitutional and an injunction restraining the appellees from acting to conduct any further elections under it. They also pray that unless and until the general assembly enacts a valid reapportionment, the district court should either decree a reapportionment by mathematical application of the Tennessee constitutional formula to the most recent Federal census figures, or direct the appellees to conduct legislative elections, primary and general, at large. They also pray for such other and further relief as may be appropriate.

Because we deal with this case on appeal from an order of dismissal granted on appellees' motions, precise identification of the issues presently confronting us demands clear exposition of the grounds upon which the district court rested in dismissing the case. The dismissal order recited that the court sustained the appellees' grounds "(1) that the court lacks jurisdiction of the subject matter, and (2) that the complaint fails to state a claim upon which relief can be granted."

In the setting of a case such as this, the recited grounds embrace two possible reasons for dismissal:

First: That the facts and injury alleged, the legal bases invoked as creating the rights and duties relied upon, and the relief sought, fail to come within that language of article III of the Constitution and of the jurisdictional statutes which define those matters concerning which U.S. district courts are empowered to act.

Second: That, although the matter is cognizable and facts are alleged which establish infringement of appellants' rights as a result of State legislative action departing from a Federal constitutional standard, the court will not proceed because the matter is considered unsuited to judicial inquiry or adjustment.

We treat the first ground of dismissal as lack of jurisdiction of the subject matter. The second we consider to result in a failure to state a justiciable cause of action.

The district court's dismissal order recited that it was issued in conformity with the court's per curiam opinion. The opinion reveals that the court rested its dismissal upon lack of subject-matter jurisdiction and lack of a justicable cause of action without attempting to distinguish between these grounds.

CITES COURT'S OPINION

The court proceeded to explain its action as turning on the case's presenting a "question of the distribution of political strength for legislative purposes." For, "from a review of (numerous Supreme Court) * * * decisions there can be no doubt that the Federal rule, as enunciated and applied by the Supreme Court, is that the Federal courts, whether from a lack of jurisdiction or from the inappropriateness of the subject matter for judicial consideration, will not intervene in cases of this type to compel legislative reapportionment" (179 F. Supp., at 826).

The court went on to express doubts as to the feasibility of the various possible remedies sought by the plaintiffs (179 F. Supp., at 827–828). Then it made clear that its dismissal reflected a view not of doubt that violation of constitutional rights was alleged, but of a court's impotence to correct that violation:

With the plaintiffs' argument that the Legislature of Tennessee is guilty of a clear violation of the State constitution and of the rights of the plaintiffs the court entirely agrees. It also agrees that the veil is a serious one which should be corrected without further delay. But even so the remedy in this situation clearly does not lie with the courts. It has long been recognized and is accepted doctrine that there are indeed some rights guaranteed by the Constitution for the violation of which the courts cannot give redress" (179 F. Supp., at 828).

JURISDICTION ASSERTED

In light of the district court's treatment of the case, we hold today only (a) that the court possessed jurisdiction of the subject matter; (b) that a justiciable cause of action is slated upon which appellants would be entitled to appropriate relief; and (c) because appellees raise the issue before this Court, that the appellants have standing to challenge the Tennessee apportionment statutes. Beyond noting that we have no cause at this stage to doubt the district court will be able to fashion relief if viola-

tions of constitutional rights are found, it is improper now to consider what remedy would be most appropriate if appellants prevail at the trial.

The district court was uncertain whether our cases withholding Federal judicial relief rested upon a lack of Federal jurisdiction or upon the inappropriateness of the subject matter for judicial consideration—what we have designated nonjusticiability. The distinction between the two grounds is significant. In the instance of nonjusticiability, consideration of the cause is not wholly and immediately foreclosed; rather, the court's inquiry necessarily proceeds to the point of deciding whether the duty asserted can be judicially molded. In the instance of lack of jurisdiction the cause either does not arise under the Federal Constitution, laws or treaties (or fall within one of the other enumerated categories of art. III, 2), or is not a case or controversy within the meaning of that section; or the cause is not one described by any jurisdictional statute. Our conclusion, see pages 22–49, infra, that this cause presents no nonjusticiable political question settles the only possible doubt that it is a case or controversy. Under the present heading of "Jurisdiction of the Subject Matter" we hold only that the matter set forth in the complaint does arise under the Constitution and is within 28 U.S.C. 1343.

Article III, 2, of the Federal Constitution provides that "the judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority * * *." It is clear that the cause of action is one which arises under the Federal statute which effects an appointment that deprives the appellants of the equal protection of the laws in violation of the 14th amendment. Dismissal of the complaint upon the ground of lack of jurisdiction of the subject matter would, therefore, be justified only if that claim were so attenuated and unsubstantial as to be absolutely devoid of merit (*Newburyport Water Co.* v. *Newburyport*, 193 U.S. 561, 579), or "frivolous" (*Bell* v. *Hood*, 327 U.S. 678, 683). That the claim is unsubstantial must be "very plain" (*Hart* v. *Keith Vaudeville Exchange*, 262 U.S. 271, 274). Since the district court obviously and correctly did not deem the asserted Federal constitutional claim unsubstantial and frivolous, it should not have dismissed the complaint for want of jurisdiction of the subject matter. And of course no further consideration of the merits of the claim is relevant to a determination of the court's jurisdiction of the subject matter.

FINDS MANY PRECEDENTS

An unbroken line of our precedents sustains the Federal courts' jurisdiction of the subject matter of Federal constitutional claims of this nature. The first cases involved the redistricting of States for the purpose of electing Representatives to the Federal Congress. When the Ohio Supreme Court against an attack for repugnancy to article I, 4, of the Federal Constitution, we affirmed on the merits and expressly refused to dismiss for want of jurisdiction "in view of the subject matter of the controversy and the Federal characteristics which inhere in it" (*Ohio ex rel. Davis* v. *Hildebrant*, 241 U.S. 565, 570). When the Minnesota Supreme Court affirmed the dismissal of a suit to enjoin the secretary of state of Minnesota from acting under Minnesota redistricting legislation, we reviewed the constitutional merits of the legislation and reversed the State supreme court (*Smiley* v. *Holm*, 285 U.S. 355). (And see companion cases from the New York Court of Appeals and the Missouri Supreme Court, *Koenig* v. *Flynn*, 285 U.S. 375; *Carroll* v. *Becker*, 285 U.S. 380.) The appellees refer to *Colegrove* v. *Green* (328 U.S. 549), as authority that the district court lacked jurisdiction of the subject matter. Appellees misconceive the holding of that case. The holding was precisely contrary to their reading of it. Seven members of the Court participated in the decision. Unlike many other cases in this field which have assumed without discussion that there was jurisdiction, all three opinions filed in Colegrove discussed the question. Two of the opinions expressing the views of four of the Justices, a majority, flatly held that there was jurisdiction of the subject matter. Mr. Justice Black joined by Mr. Justice Douglas and Mr. Justice Murphy stated: "It is my judgment that the district court had jurisdiction," citing the predecessor of 28 U.S.C. 1343(3), and *Bell* v. *Hood*, supra (328 U.S., at 568). Mr. Justice Rutledge, writing separately, expressed agreement with this conclusion (328 U.S.). Indeed, it is even questionable that the opinion of Mr. Justice Frankfurter, joined by Justices Reed and Burton, doubted jurisdiction of the subject matter. Such doubt would have been inconsistent with the professed willingness to turn the decision on either the majority or concurring views in *Wood* v. *Broom*, supra (328 U.S., at 551).

SIMILAR CASES NOTED

Several subsequent cases similar to Colegrove have been decided by the Court in summary per curiam statements. None was dismissed for want of jurisdiction of the subject matter (*Cook* v. *Fortson*, 329 U.S. 675; *Turman* v. *Duckworth*, ibid.; *Colegrove* v. *Barrett*, 330 U.S. 804; *Tedesco* v. *Board of Supervisors*, 339 U.S. 940; *Remmey* v. *Smith*, 342 U.S. 916; *Cox* v. *Peters*, 342 U.S. 936; *Anderson* v. *Jordan*, 343 U.S. 912; *Kidd* v. *McCanless*, 352 U.S. 920; *Radford* v. *Gary*, 352 U.S. 991; *Hartsfield* v. *Sloan*, 357 U.S. 916; *Matthews* v. *Handley*, 361 U.S. 127).

Two cases decided with opinions after Colegrove likewise plainly imply that the subject matter of this suit is within district court jurisdiction. In *MacDougall* v. *Green* (335 U.S. 281), the district court dismissed for want of jurisdiction, which had been invoked under 28 U.S.C. 1343(3), a suit to enjoin enforcement of the requirement that nominees for statewide elections be supported by a petition signed by a minimum number of persons from at least 50 of the State's 102 counties. This court's disagreement with that action is clear since the court affirmed the judgment after a review of the merits and concluded that the particular claim there was without merit. In *South* v. *Peters* (339 U.S. 276), we affirmed the dismissal of an attack on the Georgia county unit system but founded our action on a ground that plainly would not have been reached if the lower court lacked jurisdiction of the subject matter which allegedly existed under 28 U.S.C. 1343(3). The express words of our holding were that "Federal courts consistently refuse to exercise their equity powers in cases posing political issues arising from a State's geographical distribution of electoral strength among its political subdivisions" (339 U.S., at 277).

We hold that the district court has jurisdiction of the subject matter of the Federal constitutional claim asserted in the complaint.

STANDING

A Federal court cannot "pronounce any statute, either of a State or of the United States, void, because irreconcilable with the Constitution, except as it is called upon to adjudge the legal rights of litigants in actual controversies" (*Liverpool Steamship Co.* v. *Commissioners of Emigration*, 113 U.S. 33, 39). Have the appellants alleged such a personal stake in the outcome of the controversy as to assure that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions? This is the gist of the question of standing. It is, of course, a question of Federal law.

The complaint was filed by residents of Davidson, Hamilton, Knox, Montgomery, and Shelby Counties. Each is a person allegedly qualified to vote for members of the general assembly representing his county. These appellants sued "on their own behalf and on behalf of all qualified voters of their respective counties, and further, on behalf of all voters of the State of Tennessee who are similarly situated. The appellees are the Tennessee secretary of state, attorney general, coordinator of elections, and members of the State board of elections; the members of the State board are sued in their own right and also as representatives of the county election commissioners whom they appoint.

We hold that the appellants do have standing to maintain this suit. Our decisions plainly support this conclusion. Many of the cases have assumed rather than articulated the premise in deciding the merits of similar claims. And *Colegrove* v. *Green*, supra, squarely held that voters who allege facts showing disadvantage to themselves as individuals have standing to sue. A number of cases decided after Colegrove recognized the standing of the voters there involved to bring those actions.

These appellants seek relief in order to protect or vindicate an interest of their own, and of those similarly situated. Their constitutional claim is, in substance, that the 1901 statute constitutes arbitrary and capricious State action, offensive to the 14th amendment in its irrational disregard of the standard of apportionment prescribed by the State's constitution or of any standard, effecting a gross disproportion of representation to voting population. The injury which appellants assert is that this classification disfavors the voters in the counties in which they reside, placing them in a position of constitutionally unjustifiable inequality vis-a-vis voters in irrationally favored counties. A citizen's right to a vote free of arbitrary impairment by State action has been judicially recognized as a right secured by the Constitution, when such impairment resulted from dilution by a false tally. (cf. *United States* v. *Classic*), 3113 U.S. 299; or by a refusal to count votes from arbitrarily selected precincts (cf. *United States* v. *Mosley*, 238 U.S 383), or by a stuffing of the ballot box (cf. *Ex parte Siebold*, 100 U.S. 371; *United States* v. *Saylor*, 322 U.S. 385).

In holding that the subject matter of the suit was not justiciable, the district court replied on *Colegrove* v. *Green*, supra, and subsequent per curiam cases. The court stated: "From review of these decisions there can be no doubt that the Federal rule is that the Federal courts will not intervene in cases of this type to compel legislative reapportionment" (179 F. Supp., at 826). We understand the district court to have read the cited cases as compelling the conclusion that since the appellants sought to have a legislative apportionment held unconstitutional, their suit presented a political question and was therefore nonjusticiable. We hold that this challenge to an apportionment presents no nonjusticiable political question. The cited cases do not hold the contrary.

Of course the mere fact that the suit seeks protection of a political right does not mean it presents a political question. Such an objection "is little more than a play upon words." (*Nixon* v. *Herndon*, 273 U.S. 536, 540). Rather, it is argued that apportionment cases, whatever the actual wording of the complaint, can involve no Federal constitutional right except one resting the guaranty of a republican form of government, and that complaints based on that clause have been held to present political questions which are nonjusticiable.

It is apparent that several formulations which vary slightly according to the settings

in which the questions arise may describe a political question, although each has one or more elements which identifies it as essentially a function of the separation of powers. Prominent on the surface of any case held to involve a political question is found a textually demonstrable constitutional commitment of the issue to a coordinate political department; or a lack of judicially discoverable and manageable standards for resolving it; or the impossibility of deciding without an initial policy determination of a kind clearly for nonjudicial discretion; or the impossibility of a court's undertaking independent resolution without expressing lack of the respect due coordinate branches of government; or an unusual need for unquestioning adherence to a political decision already made; or the potentiality of embarrassment from multifarious pronouncements by various departments on one question.

DOCTRINE CLARIFIED

Unless one of these formulations is inextricable from the case at bar, there should be no dismissal for nonjusticiability on the ground of a political question's presence. The doctrine of which we treat is one of political questions, not one of political cases. The courts cannot reject as no lawsuit a bona fide controversy as to whether some action denominated political exceeds constitutional authority.

We come, finally, to the ultimate inquiry whether our precedents as to what constitutes a nonjusticiable political question bring the case before us under the umbrella of that doctrine. A natural beginning is to note whether any of the common characteristics which we have been able to identify and label descriptively are present.

We find none: The question here is the consistency of State action with the Federal Constitution. We have no question decided, or to be decided, by a political branch of government coequal with this court. Nor do we risk embarrassment of our Government abroad, or grave disturbance at home if we take issue with Tennessee as to the constitutionality of her action here challenged. Nor need the appellants, in order to succeed in this action, ask the court to enter upon policy determinations for which judicially manageable standards are lacking. Judicial standards under the equal protection clause are well developed and familiar, and it has been open to courts since the enactment of the 14th amendment to determine if on the particular facts they must, that a discrimination reflects no policy, but simply arbitrary and capricious action.

CALLS RELIANCE FUTILE

This case does, in one sense, involve the allocation of political power within a State, and the appellants might conceivably have added a claim under the guaranty clause. Of course, as we have seen, any reliance on that clause would be futile. But because any reliance on the guaranty clause could not have succeeded it does not follow that appellants may not be heard on the equal protection claim which in fact they tender. True, it must be clear that the 14th amendment claim is not so enmeshed with those political question elements which render guaranty clause claims nonjustifiable as actually to present a political question itself. But we have found that not to be the case here.

We conclude then that the nonjusticiability of claims resting on the guaranty clause which arises from their embodiment of questions that were thought political, can have no bearing upon the justiciability of the equal protection claim presented in this case. Finally, we emphasize that it is the involvement in guaranty clause claims of the elements thought to define political questions, and no other feature, which could render them nonjusticiable. Specifically, we have said that such claims are not held nonjusticiable because they touch matters of State governmental organization. Brief examination of a few cases demonstrates this.

When challenges to State action respecting matters of the administration of the affairs of the State and the officers through whom they are conducted have rested on claims of constitutional deprivation which are amenable to judicial correction, this court has acted upon its view of the merits of the claim. For example, in *Boyd* v. *Nebraska ex rel. Thayer* (143 U.S. 135), we reversed the Nebraska Supreme Court's decision that Nebraska's Governor was not a citizen of the United States or of the State and therefore could not continue in office. In *Kennard* v. *Louisiana ex rel. Morgan* (92 U.S. (1 Otto) 480), and *Foster* v. *Kansas ex rel. Jonston* (112 U.S. 201), we considered whether persons had been removed from public office by procedures consistent with the 14th amendment's due process guaranty, and held on the merits that they had. And only last term, in *Gomillion* v. *Lightfoot* (364 U.S. 339), we applied the 15th amendment to strike down a redrafting of municipal boundaries which affected a discriminatory impairment of voting rights, in the face of what a majority of the court of appeals thought to be a sweeping commitment to State legislatures of the power to draw and redraw such boundaries.

DEPRIVATION ASSERTED

Gomillion was brought by a Negro who had been a resident of the city of Tuskegee, Ala., until the municipal boundaries were so recast by the State legislature as to exclude practically all Negroes. The plaintiff claimed deprivation of the right to vote in municipal elections. The district court's dismissal for want of jurisdiction and failure to state a claim upon which relief could be granted was affirmed by the court of appeals. This court unanimously reversed. This court's answer to the argument that States enjoyed unrestricted control over municipal boundaries was:

"Legislative control of municipalities, no less than other State power, lies within the scope of relevant limitations imposed by the U.S. Constitution. The opposite conclusion, urged upon us by respondents, would sanction the achievement by a State of any impairment of voting rights whatever so long as it was cloaked in the garb of the realinement of political subdivisions. It is inconceivable that guarantees embedded in the Constitution of the United States may thus be manipulated out of existence. (364 U.S. 344–345.)

Since, as has been established, the equal protection claim tendered in this case does not require decision of any political question, and since the presence of a matter affecting State government does not render the case nonjusticiable, it seems appropriate to examine again the reasoning by which the district court reached its conclusion that the case was nonjusticiable.

We have already noted that the district court's holding that the subject matter of this complaint was nonjusticiable relied upon *Colegrove* v. *Green*, supra, and later cases. Some of those concerned the choice of members of a State legislature, as in this case; others, like Colegrove itself and earlier precedents (*Smiley* v. *Holm*, 285 U.S. 355, *Koenig* v. *Flynn*, 285 U.S. 375, and *Carroll* v. *Becker*, 285 U.S. 380), concerned the choice of Representatives in the Federal Congress. The court followed these precedents in Colegrove although over the dissent of three of the seven justices who participated in that decision. On the issue of justiciability, all four justices comprising a majority relied upon *Smiley* v. *Holm*, but in two opinions, one for three justices, 328 U.S. 566, 568, and a separate one by Mr. Justice Rutledge, 328 U.S. 564.

EQUITY FOUND LACKING

Indeed, the refusal to award relief in Colegrove resulted only from the controlling view of a want of equity. Nor is anything contrary to be found in those per curiams that came after Colegrove. This court dismissed the appeals in *Cook* v. *Fortson* and *Turman* v. *Duckworth* (329 U.S. 675, as moot. *MacDougall* v. *Green* (335 U.S. 281), held only that in that case equity would not act to void the State's requirement that there be at least a minimum of support for nominees for statewide office, over at least a minimal area of the State. Problems of timing were critical in *Remmey* v. *Smith* (342 U.S. 916), dismissing for want of a substantial Federal question a three-judge court's dismissal of the suit as prematurely brought (102 F. Supp. 708); and in *Hartsfield* v. *Sloan* (357 U.S. 916), denying mandamus sought to compel the convening of a three-judge court—movants urged the court to advance consideration of their case "inasmuch as the mere lapse of time before this case can be reached in the normal course of business may defeat the cause, and inasmuch as the time problem is due to the inherent nature of the case." *South* v. *Peters* (339 U.S. 276), like Colegrove, appears to be a refusal to exercise equity's powers; see the statement of the holding, quoted, supra, page 17.

Tedesco v. *Board of Supervisors* (339 U.S. 940), indicates solely that no substantial Federal question was raised by a State court's refusal to upset the districting of city council seats, especially as it was urged that there was a rational justification for the challenged districting. (See 43 So. 2d 514.) Similarly, in *Anderson* v. *Jordan* (343 U.S.), it was certain only that the State court had refused to issue a discretionary writ, original mandamus in the Supreme Court. That had been denied without opinion, and of course it was urged here that an adequate State ground barred this court's review. And in *Kidd* v. *McCanless* (200 Tenn. 273, 292 S.W. 2d 40), the Supreme Court of Tennessee held that it could not invalidate the very statute at issue in the case at bar, but its holding rested on its State law of remedies, i.e., the State view of de facto officers, and not on any view that the norm for legislative apportionment in Tennessee is not numbers of qualified voters resident in the several counties. Of course this court was there precluded by the adequate State ground, and in dismissing the appeal (352 U.S. 920), we cited Anderson, supra, as well as Colegrove. Nor does the Tennessee court's decision in that case bear upon this, for just as in *Smith* v. *Holm* (220 Minn. 486, 19 N.W. 2d 914), and *Magraw* v. *Donovan* (163 F. Supp. 174, 177 F. Supp. 803), a State court's inability to grant relief does not bar a Federal court's assuming jurisdiction to inquire into alleged deprivation of Federal constitutional rights. Problems of relief also controlled in *Radford* v. *Gary* (352 U.S. 911), affirming the district court's refusal to mandamus the Governor to call a session of the legislature, to mandamus the legislature then to apportion, and if they did not comply, to mandamus the State supreme court to do so. Lastly, *Colegrove* v. *Barrett* (330 U.S. 804), in which Mr. Justice Rutledge concurred in this court's refusal to note the appeal from a dismissal for want of equity, is sufficiently explained by his statement in *Cook* v. *Fortson*, supra: "The discretionary exercise or nonexercise of equitable or declaratory judgment jurisdiction in one case is not precedent in another case where the facts differ" (329 U.S., at 678, n. 8).

We conclude that the complaint's allegations of a denial of equal protection present a justifiable constitutional cause of action upon which appellants are entitled to a trial and a decision. The right asserted is within the reach of judicial protection under the 14th amendment.

The judgment of the district court is reversed and the cause is remanded for further proceedings consistent with this opinion.

Reversed and remanded. Mr. Justice Whittaker did not participate in the decision of this case.

(Mr. Justice Clark, concurring.)

One emerging from the rash of opinions with their accompanying clashing of views may well find himself suffering a mental blindness. The court holds that the appellants have alleged a cause of action. However, it refuses to award relief here—although the facts are undisputed—and fails to give the district court any guidance whatever. One dissenting opinion, bursting with words that go through so much and conclude with so little, condemns the majority action as "a massive repudiation of the experience of our whole past." Another describes the complaint as merely asserting conclusory allegations that Tennessee's apportionment is incorrect, arbitrary, obsolete, and unconstitutional. I believe it can be shown that this case is distinguishable from earlier cases dealing with the distribution of political power by a State, that a patent violation of the equal protection clause of the U.S. Constitution has been shown, and that an appropriate remedy may be formulated.

I

I take the law of the case from *MacDougall* v. *Green* (335 U.S. 281 (1948)), which involved an attack under the equal protection clause upon an Illinois election statute. The court decided that case on its merits without hindrance from the political question doctrine. Although the statute under attack was upheld, it is clear that the court based its decision upon the determination that the statute represented a rational State policy. It stated:

"It would be strange indeed, and doctrinaire, for this court, applying such broad constitutional concepts as due process and equal protection of the laws, to deny a State the power to assure a proper diffusion of political initiative as between its thinly populated counties and those having concentrated masses, in view of the fact that the latter have practical opportunities for exerting their political weight at the polls not available to the former" (id., at 284).

The other cases upon which my brethren dwell are all distinguishable or inapposite. The widely heralded case of *Colegrove* v. *Green* (328 U.S. 549 (1946)) * * * which the Court was bobtailed but in which there was no majority opinion. Indeed, even the political question point in Mr. Justice Frankfurter's opinion was no more than an alternative ground. Moreover, the appellants did not present an equal protection argument. While it has served as a Mother Hubbard to most of the subsequent cases, I feel it was in that respect ill-cast and for all of these reasons put it to one side. Likewise, I do not consider the guaranty clause cases based on article I, 4, of the Constitution, because it is not invoked here and it involves different criteria, as the Court's opinion indicates. Cases resting on various other considerations not present here, such as *Radford* v. *Gary* (352 U.S. 991 (1957)) (lack of equity); *Kidd* v. *McCanless* (352 U.S. 920 (1956)) (adequate State grounds supporting the State judgment); *Anderson* v. *Jordan* (343 U.S. 912 (1952)) (adequate State grounds).

II

The controlling facts cannot be disputed. It appears from the record that 37 percent of the voters of Tennessee elect 20 of the 33 senators while 40 percent of the voters elect 63 of the 99 members of the house. But this might not on its face be an invidious discrimination (*Williamson* v. *Lee Optical of Oklahoma*, 348 U.S. 483, 489 (1955)), for a "statutory discrimination will not be set aside if any state of facts reasonably may be conceived to justify it." *McGowan* v. *Maryland* (366 U.S. 420, 426 (1961)).

