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 entitled “Guide to Subversive Organizations,” and to provide for the printing of additional copies;


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 Veteran's Benefits Calculator”;

“Resolved by the House of Representatives (the Senate concurring), That after the conclusion of the Eighty-seventh Congress there shall be printed fifty thousand two hundred and forty additional copies of a Veterans' Affairs Calculation, 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 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’ be printed by the Office of Armed Forces Information and Education, Department of Defense, be printed with the consent of the United States Government, 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 Number 1282, Eighty-seventh Congress, 1st session, entitled ‘American Activities,’ October 22, 1961.”

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).’” 87th Congress, 1st session;

“Resolved by the House of Representatives (the Senate concurring), That the publication entitled ‘Guide to Subversive Organizations and Publications,’ and to provide for the printing of additional copies of

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COMPliMENT 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 REAPPORPTION OF AN APPROPRIATION

A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting, pursuant to law, a report on an 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, pursuant to law, a report on 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, pursuant to law, a report on an appropriation; 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 House 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.

E. 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 PROVIDING THE PRESIDENT WITH THE POWER TO ABROBATE THIS AMENDMENT TO PROHIBIT THE REJECTION OF A BILL 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.

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

"Section 3. No amendment 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.

"Section 4. Three years after the ratification of this amendment the 16th article of amendments of 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 1890 with the decoration of horses and buggies with flowers in a New Year's Day parade;

"Whereas the Tournament of Roses parade now attracts hundreds of thousands of visitors to Los Angeles and 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 State of California and the city of Pasadena and between the state 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 of fifty million persons enjoying the pageantry and excitement of this most spectacular celebration; and

"Resolved, That the Clerk of the House hereby transmit copies of this resolution to the President and Vice President 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., proposing to eliminate the 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, proposing to eliminate the Federal income tax on the establishment of public hospitals, 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 joint resolution from California (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 we 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—

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CONGRESSIONAL RECORD — SENATE
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. RUSSELL. 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, but it is the first occasion on which the things we understand will happen today.

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

Mr. RUSSELL. 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 has arisen, I 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 position 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. RUSSELL. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. Yes, I yield.

Mr. RUSSELL. 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 some procedure. If so, 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 again suggest to 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. RUSSELL. 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. RUSSELL. 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. RUSSELL. Mr. President, inasmuch as 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. RUSSELL. I yield.

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

Mr. RUSSELL. Forty-five minutes or an hour.

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 allowing 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. RUSSELL. 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. 80 Leg.]

[Names of Senators answered to their names]

Mr. RUSSELL. Mr. President—

Mr. HOLLAND. I am absent because of illness.

Mr. RUSSELL. 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 to citizens of a State I understand that amendment is now the pending question. Am I correct in my understanding?

The PRESIDING OFFICER. Mr. Bur­

nack in the chair. The Senator is correct.

Mr. RUSSELL. Mr. President, first I wish to give a little history about the amendment. The amendment is in substance the same as 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 the South 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 down pos­es 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 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. RUSSELL. 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 82d Congress, in that first instance of 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. Tyr­dages; 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. RUSSELL. 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 objectives 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. RUSSELL. Mr. President, without reading the list of the distinguished cosponsors in later
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 proper in making this reply to be reminded that Senators are deeply conscious of a responsibility which stems from the law. We could lose democracy by default if, in any instance in which measures affecting 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 mere "a nullity," 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 am grateful to 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. HOLLAND. 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 any State 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 56, which I explained, and was asked to explain by the distinguished Senator from Florida in a colloquy with the distinguished Senator from Illinois [Mr. DOUGLAS]. If any further explanation is desired, I shall be happy to give it in the purpose of making it clear.

Mr. LAUSCHE. Mr. President, will the Senator yield?
now imposing a property qualification, because while property qualifications have always been 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 this year. Any legislation 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.

Senators will recall that in 1937 there was 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 or six exhaustively held hearings. In 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 subcommittee 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 1937 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 subcommittee 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 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 co-sponsoring 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 joiner 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 proposal does very much result in such a situation as this for 14 years, and when we now have an ample number of Senators as co-sponsors of this measure to assure its submission to the States, and when it is evident, 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 direct vote, of 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, or through carelessness it was inappropriate at the time to call attention to the fact that we were purposefully 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 poll tax requirement, 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 of great, fine citizens and others with abilities and 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.

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.

Mr. JAVITS. 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 unflagging generosity, said 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 history of understanding and courtesy in the relationships as between Senators, all of whom are very much bound, but more than enough to sustain this or any other amendment.

Mr. JAVITS. I thank the distinguished Senator from New York. Certainly I would not want to preclude any Senator from bringing up a matter which he regards as important, or 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, or through carelessness it was inappropriate at the time to call attention to the fact that we were purposefully endeavoring to give full protection to the Senator by the course we followed yesterday.

Mr. JAVITS. I thank the Senator.

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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 decision 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 figures of registration and 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, his Representatives, regardless of what may be the law of the State with reference to local elections. I think the results accomplished in Florida in 1960 — 1,140,000 plus voted, indicate rather conclusively the beneficent nature of what Florida has done.

It is not for me to comment on any other States, but some people might be interested in the 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 to think of the land's amendment when he first introduced it is also a handy implement of fraud by which courthouse gangs often perpetuate their rule, in any case Florida's experience in the years before the poll tax was abolished by the legislature in 1937, the leading 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 possibility of uniting the voting should be written into the Constitution.

In leading this fight (in which he has pledged support for 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 their rule. In any case Florida's experience in the years before the poll tax was abolished by the legislature in 1937, the leading arguments for its repeal was the corruption of elections it made possible through bloc payment of taxes by well-heeled political machines.

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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 their rule. In any case Florida's experience in the years before the poll tax was abolished by the legislature in 1937, the leading 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 possibility of uniting the voting should be written into the Constitution.

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principle that the way to change the Constitution is to allow a sixth grade literacy test. The Constitution-by the prescribed method of submitting amendments to the States for ratification.

Mr. President, more than a handful of States still levy 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. I don't know if 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 OUTFILL 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 cause among their own minorities without disturbing anything at home.

The President, according to a letter read in the Senate by Holland, recalls he supported President Hoover in 1958-a very weak and inarticulate President, and he believes the flat tax on the public roads in lieu of a cash payment. It might even, someday, have been called on as a legitimate antidote to defraying the trebendously 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."

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 conducting elections. A tax on 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 legitimate antidote to defraying 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 on the argument that it has been painted it as a means of keeping poor people and minorities from voting. Thus, it became a hated symbol.

Repeated efforts to have Congress pass an act outlawing the poll tax in State and local elections 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 alter 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 last, the Senate SPERRY L. HOLLAND from the time he has been in Washington has been the author and principal sponsor of the legislation seeking to prohibit State poll taxes in the United States Constitution, thereby removing the doubts that have always plagued the validity of such a constitutional amendment or in the propriety of the proposed bills to have Congress tell the States how to run their elections.

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

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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 SPERRY L. HOLLAND, of Florida, has been attempting to have legislation prohibiting the State's constitutional amendment panning a poll tax payment as a regulation 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 President Hoover in 1958. He says the President is for the amendment and still believes the amendment "an important contribution to good government." The amendment requires 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 South Carolina. And Texas.

But the amendment makes it possible for Congress to take action. And it may be suggested that if the poll tax could be wiped out, 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.

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 found property owners who have been effective in controlling those who participate in millage elections where the taxpayers fix millages on themselves. If I have known that the 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 voter, who has to pay the taxes. The voter would be unlikely to bring great trouble, but the dire predictions have failed to materialize.

Some of the other Deep South States, however, have not been able to do this because of illiteracy rates, and poor white voting from. A cumulative feature in some States requires that every person who pays taxes of one cent 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 vote cast in those States which have poll taxes in controlling their elections in Florida, 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 literacy in the world—and also editorials from newspapers in other parts of the States, all of which approve this position. But I call attention to the fact that these editorial writers and these newspapers editorialize on the very subject of the anti-poll-tax, 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 all poll taxes for all purposes; and it may be suggested that if the poll tax could be wiped out, 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.

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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 voter, who has to pay the taxes. The voter would be unlikely to bring great trouble, but the dire predictions have failed to materialize.
So I do not think it would be wholesome or would bring about good results in our opinion 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 extremely grateful for 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 duty, and I have brought the Congress to let 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 generous 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 15 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 majority leader has for the measure.

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 to the difficulties there, except of the system under which that election was held. In that fine State, those who participated in 1960—and I do not 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 11 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 what happened in Alabama and Mississippi, and I do not know what happened in Alabama and Mississippi. That is perfectly true, and I do not know whether they are white or colored. All I know is that they write or write 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 wire from the two States which are being considered, 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 this one. This 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 is one-third of that number.

In Florida, 45 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. Hollander, "then I do not know what I am talking about."

In pointing to this ground for the amendment to abolish the poll tax in five Southern States, Senator Hollander, of Florida, bore down on the concept of minority government. He threw the spotlight on Mr. Hollander and 67 of his colleagues as anti-civil-rights. He disclosed that whenever the issue can be brought to a floor vote the proposed amendment sponsored by Senator Hollander and 67 of his colleagues will be defeated. He said the people of the South wish the Constitution to remain as it is, and that they do not wish to have the Constitution tampered with. He said the people of the South wish to have the Constitution remain as it is, and that they do not wish to have the Constitution tampered with.

Mr. President, I am going to ask that there be an amendment to the war taxes as a part of an editorial from the New York Times entitled "Abolishing the Poll Tax," the date being Sunday, March 17.

The PRESIDENT OR (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 the total be discarded with maximum speed. Its effectiveness in negating democracy is seen with special force in a State such as Mississippi, where the poll tax and literacy tests have been a factor in keeping three-quarters of the citizens from voting.

The only way out 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 direction, and the House Judiciary Committee 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, however, may see the Senate 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 notous possibility. Even after the proposal gets through Congress, it faces a weary wait for ratification by the States. All the State controversies were involved in the 22nd 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. Hollander. 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 who satisfaction out of the clash between southern Senators on an anti-poll-tax amendment to the Constitution. It is something of a novelty to observe a mild-mannered man of the South rub salt into the wounds of his colleagues, and no one can deny that it is amusing to listen to their blistering retorts and personal insults. Yet I think the deeper interest in this little drama is the one which the South, and especially the Congress, ought not to miss.

In pointing to this ground for the amendment to abolish the poll tax in five Southern States, Senator Hollander, of Florida, bore down on the concept of minority government. He threw the spotlight on Mr. Hollander and 67 of his colleagues as anti-civil-rights. He disclosed that whenever the issue can be brought to a floor vote the proposed amendment sponsored by Senator Hollander and 67 of his colleagues will be defeated. He said the people of the South wish the Constitution to remain as it is, and that they do not wish to have the Constitution tampered with. He said the people of the South wish to have the Constitution remain as it is, and that they do not wish to have the Constitution tampered with.

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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 sentiment prevails. I noticed with particular gratification 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 States 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:

"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 the right to vote 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, simply a proposal to amend the Constitution—a proposal which must be approved by two-thirds of both Houses of Congress and then ratified by three-fourths of the States before it can become effective. In that procedure is advisable 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 send its will to the country at large.

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 for States rights who has heard Senator Hollands poll tax amendment has originated in the South. It is simply a proposal to amend the Constitution—a proposal which must be approved by two-thirds of both Houses of Congress and then ratified by three-fourths of the States before it can become effective. In that procedure is advisable 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 send its will to the country at large.

In the beginning every State of the Union was admitted into the Union after the ratification of the Constitution—the ratification of the Constitution in Mississippi 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 Florida.

Mr. DOUGLAS. It is not true that the Virginia poll tax as a necessary qualification for voting was first proposed in 1962, 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 can not 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 there have been poll tax requirements and in many other cases there have been requirements which went much further than the poll tax requirement. It was 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 remaining States shall be 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 only 507,912 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 while the other half 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 say that that is a free and open expression? Should not other States be deeply concerned about expressions from my State, or from the State so ably represented by the present President, 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 simply a gross and humerous misstatement of what the States have done. The last time we had to give an example of that was to knock out that tax in the State of Florida, which long ago was knocked out.
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 not castigating 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 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.

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

Mr. President, I send to the desk an amendment of a noncontroversial 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. House of Representatives equal to the number of Members of the House of Representatives to which each State 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 in the manner by which elections for members shall be held in such State or States, 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 764,900 according to the 1960 census, is larger than any of those States. It has no representation in Congress.

I have discussed this proposal with our colleagues in the Senate. 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 764,900 according to the 1960 census, is larger than any of those States. It has no representation in Congress. 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) | 764,900 |
| States with population less than District of Columbia: |
| Hawaii | 832,722 |
| Alaska | 1,067,191 |
| Wyoming | 400,000 |
| Montana | 674,701 |
| North Dakota | 633,440 |
| South Dakota | 580,514 |
| Nevada | 285,378 |
| Vermont | 280,301 |
| New Hampshire | 605,261 |
| Delaware | 440,392 |

Strike all after the resolving clause and insert in lieu thereof the following: "That the right of citizens of the United States to vote in any primary or other election for members of 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. BUSH. Mr. President, I thank the Senator from Florida for acceding to my request and for 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 following joint resolutions of the House had passed, without amendment, the following joint resolutions of the Senate:

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; and

S.J. Res. 154. Joint resolution to provide for the reappointment of Dr. Caryl P. Fong as Citizen Regent of the Board of Regents of the Smithsonian Institution; and

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 following as a national monument:

Mr. KEFAUVER. Mr. President, I compliment the distinguished 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 11 days, is different from the proposal sponsored by Senator Holland.