It is true that the apportionment policy incorporated in Tennessee's constitution, i.e., statewide numerical equality of representation with certain minor qualifications, is a rational one. On a county-by-county comparison a districting plan based thereon naturally will have disparities in representation due to the qualifications. But this to my mind does not raise constitutional problems, for the overall policy is reasonable. However, the root of the trouble is not in Tennessee's constitution, for admittedly its policy has not been followed. The discrimination lies in the action of Tennessee's assembly in allocating legislative seats to counties or districts created by it. Try as one may, Tennessee's apportionment just cannot be made to fit the pattern cut by its constitution. This was the finding of the district court. The policy of the constitution referred to by the dissenters, therefore, is of no relevance here. We must examine what the assembly has done. The frequency and magnitude of the inequalities in the present districting admit of no policy whatever. * * * The apportionment picture in Tennessee is a topsy-turvical of gigantic proportions. * * *

It leaves but one conclusion; namely, that Tennessee's apportionment is a crazy quilt without rational basis. * * *

As is admitted there is a wide disparity of voting strength between the large and small counties. Some samples are: Moore County has a total representation of 2 with a population (2,340) of one-eleventh of Rutherford County (25,316) with the same representation; Decatur County (5,563) has the same representation as Carter (23,303) though the latter has four times the population; likewise, Loudon County (13,264), Houston County (3,084), and Anderson County (33,990) have the same representation, i.e., 1.25 each. * * *

The truth is that—although this case has been here for 2 years and has had over 6 hours' argument (three times the ordinary case) and has been most carefully considered over and over again by us in conference and individually—no one, not even the State nor the dissenters, has come up with any rational basis for Tennessee's apportionment statute.

Although I find the Tennessee apportionment statute offends the equal protection clause, I would not consider intervention by this court into so delicate a field if there were any other relief available to the people of Tennessee. But the majority of the people of Tennessee have no "practical opportunities for exerting their political weight at the polls" to correct the existing invidious discrimination. Tennessee has no initiative and referendum. I have searched diligently for other practical opportunities present under the law. I find none other than through the Federal courts. The majority of the voters have been caught up in a legislative straitjacket. Tennessee has an informed, civically militant electorate and an aroused popular conscience, but it does not sear the conscience of the people's representatives. This is because the legislative policy has riveted the present seats in the assembly to their respective constituencies, and by the votes of their incumbents a reapportionment of any kind is prevented. The people have been rebuffed at the hands of the assembly; they have tried the constitutional convention route, but since the call must originate in the assembly it, too, has been fruitless. They have tried Tennessee courts with the same result and Governors have fought the tide only to flounder. It is said that there is recourse in Congress and perhaps that may be, but from a practical standpoint this is without substance. To date Congress has never undertaken such a task in any State. We therefore must conclude that the people of Tennessee are stymied and without judicial intervention will be saddled with the present discrimination in the affairs of their State government.

III

Finally, we must consider if there are any appropriate modes of effective judicial relief. The Federal courts are, of course, not forums for political debate, nor should they resolve themselves into State constitutional conventions or legislative assemblies. Nor should their jurisdiction be exercised in the hope that such a declaration, as is made today, may have the direct effect of bringing on legislative action and relieving the courts of the problem of fashioning relief. To my mind this would be nothing less than blackjacking the assembly into reapportioning the State. If judicial competence were lacking to fashion an effective decree, I would dismiss this appeal. However, like the Solicitor General of the United States, I see no such difficulty in the position of this case. One plan might be to start with the existing assembly districts, consolidate some of them, and award the seats thus released to those counties suffering the most egregious discrimination. Other possibilities are present and might be more effective. But the plan here suggested would at least release the stranglehold now on the assembly and permit it to redistrict itself.

In this regard the appellants have proposed a plan based on the rationale of statewide equal representation. Not believing that numerical equality of representation throughout a State is constitutionally required, I would not apply such a standard albeit a permissive one. Nevertheless, the dissenters attack it by the application of the Harlan adjusted total representation formula. The result is that some isolated inequalities are shown, but this in itself does not make the proposed plan irrational or place it in the crazy quilt category. Such inequalities, as the dissenters point out in attempting to support the present apportionment as rational, are explainable. Moreover, there is no requirement that any plan have mathematical exactness in its application. Only where, as here, the total picture reveals incommensurables of both magnitude and frequency can it be said that there is present an invidious discrimination.

In view of the detailed study that the court has given this problem, it is unfortunate that a decision is not reached on the merits. The majority appears to hold, at least sub silentio, that an invidious discrimination is present, but it remands to the three-judge court for it to make what is certain to be that formal determination. It is true that Tennessee has not filed a formal answer. However, it has filed voluminous papers and made extended arguments supporting its position. At no time has it been able to contradict the appellants' factual claims; it has offered no rational explanation for the present apportionment; indeed, it has indicated that there are none known to it. In view of all this background I doubt if anything more can be offered or will be gained by the State on remand, other than time. Nevertheless, not being able to muster a court to dispose of the case on the merits, I concur in the opinion of the majority and acquiesce in the decision to remand. However, in fairness I do think that Tennessee is entitled to have my idea of what it faces on the record before us and the trial court some light as to how it might proceed.

As John Rutledge (later Chief Justice) said 175 years ago in the course of the Constitutional Convention, a chief function of the court is to secure the national rights. Its decision today supports the proposition for which our forebears fought and many died, namely that "to be fully conformable

to the principle of right, the form of government must be representative." That is the keystone upon which our Government was founded and lacking which no republic can survive. It is well for this court to practice self-restraint and discipline in constitutional adjudication, but never in its history have those principles received sanction where the national rights of so many have been so clearly infringed for so long a time. National respect for the courts is more enhanced through the forthright enforcement of those rights rather than by rendering them nugatory through the interposition of subterfuges. In my view the ultimate decision today is in the greatest tradition of this court.

The separate writings of my dissenting and concurring brothers stray so far from the subject of today's decision as to convey, I think, a distressingly inaccurate impression of what the court decides. For that reason, I think it appropriate, in joining the opinion of the court, to emphasize in a few words what the opinion does and does not say.

The Court today decides three things and no more: "(a) That the Court possessed jurisdiction of the subject matter; (b) that a justiciable cause of action is stated upon which appellants would be entitled to appropriate relief; and (c) that the appellants have standing to challenge the Tennessee apportionment statutes."

The complaint in this case asserts that Tennessee's system of apportionment is utterly arbitrary—without any possible justification in rationality. The district court did not reach the merits of that claim, and this Court quite properly expresses no view on the subject. Contrary to the suggestion of my Brother Harlan, the Court does not say or imply that "State legislatures must be so structured as to reflect with approximate equality the voice of every voter." The Court does not say or imply that there is anything in the Federal Constitution "to prevent a State, acting not irrationally, from choosing any legislative structure it thinks best suited to the interests, temper, and customs of its people." And contrary to the suggestion of my Brother Douglas, the Court most assuredly does not decide the question, "May a State weight the vote of one county or one district more heavily than it weights the vote in another?"

RECALLS RECENT RULING

In *MacDougall* v. *Green* (335 U.S. 281), the Court held that the equal protection clause does not "deny a State the power to assure a proper diffusion of political initiative as between its thinly populated counties and those having concentrated masses, in view of the fact that the latter have practical opportunities for exerting their political weight at the polls not available to the former" (335 U.S. at 284). In case after case arising under the equal protection clause the Court has said again only last term that "the 14th amendment permits the States a wide scope of discretion in enacting laws which affect some groups of citizens differently than others" (*McGowan* v. *Maryland* (366 U.S. 420, 425)). In case after case arising under that clause we have also said that "the burden of establishing the unconstitutionality of a statute rests on him who assails it (*Metropolitan Casualty Ins. Co.* v. *Brownell* (294 U.S. 580, 584)).

Today's decision does not turn its back on these settled precedents. I repeat, the Court today decides only: (1) that the district court possessed jurisdiction of the subject matter; (2) that the complaint presents a justiciable controversy; (3) that the appellants have standing. My brother Clark has made a convincing prima facie showing that Tennessee's system of apportionment is in fact utterly arbitrary, without any possible justification in rationality. My brother Harlan has, with imagination, and ingenuity, hypothesized possibly rational bases for Tennessee's system. But the merits of this case are not before us now. The defendants have not yet had an opportunity to be heard in defense of the State's system of apportionment; indeed, they have not yet even filed an answer to the complaint. As in other cases, the proper place for the trial is in the trial court, not here.

While I join the opinion of the Court and, like the Court, do not reach the merits, a word of explanation is necessary. I put to one side the problems of political questions involving the distribution of power between this Court, the Congress, and the Chief Executive. We have here a phase of the recurring problem of the relation of the Federal courts to State agencies. More particularly the question is the extent to which a State may weight one person's vote more heavily than it does another's. Race, color, or previous condition of servitude are impermissible standards by reason of the 15th amendment, and that alone is sufficient to explain *Gomillion* v. *Lightfoot* (364 U.S. 339) (See Taper, *Gomillion* v. *Lightfoot* (1962), pp. 12–17.)

Sex is another impermissible standard by reason of the 19th amendment.

There is a third barrier to a State's freedom in prescribing qualifications of voters and that is the equal protection clause of the 14th amendment, the provision invoked here. And so the question is, May a State weight the vote of one county or one district more heavily than it weights the vote in another?

TRADITIONAL TEST

The traditional test under the equal protection clause has been whether a State has made an invidious discrimination, as it does when it selects a particular race or nationality for oppressive treatment (see the test; there is room for 535, 541). Universal equality is not the test; there is room for weighting. As we stated in *Williamson* v. *Lee Optical Co.* (348 U.S. 382, 489), "the prohibition of the equal protection clause goes no further than the invidious discrimination."

I agree with my Brother Clark that if the allegations in the complaint can be sustained a case for relief is established. We are told that a single vote in Moore County, Tenn., is worth 19 votes in Hamilton County, that 1 vote in Stewart or in Chester County is worth nearly eight times a single vote in Shelby or Knox County. The opportunity to prove that an invidious discrimination exists should therefore be given the appellants.

It is said that any decision in cases of this kind is beyond the competence of courts. Some make the same point as regards the problem of equal protection in cases involving racial segregation. Yet the legality of claims and conduct is a traditional subject for judicial determination. Adjudication is often perplexing and complicated. An example of the extreme complexity of the task can be seen in a decree apportioning water among the several States (*Nebraska* v. *Wyoming*, 325 U.S. 589, 665). The constitutional guide is often vague, as the decisions under the due process and commerce clauses show. The problem under the equal protection clause is no more intricate. (See Lewis, "Legislative Apportionment and the Federal Courts," 71 Harv. L. Rev. 1057, 1083–1084.)

HOPEFUL OF BENEFITS

Chief Justice Holt stated in *Ashby* v. *White* (2 Ld. Raym. 938, 956) (a suit in which damages were awarded against election officials for not accepting the plaintiff's vote, 3 Ld. Raym. 320) that: "To allow this action will make public officers more careful to observe the constitution of cities and boroughs, and not to be so partial as they commonly are in all elections, which is indeed a great and growing mischief, and tends to the prejudice of the peace of the Nation."

The same prophylactic effect will be produced here, as entrenched political regimes make other relief as illusory in this case as a petition to Parliament in *Ashby* v. *White* would have been.

With the exceptions of *Colegrove* v. *Green* (328 U.S. 549), *MacDougall* v. *Green* (335 U.S.); *South* v. *Peters* (339 U.S. 276), and the decisions they spawned, the Court has never thought that protection of voting rights was beyond judicial cognizance. Today's treatment of those cases removes the only impediment to judicial cognizance of the claims stated in the present complaint.

The Court today reverses a uniform course of decision established by a dozen cases, including one by which the very claim now sustained was unanimously rejected only 5 years ago. The impressive body of rulings thus cast aside reflected the equally, uniform course of our political history regarding the relationship between population and legislative representation, a wholly different matter from denial of the franchise to individuals because of race, color, religion, or sex. Such a massive repudiation of the experience of our whole past in asserting destructively novel judicial power demands a detailed analysis of the role of this Court in our constitutional scheme. Disregard of inherent limits in the effective exercise of the Court's judicial power not only presages the futility of judicial intervention in the essentially political conflict of forces by which the relation between population and representation has time out of mind been and now is determined. It may well impair the Court's position as the ultimate organ of the supreme law of the land in that vast range of legal problems, often strongly on which this Court must pronounce. The Court's authority possessed neither of the purse nor the sword, ultimately rests on sustained public confidence in its moral sanction. Such feeling must be nourished by the Court's complete detachment, in fact and in appearance, from political entanglements and by abstention from injecting itself into the clash of political forces in political settlements.

CALLS CLAIM HYPOTHETICAL

A hypothetical claim resting on abstract assumptions is now for the first time made the basis for affording illusory relief for a particular evil even though it foreshadows deeper and more pervasive difficulties in consequence. The claim is hypothetical and the assumptions are abstract because the court does not vouchsafe the lower courts—State and Federal—guidelines for formulating specific, definite, wholly unprecedented remedies for the inevitable litigations that today's umbrageous disposition is bound to stimulate in connection with politically motivated reapportionments in so many States. In such a setting, to promulgate jurisdiction in the abstract is meaningless. It is devoid of reality as "a brooding omnipresence in the sky" for it conveys no intimation what relief, if any, a district court is capable of affording that would not invite legislatures to play ducks and drakes with the judiciary or this court to direct the district court to enforce a claim to which the court has over the years consistently found itself required to deny legal enforcement and at the same time to find it necessary to withhold any guidance to the lower court how to enforce this turnabout, new legal claim, manifests an odd—indeed an esoteric—conception of judicial propriety. One of the court's supporting opinions, as elucidated by commentary, unwittingly affords a mathematical quagmire (apart from divers judicially inappropriate and elusive determinants), into which this Court today catapults the lower courts of the country without so much as adumbrating the basis for a legal calculus as a means of extrication. Even assuming the indispensable intellectual disinterestedness on the part of judges in such matters,

they do not have accepted legal standards or criteria or even reliable analogies to draw upon for making judicial judgments. To charge courts with the task of accommodating the incommensurable factors of policy that underlie these mathematical puzzles is to attribute, however flatteringly, omnicompetence to judges. The framers of the Constitution persistently rejected a proposal that embodied this assumption and Thomas Jefferson never entertained it.

ATROCITY OF INGENUITY

Recent legislation, creating a district appropriately described as an atrocity of ingenuity, is not unique. Considering the gross inequality among legislative electoral units within almost every State, the Court naturally shrinks from asserting that in districting at least substantial equality is a constitutional requirement enforcible by courts. Room continues to be allowed for weighing. This, of course, implies that geography, economics, urban-rural conflict, and all the other nonlegal factors which have throughout our history entered into political districting are to some extent not to be ruled out in the undefined vista now opened up by review in the Federal courts of State reapportionments. To some extent—aye, there's the rub. In effect, today's decision empowers the courts of the country to devise what should constitute the proper composition of the legislatures of the 50 States. If State courts should for one reason or another find themselves unable to discharge this task, the duty of doing so is put on the Federal courts or on this Court, if State views do not satisfy this Court's notion of what is proper districting.

We were soothingly told at the bar of this Court that we need not worry about the kind of remedy a court could effectively fashion once the abstract constitutional right to have courts pass on a statewide system of electoral districting is recognized as a matter of judicial rhetoric, because legislatures would heed the court's admonition. This is not only an euphoric hope. It implies a sorry confession of judicial impotence in place of a frank acknowledgment that there is not under our Constitution a judicial remedy for every political mischief, for every undesirable exercise of legislative power. The framers carefully and with deliberate forethought refused so to enthrone the judiciary. In this situation, as in others of like nature, appeal for relief does not belong here. Appeal must be to an informed, civically militant electorate. In a democratic society like ours, relief must come through an aroused popular conscience that sears the conscience of the people's representatives. In any event there is nothing judicially more unseemly nor more self-defeating than for this court to make in terrorem pronouncements, to indulge in merely empty rhetoric, sounding a word of promise to the ear, sure to be disappointing to the hope.

In sustaining appellants' claim, based on the 14th amendment, that the district court may entertain this suit, this Court's uniform course of decision over the years are overruled or disregarded. Explicitly it begins with *Colegrove* v. *Green*, supra, decided in 1946, but its roots run deep in the Court's historic adjudicatory process.

Colegrove held that a Federal court should not entertain an action for declaratory and injunctive relief to adjudicate the constitutionality, under the equal protection clause and other Federal constitutional and statutory provisions, of a State statute establishing the respective districts for the State's election of Representatives to the Congress. Two opinions were written b the four Justices who composed the majority of the seven sitting members of the Court. Both opinions joining in the result in *Colegrove* v. *Green* agreed that considerations were controlling which dictated denial of jurisdiction though not in the strict sense of want of power. While the two opinions show a divergence of view regarding some of these considerations, there are important points of concurrence. Both opinions demonstrate a predominant concern, first, with avoiding Federal judicial involvement in matters traditionally left to legislative policymaking; second, with respect to the difficulty, in view of the nature of the problems of apportionment and its history in this country—of drawing on or devising judicial standards for judgment, as opposed to legislative determinations, of the part which mere equality among voters should play as a criterion for the allocation of political power; and, third, with problems of finding appropriate modes of relief—particularly, the problem of resolving the essentially political issue of the relative merits of at-large elections and elections held in districts of unequal population.

DECIDED BY THE COURT

The broad applicability of these considerations—summarized in the loose shorthand phrase, "political question"—in cases involving a State's apportionment of voting power among its numerous localities has led the Court, since 1946, to recognize their controlling effect in a variety of situations. (In all these cases decision was by a full court.) The political question principle as applied in Colegrove has found wide application commensurate with its function as "one of the rules basic to the Federal system and this court's appropriate place within that structure" (*Rescue Army* v. *Municipal Court*, 331 U.S. 549, 570). In *Colegrove* v. *Barrett* (330 U.S. 804), litigants brought suit in a Federal district court challenging as offensive to the equal protection clause, Illinois' State legislative apportionment laws. They pointed to State constitutional provisions requiring decennial reapportionment and allocation of seats in proportion to population, alleged a failure to reapportion for more than 45 years, during which time extensive population shifts had rendered the legislative districts grossly unequal and sought declaratory and injunctive relief with respect to all elections to be held thereafter. After the complaint was dismissed by the district court, this Court dismissed an appeal for want of a substantial Federal question.

DIVERSITIES NOTED

Of course, it is important to recognize particular, relevant diversities among comprehensively similar situations. Appellants seek to distinguish several of this court's prior decisions on one or another ground, *Colegrove* v. *Green* on the ground that congressional, not State legislative, apportionment was involved; *Remmey* v. *Smith* on the ground that State judicial remedies had not been tried; *Radford* v. *Gary* on the ground that Oklahoma has the initiative, whereas Tennessee does not. It would only darken counsel to discuss the relevance and significance of each of these assertedly distinguishing factors here and in the context of this entire line of cases. Suffice it that they do not serve to distinguish *Colegrove* v. *Barrett*, supra, which is on all fours with the present case, or to distinguish *Kidd* v. *McCanless* (352 U.S. 920), in which the full Court without dissent, only 5 years ago, dismissed on authority of *Colegrove* v. *Green* and *Anderson* v. *Jordan* (343 U.S. 912), an appeal from the supreme court of Tennessee in which a precisely similar attack was made upon the very statute now challenged. If the weight and momentum of an unvarying course of carefully considered decisions are to be respected, appellants' claims are foreclosed not only by precedents governing the exact facts of the present case but are themselves supported by authority the more persuasive in that it gives effect to the Colegrove principle in distinctly varying circumstances in which State arrangements allocating relative degrees of political influence among geographic groups of voters were challenged under the 14th amendment.

The Colegrove doctrine, in the form in which repeated decisions have settled it, was not an innovation. It represents long judicial thought and experience. From its earliest opinions this Court has consistently recognized a class of controversies which do not lend themselves to judicial standards and judicial remedies. To classify the various instances as political questions is rather a form of stating this conclusion than revealing of analysis. Some of the cases so labeled have no relevance here. But from others emerge unifying considerations that are compelling.

The influence of these converging considerations, the caution not to undertake decision where standards meet for judicial judgment are lacking, the reluctance to interfere with matters of State government in the absence of an unquestionable and effectively enforceable mandate, the unwillingness to make courts arbiters of the broad issues of political organization historically committed whose adjustment the judicial process is ill-adapted—has been decisive of the settled line of cases, reaching back more than a century, which holds that article IV, 4, of the Constitution, guaranteeing to the States "a republican form of government," is not enforcible through the courts.

IV

The present case involves all of the elements that have made the guarantee clause cases nonjusticiable. It is, in effect, a guarantee clause claim masquerading under a different label. But it cannot make the case more fit for judicial action that appellants invoke the 14th amendment rather than article IV, 4, where, in fact, the gist of their complaint is the same—unless it can be found that the 14th amendment speaks with greater particularity to their situation. But where judicial competence is wanting, it cannot be created by invoking one clause of the Constitution rather than another. When what was essentially a guarantee clause claim was sought to be laid, as well, under the equal protection clause in *Pacific States Telephone & Telegraph Co.* v. *Oregon*, supra, the court had no difficulty in "dispelling any mere confusion resulting from forms of expression and considering the substance of things" (223 U.S., at 140).

Here appellants attack the State as a State, precisely as it was perceived to be attacked in the *Pacific State* case, id., at 150. Their complaint is that the basis of representation of the Tennessee Legislature hurt them. They assert that a minority now rules in Tennessee, that the apportionment statute results in a distortion of the constitutional system, that the general assembly is no longer a body representative of the people of the State of Tennessee, all contrary to the basic principle of representative government. Accepting appellants' own formulation of the issue, one can know this handsaw from a hawk. Such a claim would be nonjusticiable not merely under article IV, 4, but under any clause of the Constitution, by virtue of the very fact that a Federal court is not a forum for political debate. *Massachusetts* v. *Mellon*, supra.

DISCRIMINATION ALLEGED

But appellants, of course, do not rest on this claim simpliciter. In invoking the equal protection clause, they assert that the distortion of representative government complained of is produced by systematic discrimination against them, by way of a debasement of their votes. Does this characterization with due regard for the facts from which it is derived add anything to appellants' case?

At first blush, this charge of discrimination based on legislative underrepresentation

is given the appearance of a more private, less impersonal claim, than the assertion that the frame of government is askew. Appellants appear as representative of a class that is prejudiced as a class, in contradistinction to the polity in its entirety. However, the discrimination relied on is the deprivation of what appellants conceive to be their proportionate share of political influence. This, of course, is the practical effect of any allocation of power within the institutions of government. Hardly any distribution of political authority that could be assailed as rendering government nonrepublican would fail similarly to operate to the prejudice of some groups, and to the advantage of others, within the body politic. It would be ingenuous not to see, or consciously blind to deny, that the real battle over the initiative and referendum, or over a delegation of power to local rather than Statewide authority, is the battle between forces whose influence is disparate among the various organs of government to whom power may be given. No shift of power but works a corresponding shift in political influence among the groups composing a society.

NOTES VOTES ARE COUNTED

What, then, is this question of legislative apportionment? Appellants invoke the right to vote and to have their votes counted. But they are permitted to vote and their votes are counted. They go to the polls, they cast their ballots, they send their representatives to the State councils. Their complaint is simply that the representatives are not sufficiently numerous or powerful, in short, that Tennessee has adopted a basis of representation with which they are dissatisfied. Talk of debasement or dilution is circular talk. One cannot speak of debasement or dilution of the value of a vote until there is first defined a standard of reference as to what a vote should be worth. What is actually asked of the court in this case is to choose among competing bases of representation, ultimately, really, among competing theories of political philosophy, in order to establish an appropriate frame of government for the State of Tennessee and thereby for all the States of the Union.

In such a matter, abstract analogies which ignore the facts of history deal in unrealities; they betray reason. This is not a case in which a State has, through a device however oblique and sophisticated, denied Negroes or Jews or redheaded persons a vote, or given them only a third or a sixth of a vote. That was *Gomillion* v. *Lightfoot* (364 U.S. 339, supra). What Tennessee illustrates is an old and still widespread method of representation—representation by local geographical division, only in part respective of population—in preference to others, others, forsooth, more appealing, pell contest this choice and seek to make this Court the arbiter of the disagreement. They would make the equal protection clause the charter of adjudication, asserting that the equality which it guarantees comports, if not the assurance of equal weight to every voter's vote, at least the basic conception that representation ought to be proportionate to population, a standard by reference to which the reasonableness of apportionment plans may be judged.

DOUBTS ENFORCIBILITY

To find such a political conception legally enforcible in the broad and unspecific guarantee of equal protection is to rewrite the Constitution. See *Luther* v. *Borden*, supra. Certainly, equal protection is no more secure a foundation for judicial judgment of the permissibility of varying forms of representative government than is republican form. Indeed since equal protection of the laws can only mean an equality of persons standing in the same relation to whatever governmental action is challenged, the determination whether treatment is equal presupposes a determination concerning the nature of the relationship. This, with respect to apportionment, means an inquiry into the theoretic base of representation in an acceptably republican state. For a court could not determine the equal-protection issue without in fact first determining the republican-form issue, simply because what is reasonable for equal protection purposes will depend upon what frame of government, basically, is allowed. To divorce equal protection from republican form is to talk about half a question.

The notion that representation proportioned to the geographic spread of population is so universally accepted as a necessary element of equality between man and man that it must be taken to be the standard of political equality preserved by the 14th amendment—that it is, in appellants' words "the basic principle of representative government"—is, to put it bluntly, not true. However desirable and however desired by some among the great political thinkers and framers of our Government, it has never been generally practiced, today or in the past. It was not the English system, it was not the colonial system, it was not the system chosen for the National Government by the Constitution, it was not the system exclusively or even predominantly practiced by the States at the time of adoption of the 14th amendment it is not predominantly practiced by the States today. Unless judges, the judges of this Court, are to make their private views of political wisdom the measure of the Constitution—views which in all honesty cannot but give the appearance, if not reflect the reality, of involvement with the business of partisan politics so inescapably a part of apportionment controversies of the 14th amendment, "itself a historical product" (*Jackman* v. *Rosenbaum Co.*, 260 U.S. 22, 31), provides no guide for judicial oversight of the representation problem.

CONTEMPORARY APPORTIONMENT

Detailed recent studies are available to describe the present-day constitutional and statutory status of apportionment in the 50 States.

ADDRESS BY SENATOR HUMPRHEY BEFORE HEALTH COMMITTEES OF THE SENATE AND HOUSE OF COMMONS OF CANADA

Mr. HUMPHREY. Mr. President, one of the great pleasures of a Member of the U.S. Congress is to visit with his opposite number in a great Allied nation.

On March 13, 1962, it was my privilege to have such an opportunity. I met in Ottawa with members of the Health Committees of the Senate and House of Commons.

In attendance were present and past parliamentarians and other officials, including the Minister of Health and the former Minister of Health.

At that time, I submitted a series of suggestions for common action in the cause of health.

I expressed the hope that there might one day be a Pact of Ottawa. Under it, the two North American neighbors might set up a joint program of collaborative research as well as teamwork in experiments in preventive, curative and restorative medicine.

I ask unanimous consent that the text of my address in Ottawa be printed at this point in the RECORD.

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

A 10-YEAR PLAN FOR HEALTH: A PROPOSAL FOR NORDIC-NORTH AMERICAN DISEASE INTELLIGENCE COMMAND WITH MEDICAL ANTIMISSILE MISSILES TESTED AGAINST KILLER VIRUSES AND BACTERIA ON CANADIAN-UNITED STATES PROVING GROUNDS

(By Senator HUBERT H. HUMPHREY, Democrat, of Minnesota, before the health committees of the Canadian House of Commons and Senate, Ottawa, Canada, March 13, 1962)

I am grateful for the privilege which you have generously afforded me—the opportunity to submit observations before so distinguished an assembly.

APPRECIATION TO CANADIAN CONTRIBUTORS

In a certain sense, I feel I am repaying a debt. It is a debt owed to the many Canadian leaders who have graciously assisted our U.S. Senate subcommittee during the past 3½ years.

Canadian officials and laymen, researchers and practitioners, responded to the invitation of our subcommittee and shared with us their helpful suggestions for international health action.

By its own health activities on the domestic and foreign scenes, Canada has more than proven its high credentials for making such recommendations.

Now, may I, as one U.S. Senator—not attempting to speak for my Government—submit a few reactions in return.

VARIETY OF HEALTH ISSUES

As we are all aware, the subject of health embraces many areas of common interest to our two nations. It is therefore somewhat difficult to single out those phases that may be of special significance for all of those present here tonight.

How each nation chooses to meet its own problems of health is naturally its own concern.

But there are certain common responsibilities, common needs and opportunities.

PRESIDENT KENNEDY'S HEALTH MESSAGE

In my own country, as you know, on February 27, President Kennedy sent to the Congress a comprehensive message on health.

The President noted that health is essentially the responsibility of individuals and families, of communities and voluntary agencies, of local and State governments. But he also noted that the U.S. Government carries the responsibility of providing "leadership, guidance, and support in areas of national concern."

I may paraphrase his comments by stating that my focus at this time is on Canadian-United States "leadership, guidance, and support in areas of international concern."

Domestically, President Kennedy recommended programs of health insurance for the aged, for an increase in the number of personnel in the health professions, for immunization of children and adults, for expanded health research, for coping with mental health and mental retardation, for improvement of environmental health, for loans for construction and equipment of group practice facilities and for other goals.

Most—if not all—of these subjects have been of deep interest in your own great land.

Here, your Government and people approach these—or other problems—in your own way, as do other nations.

But, when viewed from an international standpoint, each of the nations is, in my personal judgment confronted with certain mutual obligations.

Now, what are these obligations?

FIVE CHARACTERISTICS OF THE PRESENT AGE

As I see them, they arise out of certain fundamental needs, certain characteristics, of the age in which we live.

First, this is an age of science. It is a nuclear-space age—an age of unprecedented advances in the physical sciences. Each of the principal, industrialized nations is spending a huge amount of its resources on scientific efforts for national security, including mammoth engineering projects.

But, surely, each nation owes an obligation simultaneously to its citizens to help them realize the fullest health which the genius of modern medical science can provide and which national capabilities may permit.

Second, this is an age of communications. Every society must, therefore, make sure that the new health knowledge generated by its own or by other scientists does not become buried on library shelves.

Knowledge must be communicated, as promptly as appropriate, to scientists, to medical educators, to medical practitioners, and to laymen. Above all, new research knowledge, as promptly as it is validated, must be put into clinical practice—must be made available to patients.

Our Senate subcommittee expects to issue in the not too distant future a report entitled "The Crisis and Opportunity in Scientific and Technical Information."

The report will note that, in medical science alone, over 250,000 articles appear in over 30,000 issues each year of the world's 5,000 medical journals. The sheer magnitude of this information represents a formidable problem of acquisition, translation, abstracting, indexing, reviewing, and dissemination.

Medical science, like other science, has raced far ahead of the ability of conventional media to store, retrieve, and distribute knowledge.

Bold innovations in communications methods are necessary.

But there are other communications problems, involving more than published materials.

VISA, TRAVEL, AND OTHER BARRIERS

Each of our countries owes to itself and to others the obligation to help overcome any other barriers which may impede communications between our respective scientists.

Here, I salute Canada for the wisdom it has long displayed in its visa policies toward foreign scientists. When my own country barred the door to distinguished foreign scientists, because of irrelevant ideological differences, Canada continued to hold its doors open, and all of science benefited.

In July 1962, there will be a great cancer congress in Moscow, sponsored by the International Union Against Cancer. Many distinguished Canadian cancer specialists will, I know, attend this congress.

It was with dismay that I learned, some years ago, that U.S. visas for Soviet cancer specialists had been held up by the State Department. And on my own trip to Moscow, an American cancer specialist could not, for several days, join me because his visa was held up by Soviet authorities.

Fortunately, much of this ridiculous pattern has ended, but this reference may serve as a reminder of the absurd obstacles which have too often delayed scientific progress.

SHORTAGE OF TRAVEL FUNDS

Still another barrier is the critical shortage of travel funds.

When I toured medical facilities in Western Europe in late 1958, I found instance after instance in which able scientists were frustrated in their research because of inability to get in person-to-person touch with their colleagues abroad. Governments did not provide sufficient funds for travel, nor did nongovernmental organizations, foundations, and others.

That is why I have sponsored legislation to make available more U.S. dollars and U.S.-owned or U.S.-controlled soft currencies for support of travel by foreign scientists.

COMPETITION WITH STATE-CONTROLLED MEDICAL SYSTEMS

Third, this is an age of ideological competition between the free world and the Sino-Soviet bloc. Every one of the free powers does, therefore, have an obligation to show that a free society can achieve—democratically—ever higher health standards for its people.

The whole world is watching us and our health standards, our life expectancy rates, infant and maternal mortality rates, etc. Observers in Allied Nations, in neutral powers, and the Sino-Soviet bloc will inevitably draw comparisons. They will compare the results which free societies achieve and those attained by authoritarian, state-controlled, state-manned medical systems, where there is no freedom of choice of physicians.

Canada and the United States stand up very well in the comparison with the Soviet system, but we could each do a lot better.

And we could each do better in telling the facts about our system, about the respective roles of our Governments and of our private professions.

Right now, I am glad to note that a U.S. exhibit, "Medicine, U.S.A.," is on display in Moscow.

It is, however, but one small part of what should be a dynamic free-world effort to tell the real facts about our health system to the peoples beyond the Iron and Bamboo Curtains and the peoples of the emerging areas.

What of those latter areas?

AIDING THE EMERGING NATIONS

Fourth, this is an age of revolution in the emerging areas of the world. A billion people since World War II, preponderantly within the Commonwealth and the French community, have gained nationhood. A "revolution of rising expectations" is sweeping these people, as Prof. Arnold Toynbee has stated.

We, of the industrialized nations, should, through a variety of programs—bilateral and multilateral, official and private—continue to help these emerging peoples to help themselves toward better health.

An old Arab proverb reads, "He who has health has hope; he who has hope, has everything."

We must give them hope, hope for a world of tomorrow in which the age-old cycle of disease, illiteracy, and poverty will be replaced with health, education, and the wherewithal to live in dignity.

EASING INTERNATIONAL TENSIONS

Fifth, this is an age of nuclear peril. A sword of Damocles hangs over the world—the threat of a nuclear holocaust. International medical cooperation between the free world and the Sino-Soviet bloc can help to ease tensions, to expand understanding, to improve the atmosphere for discussion of nonhealth issues between the great adversary powers.

I have long believed that we can break through the present stalemate over armament policy by successful partnership with the U.S.S.R. in certain functional areas. One is in medicine, including physical medicine and rehabilitation. Other possible areas concern joint efforts in education, in housing, food, and other matters of common interest to the human race.

Improvement of the health of nations can result in improvement of the East-West atmosphere. It can tranquilize the otherwise raw nerves which might result from continued free world and Soviet bloc differences. A healthy people is a stable people, a people better able to overcome the fears and anxieties of a danger-filled world.

DISARMING DISEASE IN THE NEXT DECADE

Tomorrow, there will assemble in Geneva the Foreign Ministers Conference on Disarmament. Your distinguished Secretary of State for External Affairs, Howard C. Green, will be present, as will our Secretary of State Dean Rusk and other foreign ministers (with the exception of France's representative).

It is on disarmament that I should like to submit much of the comments in the remainder of my remarks. I refer to disarmament of a different type than is conventionally implied. I propose that we of the West take the initiative in disarming disease; that we deprive the scourges which have afflicted mankind of their power to kill, to cripple, to inflict pain.

A 10-YEAR PLAN: 1964–74

I propose that—at the earliest convenient time, perhaps commencing in 1964—we launch a decade against disease and disability; that each nation in its own way prepare its own 10-year program for the raising of health standards; that each nation, acting through the World Health Organization, join in a common plan for the next decade for assistance to the emerging areas; that the free world and the Sino-Soviet world join in effect in a common war against disease.

THE COST OF HEALTH AND OF DISEASE

Will this cost more money? Of course it will.

But can anyone here point to a single goal other than national security itself which is more important than health of the people?

Can we as nations afford to spend more for health? That, in my judgment, is the wrong question. The real question should be: "Can we—Canada or the United States—afford to pay the staggering price which disease and disability continue to exact on our citizens?" I, for one, feel, "No."

You who devote so much of your energy to health affairs know that preventive medicine is, in the final analysis, far less expensive than curative medicine, and it is far more humanitarian.

THE TOLL OF THE SMALLPOX EPIDEMIC IN ENGLAND

Consider the fearful price that Great Britain recently paid in the smallpox epidemic which was accidentally imported by plane from Pakistan.

It would be far cheaper to wipe out smallpox once and for all in its endemic areas—as we are wiping out malaria—than to continue to live with these scourges and with mere halfway measures of so-called control.

Similarly, it is far cheaper, far more humanitarian to help prevent disability, or if it occurs, to rehabilitate the disabled than it is to allow the handicapped merely to subsist with their affliction.

A KICKOFF YEAR

I propose that the decade against disease and disability be launched by a kickoff year, an international public health and medical research year. It could be the first-stage rocket, launching the long-range missile of health.

As we realistically recall, the United Nations General Assembly had unanimously approved such a year. But, the World Health Organization, because of the shortage of funds for existing, much less for expanded programs, had decided to postpone the year, indefinitely.

If the other nations still feel that their limited funds do not permit such a year, let at least the United States and Canada observe the year.

And if the other nations feel that they cannot finance a decade of expanded health operations, let them at least support the concept of comprehensive planning for health programs during that decade. In the case of the emerging countries, the United Nations and its specialized agencies, particularly WHO in this instance, can greatly assist as they already have done, in devising national plans for health programs; now, let these plans be intertwined so that they become regional and international plans.

COOPERATION IN PERINATAL RESEARCH

One of the areas in which a decade of planning against disease and disability could be particularly fruitful would be in maternal and child health. Interest in children and respect of motherhood are, of course, universal common denominators.

Think, for example, what a decade of common efforts in perinatal research might yield. Think of the infinite amount of human heartbreak which might be saved—the reduction of the terrible grief of bringing into the world infants with perhaps needless congenital defects.

But the whole range of medical science could also benefit from collaborative planning; from pediatrics to geriatrics.

IMPORTANCE OF LONG-RANGE PLANNING

Can we make a 10-year plan? And can we bring it into reality? I believe the answers are "Yes."

To be sure, each nation has its own constitutional, political, financial, and procedural problems in planning.

But I remind my friends that we of the West have been lecturing the emerging countries to draw up 5- or 10-year development plans rather than proceed on a hit or miss, year-by-year basis.

It is time that the West swallowed its own planning medicine; it will do us good.

But first, some of us must rid ourselves of the notion that planning is somehow incompatible with freedom. Far from it; planning—democratic, voluntary planning—based on a real consensus of a free society, is essential for the survival of freedom.

The whole structure of NATO and of related efforts has been built by successful planning.

THE 10-YEAR SPACE PROGRAM

In my own country, officials of the U.S. National Aeronautics and Space Administration have given to the Congress an almost month-by-month, year-by-year, 10-year plan and timetable for Project Apollo, Project Gemini, etc.

The climax will come in 1968 or 1969 when three men are scheduled to land on the moon and then return.

Ambitious as this is, I do not believe that this is all that my country can and should plan for.

I know that it is not the only plan that my countrymen want.

The fact is that U.S. public opinion polls have confirmed that the American people would far rather learn that mankind has conquered cancer than that we had landed on the moon. I have no reason to believe that the attitude of your people is any different.

BILLIONS FOR OUTER SPACE

None of us can prophesy whether the first visitors to the moon will be Soviet or American citizens. But if the present state of affairs continues, statistics reveal this fact: if there are three men in the first moon capsule, two of their three families will, if present rates continue, be struck by heart disease, or by cancer within their lifetimes.

It will be a grim commentary on mankind that two nations—the United States and the U.S.S.R.—may spend upwards of a hundred billion dollars to get to the moon, and perhaps find new forms of life there.

Yet, some officials of the two countries may unsoundly contend that their nations "cannot afford" to spend more for civilian medical science. Yet, all 3 billion people on this planet could be served by such efforts. Unlocking the mysteries of the aging process, for example, would have a universal value, including for the astronauts or cosmonauts who land on the moon.

We can afford to solve the mysteries of disease.

By 1969, around 6½ million Americans now living will (if present rates continue), be dead of diseases of the heart and circulation. They will not be around to cheer the first successful expedition to another planet.

Time for them—for all of us—is "ticking away."

SCIENCE'S FINDINGS CANNOT BE PREDICTED

Of course, science, unlike technology, cannot proceed on a rigid plan or timetable. The essence of research is that it is an adventure into the unknown.

No one knows whether the answer to the riddles of cancer is a year, 5 years, 10 years, or 50 years away.

Forecasts on possible unraveling of this or of other mysteries are impossible to make. But there is firm reason to believe that if we increase our investment in pure and applied research; if we stimulate the creativity of scientists throughout the world; if we give them the resources to do the job—then as certain as is man's conquest of space, is man's conquest of these and other threats.

THE CANADIAN AND UNITED STATES ROLES

But what of Canada's and the U.S. roles?

Our two nations represent, as we know, the largest continuous land mass of allied, democratic nations on the face of the earth. We have, therefore, a special responsibility to all the world's peoples. We should, in the words of the Good Book: "Let our light so shine before men that they may see our good works."

Let a light—not of atomic firebombs; but a Canadian-United States "light of healing"—shine before the nations everywhere.

I am reminded of the heartwarming action of the people of Perth in another Commonwealth country, Australia. When Col. John Glenn's Friendship 7 capsule circled above them, all of the inhabitants of Perth turned on their lights so that the orbiting ship might be reminded of a friendly land below.

Let us turn on our health lights for all the world to see. Let this continent become a great proving ground for the greatest health effort in the world.

At this very moment, 1,200 miles south of Hawaii, on a 30-mile-long coral atoll, owned by the United Kingdom, in the South Pacific, known as Christmas Island, U.S. Task Force 8 is preparing a series of atomic tests.

Let us prepare a series of joint tests of a different kind on the North American Continent, tests of the latest Canadian and American concepts in preventive, therapeutic, and restorative medicine.

ANTIMISSILE MISSILES AGAINST KILLER MICRO-ORGANISMS

Against the onslaught of bacteria and viruses, let us test medical antimissile-missiles; let us stop the killer micro-organisms in their tracks.

Bacteria have already been used against other bacteria; no man can predict how some forms of life, detectable only under an electronic microscope, can be used by man to attack hostile forms of life, of similar tiny size.

A NEW "BMEWS" SYSTEM

Canada and the United States have the "BMEWS" system—ballistic missiles early warning system. Let us make a different kind of "BMEWS"—"bacteria microbe early warning system."

We have Norad—The North American Air Defense Command. Let us have a Nordic—a North American Disease Intelligence Command. Let the highest health authorities of Canada and the United States work together, not separately, not spasmodically as at present, not once a year, or every 2 years, but on the same continuous basis that the Canadian and U.S. Joint Chiefs of Staff work together in common military defense.

Western Europe has a Common Market; let us have a "CAH"—a common area of health.

PROPOSED "OTTAWA PACT" AND NORTH AMERICAN REGIONAL CENTERS

The Soviet bloc has a military Warsaw Pact, dictated by the U.S.S.R. to the satellite states. Let us, by contrast, have an "Ottawa Pact," written freely, voluntarily on the part of equals—Canada and the United States—and agreeing on joint health efforts.

We have many of the necessary ingredients for these efforts. Canada has great medical research facilities; my own country likewise has—at the National Institutes of Health, at university teaching hospitals, at foundations and independent centers together with other great facilities.

Lately, the U.S. Congress has authorized regional research centers comparable to NIH.

I shall propose to the Congress once again that there be established regional North American research centers, joint United States-Canadian centers. They would become centers of research excellence, setting a standard for both countries and for the world.

In the field of experiments in medical care, this continent is ideal for across-the-board and across-the-border medical collaboration. Our two peoples are alike enough, and yet some of our patterns of health are different enough to make for an ideal system of "controls," in the experimental sense.

Let us, in effect, seize the medical offensive.

The fact that we will contribute different proportions to the common effort is not significant.

I am proud of my own country's medical progress, as you are of yours. But, it is individual men who really count—men and ideas, men and will, men and skill.

CANADA'S SCIENTIFIC ACHIEVEMENTS

Canadian scientific talent has put the proud imprint of the Maple Leaf on some of the greatest scientific pages in the last century. Nowhere in the world is the epic story of Drs. Best, Banting, insulin and diabetes unknown.

Among the many Canadian scientists who have opened new vistas for mankind, I should like to mention but one other—your famous Dr. Wilder Penfield, of the Montreal Neurological Institute, now retired. I have heard it said by scientists and laymen that Dr. Penfield's work in neurosurgery, in mapping the human brain, may, in the long run, prove of greater benefit to mankind than the discovery of atomic energy.

For the brain—the mind—is our highest organ system; it is what we will and must use to make of this earth a paradise rather than atomic rubble.

THE HEALTH LEAGUE OF CANADA

It is Canadian brains and Canadian hearts which have brought the remarkable Health League of Canada into fruition. Tomorrow, when I have the pleasure of addressing the First Canadian Health Forum I shall express in detail my sincerest tribute to that organization—to what it has achieved for your people and what it is striving for, on behalf of peoples everywhere.

I know of no similar voluntary group in the world which has been more devoted to the cause of the World Health Organization. No group has worked harder to activate citi-

zen responsibility in nations everywhere, so that there might be more than the present mere 9 national citizen committees for WHO out of the 109 member countries.

Meanwhile, under the Colombo plan and through other means, Canadian physicians, nurses, and other members of the healing arts professions have played their vital role in the developing areas.

HEALTH AND THE FAMILY OF MAN

The beginnings of the decade against disease and disability are present.

Let us so act that future generations may say of us, as they shall say, in Winston Churchill's words, of the United Kingdom, in World War II: "This was their finest hour."

Let this be the hour, the day, the month, the year that the finest program of history was devised for the benefit of the family of man.

ADDRESS BY SENATOR HUMPHREY BEFORE THE FIRST CANADIAN NATIONAL HEALTH FORUM

Mr. HUMPHREY. Mr. President, one of the distinguishing characteristics of American society has long been voluntary action on the part of private citizens.

As far back as 127 years ago, the famed commentator, Alexis de Tocqueville, pointed to voluntary action as a unique contribution by the American system.

On March 14, it was my privilege to see voluntarism in action in another great and free nation. I met in Toronto with citizen leaders, participating in the First Canadian National Health Forum.

INTEREST IN WORLD HEALTH

One of the most heartwarming elements of the program was that these Canadian leaders demonstrated their interest, not only in ever-improved health for Canada, but in improved health for peoples everywhere.

The sponsoring organization, the Health League of Canada, has been in the forefront of international citizen activity on behalf of the World Health Organization.

Much of the individual credit for Canadian organizations' cooperation on health and for Canadian interest in international health is due to a human dynamo named Dr. Gordon Bates, General Director of the Health League of Canada.

TELEVISION FOR PUBLIC HEALTH

In my address, I took as one of my themes the subject of television and health.

In my judgment, neither the United States, Canada, nor any other land, has as yet realized a fraction of the contributions which television, including educational television can make to public health.

And so, I am in communication now with leaders of television throughout the land, including the National Educational Television and Radio Center, the Council on Medical Television and other groups. I am urging increased collaboration with U.S. Federal Government and with the medical and allied professions in imaginative new uses of television for health, including the staging of "Health Spectaculars."

I ask unanimous consent that the text of my address in Toronto on March 14 be printed at this point in the RECORD.

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

AN INTERNATIONAL CITIZENS' CRUSADE FOR HEALTH—A PROGRAM FOR A WORLDWIDE EFFORT BY CITIZENS' ORGANIZATIONS INCLUDING AN INTERNATIONAL CITIZENS CONGRESS OF HEALTH TOGETHER WITH A PROPOSAL FOR EFFORTS TO EXPAND THE USE OF TELEVISION FOR HEALTH EDUCATION AND PROFESSIONAL COMMUNICATION

(By Hon. HUBERT H. HUMPHREY, Democrat of Minnesota, before the First Canadian National Health Forum sponsored by the Health League of Canada, Toronto, Canada, March 14, 1962)

It is customary in an address such as this to pay tribute to one's host, the sponsoring organization, as well as to the audience. I am going to pay that tribute, but I want to assure you that it is not offered in a spirit of mere formality.

I regard the observance of the 18th Canadian National Health Week—and this, the First Canadian Health Forum—both commendable and heartwarming.

It was a particular pleasure to read in the most recent issue of Health, published for the Canadian family by the Health League of Canada, that the league "acknowledges with gratitude the initiative of the National Health Council of the United States in promoting the idea of such an annual National Health Forum in the United States."

AN INTERNATIONAL CHAIN REACTION

Here we see an international chain reaction of the finest kind. Citizen inspires citizen; American inspires Canadian, and Canadian sets a high standard for American.

The fact is that you, of Canada, and, in particular, of the Health League of Canada, have been first and foremost in pioneering in many phases of voluntary activity.

THE HEALTH OF ONE COUNTRY AND OF ALL COUNTRIES

It is a happy fact, for example, that the Health League of Canada is also the Canadian Citizens Committee for the World Health Organization. This fact has enabled Canada, in my judgment, to be in the vanguard. It has demonstrated to the world the integral relationship between the improvement of the health of one's own people and of the health of other peoples.

In the same spirit, President Kennedy, in his February 27 message to the Congress, concluded his recommendations for U.S. health with a ringing appeal for oversea health assistance.

This afternoon, I, in turn, would like to submit one Senator's views—as to the next decade in international health.

A PLAN FOR A 1964–74 DECADE AGAINST DISEASE AND DISABILITY

Yesterday, in Ottawa, it was my privilege to submit to the distinguished membership of the Canadian Senate and House of Commons a plan to make 1964–74 a decade against disease and disability.

I proposed:

That each nation devise a 10-year plan to raise its own health standards in its own way.

That each nation, acting through the World Health Organization, join in a common plan of the next decade for assistance to the emerging areas.

That the free world and the Sino-Soviet world join in effect in a common war against disease.

That Canada and the United States spearhead the effort by a possible Ottawa Pact—an agreement for joint efforts in medical research and for joint experiments in curative medicine.

That there be established North American regional research centers which would be centers of excellence, setting high standards for both countries and for the world.

I pointed out that these efforts would require that more financial resources be assigned for health. But few, if any, objectives save the preservation of national security, is entitled to more resources than the well-being of mankind, itself.

A CITIZEN CRUSADE AND CONGRESS FOR HEALTH

Much of the effort to bring a 10-year plan into reality will depend upon government.

But far more of the effort will and should depend upon private citizens—the private medical and other professions in the healing arts as well as public-spirited laymen.

There should be nothing less than a citizen crusade against disease and disability throughout the world. I use the word, "crusade" in its highest sense. Nothing is more sacred than human life. And it is a sin to have the means to save human life and yet to fail to use those means.