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

Mr. KEFAUVER. Mr. President, 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, both the granting of the right of suffrage to all citizens, and the enforcement of the right of suffrage to all citizens. The attitude of the Senate 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. Domen], the Senator from Illinois [Mr. Dirksen], the Senator from New Jersey [Mr. Javits], and the Senator from Hawaii [Mr. Fong] are cosponsors. I should like to
conclude 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, Senator Joint Resolution 5081, sponsored by the 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 September 1, 1954, it 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 legislation 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. There it can be found that the subcommittee, under the unanimous consent of the Senate, referred the bill and its history on pages 2, 3, 4, and 10 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:

**"A"**

"Section 1. The right of citizens of the United States to vote in any primary or other election 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 on account of their failure to pay any poll tax or other tax or to meet any property qualification.

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

"Section 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 co-sponsors. Senators Case of South Dakota and Keating supported the resolution but directed the Committee to consider the question of representation for the people of the District of Columbia. Senator Keating presented his thesis tersely, his testimony toward the conclusion.

The subcommittee also heard Mr. Clarence Mitchell, of the NAACP, and Mr. Joseph L. Rauch, of the ADA, who, although they favored 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 condition, and on May 23, 1960, it again reported favorably 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; the resolution, as adopted by the vote of 72 years to 16 nays. Then Senator Keating proposed the adoption of an amendment by Senator Bolling and Senator Case of South Dakota which contained the substantive portions of Senate Joint Resolution 126 regarding the enfranchisement of the District of Columbia: this amendment was adopted by a vote of 63 years to 25 nays.

The resolution, as amended, was adopted by a vote of 70 years to 16 nays. (The debate in the Senate can be found beginning at p. 1715 and ending on p. 1765 of the Congressional Record, 86th Congress, 2d session, 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 appointed by a Governor to fill temporary vacancies in the House of Representatives in the District of Columbia."

On February 3, 1960, Senate Joint Resolution 39, as amended, was referred to the Committee on the Judiciary of the House of Representatives. This Committee reported favorably and with amendments, on May 31, 1960 (H. Rept. 1688). The resolution was taken up on the floor of the House of June 20, 1960, as amended. The House eliminated from the resolution the proposed amendments with respect to filling vacancies in the House (i.e., the Senate Joint Resolution 39). The poll tax (i.e., the original S.J. Res. 126) was amended. 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 appointed by a Governor to fill temporary vacancies in the House of Representatives in 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 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:

""A""

"Section 1. The right of citizens of the United States to vote in any primary or other election 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 on account of their failure to pay any poll tax or other tax or to meet any property qualification."

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

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

"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"'

"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 in number to the number of Representatives to which they would be entitled if the District were a State with representatives 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 requisite for electors of the original Constitution; they shall be in addition to those appointed by the States, but they shall be considered as electors appointed by the States, and the number of such electors for the District shall be added to the number chosen by the States, to form the whole number of electors for President and Vice President, to be electors appointed by a State; and they shall have the same qualifications as the other electors appointed by a State; and they shall vote in the District and shall be disqualified to vote elsewhere."

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 co-sponsors. Senators Case of South Dakota and Keating supported the resolution but directed the Committee to consider the question of representation for the people of the District of Columbia. Senator Keating presented his thesis tersely, his testimony toward the conclusion. The subcommittee also heard Mr. Clarence Mitchell, of the NAACP, and Mr. Joseph L. Rauch, of the ADA, who, although they favored the resolution, were of the opinion that a constitutional amendment was not required for its achievement.

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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 appointed by a Governor to fill temporary vacancies in the House of Representatives in 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 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:

""A""

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"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."

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

"A"'

"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 may direct:

"a number of Delegates to the House of Representatives equal in number to the number of Representatives to which they would be entitled if the District 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 purpose of the election of President and Vice President, to be equal to the number of Delegates of such State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment."

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 co-sponsors. Senators Case of South Dakota and Keating supported the resolution but directed the Committee to consider the question of representation for the people of the District of Columbia. Senator Keating presented his thesis tersely, his testimony toward the conclusion. The subcommittee also heard Mr. Clarence Mitchell, of the NAACP, and Mr. Joseph L. Rauch, of the ADA, who, although they favored the resolution, were of the opinion that a constitutional amendment was not required for its achievement.
"Sec. 1. 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 59, as amended was presented by the Administrator of General Services for presentation to the several States for ratification.

Mr. KEFAUVER. Mr. President, when Senate Joint Resolution 58 was reintroduced as a constitutional amendment 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 requirements, voting and 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 25, 1960, however, that the Senate 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, Chairman of the Democratic National Committee, 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 resolution proposing an amendment to the Constitution of the United States granting representation in the electoral college to the District of Columbia. 

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 delaying 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 heard 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 to the Constitution of 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 amendment.

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. The Tennessee Supreme Court 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 make it easier for the franchise and remove obstacles to the exercise of suffrage. I believe it is repugnant to our democratic principles to include in a number of proposals which show 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 amendment under consideration will be another advancement toward a more full and perfect democracy.

Mr. President, the Committee on the Judiciary favored 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 Chairman of the Committee on Constitutional Amendments.

In large part, the basis of the report was prepared by a very able attorney and constitutional counsel from Tennessee. He is a key man in support of one or both resolutions. Senator Holland, Senator Clark, Senator Keating, and others have supported both the resolutions in support of one or both resolutions. Sena-
Mr. KEFAUVER. I wish to express my appreciation to the 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 Congress the constitutional 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.

I think everyone knows the issue quite well, but during the last 8 years 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 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 presented to the Senate and the Congresses. I believe that no constitutional amendment has been presented to the Senate on which there has been a wider discussion or more testimony produced than the amendment sponsored by the Senator from Florida which is now before the Senate.

Mr. MANSFIELD. Mr. President, I suggest the absence of 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. 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 the statement of the President of the Senate from Florida (Mr. HOLLAND) and the majority and minority leaders undertaking to submit to the States the proposed constitutional amendment that 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 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 States, by conventions in three-fourths of the States, or by conventions in three-fourths thereof, as the case may arise. Such conventions shall propose amendments in such manner, and by such authority as the legislatures of the States shall direct. When theorz:

The Congress of the United States, in Congress assembled, shall have power to propose and to propose amendments to this Constitution, by the following method when 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 States, by conventions in three-fourths of the States, or by conventions in three-fourths thereof, as the case may arise.
and fourth clauses in the ninth section of the
first article, and that no State without its consent, shall be deprived of its equal suf-
frage in the Senate.

Mr. President, this article of the Constitu-
tion sets apart from the ordinary procedure of Congress the powers of Congress a method whereby the Constitution of the United States might be amended. Throughout the Constitu-
tion are various clauses defining the powers of Congress. Those powers give to the Senate its unique status as a legislative body having noth-
ing comparable with it anywhere in any other governmental body in the world. Does the Constitution provide for the method whereby the Constitution may be amended. It does not contain a provi-
sion—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 passes in both Houses of Congress 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 it, it becomes law in 10 days, it will become law in the absence of his signature; and the further fact that Congress may override the President's 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.

No one will argue the language to which the great interest of Congress should be devoted. Yet instead of a resolution in the form prescribed or indi-
cated 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, respect-
able enough in itself, proposing a memo-
rial to the President, a memorial which who has had any memorial erected in his honor; but which requires the ordinary legisla-
tive 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 Presi-
dent of the United States is completely excluded. Nothing in the Constitution indicates that the President shall have see a proposed amendment of the Constitu-
tion. He has no authority to veto it. There is no requirement that he ap-
prove 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 say-
ing that a proposed amendment to the Constitution can be appended to the Joint resolution now under considera-
tion.

Mr. President, this is wholly uncon-
stitutional procedure. Nothing in the Constitution warrants it. Nothing in the Constitution excludes the Senate from undertaking the most difficult work, although over the years we have had

almighty power 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 than is prescribed in the Constitution itself.

In my opinion, under ordinary cir-
mstances, the Senate would not toler-
ate such a procedure as this for 6 min-
utes. 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 num-
ber of it before me; the Senator from Montana, Mr. Holland, has that number, I think, 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 over, they thought 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 Senate, the new rules would be kicked out of the window just as fast as the old rules were kicked out of the window just as fast as the old rules. Nothing in article V justifies this procedure. Mr. President, I submit that this pro-
cedure which undertakes to use a Senate Joint resolution or a House resolution 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 sub-
ject avoided in any manner as is provided by the Constitution or the laws or the rules which have been enacted thereunder.

Of course, in the rules of the Senate, there is nothing in the proceedings 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 United States Code which would justify the procedure which is undertaken here, today, I submit, to amend the Senate, that it is wholly uncon-
stitutional.

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

Mr. RUSSELL. I yield.

Mr. HOLLAND. What rule of the Senate governs this Senate contiguidely 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 could never imagine that any resort would be made to such an un-
orthodox procedure as this one, in order to get such legislation as this into the Senate. Therefore, the Senate did not adopt a rule in that connection.

There are other rules of the Senate which provide for legitimate, constitu-
tional means of getting proposed con-
stitutional amendments before the Senate; and the absence of a rule prohibiting this course is indication to me that the Senate has not yet fully grasped the nature of 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 legislation as this into the Senate. Therefore, the Senate did not adopt a rule in that connection.

Mr. President, I am aware of the fact that at one time 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 any-
thing else to justify the course we pro-
pose; 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 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 decide, after much discussion, whether or not such a course 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 legis-
lation, the new rules would be kicked out of 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 XI—I believe we now have 40 Senate rules—by a rule XI, stating 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 mem-
bership 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 rule shall apply, and the Senate shall be cited in an effort to restrain the Senate from an immediate vote or
the President of the Senate from declaring all questions 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 it necessary to propose amendments to this Constitution.

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 has been introduced into a joint resolution which proposes an amendment to the Constitution of the United States. But the Constitution does not provide that an amendment 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 vastly more than the House has heretofore 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 do not hesitate to vote for the constitutional 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 not only constitutional but is the 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 passed, and that the joint resolution very clearly stated that a Member of this body could be placed in the disfranchised position, in which he would want to vote for the constitutional amendment but could not, because of the constitutional 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 the 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. It is 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 parliamentary expert to be completely out of order—in other words, that an attempt to deal in 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 to the Alexander Hamilton National Monument joint resolution. I think it would just be unconstitutional, and just as out of order in the one case as it would 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 is endeavoring 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 underwrite 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 I should vote against it, and it should pass the House and be placed in the Senate, would it be constitutional to add 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 that I has been very seriously opposed to the amendment of 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. If it is, 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 intend, as Chairman of the Committee on the Report, 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 add the 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.

I would also be bound by 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 National Monument joint resolution which proposes an amendment to the Constitution of the United States, but also leaving in the original measure any other provision, would be held by any parliamentary expert to be completely out of order—in other words, that an attempt to deal in 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.

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 contention?

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 consider it to one of those unholy combinations for some of these matters. Or, if they were so far delirious 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 from Florida ask a question?

Mr. RUSSELL. I shall 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 statement 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 Senator from Tennessee.

Mr. RUSSELL. 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 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. I, written now, of course it would require the signature of the President. There is no doubt about it. Even the distinguished Senator from Florida who is 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, far-fetched, 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 two-thirds 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. RUSSELL. 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, would it be necessary to adopt the Holland amendment to Senate Joint Resolution 29?

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

Mr. RUSSELL. 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, 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 Alabama 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 charging 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 that 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 accordance 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 passed, will 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 be 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 of agreeing to the amendment 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 Florida (Mr. McCarthy), the Senator from Colorado (Mr. Carroll), and the Senator from Alaska (Mr. Bartlett) would each vote "yea."
The Senator from South Dakota [Mr. Case] is absent because of illness.

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

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

[No. 31 Leg.]

YEAS—58
Allott, Okla. Hartke, Neb.
Anderson, Utah Hayden, Wash.
Bates, N.C. Hoagland, Ind.
Bennett, Utah Humphrey, Minn.
Burdick, N.D. Javits, N.Y.
Buchanan, Va. Keating, Conn.
Cannon, Minn. Kuchel, Calif.
Carlson, N.J. Lausche, Ohio
Case, N.J. Long, Mo.
Clark, N.Y. Long, Hawaii
Clars, Iowa Magnussen, Wis.
Dodd, Conn. Mansfield, Ohio
Farnsworth, Utah McNamara, Calif.
Fong, Calif. Metcalf, Del.
Fonzi, Cal. Morse, Ohio
Frost, Idaho Munroe, Vt.
Gruening, Alaska More, Wis.
Hart, Idaho Morse, Iowa

NAYS—34
Allen, Mass. Hickenlooper, Iowa
Chafee, R.I. Hill, Wash.
Cochrane, Ohio Hruska, Neb.
Earl, Idaho McClellan, Ohio
Elder, Idaho Mitchell, Ill.
Eidson, Idaho Miller, Miss.
Eldridge, Idaho Moore, Miss.
Fulbright, Ark. Morton, Calif.

NOT VOTING—8
Bartlett, Kan. Carroll, Ohio
Bennett, Utah McCarthy, Ohio
Butler, Utah 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. Hollings] 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 (1) certain communities and areas in the Nation are presently burdened by substantial unemployment and significant population deterioration; (2) they 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 periodical recessions can and must be abated. Passage of the recommended legislation will make possible time and opportunity to express 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 $861 billion in the first quarter of last year to $854 billion in the last quarter. Industrial production has increased 12 percent over the average of the last 12 months. Per capita personal income per capita has passed the historic $2,000 mark. Unemployment in the last year has declined from 5.7 to 4.5 percent of the labor force to 5.6 percent, and the number of persons at work has increased more than 13 million. The recovery still has considerable distance to go before full employment is restored. But the fact that the momentum of 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 decade—of the 1958-59 short and incomplete recovery—have left in their wake serious problems of prolonged large-scale 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 in declining industries, influx of jobseekers from the South, increasing dependence on the military procurement, and chronic rural poverty. Whatever the cause, the results are the same—high levels of unemployment or underemployment. Continued economic expansion for the Nation as a whole will in large part determine 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 882 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 communities account for 38 percent of our population. In these areas, taken together, 1 out of 13 persons in 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 has already been extended to 82 communities in 20 States. As this program gathers momentum, it is hoped that the number of additional communities will be aided in their efforts to build a durable foundation for sustained local prosperity. This area redevelopment program, however, is a continuing process, and as communities develop the economic structure 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, but would be a general program of construction and improvement of public facilities. I believe that a further Federal effort is necessary, both to provide immediate relief for those who are 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 Federal capital facilities program in depressed areas and in the communities which have been designated for 12 months or more as areas of substantial unemployment, for limited periods for the immediate relief of their public facilities, to become better places to live and work for the unemployed and the employed, and to help these and other communities, through construction, rehabiliation, and modernization of public buildings, such as hospitals and offices, and other governmental facilities, other governmental facilities, to become better places to live and work.

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 capital facilities program would also apply. For example, projects could be approved only if they were capable of meeting an essential public need, if they could 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 parks, street improvements, and educational institutions.

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 events of the last 2 weeks, if we are to move through 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, I believe that there has been a matter of dispute 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 shall have to be back here to pass a statute, because no amendment to the Constitution is self-operative. We must pass a statute to implement it. I think it is better to go through all of this circumspection if we can constitutionally—and I believe it is now clear beyond peradventure that it can be done—do the same thing by statute right now. We actually passed it in 1950, 1955, but nothing has happened. So here we are again with the same constitutional amendment at this session.

Observe that the other bodies have concluded on the House, on five successive occasions, there has been a simple statute eliminating the poll tax. If we had seen fit on any one of those occasions to do exactly as the President had done in 1950 and 1955, we 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 an extended debate, as a refinement of the called, and cloture was not successful; so the matter fell by the wayside.

Mr. President, the first point of argument which I would employ is the fact that this is a constitutional amendment, when we will have to pass a statute ultimately any- how, and when we can enact legislation right now? I shall go into that question.

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 bill, but 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 statute was 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.

--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 establishment of the Alexander Hamilton National Monument.

Mr. JAVITS. Mr. President, I offer this amendment as a substitute for the pending amendment in the nature of a substitute or as it is euphemistically called, and cloture was not successful; so the matter fell by the wayside.

Mr. President, the amendment I would substitute for the constitutional amendment to the Constitution of the United States 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 events of the last 2 weeks, if we are to move through these matters, let us do something now instead of deferring the day when we will do something.
Secondly, as to the chances for enactment of 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 the 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 also have 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 States 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: What is 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. 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 take the statutory course is permitted by the Constitution, because whatever 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 more in 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 not be interested in 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 of the property disqualification can and will be discussed, I am sure, in connection with the constitutional amendment, and raise 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 12 States which had 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 States. 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 these 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 not 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. I think constitutionality is firmly based upon a number of grounds, all of which are recited in my amendment itself, in which the Congress has the power of taxation and the power of spending money of the United States. So as a tax, and as an appropriation 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 of an individual 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. Interest enough, I find the most exact definition in a message sent by the Governor of South Carolina to his own legislature in 1847, 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 qualification 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 Court particularly in one case upon which the proponents of the constitutional amendment theory constantly rely, the case of Breedlove v. Sattles (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—"but merely as a prerequisite of voting."

I respectfully submit that treated as a prerequisite, as a condition precedent to voting, it is not a tax, but it is the time, place, and manner of holding elections, over which article I, section 4, of the Constitution gives Congress the power, and it does within the terms of qualifications of States. In such 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 this Committee 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 outlawing the poll tax was in his opinion just as valid an exercise of congressional as it was with respect to literacy. 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 2, States are not 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, in which it was found 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, such a law is valid in its effect and may, indeed, be constitutional without contravening the power of Congress, when Congress chooses to exercise it.

Let me connect the case of Davis v. O'tto (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 exercised 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 that of the poll tax for purposes of federal elections, where the Court has held that Congress can assert, because it gives some idea of how the qualified voters have been put to the test, and that Congress can have a right to use before this. 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 Congress is not so absolute that it may not be exercised in conformity to the requirements of State law subject to the restrictions provided by art. 1, section 4, to regulate its own elections for Representatives in Congress."

In the language of MADAM PRESIDENT, 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 not only of the States, but also the extent there is no restriction 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. NEUBURGER 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. One of the rights of the State is to have them pay a tax. The right to vote for Federal officers; 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 tax has many more of a burden on those who have or have not 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 exist in making what may formerly have been considered tolerable as an institution, an encumbrance under present conditions and that the imposition of the rights of citizens to exercise their rights and privileges as citizens of the United States.

And finally there is the constitutional provision that has often consticted 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 has the tax 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 vote, as 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 when Congress had the power to act under the 15th amendment, has always argued as a fact, and has given figures from his own State to show, that the most conclusive of all the 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 more 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 determining that was referred to the 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, Tuscawilla, Miss., where no Negroes are registered to vote. A wealthy Negro landowner and merchant pays more than $2,000 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 and thoroughly, he suffers 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 has not been paying the poll tax, and the collector of the poll tax 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 a real burden. The following is a statement that the committee was addressing Mr. Smith, a witness:

"THE CHAIRMAN. Have you had any experience recently for which you wish to give any checking on records or have you had the experience to indicate that the removal of the poll tax is 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."

"The Negroes there. They have students from thirteen foreign countries. The president of the student body is a Negro and he has an outstanding reputation, which is well educated. She has traveled around the world and knows how far around.

"They sent her from a farm to a 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, and his wife at present are the man who is chief deputy sheriff; he served the last time and his wife succeeded him. I can see how the language that I would feel embarrassed to use before this committee.

"He said—he didn't use words that are worthy of repeating in your presence, but it had--if 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 are 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 taken the position that the litigation on the ground that the poll tax was 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 tax the poll tax. But also this is a very clear 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—are the poll tax is a form of encouragement 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 differential between that which is 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 1936 the average per capita income of white citizens was $2,917, whereas the average income for individual nonwhite citizens was $1,975. 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 $25 or $25 a week, one sees that the nonwhite 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 on the 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 detailed 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 against the Senate's proposals for outlawing the poll tax. The only opportunity which the Senate has had to vote on it was in 1969, when the constitutional amendment which it passed came to naught in the House. The Senate, 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, the amendment 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 that it is a constitu­tionally valid route. 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 where the 12 States which did ratify disqualified voters who are defined as paupers, with the possibility that certainly 2 of those States will prefer to leave the amendment. Incumbent, without­the possibility of 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:

[Lawyer's speech]

As a means to resumption, I submit to the Congress, it faces a wearying wait for ratification. It seems clear to me that we should proceed by the statutory route, and the whole point of my argument today is that it ought to be used first.

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 offices. 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 determine with amendment, with situations which tend to create discrimination in voting, or under the 14th amendment with deprivations of the privileges and immunities of citizens.

This power, both on the factual basis which I have described, and on the basis of law which I have referred to, is ample authority for Congress to proceed by the statutory method.

Finally, the proviso 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 constitu­toral, the Supreme Court, in 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.

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, it is in my view that 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 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 disestablish 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 constitutional route to a true majority rule would be through a simple law prohibiting the States from maintaining the present amendment for voting in Federal elections. But the southern Democrats are not ready to move with such directness, and the administration has decided to seek a 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 wind, much to the dismay of those who believe in the speediness of ratification which I think properly epitomizes the times. President Kennedy's declaration of support for the measure should reduce this nebulous 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 torrent of explications which I have had with the constitutional amendment, it seems clear to me that we should take the direct statutory route, particularly in view of the fact that notwithstanding all the 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.

Mr. President, under these circumstances it seems to me that we should not
ourselves invite, without any assurance of success considering past history, the long and tortuous passage on which we are now embarked 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 enact the statute.
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. It has never gotten anywhere in the other body.

For those reasons, Madam President, I hope the Senate will support my substitute and the statutory approach toward 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 local authorities.

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 the position he has taken. I only want to use 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 only opportunity I shall have to make a comment, because I understand that a motion to be made to table the amendment offered by the Senator from New York I am led to interpret as a motion to cut off the discussion of this issue 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 more than we have upon the 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 have had that 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 amendment.

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 the voters.

Nevertheless, the Congress of the United States can move against this discrimination only in a constitutional way. I believe that only the way the poll tax is to be prohibited 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 already authorized 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 Federal Government to office. It is all for the good and I have favored these appointments, but appointment of a few to office is not a substitute for legislative action to move nearer assurance 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 any labor organization or can be barred from any field of work. There is no legislation passed. Emphasis seems to be laid upon the appointment of able and outstanding members of the Federal Government to office. It is all for the good and I have favored these appointments, but appointment of a few to office is not a substitute for legislative action to move nearer assurance equal rights to all citizens.

I suggest there are some things the administration can and the Congress can do, if there is really a desire to come to grips with segregation in our schools. 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 1944 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 to move against those who interfere upon behalf of those who are discriminated against, under the Brown decision.

The Senator from New York and I have introduced 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 the Senator from Florida. A strong fighter for constitutional and civil rights, the Senator from New York.

Mr. JAVITS. Madam President, 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 with the Senator from New York but 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. But I must say that I do not 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. I am not sure about 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 schools. It does not even give power to the Attorney General to start suits in relation to those questions. I could not agree more with the Senator from New York, 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 a proposal to the Senate, which is here in the Senate, and debating it today because I do not want us to play around. If we really want to get to the bottom of this matter, we would have to stop this mere gliding around. We would have to do something about something else. It is not a question of merely getting people power to do something about something else 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 would have minimized the time today in trying to do something which would have stopped the playing around even in the very limited area in which the constitutionality 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 which are suggested to me by the present administration. I think the, if the present administration would be put up by my colleague Senator Kerr on the subject of voting, by myself on the subject of education, and by others on 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. I think today at least to bring about. Therefore, 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 round of the States, and let the States ask the people for the support of implementing statute. I say let us do it now.

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

Mr. JAVITS. Yield.

Mr. HOLLAND. I am sorry I have not heard all the able argument of the distinguished Senator. I wonder how he deals with the question of choice of electors for President and Vice President, and this is the point. Mr. President, I notice that even the distinguished Attorney General, who testified on this question, testified that it presented no trouble to him 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 reread 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 holding the election of presidential electors and the selection of Senators and Representatives to which the State may be entitled in the Congress.

The Senator from Florida has not been able to show, not by any means, that any means which he can see or can think of will be put up by my colleague Senator Kerr on the subject of voting, by myself on the subject of education, and by others on 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 bring about. Therefore, 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 round of the States, and let the States ask the people for the support of implementing statute. I say let us do it now.

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

Mr. JAVITS. 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 reread, governs 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 requirements of a 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 Senate has read.

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

Mr. JAVITS. Yield.

Mr. HOLLAND. I call to the Senator's attention a statement of Mr. Katzenbach, the very able Assistant Attorney General, on page 839 of the committee prints 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 to apply the Constitution's express authorization 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 any 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, in which he delineated the difference between the election of Senators and Representatives, on which I personally believe the Constitution is supreme and conclusive and superior in legal judgment to that of Mr. Katzenbach. I was only giving the facts about the Senate's position. It may be stated that it was a still more difficult question. I merely wished to point out the opinion of the Assistant Attorney General that 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 showing being supreme and conclusive and superior in legal judgment to that of Mr. Katzenbach. I was only giving the facts about the Senate's position. It may be stated that it was a still more difficult question. I merely wished to point out the opinion of the Assistant Attorney General that 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.
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. I believe that he is also for my 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. My amendment 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 the 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 believed that any legislation 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 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 have to take part in the conflict that we may have, therefore, a rivalry in well doing. Let the roll call 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 an 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 the troops we can muster in this struggle. We will ultimately succeed. We, at least, whatever may be our successes or failures of the interim, have the gratification of knowing that we struggle for is not only morally right and essential for the future of our country, but it is also for the security of our country's well being to tolerate no other resolution of these controversies and debates. If the Senator from Illinois will have no other place in history—and he denies it—the argument from his viewpoint and by the many efforts in which he has engaged—his place in history is absolutely secure in this field by the acclamation of the people of the United States 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 underserving. The Senator from New York, as my very dear colleague, it has been a great pleasure to work with him. I am not interested in staking out any claim in this field for my great colleague, but I 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.

1. 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. As I have said that there are very strong grounds upon which the Supreme Court could declare such statutes constitutional, and that the members 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 this evil; 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 constitutional issues 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 move to undermine the basic powers of Congress. The Supreme Court held otherwise. When the Fair Labor Standards Act was introduced it was vehemently contended that this was a plain encroachment upon all legislative powers, 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 requested to come 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 19th century, he said, the House 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 the Constitution immediately after the Civil War, not immediately after 1877, when the Federal troops were withdrawn, but between 1865 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. The arguments were contained in the first speech on this subject by the erudite junior Senator from Arkansas [Mr. FULLERIGHT].

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 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 was the “right to secure a life more secure than the pursuit of
happiness." This was most 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 shall have the power to lay and collect taxes on incomes, from whatever source derived, and to pay all debts here incurred, and raise and support armies, but raised not less than the necessary expenses of government, 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防守ing 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 from the race, the platonic 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 was a purely southern movement, a popular movement for education, a reform of the tax structure, control over railroad rates, and many other features. Nationally, the Populist Party which became its predominant political party, 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 that the time became 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 from the Populist Party, and it involved itself 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 the Negroes for the 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

<table>
<thead>
<tr>
<th>State</th>
<th>Percent</th>
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<tbody>
<tr>
<td>Virginia</td>
<td>27</td>
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<tr>
<td>North Carolina</td>
<td>44</td>
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<td>Georgia</td>
<td>44</td>
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<td>Louisiana</td>
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<td>Texas</td>
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It will be seen that the Populist movement and the Republicans carried North Carolina. As that time the Georgia movement was led by Tom Watson, who worked very closely with the Negroes. Alabama gave 46 percent of its votes for the Populist and Fusion State tickets. They nearly captured Alabama. This movement had been 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 short while after the Populists 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 1906, and Oklahoma in 1910. Other States which adopted the poll tax were Florida, Tennessee, Arkansas, and others. For a relative short time the whole South was under poll tax provisions, as well as a web of other provisions.