I propose that there be an International Citizens Congress for World Health. This Congress should be convened in conjunction with an early World Health Assembly. To this Congress should come duly designated representatives from the world's citizen organizations. These should include not merely those groups which are already in official relationship with WHO—but those many others which have previously had little or no contact with that great intergovernmental organization.

The base of cooperation should be broadened, the base for citizen action and citizen participation. Everyone should be made to feel that he or she is a genuine part of WHO, and not just a passive onlooker.

At this Congress there should be established a series of action programs whereby the citizens of the world might join as teammates in devising ways and means for two goals:

(a) Helping medical and biological science solve the mysteries of those diseases whose cause or cure is unknown;

(b) Applying knowledge which is already available. This means preventing, minimizing, delaying, or curing those diseases to which we already know some or all of the answers—I refer to chronic, infectious, or any other type of malady—in the developed and the developing areas of the world.

GROUNDWORK FOR CITIZENS CONGRESS WOULD SERVE TWO GOALS

The very prospect of such a Congress would help us to achieve two other objectives:

First, it would serve to strengthen the organization and teamwork in each country among citizen groups interested in health.

Second, it would bring more citizen groups into active official partnership with WHO.

THE FIRST GOAL: EXTENDING AND IMPROVING CITIZEN NATIONAL HEALTH GROUPS

On the first goal, I should note that Canada, the United States, and the United Kingdom probably have the most extensive network of citizen health groups of any land.

From what I have seen of the Health League of Canada, it is functioning with outstanding success.

I am more familiar, of course, with the situation in my own land.

I should like to note a few of the facts about the many fine nongovernmental organizations in the United States, active in health matters.

These observations may provide background to our Canadian friends on the problem of communication and cooperation between private groups.

You are all, of course, familiar with the splendid activities of the U.S. National

Citizens Committee for WHO which is concerned with America's oversea bilateral and multilateral health programs.

You know of the great job, too, performed by the National Health Council. It is concerned primarily with the health needs of our citizens. It comprises most of the leading voluntary health agencies of the United States. Fortunately, the Council is a Member of NCCWHO.

In addition, there are a series of other "Federated-type" nongovernmental organizations, with some health interests overseas. These include:

The National Social Welfare Assembly—primarily concerned with welfare programs in the United States, but also having some health-related interests abroad;

The American Council of Voluntary Agencies for Foreign Service which represents religious, ethnic, nonsectarian and other groups, rendering outstanding aid of all types—not merely in health—abroad.

BRINGING CITIZEN GROUPS INTO HEALTH FOLD

To this list could be added still other groups. I mention them, because I feel that there are a great many voluntary organizations in the United States, in Canada, and in other countries which approach the problem of international health from varying, specialized backgrounds and interests.

Some groups are directly interested in world health, others are only indirectly interested. But even those with a relatively minor interest can be stimulated to make a contribution to international health if a serious effort is made to bring them "within the fold," so to speak.

In my judgment—and here I address my own countrymen—the U.S. National Citizens Committee for WHO urgently needs increased participation on the part of both federated and nonfederated-type American groups. Many professional and lay groups which logically should be in the U.S. committee or which should have active liaison with it unfortunately are not members and have little or no contact.

The U.S. committee has been laboring valiantly with only modest resources. I hope my countrymen will give it the necessary resources.

I'm sure that your own health league could likewise benefit from more wherewithal to do all the things you would like.

FEW NATIONAL CITIZENS' COMMITTEES ABROAD

But what of the situation in WHO's other 107 member nations? The regrettable fact is, as most of you are aware, that only 7 others—adding up to 9 out of the 109 member states of WHO have a national citizens committee for WHO.

This circumstance deprives WHO of what could be a far greater asset than it now possesses—in the form of nongovernmental participation. This fact is becoming increasingly recognized.

Probably no individual anywhere has more earnestly or fruitfully dedicated himself to the goal of expanding the number of national citizens committees and strengthening existing committees than the distinguished executive secretary of the Health League of Canada, Dr. Gordon Bates. It is he who has pointed out this fact—if WHO is to fulfill its universal mission successfully, it must have more citizen organizations working with it and for it, and on a more active basis.

I support his concept unreservedly. I wish him and like-minded others, Godspeed in their efforts toward this objective.

Government-to-government cooperation is essential. But we who believe in the Western tradition, we who prize the individual—who believe in the individual, respect him and heed him—wish to see him and his voluntary organization serve as teammates with WHO.

THE SECOND GOAL: VITALIZING NGO'S RELATIONSHIPS WITH WHO

2. The prospect of an international citizens' congress would, I believe, help achieve a second goal: reappraising and revitalizing the role of nongovernmental organizations, affiliated with WHO.

As we are all aware, the founders of the United Nations at San Francisco Conference in 1945 wisely wrote into the charter, in article 71, a provision for the Economic and Social Council to make arrangements for consultation with nongovernmental organizations (sometimes identified as NGO's).

A corresponding article, bearing the same number, reproduces this clause in the constitution of WHO. It goes a step further in that it authorizes arrangements for cooperation, as well as consultation with nongovernmental organizations.

Fortunately, many of the nongovernmental organizations have made article 71 a living reality.

Some of these organizations are directly engaged in medical science; others have a more general interest. The World Medical Association, represented here today by its able secretary, Dr. H. S. Gear, is an outstanding example of a professional body working actively in conjunction with WHO; the World Federation of United Nations Associations is a fine example of a more general type of interest on the part of an international organization.

But I believe that it would be both WMA's and the WFUNA's sentiments that WHO has only scratched the surface, so to speak, in its relations with nongovernmental organizations.

ENCOURAGING VOLUNTARY ACTIVITY IN EMERGING AREAS

The results have been two:

1. WHO has not benefited as it should have in its official program, and

2. WHO has tended to act largely through official, governmental channels in the developed and, particularly, the less developed countries.

But, if freedom is to thrive, nongovernmental channels should be used and stimulated to the greatest possible extent.

We of the West are well aware of the attitude of authoritarian states in their insistence upon government-to-government contact.

But we of the West generally believe in a healthy balance between government and private roles. We believe in strong, independent medical and allied professions—with strong ties to their private, opposite numbers overseas.

In our assistance to the developed areas, we want to strengthen voluntary groups. We of the West do not want—intentionally or inadvertently—to foster state medicine; state-controlled, state-manned, state-paid, if it can be possibly avoided.

MANY UNAFFILIATED AND INACTIVE NGO'S

During the course of the International Health Study, by the Senate subcommittee of which I am privileged to be chairman, we have been in close contact with many of the international NGO's. We have been gratified with their fine work under article 71 on the part of many of them.

In all frankness, however, we have also found that many private international organizations, active in health, have had no relationship with WHO. The lack of contact may perhaps be the fault of the private group, or of WHO or of both.

But there are also some groups which are nominally in official relationship with WHO but which have allowed their affiliation to become a dead letter.

Both types of shortcomings are regrettable. World health can ill afford the loss of potential strong partners or the inactivity of groups which enjoy important privileges which they do not use.

The need is acute. WHO's services have grown, thanks in large part to the dedication and skill of Dr. M. G. Candau and his staff. But WHO must still exist on a relatively low plateau of financial resources. If it is to be helped to soar to higher ground, it will require citizen action to urge governments to make this possible.

WHO feels that it cannot and should not lobby among citizens to urge their governments to do more for WHO.

But, certainly, dedicated private citizens are free, on their own initiative, to get in touch with their own governments and with their opposite numbers overseas.

STRENGTHENING BILATERAL AID PROGRAMS

Bilateral assistance also needs a helpful push forward.

In my own country, expanded citizen action is necessary in order to help make certain that the Agency for International Development (the former International Cooperation Administration) strengthens, rather than weakens, its programs of health assistance abroad.

HEALTH AND ECONOMIC DEVELOPMENT

Thinking Americans, like thinking Canadians, want bilateral and multilateral agencies to make the fullest contribution to health in the emerging countries. We feel that good health should be the birthright of every man. We want to improve mankind's health because we know that sick people cannot feed themselves or house or educate themselves, much less, serve others. Health provides the indispensable basis for economic and social development.

Probably no single official has more ably proved the case for health in economic and social development than has the distinguished Director of the Pan American Health Organization, Dr. Abraham Horwitz, who will be addressing this forum. Thanks in large part to his efforts and those of his colleagues, the Alliance for Progress among the 21 American Republics is forging ahead in public health programs.

What is being achieved in Latin America must likewise be attained in Africa, in the Middle East and in south Asia.

But there is a job to be done in the developed nations as well.

STRENGTHENING INTERNATIONAL MEDICAL RESEARCH

An International Citizens Congress for World Health could spearhead the drive for strengthened world partnership in medical research.

Fortunately, there is now incorporated directly within WHO's budget at least a modest sum for medical research. Collaborative research projects, under WHO's auspices, are now underway throughout the world.

In addition, there is a global program of U.S.-sponsored support of medical research—here in Canada and in other countries. The United States is utilizing increased sums of dollars and of foreign currencies which it owns or controls in developing countries, in order to support medical research.

But international research teamwork is still undernourished. At present and at foreseeable levels of support, decades will go by before teamwork reaches the levels which many of us seek right now or in the near future.

Here again, if aroused citizens insist on greater research efforts in their own country as well as on more resources for collaboration with foreign researchers, the desired goals will be achieved more promptly.

THE IMPORTANCE OF MEDICAL COMMUNICATION

Meanwhile, citizen action should spur governments and the professions to use the

backlog of research knowledge which is already available.

This will require improved techniques in communication of knowledge.

As you will note, I have a particularly warm spot in my heart for your meeting on Friday on the subject of communications. We in the United States have been struck by the same paradox that has concerned you—the fact that medical knowledge has accumulated far faster than it has been communicated and put into practice.

Our Senate subcommittee plans as its very next report, a publication entitled "The Crisis and Opportunity in Scientific and Technical Information."

This report points out the four essential avenues of medical communications—between researcher and researcher; researcher and medical educator; researcher and practitioner; medical scientist and layman.

THE PARADOX OF UNUSED KNOWLEDGE

Communications to the public is a particular priority.

The participants in this forum are well aware that millions of Canadians and Americans are today needless victims of avoidable disease. Part of the reason is that we are still using relatively antiquated ways of getting across health messages to the public.

About everyone is familiar with the paradoxical facts: The genius of medical science has now produced effective vaccines against polio; yet, in my own country, tens of millions of youngsters and adults are not vaccinated against polio. The genius of medical science has produced a simple, painless, virtually sure-proof method of detecting uterine cancer—the world famous "pap" smear test. Yet, a national survey by the Gallup organization showed that 23 million women—about 40 percent of the U.S. adult population—had never heard about the "pap" smear; 16 million adult women who knew about the "pap" smear, had never had it done; 9 or 10 million had had the examination over a year ago. (The test should be taken at least once a year in adult women.) And only about 7 or 8 million had the smear in the last year. And most of the women who had never had the test at all were in the age group in which 41 percent of all uterine cancer deaths occur.

And this unhappy situation prevails in my country as regards a disease which is being combated by one of the finest, most active of all voluntary health agencies—the American Cancer Society.

Similar situations exist in other disease areas—both in your country and in mine.

COMMUNICATION AND TELEVISION

I should like now to offer a series of specific proposals for improved communication. I shall refer to the use of what is undoubtedly the most powerful single communication medium available to society today. I refer, of course, to television.

I know that Canada has its separate pattern of television operations, differing considerably from that in the United States. The outstanding work of the Canadian Broadcasting Corp. is familiar to many of us in the United States who are interested in educational programing. Issues involving U.S. originated network shows have, I know, been the subject of much debate here.

My remarks on television are, therefore, submitted from a U.S. background and will not apply in some respects in your country. I submit these thoughts merely as one type of approach to a problem. It is an approach which will have to be sifted and, perhaps, revised to conform to Canada's own concepts and patterns. Certainly, no one wishes to foist one nation's patterns on others; we do wish, however, to share the best that can be made available with our friends and to get their best TV products as well.

FOUR RECOMMENDATIONS ON MEDICAL TELEVISION

I submit four suggestions for (1) expansion and upgrading of medical TV programing by, what are in the United States, our commercial stations, including the staging of "health spectaculars" on national and international networks; (2) in the United States (where educational television exists as a separate entity, or, in Canada, under CBC) greater use of adult education and school-directed programs. This should include, in cooperation with Public Health authorities, the testing of the effects of films; (3) expanded use of closed circuit television for professional communications; and (4) increased international cooperation in medical television.

First, I want to pay tribute to the television stations in the United States which have generously afforded countless hours for original medical programs and for telecasting prints of the many films produced by voluntary health agencies and by other sources.

In my own country, the advertising council has offered invaluable cooperation in public service campaigns for health objectives. Networks and individuals stations have generously donated time. They have, moreover, spent considerable sums in preparing new documentaries, in providing panel-type discussions, in featuring health interviews and in other types of telecasts.

Yet, there is vast room for further service. For one thing, audience ratings of most health programs are anemic; a variety of reasons is probably responsible. There seems to be lacking, at present, in most public service medical programs the drama, the excitement that fictionalized TV programs—like "Dr. Kildare" and "Ben Casey"—possess. But surely truth is stranger and can be more exciting than fiction.

Here, I submit this thought to the U.S. networks:

Surely with the support of public-spirited sponsors, the best talents of television could produce top-rated "health spectaculars." Surely, prime time could be reserved for a series of health programs which would feature the greatest dramatic, yes, and humorous, talent, as well. Such programs could catch the eye and the ear of the Nation and its neighbors—and could be entertaining as well as informative.

Second, the fullest resources of educational television, whether it exists as a separate entity, as in the United States, or as a part of CBC operations, should be capitalized upon. Already ETV, as it is known, has made great contributions to health and other objectives. But here again, the future is still brighter with opportunity. If given the necessary resources, the 52 ETV stations in the United States could render tremendously improved service, particularly for purposes of health education in my country's schools, including for physical fitness.

In addition, ETV can serve ideally for research and demonstration purposes to a much greater extent than heretofore. The U.S. Public Health Service should be supporting with ETV stations a broad-gaged series of community, regional, and national experiments designed to test and improve television's role in health education of adult or youngster.

Expanded research is essential; we cannot assume that just any medical film is good enough in the United States or in Canada.

We know that some medical films only bore the average citizen; some shock him into inaction; some are far over his head; some offer a message too difficult to recall; some are ideal, but are not tied in to readily available diagnostic services, with the result that the citizen cannot easily follow up.

Third, the present beginnings in closed-circuit television (and closed-circuit FM broadcasting) between professionals must be expanded upon. In the United States the Council on Medical Television has done much good work. Much remains to be done, however, to link—through color television, especially—researchers in their respective laboratories, as well as medical educators and practitioners.

Finally—and here my focus is exclusively international—we need to exploit as rapidly as possible the miracles made possible by international television. In Western Europe, "Eurovision" is already a reality. In a few years, orbiting communication satellites will make live international television economical and practical. The greatest opportunity in history will confront medical science and health-interested laymen. It will be a threefold opportunity to join researchers in laboratories throughout the world; to provide international health education to both the developed and the less developed countries; and to inform the industrialized countries of the medical problems of the emerging areas.

International medical television could show medical assistance at work in the heart of Africa, the Middle East, or south Asia. We could see—live—the type of humanitarian work performed by Dr. Albert Schweitzer at Lambarene, or by Medico's physicians, or by Canadian physicians—under the Colombo plan.

CONCLUSION

These, then, comprise my respectful suggestions. Most important, I hope and believe that you will go forth from this marvelous assembly, reinforced in your drive to build a healthier Canada and a healthier world.

A Citizen's Crusade for Health should be launched. It is our world, our lives, and our consciences which are at stake.

URBAN RENEWAL RESTORES A COMMUNITY

Mr. HUMPHREY. Mr. President, in Minneapolis, Minn., we are now completing our first urban renewal project, an $8 million redevelopment program in Glenwood, which was considered the city's most blighted area. Today, thanks to urban renewal, Glenwood is a modern residential and commercial neighborhood.

The changes that have taken place in that neighborhood due to the urban renewal program are reported in an excellent series of articles which appeared in the Minneapolis Tribune last month by Charles Hanna. I ask unanimous consent that these articles be inserted at the conclusion of my remarks.

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

(See exhibit 1.)

Mr. HUMPHREY. Mr. President, I hope that those who are skeptical about the value of urban renewal will take the time to read these articles. They show that urban renewal is not just a matter of better housing. It also means lower crime rates, less juvenile delinquency, better health conditions, a better community spirit, improved schools and park facilities. This is a heartening story.

As a longtime advocate of urban renewal, it thrills me to be able to report on the progress we are making in our city.

In fact, the fight for urban renewal, I am happy to say, started during my period of service as mayor of the city of Minneapolis. It was in this Glenwood

district, as well as in others, that we made plans for the improvement of our city and for the betterment of those areas.

What is happening in the city of Minneapolis is happening in countless other cities throughout the country. Ugly slum areas are being turned into pleasant, wholesome communities where people no longer live in despair. In fact, these ugly slum areas in many cities have become some of the finest residential apartment areas, near the heart and core of the city.

In a country as rich and powerful as ours there can be no excuse for the decay of our cities and for Americans having to live in despairing conditions. We have the wherewithal to abolish slum areas and to restore our cities.

The urban renewal program is not only a good sound social practice in organization and good solid constructive economics, but the urban renewal program also makes for better living and makes for more prosperous and finer cities and communities.

I commend the Housing and Home Finance Agency and the local housing and urban renewal agencies, particularly the urban renewal division in our Housing and Home Finance Agency program for the work that has taken place.

I am hopeful that Congress will continue to give active support to this program, because it is this kind of program which in the long run will restore the vitality and strength of the Nation. It is a program which is desperately needed in our large cities.

EXHIBIT 1

[From the Minneapolis (Minn.) Morning Tribune, Feb. 20, 1962]

GLENWOOD—BEFORE AND AFTER

This was Glenwood on a spring day in 1949:

A small boy ran up the street ankle deep in mud.

A ragged screen door fluttered open on a second floor porch and a pan of dishwater splattered on the ground.

Flies buzzed around an open garbage barrel. An underfed dog dumped over the rusty container to get at its contents.

A partially burned mattress, a broken chair and a water-shredded cardboard box were piled together in an alley with a heap of bottles and tin cans.

A dented and scratched car rested unevenly in a driveway with two flat tires—a headlight dangling and the windshield smashed.

This was the Glenwood area.

It was dirty.

It was falling in decay.

It was a health problem.

It was a police problem.

It was a social problem.

It was the most blighted area of the city.

Glenwood once had been occupied by people of means. Homes in the neighborhood were large and had been well built and carefully maintained. It had been an area of broad shade trees and well kept lawns surrounding substantial homes. It became a field of mud, tumbling down houses and cluttered yards.

The smooth driveways that once channeled elegant carriages into quiet neighborhood streets were broken and covered by weeds and debris.

The magnificent crystal chandeliers that hung in some of the homes were torn down and discarded. Some of their ornaments were made into necklaces by the neighborhood children.

The Glenwood area began to fall after the second generation of owners started to move to other sections of the city, particularly the south and west.

The children of the early owners left home first. Their parents eventually followed, selling their homes to absentee landlords. Gradually the buildings fell into disrepair. They attracted low-income persons who could afford nothing better. Eventually even some of these families moved as conditions in the area became worse.

Glenwood was rapidly declining. The subsequent tenants saw no reason to take pride in their living quarters and the landlords responded by doing even less maintenance.

When city officials ordered a study of the area in 1949, investigators were shocked by what they found.

Some of the older homes had been turned into mazes of sleeping rooms and small apartments. A few were converted illegally to commercial use.

Homes that had been razed were frequently replaced with nonresidential buildings that introduced a great variety of land use.

The planning investigators found inadequate community facilities and unregulated traffic movement.

The Minneapolis Housing and Redevelopment Authority report that summed up the study called Glenwood the most blighted area in the city.

There appeared to be only one course of action—redevelopment.

The problem called for arrestive measures. Conditions in Glenwood were cancerous and threatening higher quality neighboring areas.

The project presented a tremendous challenge for Minneapolis. It was to be a comprehensive first effort to rebuild a large portion of the city.

It was the start of a redevelopment organization that eventually would lead the way for the downtown Gateway Center program.

The potential of the Glenwood area was easily recognized. It once had been a prime district. Its importance remained.

It was within walking distance of the downtown business district. It was only 30 minutes' drive from St. Paul. And it was served directly by good surface transportation.

Glenwood, in the so-called near North Side, is an area bounded roughly by Olson Memorial Highway on the north, Royalston Avenue on the east, Glenwood Avenue on the south, and James Avenue on the west. The pictures on page 1 were taken at the same site—800 Fifth Avenue North—but several years apart.

Through the joint efforts of the city council, the housing authority and the Federal Government, a plan was first developed in 1950.

The housing authority was the key agency in the urban renewal program. It executed the extremely complicated plan.

It was a big job—the largest urban renewal program in the Nation at the time—covering 180 acres, 62 city blocks, and 700 structures.

More than 1,000 families and 200 single persons were affected. Almost all of them were displaced eventually.

By the end of 1953 the Federal Government had entered the project with about $40,000 in planning funds. In 1954 studies for urban renewal were completed and Federal authority was received to execute the plan.

Acquisition of property and relocation of residents and businesses began in March 1956. Demolition started 12 days later. The city began capital improvements a few months later.

Although some persons opposed the project for personal reasons, most officials saw the Glenwood program as an absolute necessity.

The area produced about $114,000 annually in taxes before renewal. Officials figure the redevelopment area will now return about $534,000 in taxes.

The final entries are now being made in the project books. Relocation was completed in 1959. Demolition stopped in 1960. Land acquisition was finished in 1961.

The housing authority has only one parcel of land unsold. Only 1 percent of the Glenwood site improvements remain uncompleted.

Overall cost of the project has been about $11,050,000, including acquisition, demolition and other related costs.

This cost was reduced by $2,700,000 by the sale of some land for redevelopment. The remaining $8,350,000 was paid by the city ($2,783,000) and the Federal Government ($5,567,000).

What has this money purchased? What changes did it bring? What are the improvements? These questions will be answered in part two of this series in tomorrow's Tribune.

[From the Minneapolis (Minn.) Morning Tribune, Feb. 21, 1962]

GLENWOOD'S REDEVELOPMENT MULTIPLIES ITS USEFULNESS

(By Charles Hanna)

From the squalor and decay that once was Minneapolis' Glenwood area has grown a dynamic new neighborhood.

Redevelopment under urban renewal has brought these exciting results:

Nearly 700 buildings—many of them dilapidated and unpainted—have been replaced.

New structures, 144 of them, including apartments, commercial and light industrial buildings, have been built.

Structural value of the area has more than tripled—from $6.5 million to $21 million in the past few years.

Potential jobs in the area have nearly tripled in number—1,000 to 2,700.

The expected tax return to the city, about $530,000, will be nearly 5 times greater than it was before renewal.

The city's $2,783,000 investment in capital improvements will be returned in tax dollars once every 5 or 6 years.

The improvements constitute the city's one-third share, with the Federal Government, of the net project cost—$8,350,000.

They include the replacement of fire station No. 16 at 1600 Glenwood Avenue, at a cost to the city of $40,000. Another $150,000 was spent by the Minneapolis Park Board developing an 8-acre tract for the new Harrison Park Playground.

The Minneapolis School Board spent $870,000 to expand Harrison School, adding 10 new classrooms, 3 kindergarten rooms, a gym, auditorium, kitchen, and a community room.

The city spent another $1.4 million for 5.8 miles of new streets, gutters, sidewalks, and utilities.

The housing authority contributed another $323,000 to make up the required one-third local share of $2,783,000.

Within the Glenwood district there are now three housing projects, two publicly financed, one built with private funds.

The 192-unit Lyndale Homes project on the southwest corner of Lyndale Avenue North and Olson Highway includes 88 units in a 12-story, highrise apartment building.

Glenwood Homes, the second public housing project developed in the district, has 278 units in an area bounded by Bryant Avenue North, Girard Terrace, Olson Highway, and a line between Fourth Avenue North and Glenwood Avenue.

The two Glenwood area housing projects are a part of a public housing complex that

extends north of Olson Highway, and includes Olson Homes (264 units), Sumner Field Homes (466 units) and Golden Age Homes (24 units).

The public housing ranges from efficiency units in highrise buildings to five-bedroom units in two-story apartment buildings.

Rentals are based at about 20 percent of tenants' incomes. Maximum salary limits to qualify for occupancy range from $200 a month for single persons to about $375 a month for families of five.

There are other financial restrictions that reserve the public housing units to persons of limited means. These include maximum personal assets ranging from $3,000 to $5,000.

Construction is well advanced on 14 acres of private cooperative housing at the west end of the Glenwood area.

The first units will be opened April 1. The 184-unit project is expected to be completed in July. The cooperative housing—Girard Terrace East—will be owned and operated by the tenants.

The two- and three-bedroom units will cost from $12,000 to $15,000. Monthly charges after the cooperative is formed will range from $85 to $105.

The cooperative housing project is the largest in the city. It is believed to be the first in Minneapolis started as cooperative housing.

The individually owned units are being built by Community Development Corp., Cleveland, Ohio. A sales office was recently opened at Humboldt Avenue North and Olson Highway.