Professor Woodward’s comments on this device are

With its cumulative features and procedures artfully devised to discouragement 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—which 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 economic and emotional driving force for the poor whites. It was a tragedy that many of the popular leaders in the South accepted this substitute and pursed it vigorously. Ben Tillman, of South Carolina, was the most conspicuous; but Hefflin, 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 rods to political power upon the doctrine of white supremacy in its most virulent form, embracing both anti-Negroism and anti-Semism.

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
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 have been at that moment he was indigent as 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 20 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 per cent 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, approximately the same 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 only not 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, 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 $45.

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 poll tax is due at some indefinite time 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 easy, therefore, for people who have paid months, and in Virginia 6 months, to be able to qualify. The right to vote is one of the basic rights of citizenship and should be easy to obtain. It is certain that the mere removal of the 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.

Fredrick D. Ogden, a southern politician, has concluded 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.

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 an uncertain process. It: is always the strongest possible or probability that it would never be ratified at all.

Let us consider the delay which a constitutional amendment would bring about. Thus, the 18th 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 22nd 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 Congress 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 which actually took part in the electoral process.

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

Mr. HOLLAND. 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 recollect, was introduced 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 respective legislatures 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 ratify the amendment, and 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 we shall be obliged to follow 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 of the battles fought in concert 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 weary 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 appeals, whatever they should be done, 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 the wisdom of an amendment which we 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 wishes 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 the amendment really is already in this state, and I now call 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 amendment was so ill-conceived. 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 States 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 debate.

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 constitutional amendment for 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 a constitutional amendment is as futile as it would be 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 probably shift the poll tax to 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.

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 and are likely to be more subject to the 15th amendment, which the President 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 necessary 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 what 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 would not only be carried as it would be as would be that of statutory enactment.

It should also be remembered that there is a considerable body of opinion which in mass which 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, it is not unlikely that a majority 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 limitations would probably result in 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.

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.

Mr. HOLLAND. I thought at that time that there were nine. Apparently there are 12.

Mr. HOLLAND. There are 12 States 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 such an effort was made 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 without explanation of the reason for its inclusion.

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

Mr. DOUGLAS. I yield.

Mr. HOLLAND. The Senator certainly had not had an opportunity to read the record of the hearings. The Senator from Florida has very carefully explained at another time that it was as a result of a provision made by the Committee of 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 provision I found that in cases where it seemed to me to be some evidence that it was what was popularly known as a sleeper or a joker. Let me say that I do not wish to question the intention 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.

Further, 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 there were 3,840,000 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, and 2,975 were in the five poll tax States. Also, in November 1961 there were 2,275,000 cases in the seven States that have an old age assistance. Those were also supported at public expense, both State and national, and hence could be disfranchised. No less than 829,645 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 908,893 families in the country receiving aid to dependent children. Only 100 Senators and, 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."

The Bricker amendment came before the Senate with more than two-thirds of the Senators sponsoring the amendment. We all remember how 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 gentle approach with which he makes his points. It is 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 saying me with kindness. I invite his attention to the fact that the Senator from Florida has not been in behalf of his amendment. He has argued it in full and in the open and he has not 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. DREYFUSS]. He would have to be equally clever to have fooled the former majority leader, the then Senator Long from Montana [Mr. MANSFIELD] and the same minority leader, the Senator from Illinois [Mr. DREYFUSS].

The Senator from Florida had a good amendment. He has retained more than 90 per cent of his success and omitted the part that he did not make the specific request of the Department of Justice, because the Department preferred my original amendment. There are those who thought that fact 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 opposition to my original amendment 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 for seven of the 68 sponsors of the Holland amendment, 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 de- tected 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 ex- plicit encouragement which the original text of the Holland amendment gave to those devices. I was on my feet last week, at the point of offering such amendments when the Senator from Florida himself came forward with a re- modeled version of the Holland proposal which would have culminated the explicit encouragement which the original text of the Holland amendment gave to those devices.

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

Mr. DOUGLAS. I yield.

Mr. MANSFIELD. I wish to say to my distinguished friend in Florida, that he should disabuse his mind thoroughly and completely of any such idea, because, as one who was very vitally interested in the matter, 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 amend- ments 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 "con- scious 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 Flori- da 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 hav­ ing been in close contact with the dis- tinguished 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 Sena- tor from Florida to back up and with­ draw 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. I believe 1960 was the first time that it came before the Senate.

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. 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. HOLLAND. We all should admit that we of the North were delivered from the terrible curse of slavery not by any constitutional amendment route. Then we are lashed to two propositions: First, that we then can implement whatever it says, and whatever it does cannot we cannot implement. If we want to change, we can only move by way of a con­ stitutional amendment, because we have moved, in the first instance, by the con­ stitutional amendment route.

I respectfully submit that there 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 the moment to take up a constitutional amendment to the Holland amendment, which would specifically outlaw such at­ tempts. A provision in the Constitution might be drafted which might contain here is the line. We have largely met this difficulty in the statute which the Senator from New York (Mr. Javits) is proposing, by out­ lawing all property qualifications for voting.

VII. ABRIDGEMENT OF RESTRICTIONS ON VOTING FUNDAMENTALLY WILL CONTRIBUTE TO FREEDOM AND DEMOCRACY.

Now, Madam President, if I may fin­ ish, 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 op­ portunity to develop educationally, eco­ nomically, culturally, and politically, are always subject to two sets of criticism. On the one hand, we are accused of violating the rules, customs, and proce­ dures of the Senate, which, as an emin­ ent 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 disrace upon that section of the country. We are presented to the world and to the Senate as being those who are attacking the South, and as offending the unapproachable honor of the South.

All this despite the fact that at no time has any member of the civil rights group, and certainly not I, ever spoken in 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 the South, North and South alike, has 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 worse 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 impede them, to 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 continued 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 opportunity so that the abilities of white and black alike may function more effectively. To do all these things, we must do what I think the whole Nation must do, and that is to give every opportunity to do 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 per cent 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 the reasons of the whites in the South who have a low income per capita.

We want to set up the doors of opportunity to make the majority of the southern people, black and white alike. We want to open up the doors of opportunity to make the majority of the southern people, black and white alike. We want to open up the doors of opportunity so that the abilities of white and black alike may function more effectively. To do all these things, we must do what I think the whole Nation must do, and that is to give every opportunity to do 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 per cent 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 the reasons of the whites in the South who have a low income per capita.

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I wish to associate myself especially with the words "sanctimonious righteousness." I feel no such thing. We understand the reasons of the whites in the South who have a low income per capita.
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 as to the matter 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. Busb], 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 me in bringing 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 establishment of the former dwelling house of Alexander Hamilton as a national monument.

Mr. BUSH. Madam President, I call the roll and present the amendment. I ask Senators to help me in bringing about that sort of conclusion.

Mr. DIRKSEN, madam President, I move to reconsider the vote by which the motion was agreed to.

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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 fear 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 600,000 citizens here 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, which is a State just like the District of Columbia, has a million and one-half 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 to some 750,000 citizens in the District of Columbia the right to vote in our elections. There are many districts in the United States that have a smaller population than the District of Columbia; the Commonwealth of Puerto Rico has more citizens than 2 million citizens and does not have a Senator.

Mr. BUSH. I yield to the distinguished Senator from New York.

Mr. KEATING. Mr. President, I commend the 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 some concern in the hearing referred to by the distinguished Senator from Tennessee when the opportunity came to present in behalf of myself, the Senator from South Dakota (Mr. Casw) and the Senator from Maryland (Mr. BALLENG) the constitutional amendment which for the first time allowed Americans residing in our Nation’s Capital to participate in the elections 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 of 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 measure 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 citizen representation in the District of Columbia. I strongly objected at the time to this concept of “fractional” citizenship, which I still find abhorrent, but those who thought that this was 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 United States Senate. 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, my 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 here in Washington. Today, I shall urge upon the chairman of the Subcommittee on Constitutional Amendments, the distinguished Senator from Tennessee (Mr. KEFAUER), 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 District.

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

Mr. BUSH. I yield to the distinguished Senator from Connecticut.

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

Mr. BUSH. I yield to the distinguished Senator from New York.

Mr. KEATING. Mr. President, I commend the 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 some concern in the hearing referred to by the distinguished Senator from Tennessee when the opportunity came to present in behalf of myself, the Senator from South Dakota (Mr. Casw) and the Senator from Maryland (Mr. BALLENG) the constitutional amendment which for the first time allowed Americans residing in our Nation’s Capital to participate in the elections 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 of the House of Representatives which it would enjoy if the District were a State.

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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 Senator from Connecticut has made a very interesting argument. He has offered a very interesting amendment. However, I feel that despite this fine presentation, we should bear in mind that double what 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 increasing 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. However, since the District of Columbia belongs to all the States, that it is not a State of the Union, I want the distinguished 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. Kuarino] 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 amendment, or whatever form 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, I ask 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 vote upon the amendment, and I now formally withdraw it.

The PRESIDING OFFICER. The Chair states that the Senator from Illinois has correctly stated the situation.

Mr. DINKSEN. I wish to add one further thing. The opinion of the Attorney General has been published very freely in a discussion on the Senate floor. I wish to refer to 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 was 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 Senator 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 since 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 and the procedure 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 that has been 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 for consideration. I have used every device that was available to them to have them submitted to the several States.

As I understand, the minority leader has agreed 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 of anything that 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, and then 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 extinguished, 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 credit to the Senate. It is a procedural 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 remnants 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. DINKSEN. Mr. President, I am deeply distressed by the infelicity and pain that I have caused my distinguished friend from Georgia and my 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. DINKSEN. 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
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 Senator from Florida will state it.

Mr. HOLLAND. At what stage in the proceedings will the yeas-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. BESWICK], 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. BESWICK] 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:

MANSFIELD. Mr. President, I move that the preamble to the joint resolution be stricken out.

The motion was agreed to.

MANSFIELD. Mr. President, I move that 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.

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

The motion to lay on the table was agreed to.

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 and tolerance which 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 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 the 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 commend him. It was a pleasure to serve in the ranks under his leadership.

MANSFIELD. Mr. President, I appreciate more than I can say the kind words of the minority 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. DIREKSEN. 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. DIREKSEN. 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. DIREKSEN. 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 the 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.

To the discussion that there are 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 material belonging to the United States or to the United Nations or to promote the participation of any person serving in the Armed Forces of the United States or in any action or operation of the United Nations unless and until such use or participation has been authorized by a joint resolution of Congress.

Mr. President, 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 material not to exceed $15 million in value to the United Nations or to any other country, if the President shall in session. When the Congress is in session, the President of the United States by Executive order, which shall be printed in the Federal Register, may loan military equipment or material not to exceed $15 million in value to the United Nations or to any other country.

Mr. President, 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 that which took place in the Congo. I think military action there was ordered prematurely and before all the procedures which the United Nations had ordered it to maintain their freedom.

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 APPOINTMENT

Mr. KEATING. Mr. President, the Supreme Court's decision in the Tennessee appointment case will meet with the approval of everyone who believes in giving full significance to the equal protection clause of the Fourteenth Amendment. The arbitrary setting of election districts by the State legislatures denies the right to vote as effectively as other more obvious examples of disfranchisement. Such practices violate not only the 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-
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 measurably 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 cured 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 4 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 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—one program to which I had a brief reference in a recent 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 programs. This is a tendency that will benefit, whether he lives in a rural, suburban, or city area, from the knowledge that at last long we are giving meaning to the Constitution's command. 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.

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 and news releases from the Executive branch. But the more I read such reports and news releases the more I come to realize that they could not have been written by the President, especially as to which party would benefit from a fair apportionment as purely speculative. Recent studies show that 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 if the people in the suburban areas of our cities actually has improved, while representation for our growing suburban population has rapidly deteriorated. It is clear from 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 that American democracy is unique in the world. The suburban areas will benefit, whether he lives in a rural, suburban, or city area, from the knowledge that at last we are giving meaning to the Constitution's command.

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.
CONGRESSIONAL RECORD — SENATE

March 27

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 activities 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.

You are quite correct, Mr. Chairman.

Those who read the writings of Robert F. 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? Do the members of that extremist organization that is as far from democracy on the left as the John Birch Society is on the right?

We have found 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 rightwing or small-r capitalist 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 rightwinger organization headed by a man who wants to be an American dictator.

Who, then, are the leftwing extremists in this country? They are the Communists themselves and those in Communist-front organizations which support the Communists' aims and goals.

The Birchers have taken the mousetrap on the extreme left thus become the counterparts of the Birchers on the extreme right.

Mr. HUMPHREY. This continued effort by some 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 is a prerequisite 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 maturity 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 those 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 able Senator from Minnesota [Mr. CLARK], the Senate's Committee on 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 in letters from the able Senator from Pennsylvania [Mr. CLARK]. The two Co-Chairs, Representatives 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, as introduced in the Senate as 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 request for immediate initiation of 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 1959-61. 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 some of our economic indicators for the last 2 months have fallen below expectations, we look for a strong and continued expansion throughout the year and into 1963.

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 (8, 2908) 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 permanent Federal-State 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 unemployment and the dangers and disadvantages of future recessions.

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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 recovery—identified by a man who wants to be an American dictator.

Mr. HUMPHREY. This continued effort by some 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 is a prerequisite 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 maturity 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 those 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.
scale unemployment and economic distress in hundreds of communities in all sections of the country. The roster of these communities includes large cities, small towns, and rural areas. The causes of their troubles are manifold—exodus of industry, displacement of labor by technological change, ex- cessive dependence on defense, lack of influx of jobseekers, changing weapons requirements in military procurement, and changing regional economies. The reasons for the aid are the same—high and persistent urban unemployment or rural underemploy- ment, and the effects of recession. The immediate need is to save the Nation as a whole in time to help restore the prosperity of many of these areas. But their needs are urgent now, and help should not be delayed until another recession threatens the whole economy.