The Cleveland firm also is planning three 6-story rental apartment buildings of 164 units for a site between Humboldt and Irving Avenues North and just south of Olson Highway.

Project planners reserved 12 acres in the Glenwood area for commercial development. About half of that reserve has been used for the construction of a $1 million shopping center on Olson Highway between Bryant and Emerson Avenues North.

An existing shopping area at Cedar Lake Road and Glenwood Avenue was preserved. A new supermarket was built on a quarter of a block site at Girard Avenue and Glenwood Avenue.

The redevelopment plan also provided a 52-acre light industrial district, east of Lyndale and along Glenwood Avenue, which will contribute more than half of the area's new tax gain.

Development of the light industrial area was closely supervised by the redevelopment authority to insure esthetic values that would complement nearby housing projects.

There was strong emphasis on expanded parking facilities for these nonresidential districts, calling for parking space proportionate to square footage of the buildings.

There also were restrictions on construction methods, prohibition of billboards and requirements for buffer areas to screen the industrial area from housing.

Some firms in the original district elected to stay in the area by rebuilding and making various improvements.

Munsingwear, Kemps Ice Cream Co., and Northland Milk Co. agreed to expand parking facilities. Insulation Sales Co. and several other firms rebuilt.

Others like Crane Ordway Co., Northwest Automatic Products Co., Gopher News, Tri-State Displays, and Timken Bearing Co. were attracted to the district.

Two church buildings—Glendale Seventh-day Adventist and a former Catholic church now occupied by the Prince of Peace Lutheran Congregation—were preserved by the redevelopers.

From the verge of social and economic collapse, Glenwood is moving boldly ahead.

It has new life for its institutions, business, industry, and for its people.

The final article of this series will explain the social impact of urban renewal on Glenwood.

[From the Minneapolis (Minn.) Morning Tribune, Feb. 22, 1962]

FROM NEIGHBORHOOD OF DISREPUTE, GLENWOOD BECOMES COMMUNITY BEACON

(By Charles Hanna)

Glenwood was a neighborhood of after-hours joints, prostitution, bootlegging, and gambling before city redevelopers started clearance in March 1956.

The crime rate was the highest in Minneapolis. There were knifings, shootings, and assaults.

Juvenile delinquency in the area was almost obscured by adult crime.

Health conditions often were frightening. Many of the buildings had been condemned or were on the verge of condemnation.

Residents of the area lived under the most adverse conditions. Settlement houses at best were dealing only with the surface problems. There wasn't enough time or staff to do much more.

The area was in physical and social decay. It seemed almost hopelessly trapped by its own habits and depression.

Glenwood had fallen pitifully from a highly respected neighborhood to one of disrepute.

A city study of the area in 1949 fired the imagination of redevelopers, and the urban renewal plan was started. It was a long process of planning and arranging finances that did not begin to jell until about 1955.

Then things began to happen to Glenwood. Old buildings began coming down, to be replaced by new ones. Streets were rebuilt. New industry moved into the area.

More than 1,000 families were displaced by the upheaval. Most of them packed up their belongings and moved north of Olson Highway.

They had high priority for the new housing that was to be built, but few—only 18—came back.

They found places to live in other neighborhoods that had slightly higher standards than Glenwood. Once settled they were reluctant to move again.

Their new areas, however, are already in trouble—the blight has started to grow.

Redevelopment officials are hopeful of checking the decline of these neighborhoods with programs of rehabilitation.

Glenwood redevelopment has done much to retard the spread of blight on the near North Side.

Robert T. Jorvig, executive director of the Minneapolis Housing and Redevelopment Authority, said the value of urban renewal has been proved in Glenwood.

"The neighborhood before redevelopment was infecting the surrounding areas with its blight. It was pulling them down.

"Now it is acting with reverse effects. It is lifting up the entire district. It is acting as an anchor, encouraging improvements in neighboring communities.

"The authority," he said, "has met its objectives."

Thomas Hanson, director of Wells Memorial Settlement House, 1825 Glenwood Avenue, said he detects a growing interest in renewal of Glenwood's neighboring areas.

A social worker in the Glenwood district for the past 15 years, Hanson has expert knowledge of the neighborhood's problems, past and present.

"I remember the times when I had to get boys out of crap games to play scheduled baseball games," he said.

"There used to be semigang fights. Now all of that is gone. Juvenile problems in Glenwood now are of the nuisance variety.

"I think the volume of juvenile incidents has dropped.

"Adults' problems have diminished, too. Of course, there are still social problems in the district, but the external forces that in the past magnified them are gone.

"Redevelopment," Hanson said, "enabled us to be more sensitive to the neighborhood needs. We can now get closer to the people's difficulties."

The community center at 800 Fifth Avenue North is the nerve center of the program, Hanson said.

"The Glenwood residents now have decent living conditions. They are more neighborly and have a better sense of their role in the community," he said.

Hanson thinks improved community facilities—the new fire station, expanded Harrison School and the new 8-acre park—also have had an important effect on the neighborhood.

Almost all residents of Glenwood are satisfied with their new housing and neighborhood. A few are fearful, however, that its quality will be difficult to maintain.

Arne Saari, 33, 710 Olson Highway, thinks there is a need for tighter restrictions to insure proper maintenance by tenants.

"Already some people are neglecting to take care of their property," Saari said. "Our court is pretty good, but some of the others are taking a beating."

Saari, a mining engineering student at the University of Minnesota, lives in a six-unit building about a block west of Lyndale Avenue. He was one of the first to bring his family of five children to the development.

Saari's concern is shared by several other tenants in the two-story row housing units.

Mrs. Emma O'Connor, 73, said she is "extremely happy" with her efficiency apartment on the 12th floor of the Lyndale Homes highrise building.

"It's lovely here. Just a wonderful place for an older person to live. You don't have to be alone if you don't want to, and there's privacy, too.

"From my window I can look right into the loop. And in the mornings when the sun comes up, it's beautiful."

Mrs. O'Connor is one of those persons displaced by the clearance program. She lived at 303 Lyndale Avenue North for 6 years.

She first moved to the area in 1902 with her mother and lived then at Fourth and Aldrich Avenues, North.

It was a very nice neighborhood back then. There were lovely homes and many fine people. I used to ice skate on the little lake, Oak Lake, where the city market is now.

"The old rocking chair has got me now, but I'm happy here," Mrs. O'Connor said.

Mrs. Arthur Longton, 78, 2121 Glenwood Avenue, has serious doubts about the future of Glenwood. She said she's afraid the property will not be adequately maintained.

Mrs. Longton admits, however, that the redevelopment has solved many of the neighborhood's problems. She's watched Glenwood in its various stages of life for more than 70 years.

Fred Goodwin, who has an apartment in the high-rise building, said he thinks Glenwood is "the best thing the government has ever done."

Goodwin used to live in a five-room apartment over a bar at 1505 Glenwood Avenue.

"It was terrible before. My place was in a cheap lopsided building. It was all I could find," he said.

Jefferson Livingston, 800 Fifth Avenue North, likes living in the area because he doesn't have "so many chores to do" and the rent covers utility costs.

Random inquiry among Glenwood area residents brought many similar reactions.

Thus, the human side of the Glenwood redevelopment is this: better housing, more jobs, a cleaner neighborhood, sharply reduced crime rate, improved school and park facilities.

Social worker Thomas Hanson summed it up this way:

"It may not be Heaven on earth, but it is a long way from the hell that it used to be."

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

BILLS AND JOINT RESOLUTIONS INTRODUCED

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JOHNSTON:

S. 3067. A bill for the relief of Dr. George E. Poulias; to the Committee on the Judiciary.

By Mr. JOHNSTON (by request):

S. 3068. A bill to permit variation of the 40-hour workweek of Federal employees for educational purposes; and

S. 3069. A bill to amend title 39, United States Code, to authorize the Postmaster General to relieve postmasters and other employees for losses resulting from illegal, improper, or incorrect payments, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. EASTLAND:

S. 3070. A bill to amend title 28, United States Code, to provide for additional commissioners of the U.S. Court of Claims, and for other purposes; to the Committee on the Judiciary.

By Mr. HART:

S. 3071. A bill for the relief of Hidayet Danish Nakashidze; to the Committee on the Judiciary.

By Mr. JAVITS (for himself and Mr. KEATING):

S. 3072. A bill to amend Public Law 409, 74th Congress, to authorize the appropriations necessary to carry out authorized improvements in the project for the Great Lakes-Hudson River Waterway; to the Committee on Public Works.

(See the remarks of Mr. JAVITS when he introduced the above bill, which appear under a separate heading.)

By Mr. DODD (for himself and Mr. BUSH):

S. 3073. A bill to provide for holding terms of the U.S. District Court for the District of Connecticut at New London; and

S. 3074. A bill to waive the limitations and restrictions of section 142 of title 28, United States Code, with respect to the holding of court at Bridgeport, Conn., by the U.S. District Court for the District of Connecticut; to the Committee on the Judiciary.

(See the remarks of Mr. DODD when he introduced the above bills, which appear under a separate heading.)

By Mr. BIBLE:

S. 3075. A bill to amend the Mineral Leasing Act of 1920 in order to authorize geothermal steam leases under the provisions of such act; and

S. 3076. A bill to amend the Mineral Leasing Act of 1920 in order to authorize lithium, rubidium, cesium, or bromine leases and permits under the provisions of such act; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. BIBLE when he introduced the above bills, which appear under separate headings.)

By Mr. EASTLAND:

S.J. Res. 176. Joint resolution proposing an amendment to the Constitution of the United States defining the application of certain provisions thereof; to the Committee on the Judiciary.

By Mr. BOGGS (for himself and Mr. DODD):

S.J. Res. 177. Joint resolution providing for the establishment of a joint committee of the two Houses of the Congress to study all matters relating to national strategy; to the Committee on Armed Services.

(See the remarks of Mr. BOGGS when he introduced the above joint resolution, which appear under a separate heading.)

CONCURRENT RESOLUTION

DESIGNATION OF WEEK OF MAY 20 TO 26, 1962, AS NATIONAL HIGHWAY WEEK

Mr. CHAVEZ submitted a concurrent resolution (S. Con. Res. 65) designating the week of May 20 to 26, 1962, as "National Highway Week"; which was considered and agreed to.

(See the above concurrent resolution printed in full when submitted by Mr. CHAVEZ, which appears under a separate heading.)

REMOVAL OF COST CEILING FOR IMPROVEMENT OF NEW YORK STATE BARGE CANAL

Mr. JAVITS. Mr. President, for myself and Senator KEATING, I introduce for appropriate reference a bill to amend Public Law 409, 74th Congress, to remove the present $27 million cost ceiling for the Federal program of improvement of the New York State Barge Canal.

This program of improvement, authorized in 1935, provides for raising bridges and deepening and widening channels. At the time of authorization, the $27 million cost figure seemed reasonable; however, the work has gone forward slowly and costs have risen to such an extent that it is now estimated that the total cost of the project will be in excess of $35 million. Approximately $25 million in Federal funds has already been spent and the State of New York has allocated $15 million more with the understanding that it will be reimbursed by the Federal Government for moneys actually spent. However, in view of the existing cost ceiling, the Corps of Engineers cannot guarantee reimbursement of the entire additional $8.7 million required to complete the project, and work on the canal will shortly have to be suspended. If the improvement program is not completed, still existing bottlenecks will render these improvements virtually useless and the $25 million in Federal funds already spent will be wasted. I hope, therefore, that the Congress will take prompt action on this bill as soon as possible.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3072) to amend Public Law 409, 74th Congress, to authorize the appropriations necessary to carry out authorized improvements in the project for the Great Lakes-Hudson River Waterway, introduced by Mr. JAVITS (for himself and Mr. KEATING), was received, read twice by its title, and referred to the Committee on Public Works.

PROPOSED LEGISLATION RELATING TO TERMS OF COURT AT NEW LONDON AND BRIDGEPORT, CONN.

Mr. DODD. Mr. President, I introduce for appropriate reference for myself and my colleague, the senior Senator from Connecticut [Mr. BUSH], two bills dealing with the U.S. district court of Connecticut.

The first bill would permit the addition of the city of New London as a seat of the U.S. district court and it would also permit the rental of temporary facilities in that city of suitable court space.

The second bill makes provision for the rental of courtroom space in the city of Bridgeport, already a seat of the U.S. district court, but lacking adequate facilities at the present time for the holding of court.

The administration of Federal justice in Connecticut has been seriously curtailed due to the lack of adequate court facilities and for this reason my colleague and I are joining in introducing this legislation which will do much to reduce our Federal dockets as well as help with the pressing courtroom space problems facing both the eastern and western parts of our State.

We feel that this legislation is necessary to the proper and orderly administration of justice in the district of Connecticut and urge early and affirmative action on it.

The PRESIDING OFFICER. The bills will be received and appropriately referred.

The bills, introduced by Mr. DODD (for himself and Mr. BUSH), were received, read twice by their titles, and referred to the Committee on the Judiciary, as follows:

S. 3073. A bill to provide for holding terms of the U.S. District Court for the District of Connecticut at New London; and

S. 3074. A bill to waive the limitations and restrictions of section 142 of title 28, United States Code, with respect to the holding of court at Bridgeport, Conn., by the U.S. District Court for the District of Connecticut.

AMENDMENT TO THE MINERAL LEASING ACT TO INCLUDE GEOTHERMAL STEAM

Mr. BIBLE. Mr. President, I introduce, for appropriate reference, a bill to amend the Mineral Leasing Act of 1920.

My bill would permit the Secretary of the Interior to lease the public lands of the United States for exploration and development of geothermal steam.

In the past years, considerable research has been accomplished in an effort to harness this great source of energy. Only recently a breakthrough was made, so that now there is in operation in Sonoma County, Calif., a steamplant which has a capacity of 12,500 kilowatts utilizing geothermal steam as an energy to generate this electricity. This cheap source of energy will indeed play a major part in further developing the western section of our country.

At the present time, development of this vast untapped source of energy is

taking place on privately owned land. My bill thus would authorize the Secretary of the Interior to issue leases on the public domain under regulations promulgated by him to further develop and utilize this energy.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3075) to amend the Mineral Leasing Act of 1920 in order to authorize geothermal steam leases under the provisions of such act, introduced by Mr. BIBLE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

AMENDMENT TO THE MINERAL LEASING ACT TO INCLUDE LITHIUM

Mr. BIBLE. Mr. President, I introduce, for appropriate reference, a bill to amend the Mineral Leasing Act of 1920 to include lithium.

At the present time, leases may be granted to explore for lithium as a related product of potassium and sodium. My bill merely would clarify the existing act and expressly set out that leases on the public domain may be granted to explore for lithium and other related products.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bill (S. 3076) to amend the Mineral Leasing Act of 1920 in order to authorize lithium, rubidium, cesium, or bromine leases and permits under the provisions of such act, introduced by Mr. BIBLE, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

PROPOSED JOINT COMMITTEE ON NATIONAL SECURITY STRATEGY

Mr. BOGGS. Mr. President, on behalf of myself and the distinguished Senator from Connecticut [Mr. DODD], I introduce, for appropriate reference, a joint resolution to establish a Joint Committee on National Security Strategy.

The functions of the joint committee would be:

First. To make a comprehensive and continuing study of all matters relating to our national strategy.

Second. To study means and methods whereby the processes used for the development of our national strategy may be improved in a manner consistent with the constitutionally established structure of our Government, and whereby the activities of governmental and nongovernmental instrumentalities used for the development and implementation of that national strategy may be coordinated with greater effectiveness in the national interest.

Third. For the information of the several committees of the Congress dealing with legislation which relates to or affects the national strategy, not later than March 1 of each year—beginning with the year 1964—to file a report with the Senate and House of Representatives containing its findings and recommendations with respect to national strategy matters, and from time to time to make other reports and recommendations to the Senate and House of Representatives as it deems advisable.

I have been working for some time trying to more fully understand and comprehend our national security strategy problems as they relate to the preservation of freedom and world peace. I have come to the conclusion that since World War II national security strategy has grown to embrace every facet of national strength—scientific, economic, social, political, diplomatic, and military.

Prior to World War II, and even during the war, our national strategy was fairly simple and comprehendible within the framework of our existing institutions.

However, since World War II, many fundamental advances in human knowledge and the physical sciences have been made resulting in a technological revolution of unprecedented scope and implications. This revolution has been responsible for the development of new and largely untested means and instrumentalities for destruction never before within the comprehension of man.

The complexity and unknown significance of these fast-changing times in relation to the scientific, economic, social, political, diplomatic, and military considerations have made increasingly difficult the formulation of a sound and effective strategy for national security and world peace.

Consequently, our Government has come more and more to rely upon privately organized and operated organizations and instrumentalities for advice and solution of much of our national security policy. As a result, the development, design, and direction of our national strategy for survival have been increasingly influenced by institutions and personnel outside of the executive and legislative branches of our Government. It is said that the justification for this is that our strategy goes beyond that which might be determined by military or diplomatic considerations alone.

I would give great credit to private organizations and personnel who have been working in this field and who have undoubtedly contributed tremendously to the formulation of our national security policy and strategy.

However, it seems urgent, essential, and fundamentally important that the Congress should move to organize immediately in an effective manner to discharge its vital function in the formulation of national security strategy.

Under the present organization of the Congress the various aspects of the problem of national strategy are committed to different committees within each body with the result that no means presently exist within the Congress for evaluating the problem in its entirety or for effectively helping toward evolving a well-considered, unified national strategic program.

Under our Constitution, the ultimate responsibility and obligation for a sound, total, and effective national strategy rests jointly with the legislative and the executive branches of our Government.

I believe that in order for the Congress to meet its responsibility and obligation it should provide a joint committee for continuous study, coordination, information, and recommendation on all the various and complex matters that affect and shape our national strategy.

If this joint committee were established, I believe it would not only be of great assistance to the regular functioning committees of the Congress in their respective fields involved with national strategy, but it would likewise help every Member of the Congress to make a greater contribution and be more effective in the discharge of his responsibilities to this important obligation.

It would seem to me also that it would be most helpful to the executive branch of our Government in its overall recommendations on national strategy which necessarily must be considered and implemented by the Congress.

The establishment of this joint committee would bring the Congress in as a full and effective partner with the executive branch in the design and conduct of national strategy.

It would, in my opinion, even be of help to the able, private scientific intellectual strategic studies community which due to the complexity and magnitude of the problem is little understood except among themselves. This community is a totally new factor of strength.

The establishment of this joint committee, as far as the Congress is concerned, would institutionalize under our Constitution all efforts properly bearing on the strategy making processes.

I am convinced that there are many Members of Congress who have given consideration as to how the Congress should put its house in better order to meet its constitutional responsibilities and obligations for national security strategy. I welcome cosponsorship of this joint resolution in the Senate, and I am hopeful that any interested Members of the other body will introduce a similar resolution.

In respect to this subject, I refer to volume 3, pages 7 and 8 of the staff reports and recommendations of the Subcommittee on National Policy Machinery, chairmanned by the destinguished Senator from the State of Washington [Mr. JACKSON]. In the final statement, dated November 15, 1962, this subcommittee reports as follows:

> Although the subcommittee inquiry was directed toward the executive branch, there is clearly much room for improvement on Capitol Hill.
>
> One major problem is fragmentation. The Congress is hard put to deal with national security policy as a whole.
>
> The difficulty starts with the executive branch. Except in the state of the Union and the budget messages, it presents national security information and program requests to the Congress in bits and pieces.
>
> The present mode of operation of the congressional system compounds the problem. The authorization process treats as separable

matters which are not really separable. Foreign affairs, defense matters, space policies, and atomic energy programs are handled in different committees. It is the same with money matters. Income and outgo, and the relation of each to the economy, come under different jurisdictions.

There is no place in the Congress, short of the floors of the Senate and the House, where the requirements of national security and the resources needed on their behalf, are considered in their totality.

The need is to give the Congress, early in each session, better opportunities to review our national security programs as a whole.

I have endeavored to make this statement brief. I know that I have oversimplified it. It is my hope, however, that, as a result of its briefness, it will be read with resulting consideration and appropriate action by the Congress for the establishment of a Joint Committee on National Security Strategy.

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

Mr. BOGGS. Mr. President, I am more than happy to yield to the distinguished Senator from Connecticut [Mr. DODD]. I am very grateful, indeed, for his encouragement, his interest, and his help in the presenting of the Senate joint resolution.

Mr. DODD. I thank my colleague for his kind remarks. However, I do not seek to take credit for this presentation. The distinguished Senator from Delaware was kind enough to bring the resolution to my attention. I think the Senator has done a great service, not only for the Senate and the Congress of the United States but also for the country as a whole.

I am happy and proud to join as a cosponsor of the joint resolution. I hope that all our colleagues will take time to read it. It is perhaps one of the most important matters which has been suggested to the Senate in a long time. I hope we shall get favorable committee action, and later favorable action in the Senate, and favorable consideration by the other body.

Mr. BOGGS. I thank my distinguished colleague. As I say, I am very grateful indeed for his encouragement and support. Along with him, I welcome consideration of the joint resolution by other Members of this body.

Mr. President, I ask unanimous consent that the joint resolution may be printed in its entirety at this point in the RECORD, following these remarks.

The PRESIDING OFFICER. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 177) providing for the establishment of a joint committee of the two Houses of the Congress to study all matters relating to national strategy, introduced by Mr. BOGGS (for himself and Mr. DODD), was received, read twice by its title, referred to the Committee on Armed Services, and ordered to be printed in the RECORD, as follows:

Whereas the fundamental advances in human knowledge concerning the physical sciences made during and subsequent to World War II have produced a technological revolution of unprecedented scope and implications; and

Whereas that revolution has been responsible for the development of new and largely untested means and instrumentalities for destruction never before within the competence of man; and

Whereas the complexity of the resulting weapons systems has necessitated reliance upon personnel specially trained in new and advanced scientific disciplines, not only for the evolution, design, evaluation, and production of such weapons systems, but also for the determination of basic doctrine with respect to their strategic employment and their interrelationship for the establishment of an effective capability for national defense; and

Whereas the United States Government has come to an increasing degree to rely upon privately organized and operated organizations and instrumentalities for the solution of those problems; and

Whereas in consequence the development, design, and direction of our national strategy for survival has been increasingly influenced by institutions and instrumentalities outside the executive and legislative branches of the Government; and

Whereas such strategy is no longer determined by military and diplomatic considerations alone, but by complex economic, scientific, social, political, and psychological considerations as well, thereby increasing the difficulty of formulating a sound and effective strategy; and

Whereas under the present organization of the Congress various aspects of the problem of national strategy are committed to different committees within each House, with the result that, in the discharge of its vital function of formulating national policy, no means presently exist within the Congress for evaluating that problem in its entirety or for evo'ving a well-considered unified national strategic program; and

Whereas the Congress is ever cognizant that the free institutions of the United States and the preservation of world peace is dependent upon the development of a sound and effective national strategy, and that under our Constitution the ultimate responsibility and obligation therefor rests jointly with the Congress and the Executive; and

Whereas in order to meet its responsibility and obligation more effectively, the Congress should provide effective means for a continuous study of all the various and complex matters that affect and shape our national strategy: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is established a Joint Committee on National Security Strategy (hereinafter referred to as the "joint committee"). Such committee shall be composed of nine Members of the Senate who shall be appointed by the President of the Senate and nine Members of the House of Representatives who shall be appointed by the Speaker of the House of Representatives. In each instance not more than five Members shall be members of the same political party.

(b) It shall be the function of the joint committee—

(1) to make a comprehensive and continuing study of all matters relating to the national strategy of the United States;

(2) to study means and methods whereby the processes used for the development of our national strategy may be improved in a manner consistent with the constitutionally established structure of our Government, and whereby the activities of governmental and nongovernmental instrumentalities used for the development and implementation of that national strategy may be coordinated with greater effectiveness in the national interest; and

(3) for the information of the several committees of the Congress dealing with legislation which relates to or affects the national strategy, not later than March 1 of each year (beginning with the year 1964) to file a report with the Senate and the House of Representatives containing its findings and recommendations with respect to national strategy matters, and from time to time to make other reports and recommendations to the Senate and House of Representatives as it deems advisable.

SEC. 2. (a) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection.

(b) The joint committee shall select a chairman and a vice chairman from among its members upon its initial organization and at the beginning of each Congress. The chairmanship shall alternate between the Senate and the House of Representatives with each Congress. The vice chairman shall act in the place of the chairman in the absence of the chairman, and shall be selected from the House other than the House from which the chairman is selected.

(c) A majority of the joint committee shall constitute a quorum except that a lesser number, to be fixed by the joint committee, shall constitute a quorum for the purpose of administering oaths and taking sworn testimony.

SEC. 3. The joint committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times within the United States, to hold such hearings, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony as it deems advisable.

SEC. 4. (a) The joint committee may employ and fix the compensation of such experts, consultants, and other employees as it deems necessary in the performance of its duties.

(b) The joint committee is authorized to utilize the services, information, and facilities of the departments and agencies of the Government, and also of private research agencies.

SEC. 5. The expenses of the joint committee shall be paid from the contingent fund of the Senate from funds appropriated for the joint committee upon vouchers approved by the chairman of the joint committee.

NATIONAL HIGHWAY WEEK

Mr. CHAVEZ. Mr. President, I wish to call to the attention of the Senate that National Highway Week will be observed during the period May 20–26.

All of us are highway users, directly or indirectly, and the progressive advance of our American economy would not have been possible without the Federal-aid highway program which Congress authorized in 1916. This program has been carried on during the intervening years under a unique partnership between the Federal Government, represented by the Bureau of Public Roads, and the States, represented by the respective State highway departments.

As a result of this partnership effort, the United States now has the world's best road network. This network, however, needs continual rebuilding to keep pace with the needs of a growing population, an expanding economy, and our national defense requirements.

Last year Congress, at President Kennedy's request, enacted new financing measures to speed this roadbuilding effort. As a result, we are in a position to complete the 41,000-mile National System of Interstate and Defense Highways by 1972 and to accelerate work on the traditional primary, secondary, and urban highway program.

The Nation has a vital stake in this program. Today 76 million motor vehicles traverse our roads and streets. By 1976 the total will have grown to 113 million, and this growth is merely in numbers and does not reflect the increasing use of each motor vehicle in the years ahead.

In recognition of our tremendous dependence upon motor vehicle transportation and its meaning to our citizens, it is appropriate that Congress should give appropriate recognition to the 1962 observance of National Highway Week during the period May 20–26. I submit a resolution calling attention to this observance, and I urge every Senator to support it.

I ask unanimous consent for the present consideration of the concurrent resolution.

The PRESIDING OFFICER. The concurrent resolution will be read for the information of the Senate.

The concurrent resolution (S. Con. Res. 65) was read, and unanimously agreed to, as follows:

Whereas the dependence of the American economy on its three and one-half million miles of highways has been clearly established and proven by the registration of more than seventy-six million automobiles, trucks, and buses; and

Whereas the development of our national highway system has been a remarkable accomplishment during the last half century, in spite of wars, depressions, and other economic uncertainties; and

Whereas the present United States road network reflects credit on the unique Federal-State partnership arrangement which has financed, built, and maintained it; and

Whereas one-sixth of the American population depends directly on highways for its livelihood; while every American is increasingly dependent on highways for education, recreation, national and international security, as well as religious, fraternal, cultural, and family life; and

Whereas the direct benefits to the highway user of the construction of adequate highways have been conservatively estimated at three times their cost; and the extra dividends include the upgrading of property values, creation of new industrial, commercial and residential sites, the reduction of death and human suffering by cutting the accident toll, and the joy and pleasure of motoring on adequate, safe highways; and

Whereas the increasing need for better highways of adequate capacity to meet ever-increasing traffic demands should receive the public attention it deserves and requires if proper citizen support of national highway goals is to be sustained; and

Whereas the week of May 20 to 26, 1962, provides an opportunity for due recognition of the foregoing achievements and accomplishments: Now, therefore, be it

Resolved by the Senate (the House concurring), That the week of May 20 to May 26, 1962, is hereby designated as "National Highway Week", and the President is requested to issue a proclamation calling upon all the people of the United States for the observance of such week with appropriate proceedings and ceremonies.

VETERAN WELFARE WORKER RETIRES IN MONTANA

Mr. MANSFIELD. Mr. President, we in the Congress all recognize that the basic foundation of our Federal Government, the State, and local governments as well, is the dedicated public servant. These men and women contribute many years of their lives to various positions in government. They are the ones that keep it operating.

I have just learned of the retirement of a very close friend in Montana. John B. Kemp is retiring from his post as Roosevelt County welfare supervisor after 30 years of service. It is not a glamorous job but it is one to which John Kemp was dedicated, carrying out his duties with understanding and care.

Mr. and Mrs. John Kemp have contributed much to the community of Wolf Point with their many charitable services and civic leadership. The Kemps have raised a family of which they can be justly proud. In short Roosevelt County and the city of Wolf Point are fortunate to have the Kemp family and I have had a most pleasant association with the family over the years.

Appropriate recognition has been given to John Kemp in recent weeks and I ask unanimous consent to have printed at the conclusion of my remarks in the CONGRESSIONAL RECORD a news story from the March 15, 1962, issue of the Herald-News published in Wolf Point, Mont.

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

JOHN KEMP, WELFARE SUPERVISOR, RETIRING

Starting in 1932 with a job intended to last 2 or 3 months, John B. Kemp, county welfare supervisor, this week retired after 30 years' service.

In retirement Kemp was honored with a party given by fellow employees at the courthouse in Wolf Point. Honored with Mr. Kemp was Mrs. Kemp, who has donated 25½ years to the American Cancer Society. Together, Mr. and Mrs. Kemp have donated over 57 years to volunteer work on various civic causes. Mrs. Kemp began work with the cancer society in 1936. In 1948 she became county chairman, a job she held until 1961. She remains as county memorial chairman.

In November Kemp was honored at a district welfare meeting and banquet in Wolf Point. At the eight-county dinner he was awarded a plaque for service from 1932 to 1962.

Kemp began his work as secretary of the Daniels County Relief Committee in Scobey. The office was scheduled to be maintained about 2 of 3 months. At the 1933 session of Montana Legislature the Montana Relief Commission was created and relief committees appointed in all counties. Kemp was retained as secretary and continued in that capacity about a year.

Montana Relief Commission officials of Helena then recommended him for the position of Federal disbursing officer when the Civil Works Administration began operations in December of 1933. Primary job, Kemp recalled, was to issue worker paychecks in Valley, Roosevelt, Sheridan and Daniels Counties. "I signed 12,220 checks on the U.S. Treasurer, totaling approximately one-quarter million dollars," he said. "We also issued checks to workers on the agricultural census survey in 14 eastern Montana counties," he added.

In 1937, after passing of the Civil Works Administration and the birth of the public welfare department, Kemp became one of the department's pioneers. After passing required written and oral examinations, Kemp was asked to accept the position of welfare supervisor for Roosevelt County, a position he held from April 1937 until retirement March 15, 1962.

During the years of public work Kemp has been responsible for expenditure of approximately $10 million. He said the office has been understaffed throughout most of his term, due to lack of qualified workers. An overtime load averaging 12 hours per week was necessary during his first 27½ years of public service, he said, "but I slowed up some after a heart attack in 1959." He noted overtime worked while welfare supervisor would amount to 25 years or $50,000 in value donated to Roosevelt County and Montana taxpayers.

During World War II Kemp was assigned the job, along with regular welfare work, of making special investigations for the Selective Service System. He was required to send a confidential report to the Armed Services on every draftee. At the war's end he received citations from President Truman and General Hershey, Gov. Sam Ford and General Mitchell.

Other prized papers in Kemp's collection include certificates of appreciation for volunteer work from the National Foundation for Infantile Paralysis. Recently he received a citation from Gov. Tim Babcock for 25 years distinguished service with the welfare department, from the date of its organization, March 4, 1937, through March 4, 1962. This citation was issued to only seven department employees.

Kemp has also received letters recently from the State administrator of the Montana Department of Public Welfare, the director of the division of public assistance of the department of welfare and from the board of commissioners of Roosevelt County. All three thanked him for devotion to duty during his 30 years with relief and welfare agencies in Montana.

RECOMMENDATION BY MILWAUKEE ASSOCIATION OF COMMERCE ON TRADE EXPANSION ACT

Mr. WILEY. Mr. President, the proposals for modifying U.S. trade agreements with other nations, still before the Ways and Means Committee, involve some of the most significant decisions that will be required during this session of Congress.

Throughout history, trade has played a major role in the progress of, and relations among, nations.

However, we have learned that trade must be a two-way street.

With an ever-expanding agricultural and industrial capacity, often exceeding domestic consumption or utilization, we will need more and more new markets for the future.

If possible, then, we need to design a trade policy that will perform the seemingly, but not necessarily contradictory, dual job of promoting export trade but, at the same time, guarding against too great harm to our domestic industries from a too-large volume of imports.

Recently I was privileged to receive from Harry Hoffman, president of the Milwaukee Association of Commerce, a detailed analysis and evaluation of H.R. 9900, the Trade Expansion Act of 1962. The analysis, I believe, deserves the consideration of Congress.

I am well aware, of course, that, with H.R. 9900 still in the Ways and Means Committee undergoing hearings, it is not possible to determine just what kind of bill will come up for a vote. Nevertheless, I believe that the time for consideration of such views is in the formative stages, not after positions have hardened and the ink is dry on the bill.

I therefore respectfully invite the attention of my colleagues on the Finance Committee, as well as the Ways and Means Committee, and other Members of Congress, to these views, and request unanimous consent to have them printed at this point in the RECORD.

There being no objection, the views were ordered to be printed in the RECORD, as follows:

H.R. 9900: TRADE EXPANSION ACT OF 1962

1. Milwaukee, the Nation's 11th largest city, ranks high in the value of its exports. As such, the city and its commercial enterprises are vitally interested in expansion of foreign commerce. The Milwaukee Association of Commerce has consistently advocated reduction of impediments to increased foreign trade. The association believes in an expanded trade, and therefore agrees in principle with most of the provisions of the statement of purposes of the administration's proposed Trade Expansion Act of 1962, known as H.R. 9900.

2. The association is apprehensive, however, that H.R. 9900, as presently written, is a hasty effort to reach a greater degree of free trade with the world. Furthermore, it fails to recognize that Congress has the primary responsibility for trade policies of our country and the right to exercise final control over these policies. This is especially apparent in the bill's recommendations that authority be granted the President, within the next 5-year period, beginning July 1962, to negotiate complete elimination of customs' tariffs on a large variety of articles, 80 percent or more of whose aggregate world export values are accounted for by the United States and the European Economic Community. Authority granted in the bill is given on an "as he (the President) determines" basis, with no provision for control and/or direction by the Congress. This is at odds with the traditional checks and balances provided in the Constitution as a necessary part of the Government of a free people.

3. The Common Market has brought together European countries of diverse histories and economies and is shaping them into an integrated economic unit to gradually eliminate trade barriers, including customs tariffs, between them. In these countries living standards and labor rates vary but are not too widely diverse to discourage economic integration. To ease the process of economic unity, members of the EEC decided on a period of 12 years in which to complete their integration and completely eliminate customs tariffs among themselves. It is true they have accelerated their move in this direction. However, most of the 12 years are still expected to elapse before full freedom from customs' tariffs is achieved. The U.S. industrial labor wage rate is from three to four times that found within EEC countries. Yet H.R. 9900 contemplates the United States achieving its major goal with the EEC in a substantially shorter period of time. Quite likely, this will prove to be an impossible obstacle for many important U.S. industries to overcome in the period demanded.

4. The U.S. Government proposes that in the event definite distress is encountered by segments of U.S. industry and labor, the taxpayer will step in and foot the bill. We are confident that most U.S. industries do not desire such assistance but would much prefer to face realities of a freer trading world by being given a reasonable economic climate in which to achieve any reorientation through their own efforts. The amount of time a given industry will require to adjust itself will vary greatly, depending upon its own specific problems.

Presumably, many an industry which would encounter real distress in the brief time limit proposed in H.R. 9900 would adjust satisfactorily and continue to employ its people if a longer period of time was available. This would reduce resulting distress and the necessity for the taxpayer to foot perhaps large, and certainly unknown and unnecessary amounts of adjustment assistance.

During the last 3 years, European labor rates have risen by a substantially greater percentage than have those of the United States (although it is still doubtful that actual dollar-and-cent wage increases in Europe have exceeded those in the United States during the same period). It appears that European labor rates will continue their accelerated rise. If sufficient time elapses during this upward trend—resulting in an effective narrowing of the gap between European and U.S. wages scales—the transition to freer trade can probably be achieved without pronounced disruption and distress within the ranks of U.S. labor and industry.

5. Under the most-favored-nation principle, it must be borne in mind that any duty or other import restriction proclaimed and included in an agreement with one country or group of countries "shall apply to products of all foreign countries whether imported directly or indirectly." In such instances, however, the United States must insist that equalized compensating concessions from other interested countries should be obtained as part of the negotiations.

6. Summary: While in accord with the general purpose of H.R. 9900, the Milwaukee Association of Commerce recommends:

(a) Modification of the 5-year provision during which tariffs on "80-percent" articles would be eliminated. The modification to permit substantial time extension for threatened U.S. industries to adjust to new international market situations.

(b) That careful studies be undertaken by Congress to determine the degree of distress which may result from a further 50-percent reduction of tariffs on all articles within the period of time stated in H.R. 9900. A smaller percentage of reduction within such a timetable, or a longer timetable, may be found to be desirable.

(c) That Congress should not abrogate its final authority over tariffs in favor of final authority being placed in the hands of the President. Whether this can best be achieved by retaining the present authority exercised by the Tariff Commission, or whether some new formula should be developed through careful study, is at this time a matter of grave and utmost importance and worthy of additional consideration before any new trade agreement legislation is enacted.

NEEDED: ACTION IN DAIRY PRICES

Mr. WILEY. Mr. President, the dairy industry, confronted by congressional inaction and lack of sound administration policy, faces a serious income drop, unless immediate efforts are made to avert such a catastrophe.

Earlier this session, the administration presented its dairy recommendations to Congress. In Congress, and on the farm front, these proposals have been largely unacceptable.

Particularly, the administration's attempt to use "economic coercion," by threatening to drop price supports if the Congress and the farmers did not buy the control program, represented poor judgment, and, to me, undersirable tactics.

At this time I ask unanimous consent to have printed at this point in the RECORD two items: First, a supplemental statement on the dairy price support situation; and second, an editorial from the Milwaukee Journal entitled "Need Action in Dairy Crisis, Not Political Maneuvers."

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

STATEMENT BY SENATOR WILEY

As things look now, the dairy farmer may well be caught in a political—as well as economic—squeeze. How? The agriculture committees in both the Senate and House of Representatives, for example, have failed to favorably report a resolution for maintaining price supports at $3.40 per hundredweight for manufacturing milk. The administration, too, has backed itself into a corner. On record as interpreting that the law requires a drop in price supports—unless Congress would pass a support resolution—the administration, now, has no escape from this corner. Unless there is a change in the situation, then, it would appear that price supports will fall to $3.11 per hundredweight on April 1, the beginning of the new marketing year.

In my judgment, however, the dairy farmer must not be required to suffer (1) for errors in policy by the administration, or (2) by the inaction of Congress.

In view of the supply-demand situation, involving substantial dairy surpluses, it is highly unlikely that the $3.40 level will get approval of either the administration or Congress.

Dropping the level to $3.11 per hundredweight, however, would result in an estimated $50 million per year income loss for the dairy farmers.

For these reasons, I believe the Congress can, and should, enact a compromise bill authorizing the maintenance of price supports somewhere between $3.11 and $3.40 per hundredweight, perhaps at the $3.22–$3.30 level. This would, I believe:

1. Prevent too great a drop in income for the dairy farmer—still caught in a cost-price squeeze;

2. Help to remedy the supply-demand situation; and

3. Serve the taxpayer by holding down the costs of the price-support program, without rendering as much of a blow to the dairy farmer.

Recognizing the need for expeditious action, I am urging the Senate Agriculture Committee to consider, as quickly as possible, such a compromise.

[From the Milwaukee Journal]

NEED ACTION IN DAIRY CRISIS, NOT POLITICAL MANEUVERS

It will be a severe blow not only to Wisconsin dairymen but to the whole State economy if the Federal milk support price is allowed to drop from $3.40 a hundredweight (about 50 quarts) to around $3.11 by April 1. This threatens an income drop of perhaps $50 million a year for our dairy farmers.

The law says that the Secretary of Agriculture shall maintain dairy supports at between 75 percent and 90 percent of parity to assure an adequate supply. (Parity is a formula figure based on relationship of prices in some past period.)

Secretary Freeman, confronting a mounting surplus, interprets the law as forcing him to lower the support level to $3.11 (75

percent of the present parity base), the minimum. The House Agriculture Committee has rejected an administration request for a resolution directing Freeman to maintain the $3.40 support (83 percent of present parity) until January.

Some members of both parties blame the administration for the dairy crisis. They recall that, though the support level was raised from $3.11 to $3.22 in the dying days of the Eisenhower administration, the Kennedy administration almost immediately boosted it again to $3.40. Milk supply seemed more than adequate then, the critics say, so there was no justification for the boost, which has been followed by an increase in milk production and a decrease in consumption of dairy items.

Cost to the Government of buying up the surplus has skyrocketed to the point where drastic action is demanded. The administration offers its marketing control plan, with producer quotas, as a remedy.

Freeman is accused of trying to create a panicky situation, by asking for too high supports or by letting the supports drop to a disastrous level, so that his dairy marketing bill will be accepted in desperation. Some Congressmen, including Representatives KASTENMEIER and LAIRD, of Wisconsin, insist that there are ways under the present law to avoid dropping the support level to $3.11 now.

If this is so, or if Congress can be persuaded to give specific authorization, some compromise support figure—say, between $3.20 and $3.30—should be tried. Perhaps we can work our way out of this acute dairy predicament by degrees, with a minimum of injury.

There is no sense in extending the full $3.40 support in face of the surplus and cost crisis. Yet an abrupt drop to $3.11 is going to wreck a lot of small dairy farmers. There is no excuse for following either extreme for purely political ends.

OUR GOLD MINES NEED HELP

Mr. ENGLE. Mr. President, a great deal has been heard in the last few years about our country's diminishing gold reserves. Last year President Kennedy put into effect several programs to check the flow of dollars. But we need more than a brake on our gold outflow if we are to maintain a healthy gold reserve. We need also to get at the other end of the problem—the critical decline in the production of gold in this country.

Last week the Minerals, Materials, and Fuels Subcommittee of the Senate Interior and Insular Affairs Committee began hearings to explore ways and means of stimulating the domestic production of gold and silver. Congressman HAROLD T. ("BIZZ") JOHNSON, of California, appeared before the committee and made an excellent statement in support of Senate Joint Resolution 44, which I introduced last year and in which I have been joined by Senator KUCHEL, Senator CASE of South Dakota, Senator GRUENING, and Senator CHURCH. The proposal, introduced in the House by Congressman JOHNSON, calls for a system of incentive payments to encourage our gold mines to get back into business.

In his remarks Congressman JOHNSON points out that in return for our investment, we would be helping the economy of our country generally. I am convinced that we would. Senate Joint Resolution 44 contains a positive program for building up our fast disappearing gold supply. It gives our depressed gold-mining industry a practical justification for reopening its mines. It offers hope for relieving the serious unemployment situation in the industry.

BIZZ JOHNSON makes a convincing case for giving our gold mines a helping hand. His statement is well documented and persuasive. I commend it to the attention of my colleagues.

I ask unanimous consent that Congressman JOHNSON's statement be printed in the RECORD.

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

STATEMENT OF HON. HAROLD T. JOHNSON, SECOND DISTRICT, CALIFORNIA, BEFORE MINERALS SUBCOMMITTEE, COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, U.S. SENATE, MARCH 15, 1962

Mr. Chairman, the Second Congressional District of California contains the mother lode and major California gold-producing counties which made our State famous in the days of the forty-niners. For myself and on behalf of the gold-mining industry of California, I want to express my sincere appreciation for the opportunity to be heard and discuss with you the critical conditions which exist in the gold mining industry today and to join our good friend, Senator CLAIR ENGLE, in urging the favorable consideration of Senate Joint Resolution 44, which we believe would be a major step forward in helping this distressed industry.

Gold was one of the first metals used by man and has been valued above all others because of its beauty, scarcity, and imperishability. It has become the standard of our world monetary systems. The search for gold has led to the settling of new lands. As I mentioned a moment ago, discovery of gold in California gave tremendous impetus to the great westward movement in our own country.

During the last half of the 19th century, the United States was the leading producer of gold in the world. Yet today it produces only 3 percent of the world's gold.

What happened to change the picture so drastically? Several things happened. The goldfields of Africa developed rapidly, and this restless nation became the world's leading producer of gold in 1905. The United States held on to second place until about 1930, when it was displaced by Canada, and then a few years later the Soviet Union became the world's second largest producer of gold, relegating this country to fourth place.

This was a relative comparison, because the U.S. production continued to climb through the years spurred by President Roosevelt's proclamation of January 31, 1934, increasing the price of gold from $20.67 to $35 per ounce. Production reached an all time record of 4,869,949 ounces in 1940. This record was achieved even though at that time—two decades ago—profit margins had become so narrow that extremely efficient operations were required.

Gold mining became a casualty of World War II. War Production Board Order L–208 and other official restrictions denied gold mines equipment, supplies and manpower. Mines were closed down. When Order L–208 was lifted on July 1, 1945, two and a half years of idleness had left its toll. Many of the mines had watered up. Equipment had deteriorated from lack of use and rehabilitation required great investment. Companies with closed mines had suffered financial losses from which they never were able to recover. Higher prices for equipment, and supplies, and higher wages combined with the difficulties of recruiting efficient labor forces made former operators reluctant to reopen mines, especially when profit margins were even narrower than those existing in 1940.

During the war years of 1943 to 1945, for the first time on record, over half of the domestic gold output was recovered from base-metal ores and a pattern was established. Today, 28 percent of our gold production still is the byproduct harvest of the base-metal industry. The Nation's second largest individual gold producer is a copper mine.

In spite of these difficulties, production staged a modest comeback from the depths of 1945 when the yield was only one-fifth of the 1940 record, until the critical year of 1947 when domestic production reached 2.1 million fine ounces. From that time on, the trend has been downward due to continuously rising costs of gold mine operations and cutback in base metal production.

Today production has plummeted to the lowest peacetime levels of the century. The 1961 production of gold declined to 1,526,757 troy ounces. This is approximately 150,000 troy ounces less than 1960, and month-by-month pattern throughout 1961 was a declining one.

Mr. Chairman, we hear much of depressed industries. I think you would have to agree that the gold mining industry of the United States is one of the most depressed industries in our Nation's economy. Throughout the gold-producing areas of the United States, and especially in the gold-producing areas of California, the number of producers has declined steadily as more and more go out of business. Two decades ago there were 9,000 lode and placer mines in operation in this country. By 1960 there were only 400. World production has been following the opposite trend—upward. In 1961, the year in which the United States reached an alltime, peacetime low for this century, alltime record yields were realized throughout the world. World output of gold continued to rise for the eighth successive year, reaching a new record high estimated at 47 million ounces.

Mr. Chairman, the trends are shown by the following production chart:

Year	U.S. mine production	World production
	Fine ounces	*Fine ounces*
1945	954,572	26,100,000
1946	1,574,505	27,500,000
1947	2,109,186	28,900,000
1948	2,014,257	29,600,000
1949	1,991,783	31,000,000
1950	2,394,231	32,700,000
1951	1,980,512	33,500,000
1952	1,893,261	34,300,000
1953	1,958,293	33,700,000
1954	1,837,310	35,100,000
1955	1,880,000	36,300,000
1956	1,827,000	38,400,000
1957	1,794,000	39,600,000
1958	1,739,000	40,600,000
1959	1,604,000	42,800,000
1960	1,667,000	45,000,000
1961	1,527,000	47,000,000

Source: Minerals Yearbook; Department of the Interior, Bureau of Mines.

You will note that when our national production of gold started its postwar downturn, world production continued to climb. About the same time other major gold producing nations realized the seriousness of this situation and took action.

Canada, for instance, adopted a subsidy program which went into effect January 1, 1948. The immediate result was a 15-percent increase in production. Production of gold in Canada has been stable throughout the postwar years with the result that today the United States is importing large quantities of Canadian gold. The United States imports as much gold as it produces domestically. U.S. imports could be lessened because our mines could produce much of this supply if our domestic mining industry was given the opportunity.

In this country, however, the opposite approach was taken. In 1947, the Treasury

Department established new regulations under the Gold Reserve Act of 1934 with a view of curbing international gold transactions by domestic producers who could receive premium price at international free markets. This was done at the request of the International Monetary Fund, although most other major gold producing countries of the world did and still permit a limited amount of this premium business in order to meet costs of operations.

I might note here also that the International Monetary Fund, in its annual report of April 30, 1948, took a dim view of subsidies being initiated in Canada. The Fund expressed a fear that the subsidy would undermine the exchange relationships. After 12 years of operation it appears that the Canadian program improved the Canadian balance-of-payment situation.

On the other hand it would seem to me that the requirements which the United States has placed upon itself by restricting domestic production of gold to such a point that the United States must import the great preponderance of the gold it uses has harmed the U.S. balance-of-payment situation.

This, then, is the situation the mining industry finds itself in. I would like to emphasize that this is not the result of a reduced demand for gold. The steadily increasing amounts of gold being imported into this country are proof of this:

Gold imports to United States

Year:	*Ounces*
1955	2,930,000
1956	3,730,000
1957	7,701,000
1958	8,120,000
1959	8,485,000
1960	9,323,000

Consumption in this country is increasing steadily. In 1960 net consumption of gold in domestic industry and the arts rose for the 6th successive year to 3 million ounces, a gain of 19 percent over 1959, according to data compiled by the Bureau of the Mint. The quantity of gold thus absorbed by domestic consumers exceeded production from domestic mines by 1.3 million ounces.

Traditional and established uses of gold in jewelry, watches, and decorative articles, and in dental supplies, scientific, chemical, and other equipment continued to absorb large quantities of gold. New industrial applications of gold continued to be developed.