There are 956 localities which have been designated as redevelopment areas under the Area Redevelopment Act of 1961, and a further 106 communities which have been designated as depressed areas. The program is less than a year old, assistance has already been extended to 83 communities in 38 States. The program galvanized momentum, more and more communities will be aided in their efforts to build a durable foundation for their local economies.

The area redevelopment program, however, is a continuing effort to help communities to attract new and permanent jobs to their areas. The program is designed to provide assistance to depressed communities, through improvement of public facilities, to become better able to attract new and permanent jobs to their areas, and to help these and other hard-pressed communities, through improvement of public facilities, to become better able to attract new and permanent jobs to their areas.

Eighty-two communities helped

Most of these areas are eligible for assistance under the Area Redevelopment Act of 1961. But area redevelopment programs are proceeding under the Act in the areas where political opposition has prevented such programs from being established. The President's plan would be very helpful in those communities whose economic troubles have resisted the rising tide of national economic expansion.

Kennedy Offers New Works Plan—13-Month Program Sought to Inject $600 Million in 956 Depressed Areas

(Washington, March 26—President Ken- nedy urged on Congress today a fast-moving 13-month public works improvements program that would put thousands of Americans back to work in hard-pressed communities. The President said, “We do not today face a problem of general recession,” said he 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 revealed the hidden problems of prolonged large-scale unemployment and economic distress in hundreds of communities across the country.”

Job hunters would work on water supply improvement projects; parks and recreational development; extension of public highways; road, street, aerial, and port improvements. There would be a total of 956 localities eligible.

Four hundred and fifty-eight localities eligible

A total of 956 localities would be eligible to join the program. The total comprises 836 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 fail to raise their share immediately, Federal loans would be available.

The President's plan is separate from the $2 billion public works authority he wants to inject within the 18-month period. The President's plan is designed to meet 4-year depression threats and the 4-year area redevelopment program that started in 1961.

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 carry out this 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 resourceful government, and we should keep it that way.”

Republicans, in short, are fearful that Mr. Auchincloss would be able to 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 bill provides for direct backpayment, yours in only a substratum," 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 early New Deal measures, under the Social Security Act, and the decision relating to the steel strike. I believe that the Constitution is a statement of economic, social, and political principles 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 Supreme 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 decisions regarding the steel case as well as other decisions.

Therefore, I ask unanimous consent that excerpts from the Supreme Court's 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 and Black, but the dissenting opinion 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 counties, the state legislature had failed to conduct legislative elections, primary and general, and 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 appellants' motions, precise identification of the issues presented will depend upon a clear exposition of the grounds upon which the district court rested in dismissing the case. It was assumed by the order reciting that the court sustained the dismissal "for failure to state a justiciable cause of action." In the setting of a case such as this, the record does not embrace two possible reasons for dismissal:

First: That the facts and injury alleged, though arising under the federal laws 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 a state legislative action, the matter is not a federal case, as defined by 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 ground of dismissal recited that the issue was involved in conformity with the court's per curiam opinion. The opinion reveals that the court rested its dismissal upon two grounds, lack of a justiciable cause of action without attempting to distinguish between these grounds.

CITIES 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." The court went on to express doubts as to the feasibility of the various possible remedies which might be tried by the state courts (stated at 827-828). Then it made clear that its dismissal reflected a view not of doubt that violation of the constitutional guaranty had occurred, 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 provisions of the State constitution and of the rights of the plaintiffs the court entirely agreed. It also agrees that the relief is a justiciable one which should be corrected without further delay. But even so the remedy in this type of case should come from the state courts. It has long been recognized and is accepted doctrine that there are indeed some rights which should be corrected by the state courts for the violation of which the courts simply cannot redress" (176 F. Supp., at 828).

JURISDICTION ASSERTED

In light of the district court's treatment of the case, we hold that: (a) the district court possessed jurisdiction of the subject matter; (b) that a justiciable cause of action has been made to appear upon the record below and is entitled to appropriate relief; and (c) because appellants raise the issue before this Court, we assume the appellants have standing to challenge the Tennessee apportionment statutes. Beyond noting that we have no cause to read this stage of this litigation into the 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 failure of the claim to be one of the matters for which judicial action is authorized by the Constitution. It is apparent that this Court was unable to decide whether the duty asserted can be judicially molded. In the instance of nonjusticiableness, consideration of the cause is not wholly foreclosed; rather, the court's inquiry into the nature of the dispute is designed to determine whether the duty asserted is plain enough to be judicially molded. In the instance of lack of jurisdiction, the court does not arise under this Constitution, the laws of the United States, or an treaty (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.

It is clear that the cause of action is one which arises under the Federal statute which affords an appointment to the voters which the appellants of the equal protection of the laws in violation of the 14th amendment.丁is discretion and lack of jurisdiction of the subject matter would, therefore, be justified only if that claim was so attenuated and unsubstantial as to be absolutely devoid of merit (Newboupy Water Co. v. Newboupyport, 193 U.S. 561, 578), or "frivolous" (Bell v. Hood, 327 U.S. 678, 683). That the claim is unsubstantial must be "very plain" (Hart v. Keith Vaudville Exchange, 265 U.S. 271, 274).

Since the district court did not deem the asserted Federal constitutional claim unsubstantial and frivolous, we have dismissed the complaint for want of jurisdiction of the subject matter. And of course no further consideration of the merits of the challenge 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 failed for reasons set out in the notes to art. I, 4, of the Federal Constitution, we affirmed on the merits and expressly refused to dismiss for want of jurisdiction "in view of the undisputed character of the controversy and the Federal characterizations which inhere in it." (Ohio ex rel. Davis v. Hildebrant, 241 U.S. 678, 683). That the claim is unsubstantial must be "very plain" (Hart v. Keith Vaudville Exchange, 265 U.S. 271, 274).

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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. Faced with any case 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 depending with any approbation on criteria of a kind clearly for nonjudicial discretion; or the impossibility of a court’s undertaking independent resolution without pronouncing on political questions. Even if an issue presented in justiciable controversy, it will be one that is not only free from the imputation of judicial interference with the normal exercise of governmental functions but is such that the courts could not appropriately exercise jurisdiction over it. The jurisdiction to determine political questions properly resides in Congress, where the express decision of the Constitution vests power over it and it is on the specific authority of Congress that the power over legislation is dependent. The jurisdiction to settle political questions properly rests in the government that is constitutionally authorized to choose between various courses of action, and it is there that the power to decide comity questions properly lies. Whatever the eventual decision, it is for Congress, and in the exercise of that power it may appropriately act by legislation or other means. This case is a case that is perhaps not directly political, but not politically meaningful. The decision of the Supreme Court of Tennessee in the case of State v. Carroll (339 U.S. 288) indicates that there was no substantial question presented to the court as to whether the state court could proceed to resolve a question of the validity of a state statute.
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 emerges from the rash of opinions with their accompanying clashing of views may well find himself suffering a mental blindness. The court holds that the apportionment picture in Tennessee is within the power of the State. But it refuses to award relief here and in the future, on any further petition. It refuses to hear the case.

One dissenting opinion, bursting with words that go through so much and conclude with confusion, makes this comment 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 take the law of the case from MacDougal v. State of Iowa (1940), which involved an attack under the equal protection clause upon an Illinois election statute. The court decided that case on its merits without belaboring the contrast of the political question doctrine. Although the statute under attack was upheld, it is clear that the court was aware of the determination that the statute represented a rational State policy. It stated:  

"The ... doctrine, 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 it is to the latter that practical opportunities for exercising their political weight at the polls do not now and will not available to the former."  

The other cases upon which my brethren dwell are all distinguishable or inapposite.

The case of Morgan v. Green (329 U.S. 540 (1946)) which the Court was boistered in but in which there was no dissent. Indeed, the political question point in Mr. Justice Frankfurter's opinion was more than an afterthought. 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-used and for all of these reasons put it to one side. Likewise, I do not consider the guaranty clause cases. Based on article 1, 4, of the Constitution, because it is not invoked here and it involves different criteria, as the Court clearly pointed out in Oregon v. Mitchell (306 U.S. 270 (1939)) and various other considerations not present here, such as Radford v. Gary (335 U.S. 911 (1949)); e.g., the entire county is involved and whether there was any other relief available to the people of Tennessee. But the majority of the cases are concerned with the "practical opportunities for exercising their political weight at the polls" to correct the existing invidious discrimination. Tennessee has no such initiative and referendum, and I have searched diligently for other practical opportunities present under the law. I find none other.

The majority of the voters have been the legislative power has dictated the voters. The Tennessee apportionment statute offends the equal protection clause, I would not consider intervention a field. If there were any other relief available to the people of Tennessee. But the majority of the cases are concerned with the "practical opportunities for exercising their political weight at the polls" to correct the existing invidious discrimination. Tennessee has no initiative and referendum. Moreover, the majority of the voters have been the legislative power has dictated the voters. The Tennessee apportionment statute offends the equal protection clause, I would not consider intervention a field. If there were any other relief available to the people of Tennessee. But the majority of the cases are concerned with the "practical opportunities for exercising their political weight at the polls" to correct the existing invidious discrimination. Tennessee has no initiative and referendum. 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The same prophylactic effect will be produced here, as entrenched political regimes make other relief as illusory in this case as it would have been in Parliament in Ashby v. White would have been.

With the exceptions of Colegrove v. Green (328 U.S. 549); South v. Peters (339 U.S. 576), and the decisions they spawned, the Court has consistently thought that the social rights was beyond judicial cognizance. Today's treatment of those cases removes the court's commitment to social cognizance of the cases stated in the present suit.

The Court today reverses a uniform course of decision established by a dozen cases, including one by which Tennessee's system was sustained unaniomously rejected only 5 years ago. The impressive body of rulings this 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 traditional system, and the traumatic event that has occurred. There is a frightening, often perplexing 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. 660, 681). The consti­ tutional question is whether the decrees under the due process and commerce clause of the Constitution. The problem under the equal protection clause of the Constitution. (See Lewis, "Legislative Apportionment and the Federal Courts," 71 Harv. L. Rev. 1067, 1083–1091.)

HOPFUI OF BENEFITS

Chief Justice Holt said in Ashby v. White (2 Id. Raym. 983, 986) (a suit in which damages were sought for not accepting the plaintiff's vote, 3 Id. Raym. 330) that: "To allow this action will make public officers more careful in adhering to 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 powerful check to the prejudices of the peace of the Nation."

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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 interests of the parties to the conflict that underlie these mathematical puzzles is to attribute, however flattering, omnisci- pience to our Federal-State constitutional ensemble. The framers carefully and with deliberate discrimination and judgment disposed these competing elements to the Federal-State Constitution persistently rejected a proposal that embodied this assumption and Thomas Jefferson never forgave the result.

ATROCITY OF INEQUITABILITY

Recent legislation, creating a district appropriately described as an atrocity of inequity, is not unique. Considering the growth in population and size of legislative units within almost every State, the Court naturally shrinks from asserting that in dis- tricting at least substantial equality is a constitutional requirement enforceable by courts. Room continues to be allowed for rhetoric. 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 elections. To use that word—aye, there's the rub. In effect, today's decision empowers the courts of the country to decide for the State, to constitute the composition of the legislatures of the 50 States. If State courts should for one rea- son or another find it too burdensome to discharge this task, the duty of doing so is put on the Federal courts or on this Court, if the 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 political districting which is effective in 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 forbearance refused to enthronize the ju- diiciary. In this situation, as in others of like nature, appeal for relief does not belong here, but lies within the province of elec- torally militant electorate. In a democratic society like ours, relief must come through an appeal for political redress, for the conscience of the people's representa- tives. In any event there is nothing judi- cially more unseemly nor more self-defeating than for this court to make in terem 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 must determine the voting power of this compound form of districting over the years are overruled or disregarded, Explicitly it be- gins with a general statement of the Court's position in 1946, but its roots run deep in the Court's historic judicially constraining process.

In this case, a Federal court should not entertain an action for declaratory and injunctive relief to adjudicate the constitu- tionality, under the equal protection clause and other Federal constitutional and statu- tory provisions, of a State statute establishing the districts for the State's legislative officers. Two opinions were written but that the United States Constitution contains a clause which do not lend themselves to judicial standards and judicial remedies. To classify the vari- ous circumstances as political questions is rather a form of stating this conclusion than reveal- ing of an unquestionable and effectively enforceable mandate, the unwillingness to make the more fit for judicial action that appellants invoke the 14th amendment rather than article IV, 4, where, in fact, the right to vote is plain. Indeed, the States "a republican form of government" is not en- forcible through the courts.

In the present case involves all of the elements which make the cause of political inequity case nonjusticiable. It is, in effect, a guarantee clause claim masquerading under the guise of a political questions, a state clause case nonjusticiable. If, as is claimed, this case more fit for judicial action that appellants invoke the 14th amendment rather than article IV, 4, where, in fact, the right to vote is plain. Indeed, the States "a republican form of government" is not en- forcible through the courts.