Gold is used for gold coatings in steering jets for space vehicles to reflect cosmic radiation. The steering jets, manufactured by Bendix Corp. and plated with gold, 0.000040 of an inch thick, reflects 95 percent of all radiation to which an orbiting vehicle's surface is exposed. The small jet controllers, used to keep spacecraft from tumbling and rolling, are first sprayed with an epoxy and then placed in a vacuum chamber where vaporized gold is deposited on their surfaces. The coating is later baked for 30 minutes to complete the treatment. Increased quantities of gold were used in matrix elements for semiconductor preforms. The material is electroneutral, wets readily to silicon and germanium, has excellent oxidation resistance, and its high thermal conductivity permits rapid heat dissipation from the junction. Gold-plated pressure-seal jackets were used in constructing large valves for a nuclear power station for protection against acid corrosion under high pressure at elevated temperature.

Increased use of gold coatings in architectural panels was reported by Hanovia Liquid Gold Division, Engelhard Industries, Inc., and greater use of gold alloys in manufacturing diodes, rectifiers, and transistors was noted. In a centrifuge built for testing instruments, electronics parts, and other assemblies at the Naval Underwater Ordnance Station, gold sliprings were used to obtain long life, superior power and signal connections, and lower noise level. A new radiation-resistant material, consisting of pure gold laminated to rubber-coated nylon, was developed for use in electronic devices and missiles.

A gold solution sprayed on vulnerable surfaces and baked to form a thin metallic film reduces the rate of heat transfer on engine shrouds, drag-chute containers, tail cone assemblies, and blast shields. A gold solution is applied to porcelain-enamel, stainless steel, fiberglass laminates, and other heat-resistant materials. A transparent conductive film of gold deposited electrically on safety glass was developed to overcome the hazards of obstructed vision caused on occasion by fog and frost on windows in transport vehicles.

In view of the increasing importance of gold for scientific and defense uses, I would call to your attention once again the fact that the Soviet Union and Africa, whose political future is anything but stable, are the leading producers in the world.

If there is a demand for this precious metal, why is production steadily decreasing? An artificial price of $35 per ounce has been maintained since 1934. None of us has to be told how much the cost of operation, labor, and materials has increased since 1934. Thus, the gold industry is faced with fixed prices and rising costs, with constantly declining reduction resulting. At the same time, we have had a substantial increase in the demand, due to these new industrial uses, many of them required for the defense of our Nation.

Whereas gold mines in some countries have been aided by subsidies, tax concessions, currency devaluation, and/or sales of their product at premium prices on the free market, domestic miners have been held down to a price which brought prosperity to the industry through the 1930's but which does not reflect inflationary trends of later years.

One of the most distinguished gold mining experts from the mother lode district I represent, L. L. Huelsdonk, of Downieville, Calif., has declared that the U.S. Treasury still sells gold to industrial consumers at approximately $35 per ounce whereas the cost of producing gold has increased 300 percent since that price was established.

The $35 an ounce price—while it may have to be maintained for world monetary and economic reasons—is not realistic when it comes to the actual production of gold.

Barron's (July 6, 1959) quotes a Soviet economic journal statement that the cost of Russian gold runs to about 660 rubles per ounce. This is equivalent to $165 at the official rate of exchange, $66 at the tourist rate.

It would seem appropriate at this point to comment on what some of the other gold producing nations are doing to keep their gold industries alive.

The nearest and most important country, of course, is Canada. The Emergency Gold Mining Assistance Act was first enacted in 1948 and has operated continuously ever since. It has been extended until 1963.

To be classified as a gold mine under the act, a mine must meet the following requirements:

1. The value of gold produced must be 70 percent or more of the total value of output of the mine.

2. The mine or operation must produce at least 50 troy ounces of gold in a designated year.

3. The cost of production, computed on all ounces of gold produced from the mine during a calendar year or less, must exceed $26.50 per ounce.

In a designated period, e.g. a quarter, the mine must sell all its production to the mint to qualify for aid. Exporting the gold is considered the same as sale to the mint for the purposes of the act. The mine cannot both sell to the mint and to the free domestic market in the same designated period if it is to receive aid.

The formula for calculating assistance payable under the act consists of two factors: the rate of assistance and the assistance ounces. The rate of assistance factor is based on the cost per ounce of gold produced while the assistance ounces factor is a specified proportion of the total ounces of gold produced.

The rate of assistance factor is determined by taking two-thirds of the amount by which the cost to produce an ounce of gold exceeds C$26.50 up to a maximum of C$12.33. The number of assistance ounces factor equals two-thirds of the total ounces produced. The amount of assistance payable is calculated by multiplying the rate of assistance by the assistance ounces.

To the foregoing, the 1958 extension of the act added an extra 25 percent of the amount payable in computing the final amount to be paid. This extra 25 percent is continued in the present bill.

The Minister of Mines and Technical Surveys, Paul Comtois, says that the Canadian gold mining industry employs over 16,000 men directly in dependent communities with population in excess of 70,000 persons. In 1958 the industry expended C$106 million in salaries and wages, fuel, electric power, and supplies and equipment, and produced a total of C$155 million in gold, most of which was sold to the United States.

Cost per ounce	Number of mines	Percentage of total production	Assistance payable	Assistance payable per ounce produced
(a) Lode gold mines:				
$26.50 to $34	10	53.35	$3,548,901.97	$3.32
$34 to $41	12	24.45	2,776,600.43	5.69
$41 to $45	7	10.52	1,837,545.39	8.68
$45 and over	11	11.57	2,337,313.88	10.27
Total	40	99.89	10,500,361.67	5.26
(b) Placer gold mines	2	.11	23,590.05	10.27
Total	42	100.00	10,523,951.72	5.26

Source: Department of Mines and Technical Surveys, Government of Canada, Report on Administration of the Emergency Gold Mining Assistance Act.

Australia, whose production (1.08 million ounces in 1960) nearly equals that of the United States, has extended its Gold Mining Assistance Act for 3 more years. At the same time, the maximum assistance was raised from $7.70 an ounce to $9.10 an ounce. Gold output in the Philippines (410,618 ounces in 1960) is supported at the price of 150 pesos per ounce, equivalent to $75. In the Union of South Africa, the world's leading producer of gold, tax concessions are extended as additional amortization allowances to deep mines. The Ghana goldfields are benefited directly through a program of financial assistance to mining companies for development of new properties and expanding operations and through a 3-year mines training course supported by the Government to educate Afri-

cans in mine operation. Ghana also is reported considering a subsidy program.

Colombia, the major South American gold producer which had a 433,947-ounce yield in 1960, also has a subsidy program in effect.

In international gold production, subsidy or incentive payments are not uncommon. In fact, it appears that this is the only way that production levels can be maintained.

Certainly in our own national picture, subsidies are no strangers. In addition to the more common agricultural subsidies, there are Federal assistance programs for many industries, including transportation by air, rails and sea, and many others.

The Joint Economic Committee prepared a report on "Subsidy and Subsidylike Programs of the U.S. Government" during the 2d session of the 86th Congress. In reporting the scope of subsidies, this report included a list of the types of subsidies granted by the Federal Government. These cover seven full pages, listing everything from school lunch programs to disaster loans for small businesses.

So broad and complex is the scope of the subsidy program, that the committee report (p. 18) states: "It is probably impossible to make an estimate of the total subsidy payments of the Federal Government during any single year that would receive general acceptance."

The committee did, however, attempt to make an estimate covering agriculture, business, labor, homeowners, tenants and civilian and national defense stockpiles. These added up to $7,460 million in 1960.

In the minerals subsidy review, the Joint Economic Committee listed many commodities, from aluminum to zinc. Gold was not among the minerals whose industries were receiving benefits through tax amortizations, loan guarantees, subsidy or other assistance programs.

This study concluded: "It is apparent from the foregoing discussion that, in the course of our history, the Federal Government has engaged in a great variety of subsidy and subsidylike programs. Originally they were limited substantially to assistance to transportation interests, to encourage foreign trade and domestic expansion and development; more recently subsidies have expanded to the point where few segments of our economy are completely unaffected by them.

Diverse as these subsidy programs are, it is unrealistic either to condemn or to praise Federal subsidies as such. Each particular program which is determined to contain an element of subsidy must be judged independently, taking into account the economic, social, and political conditions prevailing at the time.

And in conclusion, I would like to point out an indirect subsidy we are making to the economies of foreign nations. Some of this economic assistance, I am sure, will find its way to the mining industries.

I speak now of our Public Law 480 grants to other countries amounting to billions of dollars. Two examples are the recently approved agreement with Brazil whereby that nation acquires some $70 million worth of grain from this country. All of the grain will be paid for in Brazilian currency and all the Brazilian cruezeiros will stay in Brazil.

Twenty percent of the $70 million—some $14 million—will be given back to the country as a direct grant for economic development. Sixty-five percent—$47,500,000—will be loaned back to Brazil for economic development.

A similar situation exists in India where $1 billion in farm commodities has been authorized for delivery. Of the $1 billion, India is paying for these farm commodities, $420 million is being given to India as an economic development grant. Another $427 million is being loaned to India for similar economic development.

The cost of this gold mining incentive program, which would benefit one of our own industries, would help our own economy, would be slight compared to these tremendous and great grants and loans.

In return for our investment, this country would be aiding unemployment in reviving a badly distressed industry, would be stabilizing our own economy, and would be building up our own gold reserves.

INDIFFERENCE IN HIGH PLACES TOWARD COMMON CARRIERS

Mr. COTTON. Mr. President, an editorial in the latest issue of Traffic World accurately reflects, in my view, a growing impatience with the administration's failure to send a timely message to Congress dealing with the serious problems in transportation.

To New Englanders like myself who contemplate the plight of the New Haven Railroad, for instance, the problems of our transportation system are real and pressing. They cannot be ignored in the hope that they will disappear, and long delays are only going to make their solutions more difficult.

It was more than 8 months ago when the President asked the Secretary of Commerce to prepare recommendations for submission to Congress dealing with transportation.

The President feels and we feel that there have been enough studies—

Secretary Hodges said, referring to more than a $1 million worth of transportation studies already available—

What we need now is a program of actions—

He declared.

Unfortunately, we are still waiting for action from the President. His transportation message is still due next week probably, according to the information I have if it is not delayed still more. Frankly, I think the delay has seriously hurt the chances for effective action at this session of Congress. The time which will permit action by Congress on any major measures before the end of the session is perilously short.

I ask unanimous consent to have inserted at this point in the RECORD the editorial from the March 24 issue of Traffic World entitled "Indifference in High Places Toward Common Carriers."

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

INDIFFERENCE, IN HIGH PLACES, TOWARD COMMON CARRIERS

In the weeks since the convening of the current (2d) session of the 87th Congress, many adherents to the principle of maintenance of a strong American transportation system have sought vainly for an answer to the question, "When is the President going to send his transportation message to Congress?"

Last Tuesday, March 20, as reported in this issue, the President's press secretary, Pierre Salinger, lighted a very small candle for the seekers of knowledge about the status of the transportation message. It would not be sent to Congress this week (i.e., the week ending March 24), he said.

Mr. Salinger said he couldn't provide more definite information as to when the message would be transmitted to Congress. His announcement provided no cause for jubilation by the transportation association people and others who are on edge because they hope for action this year by Congress on needed transportation legislation and because they know that too-long-delayed delivery of the President's recommendations for changes in or additions to the transportation laws can nullify chances for enactment this year of bills embodying such recommendations.

It was Secretary of Commerce Hodges who, in testimony before the Joint Economic Committee of the Senate and House in Congress, on February 2 said that his Department, "recently" had submitted recommendations to the President "for improvement and encouragement of sound transportation conditions in our transportation industry" and that "it is anticipated that the President will be submitting a message to Congress on this subject shortly" (Traffic World, Feb. 10, p. 56). It was Secretary of Commerce Hodges who, in the annual report of the Department of Commerce, transmitted to Congress February 8, said that "the keystone of transport progress is a strong common carrier industry" and that "present trends, if continued, portend" that common carriers will be driven out of business by 1975 (Traffic World, Feb. 17, p. 21).

As we go into the last week of March, the fact that the President's transportation message is still being held up darkens the prospects for passage, this year, of bills in Congress to fortify the common carrier industry that Secretary Hodges calls "the keystone of transport progress." On top of that comes the further bad news that Chairman OREN HARRIS, of the House Committee on Interstate and Foreign Commerce, says he doesn't anticipate that any transport legislation of a major nature will be passed by Congress this year (see elsewhere in this issue). We don't know of anyone who is in a better position to forecast the fate of transportation bills than the chairman of the House Interstate and Foreign Commerce Committee or the chairman of the Senate Commerce Committee.

One of the speakers at a meeting of the Southern Shipper and Motor Carrier Council in Birmingham, Ala., March 15, was an experienced and reliable observer of legislative developments on the Hill—James F. Pinkney, chief council, public affairs, of the American Trucking Associations. Mr. Pinkney said he was not predicting that there would be no enactment of legislation affecting transportation in 1962, but that lack of activity with respect to such legislation was evident at present and could be expected to continue during the remainder of this session of Congress. He stated some plausible reasons for the seeming indifference of the Senate and House toward serious consideration of bills of concern to shippers and carriers.

The delay of transmittal of the President's transportation message was one of those reasons, he said. Another, he stated, was the preoccupation of many Members of Congress with their respective campaigns for reelection and their consequent disinclination to become entangled in controversial transportation measures—bills as to which large and important interests are alined against each other. He said he believed that S. 2560, the Smathers bill to whittle down gray area trucking operations, would be passed—at least by the Senate. Well, that is certainly a bill that fits in the category of legislation of a major nature; and since Mr. HARRIS, the House Interstate Commerce Committee chairman, says that he anticipates no action on such measures this year, it seems we can ring down the curtain on S. 2560. It will presumably be introduced as a new bill next year, in the 88th Congress, and then, with more hearings on it, we'll take another ride on the old legislative merry-go-round.

In a speech at the National Transportation Institute of the Transportation Association of America, January 17, in New York City,

Mr. HARRIS said he did not believe that "we can characterize the present condition of the transportation industry as being in a crisis." We assume that in using the "transportation industry" term he was referring to the regulated, for-hire carriers. Last Monday, addressing the Western Railway Club in Chicago, Mr. HARRIS said he was puzzled by differing facets of the railroad situation; some railroads appeared to be getting along very well, while others, particularly in the East, were in financial difficulty.

That in itself may not be a crisis for transportation nationally, but it's a terribly worrisome situation for a large part of the railroad industry. And it's far from being the only critical development in transportation. Is it necessary to dwell interminably on the point that illegal carriage is taking more and bigger bites out of the revenues of the regulated common carriers?

Speaking at the meeting of the board of governors of the ATA Regular Common Carrier Conference in New Orleans, February 16, W. M. Buttram, director of the Arkansas Commerce Commission, estimated, on the basis of data obtained in a 21-State traffic check last summer, that revenue lost by the regulated common carrier industry last year to illegal carriers totaled approximately $5.3 billion. No crisis?

Is there, in the name of commonsense, any valid reason for putting off action on legislative measures desperately needed by a struggling transportation industry, until the crises now apparent become calamities? Must the aid that Congress is able to give be delayed until, as Secretary Hodges warns, continuance of the presently apparent trends results in elimination of the Nation's common carriers, by 1975, possibly sooner? Or is all this stalling, hereinbefore discussed, a part of an undisclosed plan to kill private enterprise in transportation and establish Government ownership of all public transportation media in the United States?

KING CRAB: ALASKA'S MARVELOUS MONSTER AND NEW RESOURCE

Mr. GRUENING. Mr. President, a most gratifying development in Alaska's fishery, sadly depleted of its salmon under Federal mismanagement as long as Alaska was a territory and was denied the right to manage this resource, has been the rise and development of a great new economic marine resource unique to Alaska—king crab.

This is a spectacular animal weighing at times as much as 10 pounds, and occasionally reaching a diameter of 5 or 6 feet. King crabbing is a relatively new industry. Its development is due to the imagination, initiative, and pioneering enterprise of Lowell and Howard Wakefield. These two brothers have approached this natural resource with determination and vision, so that Alaskan king crab is now a nationally known and highly prized food item. Demand is running well ahead of supply as more and more people come to appreciate this Alaskan delicacy.

Fishing in Alaska had always been a seasonal industry. For the men, there would be a few months of employment and formerly, also of plenty, and then hard times for the rest of the year. The intrepid Wakefields have changed this for one aspect of the industry. One January they headed their vessel, the *Deep Sea*, into the icy waters of the north Pacific near Kodiak, there to find the winter hideaway of the king crab. Ever since the taking of the crab has been on a year-round basis.

No one is more aware than the Wakefields that the Alaskan king crab, like the Alaskan salmon, and all other fishery resources must be harvested according to proper conservation measures if the resource is to remain productive. Alaskans are not the only ones working crab pots in the international waters west of the 49th State; the Japanese and the Russians are also there. Japan has made an agreement with the United States by which the taking of king crab is regulated, but this understanding will be subject to renegotiation in 1963. Thus far, no agreement has been reached with Russia. It is of great importance not only to my State but to the Nation that satisfactory arrangements be concluded to conserve the king crab.

I heartily commend all of the members of this important Alaska industry, and ask unanimous consent to have printed at this juncture an excellent article on the king crab, by Lawrence Elliott, published in the March 24 Anchorage Daily Times.

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

KING CRAB: ALASKA'S MARVELOUS MONSTER

(By Lawrence Elliott)

Even in Alaska, where lots of things come larger than life, it is hard to believe there could be so outlandish a creative as the king crab.

Thorny-legged, lumbering and implausible as one of these overblown spiders in a horror movie, this huge crustacean averages a staggering 10 pounds—roughly 25 times the size of the Chesapeake Bay blue crab which is more familiar elsewhere in the United States. Many a preposterous specimen weighs in at more than twice that, and stretches 6 feet from claw to claw. When a commercial crabber hauls a crab measuring less than 6½ inches across the greatest width of its shell out of his pot, he throws it back to mature.

Last year some 4 million male kings passed the weight test, were quick frozen and shipped to restaurants and supermarkets across the United States. For, in a kind of inverse ratio, paralithodes camtschatica is as appealing to the palate as he is forbidding to the eye, and a vigorous campaign by Alaskan packers is letting the world know it. Once a rare and rather exotic delicacy, the sweet, lobsterlike meat of Alaska's marvelous monster will grace close to 35,000 American dinner tables tonight.

For Alaskans, the discovery of the king crab was like finding gold all over again. Fifteen years ago, popular interest in the beast didn't exist. Today it is the northland's fastest growing industry, bringing year-round employment to some 2,000 fishermen and packers. It has boomed into second place behind the historic $100 million salmon run as a staple of Alaskan waters, long the 49th State's top source of income.

The saga had its start on a late summer day in 1939 when Capt. Lowell Wakefield, piloting a herring seiner off Kodiak Island, came upon a spectacle the likes of which only a few natives in the lonely Aleutians had ever beheld—a mountain of live king crabs. It was just after a severe storm, tides were exceptionally low, and there before young Wakefield's eyes, was a sort of haystake in the sea, hundreds of mature crabs piled one on top of another in a great, untidy pyramid.

The fresh crab feast that followed started Wakefield on some hard thinking. Though his family had packed herring for 30 years, the run, he rightly believed, was nearing the bottom of a long cycle. And with the salmon and halibut fleets already overcrowded, mightn't the giant king crab provide a new and much-needed Alaskan fishery? The Japanese were taking these monsters in ever-increasing numbers, but no one knew how extensive the crop really was.

The following year Congress voted $100,000 for a survey of the resources in Alaskan waters. And as the Fish and Wildlife Service boat made its sweeps from Prince William Sound to Bristol Bay, Lowell Wakefield's little seiner usually bobbed in its wake. In 1941 the Fish and Wildlife Service appropriation ran out—but not before it had established that there were king crabs in fantastic numbers along the Aleutian chain.

Young Wakefield struck a bargain: if they would lend him their gear, he would carry on the study and make a full report to the Fish and Wildlife people. He built a 32-foot Kodiak trawler, the *Prospector*, and all that summer and fall was off dragging for crabs. Back at Port Wakefield, the tiny Kodiak Island settlement and cannery his father had built, he would lock himself in the tiny laboratory, testing new ways to cook and pack the succulent meat. And beyond the work lay the daydream: an entirely new Alaskan fishery.

These early studies were to become the foundation for all we know about the great king crab. And marine biologists, unraveling the phenomena Wakefield first observed—and often working in his laboratory—went on to demonstrate that the king's habits were as strange and startling as his appearance, and that little that applied to other crabs held for their big brothers.

For all its apparent ferocity, the great king is just about helpless without the cold and intense pressure of the ocean depths where it is at home. Brought to the surface, it practically collapses of its own weight, which may be just as well; in a natural environment, one of those massive claws could crush a clam as though its shell were no tougher than a peanut.

A king crab begins life as an infinitesimal zoea, barely visible. Yet 18 months later it has matured, having outgrown and shed its carapace half a dozen times in its first weeks, quickly developing new ones to fit. Thereafter it usually molts once a year, its abdomen swelling into a round ball as it labors, sometimes for days, to break the tough tissue that binds the shell to its back. Finally the membrane tears and the crab eases backward out of carapace and claws.

Now, the denuded crab, barely able to move, lies limp and totally vulnerable for perhaps 50 hours. Then a thin, colorless film, already forming as the old membrane sloughs off, begins to calcify. In 10 days the new carapace has hardened, and the refurbished crab is back in business prowling the Gulf of Alaska and Bering Sea bottoms on six legs and that pair of deadly claws, feeding on plankton, lesser crustaceans, and sea urchins, sometimes living on for an astounding 30 years.

Though schools of kings number from a few hundred to many thousands of individuals, all are mainly of the same age and sex. Migrating in a roughly circular pattern as it searches out food, a school may cover nearly 100 miles in a year—a fantastic distance, considering the crab's slow, shuffling gait—frequently the same bays and depths but usually avoiding the opposite sex except in the mating season.

When a crab nears 2 years of age it is sexually mature, eligible to take part in a grotesque dancelike mating ritual. In spring, with schools coming together in shallower waters, each male finds a female ready to molt. Grasping her claw to claw, he drags her across the bottom, sometimes for days, until, at last, her carapace works

loose. Now she is, in a manner of speaking, limp in her consort's arms, and he is ready to fertilize the hundreds of thousands of eggs she bears.

Extruding an adhesive spermatophore band, the male beats his legs violently, creating a water current that carries the sticky sperm band to the egg mass in the female's abdominal pouch. This done, he break off abruptly and is away to seek another alliance, sometimes finding three or four willing females in the few mating days. Finally the schools go their separate ways, the females to incubate their spawn for almost a full year. Then, just before the following spring, the young are hatched, a new school formed, another cycle begun.

Much of this knowledge was far in the future as Lowell Wakefield ranged out after the still-elusive kings. Then World War II brought an abrupt end to the long trips. The Government not only reclaimed its equipment, but drafted the *Prospector*, as well—the sturdy little vessel was to carry General MacArthur ashore on one of his South Pacific landings—and Wakefield was left with only the daydream.

He nurtured it all through the war. Whenever he caught a few crabs, he would slip away to the 10 by 10 lab, his wife Jessie often working alongside him, both trying to figure out how to put up a can that retained the rich, sea-fresh flavor of just-caught king crab.

Then one night, exhausted from hours of butchering and cooking, the Wakefields decided to set aside the meat they had cooked and can it the following morning. But instead of putting the meat in the cooler, Lowell accidentally stuck it in a freezing compartment. Next day, disgusted, he was about to throw the frozen mass over the side when Jessie, for no reason she can remember, cried, "Wait, let it thaw. Maybe." Thawed, the meat tasted as tangy fresh as if it had been stripped from the crabs moments before it went into the pot.

With the war's end, Wakefield gave up his interest in the family herring operation, mortgaged his home and sold stock in a new company: Wakefield's Deep Sea Trawlers, Inc. He was going for broke on frozen king crab.

To harvest the crabs in the quantity he needed, he would have to go where the Japanese had been, Bristol Bay, and to operate in those far reaches, he would need a very special ship. He took off for Tacoma, where he commissioned the *Deep Sea*. Completed in 1947, the 143-foot trawler was the most expensive and elaborate fishing vessel ever to fly the American flag. Carrying a crew of 30, equipped with radar and sonar to locate slippery crab schools and an icebreaker bow to follow them into the frozen Bering Sea, she incorporated a complete seagoing processing and freezing plant with a zero-degree storage capacity to match that of 11 refrigerated rail cars. By her second trip she was hauling in crabs at up to 800 an hour.

Now all Wakefield had to do was sell his pack. "I knew king crab was delicious," he said, "but who else could I convince?"

The answer was a young food broker named Dudley Slocum. Taking on the fledgling outfit, he began trumpeting the merits of Wakefield frozen crab in nationwide advertising. He offered free recipes to housewives who had no idea what to do with a chunk of frozen crabmeat. He made gifts of whole crab legs by the case-lot to restaurateurs willing to put king crab on the menus.

But all this took time. Meanwhile, creditors began hounding the skipper of the *Deep Sea* until he took to putting his men ashore by lifeboat while he anchored out of reach of bills and court orders.

"I couldn't pay for gear, fuel, shipyard expenses or anything else," Wakefield has said, "but being too stupid to know I couldn't make it, I convinced them I could." A reconstruction finance loan tided him over.

Then, in 1952, Wakefield's Deep Sea Trawlers, Inc., showed a profit. The company continued to prosper. And though its output increased by half each year—the total frozen pack zoomed from 100,000 pounds in 1952 to nearly 6 million pounds last year of which Wakefield's share amounted to a solid 4 million pounds—it never quite caught up with the explosive demand.

In an attempt to keep pace, Wakefield did what no one had ever before tried: one January, he sent the *Deep Sea* 500 miles down the Aleutian chain, then north through Unimak Pass to buck the winter blasts of the Bering Sea. Down from the Arctic swept an 80-mile-an-hour gale, temperatures dropped to minus 20 degrees, freezing men's faces and numbing their hands—but king crabs were pulled aboard at a phenomenal rate. Lowell Wakefield had found a winter crab ground and Alaska, for the first time, had a year-round fishery.

Other packers moved in. "Room enough," said Wakefield cheerfully. Independent fishermen joined the crab fleet, cannery towns, once shuttered and ghostly from October to April, hummed happily the winter through. And all Alaska, historically beset by the boom and bust of a seasonal economy, basked in its newest, most promising all-year industry.

It is hard to overestimate its importance to the new State. "When the salmon run peaks," an Anchorage merchant pointed out, "they have to bring in outside help, and those paychecks go back to Seattle in September. King crab money stays in Alaska."

More, a basic change in the crabbing operation has greatly broadened its base. When an ever-expanding demand made it uneconomical to work the *Deep Sea* as both trawler and processing plant, Wakefield converted her to a mothership, signed on dozens of local fishermen to supply her with crabs. The other five major packers followed his example. Half a dozen shore processing plants have brought new life to places like Kodiak, Seldovia, Sand Point, and Squaw Harbor.

In 1959 Wakefield added a second mothership, the *Reefer King*, which, with its brood of four trawlers, promptly sailed for Adak Island in the farthest Aleutians, stayed 4 months and returned with a full hold. It was farther west by far than any American had ever fished.

In the interests of conservation, Alaska has banned the trawl net in most waters, and though enforcement is difficult over so vast an area, much of it uncharted, the penalty is severe—loss of license for a year—and few violations have been recorded. And so today's fishermen catch their crabs in pots, much as lobsters are caught off the New England coast.

The crab pot is circular or rectangular in shape, is 6 or 8 feet long and 30 inches high, attached to perhaps 60 fathoms of line and funneled on two sides so the crab, intent on the herring bait, can squeeze in but not out. Each fishing boat captain is allowed 30 pots, and soon the sea is dotted with a string of 30 brightly colored buoys. Next day he is back. Up comes each pot in turn, its contents—as many as 20 or 30 crabs jammed together—dumped on deck and sorted: females and undersized males are thrown back to assure the continued growth of the crab population. The rest are rushed to the nearest mothership or shore processing plant. There the catch is boiled in fresh sea water, the meat blown from claws and legs under high water pressure and sharp-frozen at minus 25°, all within an hour of butchering. Constantly checking for purity is a quality control technician. His responsibility ranges from housekeeping and health cards to periodic laboratory tests of meat samples right off the line. Then a Department of the Interior inspector rechecks. Result: the frozen crab pack has a lower bacteria count than pasteurized milk.

Unfortunately, the great crab schools and spawning grounds are on the high seas, and the vastly accelerated harvest of, first the Japanese, and lately the Russians, cast a threatening shadow. Their heedless harvesting threatens the entire crab run and they have thrown open again the knotty question of national rights and natural resources in the great North Pacific fishery.

In 1952, however, the Japanese were persuaded to join with Canada and the United States in the International North Pacific Fisheries Treaty. It covered salmon and halibut; and by informal agreement king crab was to be regulated in number and strictly limited to mature males, and a full and free exchange of information would be channeled toward the preservation and strengthening of the entire North Pacific fishery, perhaps the world's greatest.

This agreement worked well for a while. When an American fisherman spotted a likely area, he had only to mark it with a radar buoy, identify it to the Japanese fleet by radio and he no longer needed to worry that a tangle-net field would be set between the run and his pots. Nor would he drop a buoy within ten miles of a Japanese set.

Then in 1959, without signing the treaty, the Russians sent a fishing fleet into the Bering Sea. Japan reacted violently, dispatched three new crab fleets and threatened to "aggressively increase" the size of its catch. The agreement makes no sense any more, they declared, in effect. We have to take what we can before the Russians leave us nothing.

Off to Tokyo flew Lowell Wakefield, now an adviser to the U.S. section of the three-nation treaty commission. "I told them two wrongs never added up to a right," he has said, "that if we all went at the resource like there was no tomorrow—well, we could be darn sure there wouldn't be."

The Japanese were persuaded to stick to the agreement, at least until the treaty came up for renegotiation in 1963, but no headway has been made in trying to reach an agreement with the Russians.

Wakefield still clings to a measure of optimism about future conservation in terms of the new treaty negotiations. "The fisheries are not our private resource," he says. "It isn't wrong or immoral for the Japanese and Russians to be on the high seas. But we must have an accommodation or none of us will have anything to fish for."

REHABILITATION OF THE DISABLED THROUGH PUBLIC LAW 480 FUNDS

Mr. HUMPHREY. Mr. President, I have here an article from the Portuguese language newspaper State of São Paulo, of São Paulo, Brazil, February 16, 1962, telling how a small injection of U.S. Public Law 480—food for peace—counterpart funds enabled a Brazilian benevolent society, the Association for Aid to Crippled Children, to dedicate a new orthopedic appliance section and to begin a 4-month course of training for makers of orthopedic braces. I ask unanimous consent that this article be printed in the RECORD. In the remarks of Dr. Renato Bomfim, director of the AACD, it is plain to see deep gratitude for the U.S. contribution as well as for the efforts of the World Rehabilitation Fund, Inc., and its directors Dr. Howard Rusk and Mr. Eugene Taylor. Volkswagen of Brazil has helped put the manufacture of orthopedic appliances on a mass production basis.

Here we have a perfect example of what can be accomplished in the way of direct people-to-people aid when given a needed boost from the U.S. Government. I wish the orthopedic appliance section of the AACD in Brazil every success in its important work.

Mr. President, the Office of Vocational Rehabilitation in the Department of Health, Education, and Welfare deserves a large share of the credit for this humanitarian undertaking. This is the spirit and the resourcefulness I have come to expect from the capable Director of the Office, Miss Mary Switzer. I am disturbed, however, that the use of Public Law 480 counterpart funds seems to be hedged about with so many restrictions—particularly with respect to their usefulness in the underdeveloped countries, where the need is so great. I therefore ask unanimous consent to place in the RECORD, Miss Switzer's letter to me of March 21. Please note the last paragraph:

Restriction of the Public Law 480 rehabilitation research program to excess currency countries has seriously limited activities which could mean so much to the disabled everywhere and so much in helping to bring better understanding between the people of the United States and other countries.

We cannot expect the Office of Vocational Rehabilitation to overcome these restrictions by itself. When the foreign aid authorization bill comes to the Senate this year, I am going to keep Miss Switzer's needs in mind. We must have enough flexibility to give the whole Alliance for Progress a chance to succeed, to make an impact on the people who need help. We cannot afford to see it fail in the meshes of Government red-tape and useless, in fact harmful, limitations.

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

[Article in State of São Paulo, Feb. 16, 1962]

THE AACD INAUGURATES ORTHOPEDIC APPLIANCE SECTION AND TECHNICIANS TRAINING COURSE

The Associação de Assistencia a Crianca Defeituosa (Association for Aid to Crippled Children) inaugurated its orthopedic appliance section and began its first national course of training for bracemakers.

Formal inauguration ceremonies were held at 11:30 a.m. in presence of State and municipal authorities, the American consul, representatives of the Institute of Physical Medicine and Rehabilitation, and of industries collaborating in the project.

The orthopedic appliance section was established with the help of the Government of the United States which, through its Department of Health, Education, and Welfare, contributed 5 million cruzeiros to begin a project for a 4-month course of intensive training of technicians.

The course for technicians began with 12 students from private and public organizations for rehabilitation of the disabled; 3 from São Paulo, 2 from Belo Horizonte and the rest from Porto Alegre, Salvador, Florianapolis, Rio, Santos, Ribeirao Preto, and Campinas.

At the formal inauguration, Dr. Renato Bomfim, director of AACD affirmed that "for survival of the system of liberty and free initiative in which we live, and which we must defend at all costs, it is imperative to give top priority to programs of health and rehabilitation, for these above all give value and dignity to the human being."

After these words, Mr. Daniel Braddock, U.S. consul in Sao Paulo, unveiled the bronze plaque which signified the inauguration and said that the work undertaken by AACD follows "the most altruistic ideals of our society," and that he was especially satisfied by participation of his Government "in such a worthy undertaking."

Then Mr. Mario Altenfelder Silva, director of social services for children, handed to the director of AACD a check for 5 million cruzeiros from the fund for assistance to children of the state government and announced that the executive would contribute as a monthly subvention 1,200,000 cruzeiros already approved by Gov. Carvalho Pinto.

The director of the social services for children also affirmed that it is indispensible that we "think not only about the economic and political but also about social aspects." As chief of a state agency he said that he did not wish the Government to take over this type of an operation, for, should the day arrive when the private individual does not contribute to an undertaking of this type, the system will certainly be modified.

Mr. Roberto Selmi-Dei also spoke stating that it was not necessary to mention those individuals who support the AACD, "for neither is it important to mention those who love their country, since helping organizations for crippled children should be considered a duty similar to love of country."

The AACD is inaugurating today the section on orthopedic appliances and simultaneously beginning its first national course for the training of bracemakers. Both initiatives are auspicious undertakings intended to develop and strengthen the already numerous resources of this rehabilitation center.

This ceremony does not, however, indicate only the creation of a new department. We are now marking the beginning of a new program of great medicosocial significance for the country.

In Brazil, in spite of the amazing industrial progress which has been taking place in every field, orthopedic braces are still produced completely by hand piece by piece, whereas in more advanced countries the basic parts are already mass-produced. This inconvenience is heightened by the recognized scarcity of skilled technicians who are, even today, nonexistent in many of our big cities.

Understanding the seriousness and size of this problem, the Government of the United States, through the Department of Health, Education, and Welfare, and its Office of Vocational Rehabilitation, decided to cooperate with the AACD, giving us a grant of 5 million cruzeiros to begin a project which will be directed toward the training of technicians in intensive 4-month courses.

Then there remains the other fundamental aspect of the problem which is, the mass production of basic parts of the appliances. "Volkswagen of Brazil" which we approached for this purpose, agreed to collaborate with us, and notwithstanding the considerable inconvenience and disruption of its normal production line, it will manufacture basic parts of the braces, furnishing them to us at minimum cost, without any profit.

The mass production of these parts, obviously will lower considerably the price of the braces which are now prohibitively expensive to persons of limited resources. In addition to this advantage, we must consider that the manufacture of the braces will be speeded and simplified whereas today delivery is very slow. Thus we shall have more perfect and less expensive braces produced more rapidly. The prefabricated parts soon will be distributed to remote cities in Brazil, thanks to the splendid cooperation of the Volkswagen Co., represented here by its president, Mr. Schultz Wenk.

We must also convey our thanks to the World Rehabilitation Fund, Inc., and especially its directors: Dr. Howard Rusk, a name renowned throughout the world in rehabilitation, and Mr. Eugene Taylor, his brilliant collaborator, who worked so hard planning with us point by point all details of this program initiated here today. In addition to its financial contribution the World Rehabilitation Fund assigned two of its best and most experienced instructors as professors for the courses. They are Mr. Juan Monros and Mr. Casimiro Tavares Carlos, both technicians from I.P.M. & R. and New York University, directed by Dr. Howard Rusk. Likewise we extend a word of thanks to Dr. Hindley Smith, consultant from the World Health Organization, who also collaborated in this project.

Last, but not least, I wish to thank the Morganti family, Ranato, Lino and Helio, for their generous contribution of 1 million cruzeiros. They have supported the AACD since its founding in 1950, and when the entire country was going through the recent financial difficulties, helped the AACD and prevented its failure from lack of resources, thus permitting the construction of this workshop.

I want also to present our thanks to Drs. Mario Altenfelder, director of the social service for children, and Mello Rodrigues, director of the social service of the state, for the financial help and support they have given in the work for the handicapped children.

Finally, this undertaking demonstrates once more in a convincing manner the inestimable value and usefulness of international cooperation in the experimentation and development of methods and pioneer programs of social medicine.

The ideal of human solidarity is above antagonistic ideologies and sterile doctrinal divergencies. For the survival of the regime of liberty and free initiative in which we live, and must at all costs defend, it is imperative to give higher priority to programs of health and rehabilitation, since they above all give value and dignity to the human being, including millions of disabled children and adults whom we can and should rehabilitate.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE, OFFICE OF VOCATIONAL REHABILITATION,
Washington, D.C., March 22, 1962.

Hon. HUBERT H. HUMPHREY,
U.S. Senate,
Washington, D.C.

DEAR HUBERT: I know you will be interested in the enclosed copy of a speech delivered by Dr. Renato Bomfim of Sao Paulo, Brazil, as well as one of the newspaper accounts of the dedication of the new orthopedic appliance section of the Associação de Assistencia a Crianca Defeituosa and the opening of the intensive course for bracemakers. The latter is being conducted as part of one of our international rehabilitation research projects with Public Law 480 funds. The World Rehabilitation Fund, of which Dr. Howard Rusk is president, generously contributed services of the two instructors for the course as well as equipment and appliances. Dr. Rusk and Mr. Taylor are also providing overall guidance to the project.

It is a particular pleasure to share this account with you because of its thrilling demonstration of the far-reaching effect of one small Public Law 480 project for rehabilitation of the disabled. For in addition to the vast benefits that will accrue to the handicapped through improved and quicker methods of manufacture and fitting of prosthetic appliances, this project has stimulated the cooperation of the São Paulo State government, private individuals and agencies in the United States and Brazil, and has led to the establishment of a new industrial activity in that country. All of this as the

result of the investment of a little over $10,000 of counterpart funds.

In recognition of the contribution of this Department, the Governor of the State of São Paulo sent a beautiful congratulatory cablegram to Secretary Ribicoff.

I only wish that we had available more counterpart funds for use in Brazil and in other countries of Latin America and the world. Restriction of the Public Law 480 rehabilitation research program to "excess currency" countries has seriously limited activities which could mean so much to the disabled everywhere and so much in helping to bring better understanding between the people of the United States and other countries.

Sincerely yours,

MARY E. SWITZER,
Director.

GREEK INDEPENDENCE DAY

Mr. HUMPHREY. Mr. President, March 25 was the 141st anniversary of Greek Independence Day, and I would like to salute our good friends and allies, the Greek people, as well as all those Americans for whom this day has special significance. For over 2,000 years the Greek people, who had first conceived and advocated independence, lived in slavery under the most brutal conditions. For this reason the rebirth of Greek independence in 1827 was an event of tremendous importance. The Greek War of Independence was a long struggle, which began in 1821 and ended in 1833 with the establishment of the independent kingdom of Greece. During the first years of the revolt the Greeks, aided by many volunteers, fought alone against the forces of the Ottoman Empire. In 1824 disciplined Egyptian troops joined the armies of the Ottoman Turks and turned the tide against the Greek insurrection. Finally, in the autumn of 1827, the major European powers intervened, finally realizing, after years of diplomatic wrangling, that intervention was necessary if Greece was to be saved for Western civilization. More than 6 years after the Greek people had unfurled the flag of revolt against their oppressors, Greek independence was attained and the people of Greece were set free from their bondage. To the independent minded, individualistic and freedom loving Greeks, this was the end of an unbearable stigma and the beginning of a new era of freedom. Mr. President, I am proud to join the Greek people all over the world in celebrating the 141st anniversary of their independence.

Mr. DODD. Mr. President, last Sunday, March 25, was the 141st anniversary of Greek independence, and in honor of that occasion I wish to pay a brief tribute to a brave and liberty-loving people.

To the many millions who today cherish and defend the traditions of Western civilization, the name of Greece is a hallowed name.

For it was in Greece where, more than 2,000 years ago, the concept of individual liberty was developed; there men formed the first democracy; law, not man, became the arbiter of human conduct.

In these days when new nations are born every year, the term independence and liberty are frequently confused; indeed, among some of these nations liberty disappears as soon as independence is won.

Throughout her long and stormy history, Greece has not forgotten the distinction between political independence and individual liberty. For many centuries, Greece was occupied by a succession of invaders; yet the Greeks always remembered man's freedom, cherished it, and preserved it among themselves, in the tradition first established in the Golden Age of Pericles.

Indeed, many of the most valid and most valuable ideas developed by the Greeks eventually were synthesized with Christianity, and thus spread throughout the world, civilizing the West to a degree never thought possible by the thinkers in the small city states of 2,500 years ago.

Thomas Jefferson and our Founding Fathers were steeped in the classic writings of the Greek philosophers, and the influence of this philosophy, with its emphasis on the dignity of man and the freedom of the human mind, is strongly etched in our Declaration of Independence.

The contribution of Greece did not come to an end with classical times. From the Battle of Thermopylae, through the Greek resistance against the Ottoman invasion, through the hard struggle for independence that terminated 140 years ago, through the heroic resistance to the Fascist and Nazi invasions of World War II, through the postwar struggle against Communist guerrilla forces that were massively supported by the Cominform, through all of these battles, both in victory and defeat, the Greek people have given testimony to man's unconquerable spirit, his eternal will to freedom.

Through our mutual membership in NATO, Greece, and the United States are now associated in a community of freedom. Through this historic alliance, we have committed ourselves to defend the independence of Greece against all aggression.

On this occasion, therefore, I feel that it is all the more fitting that we should join with the 1½ million Americans of Greek descent and with the people of Greece in celebrating the anniversary of their independence. I know we all hope that the ensuing decades will enable the people of Greece to enjoy a greater measure of political and economic well-being in peace and in freedom.

REACTIVATION OF THE FEDERAL FLOOD INSURANCE PROGRAM

Mr. DODD. Mr. President, less than a month ago, the violent storm which ravaged the eastern sea coast destroyed the properties and livelihoods of thousands of Americans living in that area.

The enormous damage caused by the storm and the resulting floods could now be alleviated had the Federal Flood Insurance Act of 1956 been put into operation as had been intended by its sponsors.

It will be remembered that the Federal Flood Insurance Act established an agency to administer insurance in areas exposed to the danger of flooding. The Administrator of the Act was to set insurance rates and, out of a fund provided for that purpose, pay the difference between the rates set by him and the rates charged by private insurance companies. After 3 years, the States participating in the program were to pay one-half of that difference, while the Administrator was to pay the other half.

Under an amendment which I introduced, and which became part of the act, the Administrator was empowered to guarantee loans, or to make loans where they were not commercially available, to flood victims for the purpose of rehabilitating their property. Since such loans were to be repayable and carried at modest interest rate, people would be enabled to rebuild their properties without actual cost to the Government.

Though the Federal Flood Insurance Act of 1956 has been on the books for 6 years now, no insurance was actually ever made available to potential flood victims, because the funds necessary to administer the program were never made available.

In order to understand this failure, it is necessary to go back to the history of the statute and the subsequent failure to get its provisions into operation.

Members of this body may recall the violent storm which raged along the eastern seaboard in the late summer of 1955, creating unprecedented damage to coastal property. In view of the fact that most of this property was not insured, and could not be insured because of prohibitive insurance rates, some of us proposed a federally administrated and subsidized insurance program to prevent similar disasters in the future. The results of thorough research into the problems involved were eventually consolidated in the Federal Flood Insurance Act of 1956.

In the first year, that is to say in 1956, the sum of $500,000 was appropriated in order to make possible the very complicated actuarial studies necessary for the initiation of such an insurance program. An Administrator was appointed, as was a staff which then spent the next 6 months in a thorough investigation of the various aspects of such a program, particularly those in relation to insurance rates and insurability of particular coastal areas.

During the following year the Senate passed a $14 million appropriation for the administration of the Flood Insurance Act.

Meanwhile, there was less than lukewarm support for the flood insurance program on the part of the Administration. Indeed, various agencies within the executive branch were sharply divided on the desirability of the program.

It was believed that only those people would buy insurance whose property was particularly endangered by potential floods, and that only those who owned houses or commercial property in close proximity to the ocean, or to riverbanks, would buy the insurance, while people whose property was on higher ground would feel no need of insurance.

In consequence, the Administration believed that there were only two alternatives: either the rates would be so high that the property owners would not be able to afford them, or they would be quite low, in which case the Government would have to subsidize them and neither situation was considered desirable.

However, the Administration set up no pilot program to test the situation; no plan was made for variable insurance rates by which those properties which were relatively safely situated would pay a smaller rate than those built in hazardous areas.

The result of this lack of support on the part of the Administration was that in 1957 the House Committee on Appropriations disregarded the Senate vote for establishment of a $14 million fund. By a vote of 218 to 186 the House finally turned down the Senate appropriation and in effect killed the entire flood insurance program.

It is unfortunate that legislation for the relief of flood victims should have been on the books for more than 6 years, while the relief provided by the law cannot now be given because the necessary funds for the administration of the program were never set aside.

Yesterday Senator WILLIAMS of New Jersey made some remarks on the floor which contributed substantially to the understanding of this problem.

The bill which he introduced to authorize a study of methods designed to provide financial assistance to victims of future flood disasters deserves close study and support by the Members of the Senate, and is certain to go a long way toward the revival of the flood insurance program.

It is in the nature of the situation that these disastrous floods do not occur very often. Perhaps if they did, provisions would have been made long ago to deal with them more effectively than we can deal with them now.

It is therefore necessary to reactivate the provisions of the Federal Flood Insurance Act of 1956. We cannot assume that disasters such as the recent floods will not happen in the future, and should make provisions by which the economic consequences of such catastrophes can be alleviated as far as is reasonably possible.

NOTICE OF RECEIPT OF NOMINATION BY COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as chairman of the Committee on Foreign Relations, I desire to announce that today the Senate received the nomination of Robert F. Woodward, of Minnesota, to be Ambassador to Spain.

In accordance with the committee rule, this pending nomination may not be considered prior to the expiration of 6 days of its receipt in the Senate.

NOTICES OF HEARINGS ON NOMINATIONS BEFORE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Thursday, April 5, 1962, at 10:30 a.m., in room 2228 New Senate Office Building, on the following nominations:

Robert Shaw, of New Jersey, to be U.S. district judge, district of New Jersey, vice William F. Smith, elevated.

George Templar, of Kansas, to be U.S. district judge, district of Kansas.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from South Carolina [Mr. JOHNSTON], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

Mr. President, also on behalf of the Committee on the Judiciary, I desire to give notice that public hearings have been scheduled for Wednesday, April 4, 1962, at 10:30 a.m., in room 2228 New Senate Office Building, on the following nominations:

John Weld Peck, of Ohio, to be U.S. district judge, southern district of Ohio.

George N. Beamer, of Indiana, to be U.S. district judge, northern district of Indiana.

At the indicated time and place persons interested in the hearings may make such representations as may be pertinent.

The subcommittee consists of the Senator from South Carolina [Mr. JOHNSTON], the Senator from Nebraska [Mr. HRUSKA], and myself, as chairman.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. JACKSON:

Address delivered by Secretary of the Interior Stewart L. Udall, before the annual convention of the National Rural Electric Cooperative Association, in Atlantic City, N.J.

ADJOURNMENT

Mr. HUMPHREY. Mr. President, unless there is further business to come before the Senate at this time, I move that the Senate adjourn until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 6 o'clock and 50 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, March 28, 1962, at 12 o'clock meridian.

NOMINATION

Executive nomination received by the Senate March 27 (legislative day of March 14), 1962:

Robert F. Woodward, of Minnesota, a Foreign Service officer of the class of career minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain.

WITHDRAWAL

Executive nomination withdrawn from the Senate March 27 (legislative day of March 14), 1962:

Ellis O. Briggs, of Maine, a Foreign Service officer of the class of career ambassador, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Spain, which was sent to the Senate January 15, 1962.

HOUSE OF REPRESENTATIVES

TUESDAY, MARCH 27, 1962

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Zechariah 4: 6: *Not by might, nor by power, but by My Spirit, saith the Lord of hosts.*

Lord God Almighty, as we worship Thee at this noon hour of a new day, may our minds and hearts be endued with reverence and humility and be made serene and secure with a sense of Thy presence.

We penitently acknowledge that we frequently spend so much time and waste so much energy in anxiety and worry.

Inspire us with the commanding and consoling truth that Thou art here with us for Thou art everywhere and thus we may face our tasks and responsibilities with confidence and courage.

Grant that we may realize more fully that our own spirit must be touched and transformed by Thy Spirit if we are to be victorious in the battles of life.

Hear us in His name whose strength is invincible. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

SUBCOMMITTEE ON ELECTIONS, COMMITTEE ON HOUSE ADMINISTRATION

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Subcommittee on Elections of the Committee on House Administration be permitted to sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

SUBCOMMITTEE ON LABOR

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Select Subcommittee on Labor may be permitted to sit today during general debate.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

INVESTIGATION OF JOB DISCRIMINATION BY REASON OF AGE

Mr. OLSEN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Montana?

There was no objection.