DISCRIMINATION ALLEGED

But appellants do rest on this claim simpliciter. In invoking the equal protection clause, they assert that the distortion of representative government com- bined with that bespeaks nonjusticiable discriminations against them, by way of a debasement of their votes. Does this charac- terization with due regard for the facts derive any added substance to appellants' case? At first blush, this charge of discrimination based on legislative underrepresentation 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 is based upon the long judicial thought and experience. From its earliest opinions this Court has consistently held that the political question is a class of cases which do not lend themselves to judicial standards and judicial remedies. To classify the vari- ous circumstances as political questions is rather a form of stating this conclusion than reveal- ing of an unquestionable and effectively enforceable mandate, the unwillingness to make the political questions is rather a form of stating this conclusion than reveal- ing of an unquestionable and effectively enforceable mandate, the unwillingness to make the more fit for judicial action that appellants invoke the 14th amendment rather than article IV, 4, where, in fact, the right to vote is plain. Indeed, the States "a republican form of government" is not en- forcible through the courts.
is given the appearance of a more private, less impersonal claim, than the asserted deprivation of what appellants conceive to be their proportionate share of political influence. However, the discrimination relied on is the direct and specific intervention of the institutions of government. Hardy any distribution of political authority that could be assimilated to the transcendent intuition of republican form 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 of elections-representation by local geographic units 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 that it is at stake in the right to vote and to have their votes counted. But they are permitted to vote and their votes are counted, unless in the process they throw their ballots, they send their representatives to the State councils. Their complaint is simply that the representatives are not sufficiently numerous or distributed in short, that Tennessee has adopted a basis of representation with which they are dissatisfied. The judge of a case, in which a State is being called upon to assert an interest in the roundabout way it seeks to make a complaint to the court, must decide whether or not the system chosen 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 polity in which Rousseau chose 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 at the time. The judge 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 to reflect, the reality, of involvement with the business of purblind partisan politics so inescapably a part of apportionment controversies of the 14th amendment, "itself a historical product—Jackman v. Rosenbaum Co., 226 U.S. 16, 32 (1912), provides no guide for judicial oversight of the representation problem. CONTREMPORARY APPOINTMENT

The apportionment problem itself is a problem of representation. The 14th amendment, the 15th amendment, the equal protection clause, the 19th amendment, the 24th amendment, the 15th amendment, the 26th amendment, the 22nd amendment, and the 24th amendment, all speak to the issue of representation. The issue of representation is not simply a matter of numbers, but a matter of the manner in which those numbers are allocated. The issue of representation is not simply a matter of the distribution of power, but a matter of the distribution of influence. The issue of representation is not simply a matter of the distribution of resources, but a matter of the distribution of opportunity. The issue of representation is not simply a matter of the distribution of wealth, but a matter of the distribution of power. The issue of representation is not simply a matter of the distribution of privilege, but a matter of the distribution of opportunity. The issue of representation is not simply a matter of the distribution of prestige, but a matter of the distribution of influence. The issue of representation is not simply a matter of the distribution of recognition, but a matter of the distribution of opportunity. The issue of representation is not simply a matter of the distribution of rewards, but a matter of the distribution of opportunity. The issue of representation is not simply a matter of the distribution of benefits, but a matter of the distribution of opportunity. The issue of representation is not simply a matter of the distribution of opportunities, but a matter of the distribution of influence. The issue of representation is not simply a matter of the distribution of access, but a matter of the distribution of opportunity. The issue of representation is not simply a matter of the distribution of resources, but a matter of the distribution of opportunity. The issue of representation is not simply a matter of the distribution of wealth, but a matter of the distribution of power. The issue of representation is not simply a matter of the distribution of privilege, but a matter of the distribution of opportunity. The issue of representation is not simply a matter of the distribution of prestige, but a matter of the distribution of influence. The issue of representation is not simply a matter of the distribution of recognition, but a matter of the distribution of opportunity. The issue of representation is not simply a matter of the distribution of rewards, but a matter of the distribution of opportunity. The issue of representation is not simply a matter of the distribution of benefits, but a matter of the distribution of opportunity. The issue of representation is not simply a matter of the distribution of opportunities, but a matter of the distribution of influence. The issue of representation is not simply a matter of the distribution of access, but a matter of the distribution of opportunity.
Five Characteristics of the Present Age

As I see it, they arise out of certain fundamental needs, certain characteristics, of the age in which we live.

1. Medical science, like other science, has frustrated in their research because with instance in which able scientists have raced far after instance in which able scientists have raced far after... (text continues)

2. Knowledge must be communicated, as promptly as appropriate, to medical educators, to medical practitioners, and to laymen. Above all, new research 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.

3. Medical science, like other science, has raced far ahead of the ability of conventional media to store, retrieve, and distribute knowledge.

4. Bold innovations in communications may be necessary.

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 shown in making future a reality of our slogan, "The 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 6,000 medical journals. The sheer magnitude of this information represents a formidable problem of acquisition, translation, abstracting, indexing, reviewing, and dissemination.

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BOLD INNOVATIONS IN COMMUNICATIONS MAY BE NECESSARY.
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. They should be aware that the masses of the emerging countries, the United Nations and its specialized agencies, particularly the World Health Organization, have already demonstrated that they have the capability to cooperate effectively as they already have done, in devising national plans for health programs; now, let them participate so that they may 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 profitably directed would be in the area of motherhood 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 and coordination.

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." For, of course, 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, most of all, let us 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 budget 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 more than 50% of the first moon capsule, two of their three families will, if present rates continue, be struck by heart diseases, cancer and other non-communicable causes.

It will be a grim commentary on mankind that two nations—the United States and the U.S.S.R.—will spend billions of dollars to get to the moon, and perhaps find new forms of life there.

Yet, some officials of the two countries may unconsciously contend that their nations "cannot afford" to spend more for civilian medical science. If they do, then this planet could be served by such efforts.

Unlocking the mysteries of the aging process, for example, would have a universal value, indeed, to men, women or commoners 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. These will not be heart attacks that they will be struck by heart attacks.
I ask unanimous consent that the text of my address in Toronto on March 14 be printed at this point in the Record.

Therefore, the address was ordered to be printed in the Record, as follows:

AN INTERNATIONAL CITIZEN'S CRUSADE FOR HEALTH

BY CITIZENS' ORGANIZATIONS INCLUDING AN INTERNATIONAL CITIZEN'S CONGRESS OF HEALTH TOGETHER WITH A PROPOSAL FOR THE EXPANSION OF TELEVISION FOR HEALTH EDUCATION AND PROFESSIONAL COMMUNICATION

(From Hon. Herbert 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 refer with observation of the 18th Canadian National Health Week—and this, the First Canadian Health Forum—both commemorative events.

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 its 18th anniversary is observed with gratitude the initiative of the National Health Council of the United States in 1947, which is commonly known as 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. That has enabled Canada, in my judgment, to be in the vanguard. It has demonstrated to the world that there is universal agreement on 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 10th address to the Congress, concluded his recommendations for U.S. health with a ringing appeal for overseas 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 executive committee of Commonwems 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 less developed countries.

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 medical technologies.

That there be established North American regional research centers which would be centers of excellence, setting high standards for health in the Free World. Objectives would be to preserve the health of national populations and to better the quality of life of all humanity.

I pointed out that these efforts would require that more financial resources be allocated for health. Hence it is imperative, if we are to preserve the safety of national security, is entitled to more resources than we now are willing to dedicate.

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 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 such an Assembly. To this Congress should come duly designated representatives from the world's citizen organizations.

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—please refer to chronic, infectious, or neurotic causes.

GROUNDWORK FOR CITIZENS CONGRESS SHOULD BE BROKEN

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 are probably better served than most other nations in the world in this respect.

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.

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.
Citizens Committees for WHO which is concerned with America's overseas bilateral and multilateral health programs.

You know of the great job, too, performed by the Public Health Service. It is concerned primarily with the health needs of our citizens. It comprises most of the leading medical organizations, with some health interests over­seas. The public welfare is well represented in these organizations, with some health interests overseas. As we go along, 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 Cultural Organization (ECOSOC) of the United Nations, for funding and revitalizing the role of nongovernmental organizations, affiliated with WHO.

As we go along, 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 Cultural Organization (ECOSOC) of the United Nations, for funding and revitalizing the role of nongovernmental organizations, affiliated with WHO.

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.

FEW NATIONAL CITIZENS' COMMITTEES ABROAD

To this list could be added still other groups because I feel that there are a great many voluntary organiza­tions in the United States, in Canada, and in most other parts of the Health problem of international health from varying, specialized backgrounds and interests.

I mention them only by incidence. If world health, others are only indirectly interested. But even those with a relatively minor interest can be stimulated to make contacts with their own governments and with their opposite numbers overseas.

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 in­terest of authoritarian states in their interrelations with nongovernmental organi­zations.

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-managed, 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 a member of its chairmanship, 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 WHO's failure to reach them.

But there are also some groups which are nominally in official relationship with WHO but which have allowed their affiliation to become moribund.

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 of Dr. C. D. Darby, and his staff. But WHO must still exist on a relatively low plateau of financial resources. If, however, helped by citizen action, it will require citizen action to urge governments to do more for WHO.

But, certainly, dedicated private citizens are in a unique position to 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 certain that the Agency for International Development (the former International Cooperation Administration) strengthens, rather than weakens, its programs of health assistance to Latin America.

HEALTH AND ECONOMIC DEVELOPMENT

Thinking Americans, like thinking Cana­dians, want bilateral and multilateral agen­cies to make the fullest contribution to the health needs of Latin America. We of the West do not want—intentionally or inadvertently—to foster state medicine; state-controlled, state-managed, state-paid, if it can be possibly avoided.

PROBABLY NO SINGLE OFFICIAL HAS MORE ABLY PROVEN THE CASE FOR HEALTH IN ECONOMIC AND SOCIAL DEVELOPMENT. WHAT IS BEING ACHIEVED IN LATIN AMERICA?

What is being achieved in Latin America must likely be attainted in Africa, in the Middle East and in underdeveloped 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 in developing those currencies which it owns or controls in developing countries, in order to support medical research.

But international research teamwork is still not sufficiently encouraged. At present and at foreseeable levels of support, decades will go by before teamwork reaches the levels which will enable us to seek right now or in the near future.

Here again, if aroused citizens insist on greater research efforts in their own coun­tries as well as on more resources for col­laboration with foreign researchers, the de­sired goal will be achieved more promptly.
backlog of research knowledge which is already available. This will require improved techniques in communication of knowledge.

As you are all probably aware, there is a particularly warm spot in my heart for your meeting on Friday on the subject of communications. We in the field of communications, including medicine, are suffering from the same paradox that has concerned you—the fact that medical knowledge has accumulated faster than it has been communicated and put into practice.

Our Senate subcommittee plans as its very next report, a publication entitled "The Crisis in Communications to the Public in Science 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 particularly urgent problem.

The participants in this forum are well aware that millions of Canadians and Americans are being struck by the disease cancer, and that cancer deaths occur. Yet, there is vast room for further service.

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 in 23 million households showed that 40 percent of the U.S. adult population—had never heard about the "pap" smear. Similarly, when women were asked 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.) Only about 7 or 8 million had the smear in the last year. And most of the women who had not had the test at all were in the age group in which 41 percent of all uterine cancer deaths occur.

This unhappy situation prevails in my country as regards a disease which is being combated by one of the finest, most active cancer organizations in the world. It is not an isolated situation. 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 communications 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 Corporation is familiar to you. In the United States, who are interested in educational programming. Issues involving U.S. originated network shows have I, known, been the subject of much debate here. My remarks on television are, therefore, submitted from a U.S. background and will not be applicable to Canadian practice. 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 by you, Mr. President, 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 gleaned from 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 programming by networks and their affiliated stations; (2) development of educational television in the United States (where educational television exists as a separate entity, or, in Canada, under CBC) greater use of adult education and training programs; (3) increased 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 hundreds of 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. Nevertheless, individual stations have generously donated time. They have, moreover, spent considerable sums in preparing and 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, most of the stations have not exploited the medical programs to the extent that urban renewal is not just a matter of putting bricks and mortar into particular neighborhoods. Mr. Humphrey, Mr. President, I hope that those who are skeptical about the value of urban renewal will take the time to read the 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 the 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.

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 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.
The urban renewal program is not only a good sound social practice in organiza-
tion and good solid constructive eco-
nomies, but the urban renewal program also makes for better living and makes for more prosperous and finer 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. 25, 1962]

GLENWOOD—BROKE AND AFTER

This was 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 spilled on the ground.

Flies buzzed around an open garbage bar-
el. An underfed dog dumped over the rusty container to get at its contents.

A thunderstorm, 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 un-
evenly 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 headache.

It was a social problem.

It was the most blighted area of the city.

Glenwood once had been occupied by peo-
ple of good will and hope. In the neighborhood were large and had been well built and care-
fully maintained. It had been an area of broad lawns, trees and well kept lawns sur-
rounding substantial homes. It became a field of mud, tumbling down houses and cluttered yards.

The smooth driveways that once channelled 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 neighbor-
hood children.

The Glenwood area began to fall after the second World War, as a result of housing shortages and to other sections of the city, particularly the south and west.

The majority 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 too much to bear.

Glenwood was rapidly declining. The sub-
sequent tenants saw no reason to take pride in their homes and the landlords responded by doing even less maintenance.

When city officials ordered a study of the area in 1948, investigators were shocked by what they found.

Some of the older homes had been turned into mazes of sleeping rooms and small apart-
ments. 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 inade-
quate community facilities and unregulated traffic movement.

The Minneapolis Housing and Redevelop-
ment Authority, which took up the study, found Glenwood the most blighted area in the city.

The problem was to be only one course of action—redevelopment.

The city was the area that faced arrestive measures. Conditions in Glenwood were cancerous and threatening higher quality neighboring areas.

The project presented a tremendous chal-
lenge for Minneapolis. It was to be a com-
prehensive effort to rebuild a large portion of the city.

It was the start of a redevelopment organ-
ization that eventually would lead the way for the downtown Gateway Center program.

The potential of the Glenwood area was easily recognized. It had been a prime dis-
trict. 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 transporta-
tion.

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, Loring Avenue on the south, and James Avenue on the west.

The pictures on page 1 were taken at the same site. Fifth Avenue North—well made up—1967.

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The improvements constitute the city's most valuable property, and they have been tripled—$8,550,000 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 $85,000, will be nearly 5 times greater than it was before renewal.

The city's $2,750,000 investment in capital improvements will be returned in tax dollars over a 7 or 8 year period.

The improvements constitute the city's one-third share, with the Federal Govern-
ment, of the net investment of $8,350,000.

They include the replacement of fire sta-
tion No. 10 at 1600 Glenwood Avenue, at a cost of $340,000, new city fire and police stations, improved 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 $14 million for 2,8 miles of new streets, gutters, sidewalks, and utilities.

The housing authority contributed an-
other $40,000 to make up the required one-
third local share of $2,785,000.

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.

The 84-unit Horizon Homes project de-
veloped 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
The first article of this series will explain the social impact of urban renewal on Glenwood.

[From the Minneapolis (Minn.) Morning Tribune, Feb. 26, 1962]

FROM NEIGHBORHOOD OF DISLIKE, GLENWOOD BECOMES COMMUNITY BEACON

(By Charles Hanna)

Glenwood was a neighborhood of after-hours joints, prostitution, bootlegging, and gambling. Glenwood opened at Humboldt Avenue and Glenwood Avenue was preserved. The two-story row buildings were displaced by new areas, however, "that are living 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 that everyone was trapped by its own habits and depression. Glenwood had fallen pitifully from its high-sounding-named neighborhood to one of disrepute.

A city study of the area in 1949 fired the imagination of redevelopers, and the urban renewal of Glenwood is the result of a long process of planning and arranging finances that did not begin to jell until about 1955.

Then things began to change in 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 16 units—came back.

They found places to live in other neighborhoods that met the housing standards than Glenwood. Once settled they were reluctant to move again.

Their new areas, however, are already in trouble—"because the people aren't prepared to grow."

Redevelopers 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, report that 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 area promoting improvements in neighboring communities."

"The authority," he said, "has met its objective.

Thomas Hanson, director of Wells Memorial Settlement House, 1855 Glenwood Avenue, said he detected a growing interest in renewal of Glenwood's neighboring areas. A social worker in the Glenwood district for the past 15 years, Hanson has experience 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 a lot of gang fights. Now all of that is gone."

"Juvenile problems in Glenwood are of the nuisance variety. "I think the volume of juvenile incidents has dropped off."

"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 improve the neighborhood and have a better sense of their role in the community,"

Mrs. Emma O'Connor, 78, said she is "extremely happy, but some of the others are taking a beating."

Arne Saari, a mining engineering student at the University of Minnesota, said building six-unit building along a block west of Lyndale Avenue. "It was one of the first to bring his family of five children to the development. He thought the property was to be shared by several other tenants in the two-story row houses.

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 watching Glenwood in its various stages of life for more than 70 years.

Fred Goodwin, who has an apartment in the Glenwood building, said he believes Glenwood is "the best thing the government has ever done."

He used to live in a five-room apartment over a bar at 1605 Glenwood Avenue. "It was terrible before. My place was in a cheap, lopsided building. It was all I could afford," he said.

Jefferson Livingston, 200 Fifth Avenue North, likes living in the area because he doesn't have "so many chores to do" and the area is well used.

Random inquiry among Glenwood area residents brought many similar reactions. Thus, the human side of the Glenwood redevelopment is being seen.

More jobs, a cleaner neighborhood, sharply reduced crime rate, improved school and park facilities.
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. JOHNSON (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 38, 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 Dankashidze; 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. BOGGS (for himself and Mr. BUSCH):
S. 3073. A bill to provide for holding terms of Federal 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. Dods 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; to the Committee on Interior and Insular Affairs.

(See the remarks of Mr. Bums when he introduced the above bills, which appear under separate headings.)

By Mr. EASTLAND:
S. J. Res. 17. Joint resolution providing for the establishment of a joint committee of the two Houses of the Congress to study all matters relating to strategy; to the Committee on Armed Services.

(See the remarks of Mr. Boos when he introduced the above joint resolution, which appears 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 other Senators, 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 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 $48 million of which $35 million has already been spent.

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 matter.

The PRESIDING OFFICER. The bill will be received and appropriately referred.

The bills, introduced by Mr. Dods (for himself and Mr. Brun), 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, 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. This 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 source to generate 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...
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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. Binkley, 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 re­

lated product of potassium and bromine leases and permits under the provisions of such act, introduced by Mr. Binkley, 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. DOOGS. Mr. President, on behalf of myself and the distinguished Senator from Connecticut (Mr. Dorr), 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 1952—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 problems have been made resulting in a technological revolution of unprecedented magnitude and implications. This revolution has been responsible for the development of new and largely untested means and instrumentalities for destruction never before within the purview of man.

Prior to World War II, and even during the war, our national strategy was fairly simple and comprehensible 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 magnitude and implications. This revolution has been responsible for the development of new and largely untested means and instrumentalities for destruction never before within the purview 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 of comprehensive approach exists within the Congress for evaluating the problem in its entirety or for effectively helping toward evolving a well-considered, unified national strategy 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.

This joint committee is 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 does 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, I was named the distinguished Senator from the State of Washington (Mr. Jackson). In the final statement, dated November 15, 1962, this Subcommittee recommended as follows:

Although the subcommittee inquiry was directed toward the executive branch, there is clearly much room for improvement on the Hill.

One major problem is fragmentation. The Congress is hard put to deal with national security problems as each subcommittee has a problem which starts at 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 apparatus compounds the problem. The authorization process treats as separable
matters which are not really separable. Foreign affairs, space policies, defense matters, and atomic energy programs are handled in different committees. It is the same with money matters. Income and outgo, and the relation of the expanding economy, come under different jurisdictions.

There is no place in the Congress, short of the president's desk, where the Senate and the House, where the requirements of national security and the resources needed on their behalf, are considered as a whole.

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 committee point of view.

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 [Mr. Goldwater], I believe, has been able 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 part of 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 then 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 greatly encouraged 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. 1) providing for the establishment of a joint committee of both Houses of the Congress to study all matters relating to national strategy, introduced by Mr. Boces (for himself and Mr. Dodd), was referred to the Committee of 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 intensity, and whereas this revolution has necessitated reliance upon personnel specially trained in new and advanced scientific disciplines, not only for the research 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;

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;

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 creating the difficulty of formulating a sound and effective strategy; and

Whereas under the present organization of the Congress, matters relating to the program of national strategy are committed to different committees within each House, with no assurance of its vital function of formulating national policy, no means presently exist within the Congress for an effective strategy, or for evolving 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 obligations Congress should provide effective means for a continuous study of all the various and complex matters relating to 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; and 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 States, the District of Columbia, the Territories, and the District of Columbia may improve 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 the national strategy may be coordinated with greater effectiveness in the national interest; and

(3) for the information of the several committees of the Senate and the House of Representatives containing its findings and recommendations with respect to national strategy matters, in time to make 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 powers and functions thereof.

(b) The joint committee shall select a chairman and a vice chairman from among its members upon its initial organization.

(c) A majority of the joint committee shall constitute a quorum except that a less than majority, in the event of the nonattendance of a member of the joint committee, shall constitute a quorum for the purpose of administering oaths and taking evidence.

Sec. 3. The joint committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such times and places as it deems necessary by the Congress, to hold and hear witnesses before it, 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 State and local governments, 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 which develop this roadbuilding effort. As a result, we are in a position to complete the 41,000-mile National System of Interstate and Defense Highways on schedule. All work on these systems, 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 occasion 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. 16) 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 clarified, established, and 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 peace, war, depression, and other economic uncertainties; and Whereas the present United States road network reflects our growth and advancement, the registration of public attention it deserves and requires; and Whereas men and women concerned with highway matters have devoted more than a third 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 dear 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 Kems 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 this 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, RETIRES IN MONTANA

Starting in 1926 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 were others who donated 25$ years to the American Cancer Society. Together, Mr. and Mrs. Kemp have donated over $5000 to work on various civic causes. Mrs. Kemp began work with the cancer society in 1936. In 1948 she became the representative from Montana.

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 Scooby. The office was scheduled to be maintained for about $2 of 3 months. At the 1933 session of Montana Legislature the Montana Relief Commission and welfare committee appointees in all counties. Kemp was retained as secretary and continued in that capacity about a year. At the Montana Welfare Commission officials of Helena then recommended him for the position of federal disbursing officer when the Civil Works Administration was liquidated in December of 1933. Primary job, Kemp recalled, was to issue worker paychecks in Valley, Roosevelt, Sheridan and Daniels Counties, and the paychecks on the U.S. Treasurer, totaling approximately one-quarter million dollars, he said. "We also supervised the 1939 and 1940 and the agricultural census survey in 14 eastern Montana counties," he added.

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 much of their lives to various positions in government. They are the ones that keep it operating.

In 1958, 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 his examinations and oral examinations, Kemp was asked to accept the position of welfare supervisor for Roosevelt County, a position he held from April 1957 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 tenure due to the high price of qualified workers. An average time load average of $4 per week was necessary during his first 27½ years of public service, he said, "but I slowed down a bit after a heart attack in 1959." He noted overtime worked while welfare supervisor would amount to 25 years or $60,000 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 attend confidential briefing on welfare workers in every draft area. At the war's end he received citations from President Truman and General Hersey, Gov. Sam Ford and General Mitchell.

Other prized papers in Kemp's collection include certificates of appreciation for Jung work from the Montana division for Infantile Paralysis. Recently he received a citation from Gov. Tim Babcock for 30 years distinguished service with the welfare department, from the date of its organization, March 4, 1937, through March 4, 1962.

The resolution was adopted by 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. WILLEY. Mr. President, the proposals for modifying U.S. trade agreements with other nations, still before the Ways and Means Committee, involve consideration of proposals 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, our competitors 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 contradictory dual job of promoting export trade but, at the same time, guarding against too great a harm to our domestic industries from ever-larger volumes 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. 5000, "The Trade Expansion Act of 1962.

The analysis, I believe, deserves the consideration of Congress.
SENATE

of Congress, to these views, and request at this point in the RECORD.

The Milwaukee Association of Commerce has consistently advo­
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cated reduction of impediments to increased free trade by the U.S. for a substantial period of time. The

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President, the dairy

have been largely unacceptable.

NEEDED: ACTION IN DAIRY PRICES

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percent of the present parity base), the mini-

mum. The House Agriculture Committee has rejected an administration request for a resolution directing Freeman to maintain the parity level (90 percent of present parity) until January.

Some members of both parties blame the administration for the decline. Reduction of the gold supply was a direct result of the policy of the Eisenhower administration, almost immediately implemented. The gold was immediately revalued from $3.11 to $3.22 in the dying days of the Eisenhower administration, the Ken

nedy administration tried to bolster the price to $3.40, but without success. The administration's immediate objective had been to prevent a catastrophic event in the gold market.

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 panic situation, by acting for too long or not using all supports or by letting the supports drop to a disastrous level, so that his dairy market will collapse as other markets. Therefore, some Congressmen, including Representatives Kastenmeier and Lewis, of Wisconsin, insist that the administration would avoid the disaster of the dairy market if it immediately took action to avoid dropping the support level to $3.11 now. It is possible, 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. If the support is not raised in this way, the recognition of this acute dairy predicament by degrees, with a mini-

mum of injury. The Senate Senate 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. Therefore, we must recognize this as a serious and, therefore, 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 keep our gold reserves in a healthy state. 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. ("Buzz") Johnson of California, appeared before the committee and made an excellent statement in support of Senate Resolution 44, which I introduced last year and in which I have been joined by Senator Kuchel, Senator Case of South Dakota, Senator Grunen

er, and Senator Chacon. The program introduced in the House by Congress

man Johnson, calls for a system of incentive payments to encourage our gold mines to get back into business.

In his remarks Congressman Johnson pointed out that, as a nation, we are not doing all we can for our gold industry, and that, if we were, we would be helping the economy of our country generally. I am con-

vinced that we would. Senate Joint Resolution 44 is a small program designed to help our fast disappearing gold supply. It gives our depressed

gold-mining industry a practical justifi-

cation for reopening its mines. It offers boost, which has been followed by an in-

crease in milk production and a decrease in consumption of milk.

Today production has plummeted to the lowest peak levels of the century. The 1961 production of gold declined to 1,525,751 troy ounces. This is approximately 160,000 troy ounces less than 1960, and month-by-month pattern throughout 1961 was a decreasing one.

Mr. Chairman, we hear much of depressed industries. I think you would have to agree that the gold for the eighties and these postwar years with the result that today the United States is one of the most depressed industries in our Nation's economy. Throughout the mining areas of the United States, and especially in the gold-producing areas of California, the number of producers has declined steadily, and 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. The world production has been following the opposite trend—upward. In 1961, the year in which the United States achieved an all-time, peak-time low for this century, all-time record yields were realized throughout the world. World output of gold con-

tinued to increase for four straight years, reaching a new record high estimated at 47 million ounces.

Mr. Chairman, the trends are shown by the following production chart:

<table>
<thead>
<tr>
<th>Year</th>
<th>U.S. mine production</th>
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Source: Minerals Yearbook; Department of the Interior, Bureau of Mines.

You will note that when our national production of gold started its postwar downturn, the world production continued to climb. It is at this time that the question of how to improve the domestic gold output was recovered from base-metal ores and a pattern was established, today, 28 percent of our domestic 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 1949 when the yield was only one-tenth of the 1940 record, until the critical year of 1947 when domestic production reached an all-time high, 4.9 million ounces. From this time on, the trend has been downward due to continuously rising costs of gold mine opera-

tions and setback in base metal production.

Today production has plummeted to the lowest peak levels of the century. The 1961 production of gold declined to 1,525,751 troy ounces. This is approximately 160,000 troy ounces less than 1960, and month-by-month pattern throughout 1961 was a decreasing one.

Mr. Chairman, we hear much of depressed industries. I think you would have to agree that the gold for the eighties and these postwar years with the result that today the United States is one of the most depressed industries in our Nation's economy. Throughout the mining areas of the United States, and especially in the gold-producing areas of California, the number of producers has declined steadily, and 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. The world production has been following the opposite trend—upward. In 1961, the year in which the United States achieved an all-time, peak-time low for this century, all-time record yields were realized throughout the world. World output of gold con-

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Department established new regulation under the gold acts of 1933 and 1934 with a view to curbing international gold transactions by domestic producers who could receive premiums from foreign buyers. This was done at the request of the International Monetary Fund, although most other major gold producing countries did and still permit a limited amount of this premium business in order to meet costs of operations.

I would point out here also that the International Monetary Fund, in its annual report of April 30, 1948, took a dim view of subsidies being included in the cost of gold. It 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 a high spot in the gold market.

The steadily increasing amounts of gold being imported into this country are proof of this:

<table>
<thead>
<tr>
<th>Year</th>
<th>Gold imports to United States</th>
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<tbody>
<tr>
<td>1956</td>
<td>3,730,000</td>
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<td>1957</td>
<td>8,485,000</td>
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<td>1960</td>
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Consumption in this country is increasing rapidly, and the demand, due to these new industrial applications of gold continued to be developed.

Gold is used for gold coatings in steering jets used in nuclear power stations, focused cathode radiation. The steering jets, manufactured by Bendix Corp. and plated with gold, 0.000049 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 vacuumed and gold is deposited on their surface. 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 electron-transitive, readily to silicon and germanium, and high resistivity radiation resistant, and its high thermal conductivity permits rapid heat dissipation from the junction. Gold-plated pressure-sense jackets were used primarily in valves of a clear power station for protection against cold corrosion under high pressure at elevated temperatures.

Increased use of gold coatings in architectural panels was reported by Hanovia Liquid Metal, Inc., and greater use of gold alloys in manufacturing diodes, rectifiers, and transistors was noted. In a centrifuge built for testing instrument components, it appears that the semiblades at the Naval Underwater Ordinance Station, gold slippers were used to obtain low noise, low power and signal connections, and lower noise level. A new radiation-resistant material, consisting of pure gold laminae, rubber-coated, was developed for use in electronic devices and missiles.

A rock-salt spray applied on vulnerable surfaces and baked to form a thin metallic film reduces the rate of heat transfer on engine shroud, drag-chute containers, tail cone semiblades, and blast shields. A gold solution is applied to porcelain-enamel, stainless steel, fiberglass laminates, and other heat-resistant materials. A dense conductive film of gold deposited electrolytically on safety glasses was developed to overcome the hazards of fog and frost on occasion by radiation to which an orbiting vehicle's faces and baked to form a thin metallic film is applied to porcelain-enamel, stainless steel, fiberglass laminates, and other heat-resistant materials. A dense conductive film of gold deposited electrolytically on safety glasses was developed to overcome the hazards of fog and frost on occasion by radiation to which an orbiting vehicle's faces and baked to form a thin metallic film is applied to porcelain-enamel, stainless steel, fiberglass laminates, and other heat-resistant materials.

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, the domestic gold miners here have been 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. Hueslondon, 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 production has increased 300 percent since that price was established. The $35 an ounce price—while it may have been a realistic price when it was established—may it have to be maintained for world monetary and economic reasons—is no longer realistic when it comes to the current price of gold.

Barron's (July 6, 1959) quotes a Russian economic journal statement that the cost of Russian gold runs to about $600 rubles per ounce. This is equivalent to $185 at the official rate of exchange, $48 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 several times.

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 its gold and operate on a 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 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 $15 to a maximum, $14.

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 computed in the present bill.

The Minister of Mines and Technical Surveys, Paul Comtois, says that the Canadian mining industry is one of the most efficient in the world, producing 16,000 men directly in dependent communities with population in excess of 70,000 persons.

In the industry expended C$106 million in labor, machinery, power, and supplies and equipment, and produced a total of C$185 million in gold, of which was sold to the United States.

Cost per ounce

<table>
<thead>
<tr>
<th>Number of mines</th>
<th>Percentage of total production</th>
<th>Assistance payable</th>
<th>Assistance payable per ounce produced</th>
</tr>
</thead>
<tbody>
<tr>
<td>(a) Lode gold mines:</td>
<td>$33.29 to $34.61</td>
<td>10</td>
<td>$3,484,961.74</td>
</tr>
<tr>
<td></td>
<td>$34.61 to $36.94</td>
<td>15</td>
<td>$3,484,961.74</td>
</tr>
<tr>
<td></td>
<td>$36.94 to $41.00</td>
<td>10</td>
<td>$3,484,961.74</td>
</tr>
<tr>
<td></td>
<td>$41.00 to $44.00</td>
<td>10</td>
<td>$3,484,961.74</td>
</tr>
<tr>
<td></td>
<td>$44.00 and over</td>
<td>15</td>
<td>$3,484,961.74</td>
</tr>
<tr>
<td>(b) Placer gold mines:</td>
<td>$5.00 and over</td>
<td>15</td>
<td>$3,484,961.74</td>
</tr>
</tbody>
</table>

Source: Department of Mines and Technical Surveys, 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 government raises the minimum price payable 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 $750 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 to educate 10,500,000, 5.26
In the minerals subsidy review, the Joint Economic Committee listed many commodities, including gold, which would benefit one of our nations in mine operation. Ghana also is reported as continuing a subsidy program.

Colombia, the major South American gold producer which had a $33,947-ounce yield in 1960, has a gold shortage.

In international gold production, subsidy or incentive payments are not uncommon. In the United States, it is understood that this is the year that production levels can be maintained.

Certainly in our own national picture, subsidies or incentive payments are not uncommon. In the agricultural industry, which would benefit one of our enterprises, the Joint Economic Committee prepared a report on "Subsidy and Subsidy Programs in the Minerals Industry" during the 2d session of the 85th Congress. In reporting the scope of subsidies, this report included a list of the types of subsidies granted by the Federal Government. This cover seven full pages, listing everything from school lunch programs to disaster loans for small businesses.

So bread and complex is the scope of the subsidy programs, the committee report (p. 18) states: "It is probably impossible to make an estimate of the total subsidy payments by all government agencies in one 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 add up to $1 billion in 1960.

In the minerals subsidy review, the Joint Economic Committee listed many commodities, including gold. 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 data presented that, in the course of our history, the Federal Government has engaged in a great variety of subsidy and subsidy-like 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. Although these subsidy programs are unrealistic either to condemn or to praise Federal subsidies as such. Each particular program is determined to an extent by the nature of the 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 cruzados will stay in Brazil. Twenty percent of the $70 million—some $14 million—will be added to the Brazilian currency. This is a direct grant for economic development.

A similar situation exists in India where $1 billion dollars worth of gold will be given back to the country as a direct grant for economic development. Sixty-five percent—$475,000,000—will be contributed by this year to Brazil to offset 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 will be furnishing unemployment in a badly distressed industry, would be stabilizing our own economy, and would be building up our own gold reserves.

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In return for our investment, this country would be furnishing unemployment in a badly distressed industry, would be stabilizing our own economy, and would be building up our own gold reserves.
Mr. Harkins said he did not believe that "we can characterize the present condition of the transportation industry as being in a crisis." He assumed that in using the "transportation industry as an industry" he was referring to the regulated, for-hire carriers. Last Monday, addressing the Western Railway Club in Chicago, the Secretary of Commerce was stressing the differing facets of the railroad situation; some railroads appeared to be getting along very well, while other carriers 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 the part of the rail road industry. And it's far from being the only critical development in transportation. It is necessary to call infminently by the point that illegal carrying 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, that illegal carrying last year by the regulated common carrier industry last year to illegal carriers totaled approximately $33 billion.

Is there, in the name of common sense, any valid reason for putting the kind of restraints on the transportation industry, until the crises now apparent become calamities? Must the aid that Congress is able to give be delayed, as Secretary Hodges warns, till the continuance of the presently apparent trends results in elimination of the Nation's common carriers? By 1973, only 50 years away, is all this staring, hereinbefore discussed, a part of an undisclosed plan to kill private enterprise, or is it? Government ownership of all public transportation media in the United States?

King Crab: Alaska's Marvelous Monster and New Resource

Mr. Grauening. 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 determine its sale and distribution, 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 industry of Lowell and Howard Wakefield.

These two brothers have approached this natural resource with determination and vision, so that Alaska's 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 Alaska 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 hunger. For the industry there was no continuity to the regulated, for-hire carriers. Last Monday, addressing the Western Railway Club in Chicago, the Secretary of Commerce was stressing the differing facets of the railroad situation; some railroads appeared to be getting along very well, while other carriers in the East, were in financial difficulty.

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Next, as he's in the manner of speaking, lump in his country's arm, and he's ready to fertilize the hundreds of thousands of eggs she bears.

For years, the adhesive spermatophore band, the male beaks his legs violently, creating a water current that carries the sticky spermatophore to the female's genital opening.

And it is away and is away to seek another alliance, sometimes in the next few mating days. Finally the schools go their separate ways, the females to incubate their eggs and the males to seek another female.

The Japanese had been, Bristol Bay, and to operate Island in the farthest Aleutians, stayed 4

refrigerated rail cars. By her second trip The crab pot is circular or rectangular in

language newspaper

media.

there. Said, "I can't believe it. I couldn't make it."

reproduction finance loan tided him over.

Then, in 1962, Wakefield's Deep Sea Trawlers, Inc., was back in business and continued to prosper. And though its out-

put increased by half each year—the total from 12,000 to 18,000 tons by 1966—\

Wakefield's share amounted to a small fraction of the gross, the company

truly caught up with the explosive demand.

In an attempt to keep pace, Wakefield did an experiment. One January

any, he sent the Deep Sea 800 miles down

the Aleutian chain, then north through Unimak Pass into 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, “we should expect eventually 100,000

fishing vessels, the busiest season for

the Russians. They had the Bering Sea

banned the

This agreement worked well for a while. When an American fisherman spotted a like-

lly.

But a small injection of a radar

buoy, identify it to the Japanese fleet by radio and he no longer needed to worry

that a bungel-net field would be set between the boats. Such a pot would spell a

bust of the

Japanese

in number and

strictly limited to mature males, and a full

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fishery, perhaps the world’s greatest.
Here we have a perfect example of what can be accomplished in the way of orthopedic appliances when a well conceived project has been 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 activity. 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 already approved by Gov. Carvalho Pinto.

The director of the social services for children, handed to the director of the AACD a check for 5 million cruzeiros from the state government and announced that the executive would contribute as a monthly subvention 1,200,000 cruzeiros already appointed.

restrictions—particularly with respect to and political but also about social aspects. As chief of a state agency he said that he did not wish the Government to "ake over this type of an operation, for, should the day arrive when the private individual does not contribute. If, however, this type, the system will certainly be modified.

am disturbed, however, that the use of already approved by Gov. Carvalho Pinto.

In Brazil, in spite of the amazing success, there is room for improvement. There being no objection, the article to me of March 21.

The orthopedic appliance section was inaugurating today the section of 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.

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 in mind. The project 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 CONGRESSIONAL RECORD - SENATE.

The AACD inaugurate Ortopedico Appliance Section and Technicians Training Course.

The Associação de Assistência a Criança Defeituosa (Association for Aid to Crippled Children) inaugurated its orthopedic appliance section and began its first national course of training for bracemakers.

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 Administration of Health, Education, and Welfare, and its Office of Vocational Rehabilitation, provided for cooperation 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, was able to collaborate with us. Notwithstanding the considerable inconvenience and disruption of its normal production line, it will manufacture and deliver some 6,000 braces for the project, at a nominal cost, without any profit.

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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, in a country of this size, we must consider that the manufacture of the braces will be speeded and simplified whereas today, we deliver late. Thus we shall have a more perfect and less expensive braces produced more rapidly. The prefabricated parts are being delivered today to four big cities in Brazil, thanks to the splendid cooperation of the Volkswagen Co., represented here by its director, Mr. Schulte Wenz.
In recognition of the contribution of this Department, the Governor of the State of São Paulo, Dr. José de José de Oliveira, sent congratulatory cablegram to Secretary Ribicoff:

I only wish that we had available more copies of the proclamation, so that, in Brazil and other countries of Latin America and the world, the Greek War of Independence would be better known. Of course, this year's proclamation will certainly be published, and you can be certain that in Brazil, where the contributions of this Department are especially significant, it will be widely circulated. I am proud to join the Greek people in celebrating the 141st anniversary of their independence, and I am confident that the Greek people, as well as all those Americans for whom this day has special significance, will be inspired by the example of the Greek people in their struggle against oppression.

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 6 years after the Greek people, as well as all those Americans for whom this day has special significance, had unfurled the flag of revolt against slavery under the most brutal conditions. For this reason the birth of Greek independence in 1821 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 1825 disciplined Egyptian troops joined the armies of the Ottoman Turks and turned the tide against the Greek insurgents. Finally, in the autumn of 1827, the major European powers intervened, finally resulting in the rebirth of Greek independence, and in honoring, we have committed ourselves to the development of the first democracy; law, not man, became the arbiter of human conduct. From the Battle of Thermopylae, through the 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 for freedom, the Greek people have had 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 for freedom, the Greek people have had the freedom of the human mind, is strongly etched in our Declaration of Independence.

Through our mutual membership in NATO, Greece, and the United States are now united in a community of freedom. Through this historic alliance, we have committed ourselves to defend the independence of Greece against 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 forthcoming decades will enable the people of Greece to enjoy a greater measure of political and economic well-being in peace and in freedom.

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. The freedom of the Greek people was never in question. 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 Greece, a myriad of new nations are born every year; the year independence and liberty are freely confused; in Greece, among some of these nations liberated, independence is won.

Throughout her long and stormy history, Greece has not forgotten the distinction between political independence and liberty. In 1833 with the intervention was necessary of the powers, 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 associated 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 with its emphasis on the dignity of man, and the freedom of the human mind, is strongly etched in our Constitution.

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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 $50,000 was appropriated in order to make possible the very complex 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, we learn that when the executive branch were sharply divided on the desirability of the program.

It was believed that only those people who 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 riverside communities. The 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 so low that 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 the hook 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 recur 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 to-day 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 acted upon 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.

William F. Smith, elevated.

George Temple, 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 nomination:

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.